

CITY OF ISLE OF PALMS
Regular City Council Meeting
August 28, 2007

The regular meeting of the Isle of Palms City Council was held at 7:00 p.m. on Tuesday, August 28, 2007 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending were Mayor Sottile, Council members Bettelli, Buckhannon, Cronin, Hanbury, Marino, McMackin, Rice and Taylor, Administrator Tucker, Attorney Sottile and City Clerk Copeland. There was a quorum present to conduct business.

1. Introduction of Meeting.

Mayor Sottile called the meeting to order and stated that members of 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, which was followed by the Pledge of Allegiance to the Flag. The Clerk then called the roll noting everyone was present.

Mayor Sottile interrupted the agenda for a moment to introduce Emily Dziuban, the Assistant to the City Administrator and Website Coordinator, who was completing her second day of employment. Her start has been much anticipated by both the Administrator and the City Council, and she received a hearty welcome.

2. Appointments and Administration of Oath to New Employees

MOTION: Councilman Marino moved to approve the appointment of Caroline Voigt; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Mayor Sottile administered the Oath of Office to Ms. Voigt, a Telecommunicator with the Police Department.

3. Reading of the Journal of Previous Meetings

Councilwoman Hanbury directed the Council's attention to the minutes of the Public Hearing, page 2, paragraph 2; the period in the middle of the sentence should be removed.

Motion: Councilman Bettelli moved to approve the minutes of the Public Hearing as corrected and the Regular Meeting of Council on July 24, 2007; Councilman Cronin seconded; the minutes were UNANIMOUSLY APPROVED AS CORRECTED.

4. Citizens' Comments - None

5. Reports from Standing Committees:

A. Ways and Means Committee:

Councilman Taylor related that, during that meeting, Treasurer Suggs had presented un-audited figures for FY 2007 and stated that the City ended the year with a surplus of over half a million dollars. He added that the decision on how to apply the surplus would be made over the next couple of months. Councilman Taylor attributed the surplus to the conservative budgeting of the staff and the department managers.

The Committee approved two (2) expenditures that require approval from Council; they are as follows:

1. MOTION: Council Taylor moved that the Council approve the contracts in excess of \$10,000 as listed below which were approved in the budget process, except for the repair of the traffic pole, for which the City expects to be reimbursed by the driver's insurance company -

a. \$10,654.26	General Recreation	MOBI beach path material
b. \$23,105.00	Hoffman Electric	Repair traffic pole damaged in accident
c. \$55,172.00	Love Chevrolet	Replaced 3 police cruisers
d. \$18,537.00	Love Chevrolet	Replaced totaled cruiser
e. \$18,537.00	Love Chevrolet	Livability Officer cruiser
f. \$10,471.68	Service Industrial Supply	Stormwater pump for Public Works
g. \$12,000.00	Southeast Marine & Rescue	Zodiac inflatable boat
h. \$14,025.00	Vic Bailey Ford	Replace beach services pickup truck
i. \$10,618.05	Palmetto Microfilm Systems	Canon scanner for Police Department
j. \$12,774.02	Nafeco, Inc.	Four Survivair air packs

Council Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Councilwoman Rice stated her feeling that the benchmark of \$10,000 should be increased as soon as possible, especially since these items have already been approved in the budget process. Mayor Sottile reflected the decision of the Ways and Means Committee to refer this issue to the City's Attorney for an opinion.

2. MOTION: Councilman Taylor moved for Council approval of a recommendation to award a contract for \$6,770 to Pro Legal Copies to scan documents for the Building Department; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Councilman Bettelli informed the public that this project had gone out for bid and that Pro Legal Copies was the lowest bidder.

