

ISLE OF PALMS
SPECIAL CITY COUNCIL MEETING
ISLE OF PALMS, SOUTH CAROLINA
January 2, 2007

A special meeting of the Isle of Palms City Council was held at 7:00 p.m. on Tuesday, January 2, 2007 in City Hall Council Chambers, all requirements of the Freedom of Information Act having been satisfied. Present were Mayor Sottile, Council Members Bettelli, Buckhannon, Cronin, Hanbury, Marino, McMackin, Rice and Taylor. Also present were City Administrator Tucker, City Attorney Sottile, Building and Planning Director Kerr and City Clerk Darrow.

A. INTRODUCTION OF MEETING

Mayor Sottile called the meeting to order and stated that members of the press and public were duly notified of the meeting in accordance with State Law. Mayor Sottile noted that all council members were present.

B. ACCOMPLISHMENTS 2006

Mayor Sottile reviewed the City's accomplishments in 2006 (**Exhibit A**) and applauded City Administrator Tucker and all of City staff for their hard work throughout the year.

C. ANNUAL APPOINTMENTS

Appointments of members to the City Boards, Commissions and Committees

MOTION: Councilman Marino made a motion to approve the appointment of the presented slate of candidates for the City Boards, Commissions and Committees (Exhibit B attached hereto); seconded by Councilman Bettelli; MOTION UNANIMOUSLY PASSED.

Appointment of City Attorney, City Judge and Assistant City Judge

MOTION: Councilman Taylor made a motion to approve the appointment of Nicholas C. Sottile as City Attorney, Jeanette M. Harper as City Judge and Barry C. Holden as Assistant City Judge; seconded by Councilman Bettelli; MOTION UNANIMOUSLY PASSED.

D. CITIZENS' COMMENTS

Mayor Sottile acknowledged citizens who indicated an interest in speaking tonight and asked that comments be limited to two (2) minutes each. Further, Mayor Sottile noted that many families asked to speak and he requested one member of the family be appointed to address Council.

Evans Family – 3301 Hartnett Boulevard, Ann Evans-family spokesperson

Mrs. Evans indicated she was present tonight to speak about the pending subdivision request for 3300 Hartnett Boulevard, Betty Newsom's residence, which is across the street from the Evans'. Ms. Evans outlined her family's decision-making process for selecting their hometown, where they intended to raise their family. She cited the desire

for her children to be safe enough to ride bicycles and play in their neighborhood. She asked Council for zoning changes that would protect the residential character of her neighborhood, a stronger tree protection ordinance and other measures that would encourage year-round residents and a good balance between developers and residents.

Safford Family – 3302 Hartnett Boulevard, Larry Safford – family spokesperson

Mr. Safford noted his house is next door to Ms. Newsom's house on 3300 Hartnett Boulevard and he, too, was present to speak against the pending subdivision request that come before the Planning Commission on January 10, 2007. He noted his family moved to the island in 1982 and purchased a permanent home in 1987. He expressed concern with the possibility that two (2) 7,500 s.f. houses could be built on this subdivided property and suggested this size would be inconsistent and out of balance with the surrounding neighborhood. He expressed concerns about safety, noise and other livability issues with larger homes and noted that the first house to be subdivided and built upon would set the precedent for the rest of the neighborhood. He closed by asking that Council not take the "heart out of Hartnett Boulevard."

Hanson Family – 236 Forest Trail, Rochelle Hanson – family spokesperson

Mrs. Hanson noted she was present to speak about the pending subdivision of 3300 Hartnett Boulevard. She noted she and her family are eight (8) year residents on the island. Like many others tonight, she also selected the City for its residential character and Hartnett Boulevard for its neighborhood family-friendly quality. She expressed concern about the island's conversion from single-family residential homes to large hotel sized structures, used for rentals with absentee landlords. She said it was painful for her to see the island being dismantled in this fashion, one house at a time.

Harper Family – 3612 Waterway Boulevard, Joanna Harper – family spokesperson

Mrs. Harper indicated she was present also to speak about the pending subdivision of 3300 Hartnett Boulevard. She expressed many of the concerns raised by other citizens prior to her: safety, retaining residential feel of the island, etc. She asked Council to look at this issue fairly with a long-term approach to dealing with the construction of extremely large size homes and subdivision of property. She indicated that she understood that for all of the island's citizens, their homes were investments; however, first and foremost the island is everyone's home.