B. Public Safety Committee

Councilman Marino related that Bev Ballow and Mary Pringle of the Turtle Team spoke to the problems of debris on the beach and large holes being dug at the beach. Chief Graham added that these holes are also posing a risk to the Fire Department personnel in the ATVs. The Committee is going to try to arrive at viable resolutions to these issues for the 2008 vacation season. There was discussion on enforcement of the rollout cart ordinance, and the Committee agreed that rollout carts fall under the purview of the Public Works Committee; therefore, the Public Safety will not act until recommendations are offered by the Public Works Committee. There was a general discussion on the facts that the Livability Court, the Livability Officer and livability issues overlap between departments and committees. At the request of a resident, a speed study had been done on Cameron Boulevard; based on the results provided by Chief Buckhannon, the Committee decided to request of SCDOT that the speed limit on Cameron be reduced to 25 mph. In relation to short-term rentals, the Committee discussed the inclusion of a safety clause in the rental license agreement; talks will continue and the Committee will seek legal advice on the subject. In conclusion, there was discussion about a possible roundabout at 41st Avenue; the Administrator was asked to contact SCDOT for a definitive statement on the area, as well as the possibility of the City installing a roundabout that would not fall under DOT.

Councilman Cronin asked for an update on the status of Fire Station #2. Councilman Marino recalled a conversation he had with Chief Graham earlier in the day who informed him that the Department anticipates occupancy in October. Mayor Sottile added that a walk through of Fire Station #2 has been scheduled for the Public Safety Committee at 5:00 p.m. on Thursday; Council members who do not serve on the Public Safety Committee are welcomed to join.

Councilwoman McMackin stated that she had several questions related to the Public Safety Committee; they are as follows:

- 1) She commented that she has seen the debris and the holes on the beach that the Turtle Team has been discussing. She suggested that the ideas from Public Safety and Public Works be turned over to the Beach Management Committee (Beach Advisory Committee) to develop solutions for the 2008 season. Councilman Marino responded that solutions could involve a new ordinance and that was something that could not be done by that group. Councilman Marino said there were several possible solutions discussed in the Public Safety meeting.

Mayor Sottile stated that the Committees are still in discussion on these problems, and he expressed his feeling that the key to solving the problems is public education.

2) Councilwoman McMackin questioned why the Public Safety Committee had thought that the Livability Officer should not be handling the rollout cart issues. Councilman Buckhannon responded that his comments on this issue were made in the Public Safety Committee because currently the Officer is engaged in single rollout carts that are called in because they are left out five minutes after the garbage is picked up or put out thirty minutes too soon. He voiced his opinion that the biggest problem with rollout carts is the proliferation of garbage left by the side of the road, not timing issues. He continued by saying that there needs to be an overlap of city services, not just the Livability Officer; the Officer should be the one to follow up. According to Councilman Buckhannon, Livability Officer O'Donnell has said that he has been so inundated with rollout carts that he was having trouble getting to other livability issues. Councilwoman McMackin stated that she does not want to see the problems put back onto the Public Works Department because they are not staffed to handle it.

3) Councilwoman McMackin stated that she thought reducing the speed limit on Cameron Boulevard to 25 mph was an excellent idea; however, discussions have taken place in the past to reduce the speed limit on all side streets to 25 mph. Councilwoman McMackin asked that the 25 mph speed limit be pursued for 32nd Avenue since it, too, is a through street with many children. Mayor Sottile remarked that it was yet to be seen if the SCDOT was going allow the reduced speed limit for Cameron Boulevard. Councilman Taylor commented that the majority of the roads outside of Wild Dunes are owned by the State of South Carolina and that getting the speed limits reduced is a difficult process. He expressed his belief that the Public Safety Committee is doing its best to protect everyone on the island, while working within a system not controlled by the City of Isle of Palms. Councilwoman Hanbury recalled a time in the past, when residents had complained about excessive speed on 34th Avenue due the number of children residing there, that the City had requested that 34th have a 25 mph speed limit and the DOT did approved the reduction. Mayor Sottile charged the City Administrator to have Chief Buckhannon use the City's speed detection device to monitor the vehicular speeds on 31st and 32nd Avenues and Hartnett and to report to the Public Safety Committee in September.