Chris Donovan – 2403 Waterway Boulevard

Ms. Donovan noted her nine (9) year old daughter, Amy Funcik, wished to speak tonight; however, she was home at present. Ms. Donovan noted her daughter wanted Council to know that the Hartnett Boulevard block area is her play area, the place she goes to play with friends and ride bicycles. Many of her daughter's friends live on this street and the number of youth and families of mixed age contributes to the special quality of this neighborhood. Ms. Donovan expressed concern about the subdivision of 3300 Hartnett Boulevard, particularly as it might impact on the safety and residential quality of the neighborhood.

Young Family – 3202 Hartnett Boulevard, Fred Young – family spokesperson

Mr. Young expressed concern about the residential expansion of the neighborhood and increasing density. He noted that he raised four (4) children on the island and is a forty (40) year resident. He further noted that he lives on the block next to Cameron Boulevard, where many large hotel-type structures are being built and he sees, daily, the impact of short-term rentals on the area. Mr. Young noted that, when he moved into his house in 1967, he signed restrictive covenants that ran with his property, which would not allow him to subdivide the site. He suggested that the City pass ordinances, which would be similar to those covenants in order to prevent the activity on Cameron Boulevard from migrating to Hartnett Boulevard.

Mueller Family – 3204 Hartnett Boulevard, Jim Mueller – family spokesperson

Mr. Mueller noted his family lives next door to 3300 Hartnett Boulevard and expressed concern with the subdivision request for this property. He raised the issue of live oaks on the property, noting that at the past Planning Commission meeting, Commission members debated over the tree ordinance and the fencing size around protected trees. He further noted that the City has SR1 zoning along one-half of Hartnett Boulevard and SR2 zoning on the other half of it. He asked that Council move toward conforming zoning for the entire area. He requested Council issue a moratorium on subdivisions until the tree ordinance could be clarified and perhaps strengthened. Thereafter, Mr. Mueller noted that subdividing 3300 Hartnett Boulevard would increase the density of the neighborhood, something the City's Comprehensive Plan directs against. Mr. Mueller then spoke about the perceived level of support this Council has toward taking measures to preserve and protect the island's residential areas, noting the special efforts being made by neighboring municipalities against rampant subdivision or development: Sullivan's Island, Folly Beach and Mount Pleasant. He closed by encouraging Council to reverse the current subdivision and big-house rental construction trends by taking action.

Edwards Family – 3014 Palm Boulevard, James Edwards – family spokesperson

Mr. Edwards noted that he has a daughter currently playing at the Recreation Center and applauded the City for the facility. Thereafter, he commended the City and Council for its recent work on erosion matters, beach management and other issues. Mr. Edwards noted that the subdivision of 3300 Hartnett Boulevard would be a legal action, but he is not sure it is an ethical one. He did know that the subdivision would be unfair to the neighbors in the area. He asked Council to work with the community to correct this unfair action and to be proactive on the issue of lot subdivision.

Mary and Walter Ziegler – 841 Marsh Grove Avenue, Mount Pleasant

Mrs. Ziegler noted that they were the contracted purchasers of 3300 Hartnett Boulevard. She commented that her husband grew up on the Isle of Palms and has wanted to move back for years. She noted that finally they have figured out a way that they can move back. She expressed concern about being treated unfairly in this situation, noting that she and her husband are not trying to do anything illegal or wrong. She noted that she and her husband have school-age children, too, and want to provide them with the same island family community that all of the people on Hartnett Boulevard enjoy. She appealed to the residents of Hartnett Boulevard by observing that they enjoy a desirable

quality of life that many want and asked why should it be wrong for her family to want the very same things that these residents moved to the area to enjoy.

Mr. Ziegler noted that he has a long history with the Isle of Palms. His family has vacationed on the island since 1972 and he was an island resident during his youth from 1976 until 1988. He worked on the island for thirty (30) years, from a youth, and has been a County tax assessor for the last sixteen (16) years. He noted that he is not a big developer hoping to come in and subdivide the property to build huge houses or become an absentee owner. Instead, he submitted that he is a former Isle of Palms resident who wants to move his family back to his hometown. He commented that the subdivision of 3300 Hartnett Boulevard would provide him with the opportunity to move back to the island and noted he never submitted plans to build two (2) 4,000 s.f. homes on them. He does not intend to destroy any protected trees and he does not want any building variances.

Mayor Sottile noted additional people who wished to speak.