Councilwoman Hanbury asked that the record reflect that the City has a Beach Advisory Committee, not a Beach Management Committee.

C. Public Works Committee

Councilman Bettelli reported that members of the Turtle Team had visited the Committee meeting to offer several possible solutions to the problems of holes and debris on the beach. He made the offer to the Public Safety Committee to hold a joint meeting to discuss these problems, which need resolution before the next summer City season. From the monthly Public Works report prepared by Director Pitts, Councilman

Bettelli commented on flooding problems that had occurred on the front beach during one of the recent downpours. This incident has raised the question of drainage capacity as the City begins the work on the Public Safety Complex. In **Citizens' Comments**, Mrs. Dilling requested that the Public Works Committee do what it can to get some pilings removed from the right-of-way to the right of her property which she believes will pose a hazard in a hurricane. There were also discussions on the Pre-Disaster/Post-Disaster Debris Removal Contract, the newsletter/flyer, the NPDES ordinances and a GPS system for the Public Works vehicles that will be studied. The Committee was reminded that the Beach Sweep/River Sweep will be held on Saturday, September 15, 2007; citizens were asked to participate by calling Councilwoman Hanbury to be assigned to a crew. Councilman Bettelli also announced that the next meeting of the Public Works Committee will be at 4:00 p.m. on Thursday, September 6 in the Public Works Building.

Councilman Cronin asked if there was a way to schedule a monthly or quarterly meeting with DOT representatives since more than one committee has submitted requests to them. Mayor Sottile stated that there are different DOT department heads dealing with public safety and public works; since Administrator Tucker knows who to contact to deal with which issue, he was comfortable letting her handle it. If there is a real need for a meeting, he assured Councilman Cronin that it can be arranged.

Mayor Sottile recognized Councilwoman Hanbury to comment on the Beach Sweep/River Sweep. She announced that this will be the nineteenth year of beach sweep, which was started by the Sea Grant Consortium before Hurricane Hugo. She reported that beach sweep has changed its activity over the years because the City and its residents remove a great deal of trash from the beaches leaving very little to be cleaned on any given Beach Sweep day. Councilwoman Hanbury also announced that the high tide on September 15 is at 11:00 a.m. so the crews will begin at 8:30 a.m. and that there were over two hundred (200) volunteers a month ago. The Exchange Club is stepping up to organize the Beach Sweeps in the future; this is the last year that Councilwoman Hanbury will be in charge. She commented that it had been a pleasure to handle this event - which has now outdone itself - for these many years.

Mayor Sottile voiced the City's appreciation for her involvement in Beach Sweep for many years and, especially, for gathering a crew from Wild Dunes to participate.

D. Recreation Committee

Councilwoman Rice related that Phil Charles, a resident, had attended the meeting representing the group on the island who are pursuing a community pool and that quite

a discussion had ensued. A new event was announced, i.e. the movie "Monster House" to be shown on the front beach and the event titled "Ghostly Tide Movie on Front Beach." The Half-Rubber Tournament was successfully held August 18, and the turnout for the Disaster Expo was beyond expectations on July 26. There was discussion of goals for the coming year, which include a list serve for the Recreation Department to disseminate program information through the community effectively and inexpensively. The Halloween Carnival is scheduled for Wednesday, October 31. The Middle School Dances will be held the fourth Friday night of the month beginning this Friday, August 31 beginning at 7:00 p.m. The next meeting will be held at 5:30 p.m. on Tuesday, September 11.

E. Personnel Committee

Councilwoman McMackin reported that the best news items of their meeting were that the Administrator's Assistant and Website Coordinator Emily Dziuban has been hired, the effectiveness of Livability Officer Bill O'Donnell is great and that Laura McLellan has returned to work full time this week after her illness. The contract with The Archer Company has been executed for the Compensation Study; Administrator Tucker stated that they had requested some additional information, which is being compiled as quickly as possible while ensure its accuracy. The interviews for the vacancy on the Planning Commission have been completed; the selection for a recommendation to City Council will made at the next meeting. The last item discussed was the list serve, and the directive to staff regarding a list serve for the City was clarified for Administrator Tucker as this was to be Emily Dziuban's first project. Isle of Palms will have its own list serve using the software program that was purchased from VC3; it is hoped that there will be a link from Mr. Jacobs' website to the City's website. There will be a place on the City's website for persons to enroll in the list serve, and the City is also asking to get the e-mail addresses from Mr. Jacobs. The next meeting will be at 8:30 a.m. on Wednesday, September 5.

The July Safety Sweepstakes winners are as follows:

Michael Waring	Public Works
Kraig Thompson	Police Department
Lillian Hill	Fire Department
Rhonda Gibbons	Building Department

6. Reports from City Officers, Boards and Commissions

A. Board of Zoning Appeals

Administrator Tucker reminded the Council that the minutes are included in their packets; there was one issue that came before them for which a decision was delayed until the Board reviews the site.

B. Planning Commission – Minutes included

C. Real Property Advisory Committee

Councilman Bettelli related that there were representatives from the current lessee, The Pantry, Inc., at the meeting to discuss the lease on the store at the Marina; the lease expires February 1, 2008. The Committee concluded that it had two (2) options open relative to the store; they are (1) the City could staff and operate the store or (2) the City could lease the store. The Committee agreed that to lease the store was the best option for the City; Councilman Bettelli reminded the Council that a lease does not have to be put out for competitive bids.

MOTION: Councilman Bettelli moved that the City Council approve the recommendation of the Real Property Advisory Committee to pursue a new tenant for the marina store to be effective February 1, 2008; Councilwoman McMackin seconded.

Administrator Tucker informed the Council that the current tenant is willing to continue operating the store on a month-to-month basis until a new tenant is found.

The vote on the motion PASSED UNANIMOUSLY.

Councilman Bettelli also reported that Marina Manager Berrigan was going to purchase a TMS system for the gasoline pumps that will tie into the Point of Sale system. The TMS system is going to cost more than was budgeted, but there are excess funds in the allocation for pump upgrades, which can be transferred to cover the shortfall for the TMS system. The TMS system will not allow people to pump gas without paying since the pump will only reset after payment is made, thereby providing an added level of security.

MOTION: Councilman Bettelli moved that City Council approve the reallocation of funds within the Marina fund from the pump upgrade to the TMS system; Councilman Taylor seconded; and the motion PASSED UNANIMOUSLY.

Councilman Bettelli related that proposals had been made to the Committee on the possibility of dry stacks for boats at the marina, as well as how the marina could be made to function more like Sewee Outpost. The bulkhead monitoring is also beginning.

Councilman Marino asked why the dock bandits were being such a problem; he expressed his opinion that, if the marina management is not getting sufficient cooperation from the restaurant, possibly the dock privilege should be taken away from

the restaurant. Councilman Bettelli responded that steps are being taken to eliminate the problem. Councilman Marino also asked if the marina lessees were current with their financial obligations to the City; Administrator Tucker replied that all of the lessees were current with their monthly amounts, but that one did owe for a specific component of its lease.

Councilwoman McMackin commented that Manager Berrigan had stated that he was going to install a new gate at the dock, and she was hopeful that it would help with the "bandit" issue, plus both Councilman Bettelli and Administrator Tucker were going to talk with the restaurant manager about the problem.

7. Reports from Special or Joint Committees

A. Accommodations Tax Advisory Committee

The minutes from the August 2007 meeting are included in the meeting packets.