Frank Fryer, #5 Thirtieth Avenue

Mr. Fryer commented he has been a resident of the island since 1966 and was present to speak for his father, who is currently in the hospital. He noted that he grew up on the island, too. He commented that the Ziegler family want to move back to Isle of Palms and are not engaging in any illegal activity vis-à-vis the subdivision request.

Michael Hay, 3301 Cameron Boulevard

Mr. Hay expressed mixed emotions regarding the 3300 Hartnett Boulevard subdivision request. He does not wish to see two (2) big houses on the site; however, he does not think anyone is engaging in anything unethical with this subdivision request. He noted that everyone shares the same desire to live in a great community and he advocated control over subdivision requests.

Robert Spillane, 3404 Hartnett Boulevard

Mr. Spillane noted he has property directly impacted by the proposed ordinance before Council tonight. He noted he is subdividing his lot and has a permit in hand to do so. He noted that he is not a big developer looking to make a quick dollar; rather, he is subdividing his lot so that he can move out of the old JC Long style house, to which he has been making repairs since Hurricane Hugo in 1989, and build a new home. His new home would be better for the community since he would be off a septic system and the new structure would be built to new City code. He noted that a 11,000 s.f. lot is a one-quarter (1/4) acre lot and submitted that a one-quarter acre lot is more than sufficient for building a good size family home. He asked about the consequences associated with Ordinance 2007-1, noting that many people in SR2 zoning have homes on less than 12,000 s.f. He asked if someone wanted to tear down an old JC Long-style home like his to build a newer, safer one to City codes, would that homeowner be denied the right to rebuild because of Ordinance 2007-1. He expressed concern about the issue of "grandfathering" in other lots less than 12,000 s.f. with homes on them and the rights of property owners currently on lots in SR2 zoning which can be subdivided. He asked if it

is right that he can build now on an 11,000 s.f. lot but not someone in the future who has an 11,500 s.f. lot.

Mark Friedrich, 3001 Hartnett Boulevard

Mr. Friedrich noted he has been a full-time island resident for over twenty (20) years and has lived in his current home since 1986. He reiterated some of the concerns expressed earlier about the need to protect the residential quality of the island and Hartnett Boulevard in particular. He noted that the City is fast becoming an island of investment residences instead of family homes.

Bev Ballow, 3009 Waterway Boulevard

She has been an island resident since 1981 and has voted for every member on Council at least once. She observed each Council member has run for office on a platform of preserving the residential character of the neighborhood. She supports the subdivision of a lot in order that a person might move into a new home. She expressed her desire to see Council establish a plan to ensure the island remains an island of homes, not rentals.

Bourque family – 3303 Hartnett Boulevard, David Bourque – family spokesperson

Mr. Bourque noted he has been an island resident since 1988 and observed that not all change comes easily. He expressed concern with increased density and wanted to prevent big box short-term rentals in his neighborhood. He noted that the subdivision of 3300 Hartnett Boulevard is a legal action; however, an action that is legal is not always right. He cited the house built on the marsh along Palm Boulevard last year. He suggested that the spirit of a law plays an important role too.

M.T. Bourque – 3303 Hartnett Boulevard

Miss Bourque noted that, although she is still a minor youth, she has lived on Hartnett Boulevard her whole life and knows what is going on right now. She has been listening to all the neighbors talk about the subdivision of 3300 Hartnett Boulevard. She submitted that this situation for 3300 Hartnett Boulevard is miscommunication between neighbors and the people buying the house. She asked Council to help fix this problem with subdivisions so that situation does not happen again. She noted that if Council does not address this problem, other subdivision battles would tear apart her neighborhood and tear apart the island.

Mayor Sottile asked if there was anyone else who wished to speak. Thereafter he made a few comments about the 3300 Hartnett subdivision request. Mayor Sottile noted Council was very aware of this situation, having received the many letters, emails and phone calls up to Christmas and through the holiday season. Mayor Sottile said he was disturbed by this situation, with neighbors angry at each other and harsh words being said to one another. He noted that the Planning Commission received this subdivision request and discussed it at their December regular meeting. He noted the request is going through a process established by state and City codes to ensure equity and fair treatment for all applicants. He acknowledged emotions are running high among the neighbors and he asked the City attorney for an opinion on the impact of a first reading of Ordinance 2007-1 upon the subdivision request for 3300 Hartnett Boulevard. The City Attorney opined

that Ordinance 2007-1, if ultimately approved by Council, would not affect this subdivision request. Mayor Sottile indicated that he took the extra measure to obtain a second legal opinion from a Columbia, South Carolina attorney, recommended by the Municipal Association of South Carolina, and independent. This attorney was provided the same information as City Attorney Sottile and he rendered the same legal opinion on the 3300 Hartnett Boulevard subdivision request.