B. Beach Advisory Committee – did not meet in August

8. Petitions Received, Referred or Disposed of - none

Councilwoman McMackin asked the status of the fines that have been imposed related to the sandbag placements. Administrator Tucker answered that tickets have been issued, which should have come to court Monday, August 27, 2007, but the parties have requested a continuance. In the interim, the attorneys are talking to one another.

9. Introduction of New Bills, Resolutions or Proclamations:

A. A Reimbursement Resolution Relating to the Declaration of Intent by the City of Isle of Palms, South Carolina to Reimburse Certain Expenditures made prior to the Issuance of Tax-exempt Debt.

Following the Administrator's reading of the resolution into the record,
MOTION: Councilman Taylor moved that the City Council approve the Reimbursement Resolution; Councilman Marino seconded, and the motion PASSED UNANIMOUSLY.

B. A Resolution Authorizing the City of Isle of Palms to Enter into an Inter-governmental Agreement with the County of Charleston Regarding Stormwater Management.

After Administrator Tucker read the resolution into the record,
MOTION: Councilman Marino moved for City Council to approve the Inter-

governmental Stormwater Management Agreement between the County of Charleston and the City of Isle of Palms; Councilman Bettelli seconded.

Councilman Marino referred to an article in the *Post and Courier* on August 27, 2007 stating that Charleston County was considering a stormwater fee of twenty-four dollars (\$24.00) per year for a home valued at \$150,000 as a basis for a restructuring its fee schedule. Although he stated that he is unaware of just how this could affect the resolution before Council, Councilman Marino felt that this is information that the City needs to be mindful of since the island has many homes with values that far exceed \$150,000.

Councilman Cronin stated a concern that should the City of Isle of Palms be cited, for whatever reason, for not performing and, at the same time, has signed this agreement whereby the County has taken responsibility for enacting, implementing and operating the City's stormwater program, which entity is actually cited. Mayor Sottile stated that he had asked the same question at the information meeting Charleston County presented and he was told that the permittee would be held responsible. Councilman Cronin then asked if the City of Isle of Palms would be cited should its stormwater plan did not meet state requirements; Administrator Tucker replied that the City of Isle of Palms would be cited in that case since the state permits were issued to the City. If the City did not comply with our own permits then the state would cite the City; however, if that non-compliance were as a result of the County being in error in its relationship with the City, then the City has legal recourse.

In answer to Councilwoman Hanbury's question about the term of this inter-governmental agreement, Attorney Sottile said that, according to the agreement, the contract is an annual one and that either party can terminate it with twelve (12) months' written notice.

Councilwoman McMackin asked who collects the fee, does any portion of the fee come to the City and is there any City staff that will monitor what the County is doing. Administrator Tucker answered the County will collect the fee; the City will potentially get stormwater management services; if the fees collected exceed the cost of managing the program, the County will look into doing drainage related projects on the island. There will be additional work for the City staff if there is an appeal, a challenge or a request for a variance; the Code Board of Adjustment and Appeals for Isle of Palms will hear these cases. The Administrator informed Councilwoman McMackin that there were no plans to audit the use of the fees collected from the Isle of Palms; Director Kerr did state that there will be monthly reports of the County's activities related to stormwater that are performed for the City of Isle of Palms.

VOTE: Motion to approve Inter-governmental Agreement PASSED UNANIMOUSLY.

10. Bills Already in Possession of Council:

MOTION: Councilman Marino moved for the approval of second reading and ratification of Ordinances 2007-14, 2007-15, 2007-16 and 2007-17 and to dispense with the reading of the ordinances; Councilman Taylor seconded.

Mayor Sottile noted that the ordinances before the Council have been amended since the first reading in July, and he asked City Attorney Sottile to review the revisions as follows:

- **Ordinance 2007-14** – corrections were grammatical, not substantive;
- **Ordinance 2007-15** – in §3-3-26, specific date was removed and replaced with simply 2007;
- **Ordinance 2007-16** – section references were corrected and the appeals process had been “cut and pasted” from Ordinance 2007-14 relative to the utility fee, not the program covered in Ordinance 2007-16, so that was corrected; and
- **Ordinance 2007-17** – correction to a typographical error.

Councilman Taylor withdrew his second for Councilman Marino to amend his motion.

MOTION: Councilman Marino moved for the approval for second reading and ratification of amended Ordinances 2007-14, 2007-15, 2007-16 and 2007-16 and to dispense with the reading of same; Councilman Taylor seconded.

- A. Second Reading and Ratification of Ordinance 2007-14** – An Ordinance Establishing a Stormwater Management Utility for the Purpose of Planning, Designing, Funding, Constructing and Maintaining Stormwater Management, Sediment and Erosion Control, and Flood and Stormwater Discharge Programs, Projects and Facilities, and Reviewing and Approving Stormwater Management and Sediment Control Plans for Land Disturbing Activities, and Providing for the Administration and Enforcement Thereof.
- B. Second Reading and Ratification of Ordinance 2007-15** – An Ordinance Establishing Stormwater Management Utility Fees, Providing for the Classification of Real Property Subject to Such Fees, Establishing the Amount of Interim Stormwater Management Utility Fees and Providing for the Use of Such Fees by the Stormwater Management Utility of the City of Isle of Palms.
- C. Second Reading and Ratification of Ordinance 2007-16** – An Ordinance Establishing a Stormwater Management Program (“SWMP”) for the City of Isle of Palms.

D. Second Reading and Ratification of Ordinance 2007-17 – An Ordinance Amending Title 5, Land development Regulation, Section 5-5-7, Development Standards, to Require Compliance with the City's Stormwater Management Plan.

Councilwoman McMackin asked how these stormwater ordinances were going to impact lot development since the city has a drainage ordinance. Director Kerr responded that there already exists a state program for larger developments, such as a subdivision or a commercial development. There will be dramatic changes for the single family residential construction effective September 1, 2007, such as the requirement for silt fencing to contain construction runoff, a rock entrance to the site, etc. Councilwoman McMackin also asked if these ordinances would impact construction like the home that appears to jut into the marsh; to this question, Director Kerr noted that there is no impact on existing structures unless the owner should apply for a permit to do extensive improvements. He reminded Councilwoman McMackin that the intent is for jurisdictions to be actively pursuing cleaner water; in essence the federal government wants them to find ways to improve ordinances or other things that will illustrate continued improvement in water quality. Director Kerr confirmed that the County will be actively looking for situations where there is illicit discharge. Councilwoman McMackin's final question was if the public would have a specific person or department with the County to report problems, and she was told that there are currently three (3) County staffers assigned to this program full-time. Director Kerr related that one (1) additional requirement of the program is Public Outreach which will include television advertising, public meetings, and other means to disseminate information related to the program and to generally educate the public on it.

Based on the fact that there are many properties on the island, which have been assigned TMS numbers and that do not fit into the six (6) classifications of property currently established, Councilman Cronin asked if a minimum assessed/appraised value could be assigned to such properties for this fee to apply so as to eliminate their going through the appeals process. Mayor Sottile noted that, from the public meeting, he understood that, when there are multiple such properties under one ownership, they will be assessed as one (1) unit, not individually.

VOTE: Motion PASSED UNANIMOUSLY to ratify Ordinances 2007-14, 2007-15, 2007-16 and 2007-17.

MOTION: Mayor Sottile moved to go into Executive Session at 8:20 p.m. to discuss Business License concerns.

The City Council returned to regular session at 8:50 p.m. with Mayor Sottile reporting that there had been no motions made nor any votes taken in Executive Session.

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**MOTION: With no further business to come before the Council,
Councilwoman Rice moved to adjourn; Councilman Buckhannon seconded
and the motion PASSED UNANIMOUSLY.**

The meeting was duly adjourned at 8:51 p.m.

Respectfully submitted:

Marie Copeland, City Clerk