Thereafter, Mayor Sottile noted that the Planning Commission has already formed a subcommittee to look at lot sizes along with square footage of houses, before this subdivision request. He acknowledged that the City has a lot of non-conformity in its zoning and, because of these non-conformity, many ordinances might still have loopholes.

- E. First Reading, by Title Only, of Ordinance 2007-1, an Ordinance to Amend Title 5, Chapter 4, Zoning, Article 2, District Regulations, Section 5-4-33(1)(a) and Section 5-4-33(5)(a), of the City of Isle of Palms Code of Ordinances, to adjust the lot sizes for SR-2 zoned properties to require a minimum lot size of 12,000 square feet.**

MOTION: Councilwoman McMackin made a motion to approve First Reading, by Title Only, of Ordinance 2007-1, an Ordinance to Amend Title 5, Chapter 4, Zoning, Article 2, District Regulations, Section 5-4-33(1)(a) and Section 5-4-33(5)(a), of the City of Isle of Palms Code of Ordinances, to adjust the lot sizes for SR-2 zoned properties to require a minimum lot size of 12,000 square feet; seconded by Councilman Marino.

Mayor Sottile noted that Council does not usually have discussion during First Reading of a new Ordinance; however, he asked if any Council members had comments to make.

Discussion:

Councilman Marino supported the proposed ordinance, but indicated he wanted to see some nuances strengthened. Some of the considerations he outlined included:

- Language to prevent developers or speculators from piecing together properties in order to subdivide;
- Ability to deny a subdivision application because a grand oak would have to be removed;

He opined that the City is getting to be out of balance, with the residential rental business increasing. He submitted that Council needs to be proactive instead of reactive on issues related to increased density, loss of green space and loss of residential areas.

Mayor Sottile observed that the Planning Commission is currently addressing the tree ordinance and subdivision lot size issues.

Councilwoman McMackin expressed her pleasure at seeing citizen participation and thanked citizens for becoming involved in the government process. She then thanked Mayor Sottile and Council for considering this ordinance, noting that she encouraged first

reading of this ordinance language at this first Council meeting of the year. She expressed support for Ordinance 2007-1 and indicated her desire for the Planning Commission to find a way to deny the subdivision of 3300 Hartnett Boulevard. She does not support the subdivision request because increased density would be contrary to the Comprehensive Plan and because of the grand oak trees on the site. She encouraged Council to pass first reading of Ordinance 2007-1 tonight and to look for ways to protect the community long-term.

Councilwoman Rice also thanked citizens for participating in government. She expressed opposition to the subdivision request for 3300 Hartnett Boulevard and favors the proposed ordinance. She wants to see the preservation of a neighborhood so that people of mixed ages could co-exist and supports measures that would protect and preserve the full-time residential lifestyle of the island. She further advocated the City taking measures to protect its golf courses as green space, noting that Mount Pleasant has taken similar action in the past year to protect from subdivision and residential development.

Councilman Cronin noted that SR2 zoning district was established to allow for smaller lot sizes, with most lots being under 10,000 s.f. He noted that the current subdivision request is to divide 3300 Hartnett Boulevard into two (2) 10,000 s.f. lots. Instead of minimum lot size, he submitted the question should be for what purpose the property would be used: residential dwelling or rental purpose. He further noted that many other building restrictions are tied to the lot size, such as setbacks. He noted Planning Commission and Council needed to consider these other issues with any ordinance change to prevent unintended consequences, such as homes constructed too close together or with little to no front/back setback.

Councilman Bettelli expounded on Councilman Cronin's observations, noting that Charleston County recently dealt with a similar issue on nearby Goat Island, in an effort to retain larger lot sizes on the island. He suggested the Planning Commission might wish to consult with Charleston County Planning about that zoning change process. He further observed that the City does need tourists on the City; however, he recognized and supported the need to keep the residential character of the island.

Councilwoman Hanbury noted she lived on Hartnett Boulevard and has witnessed the high emotions of her neighbors. She expressed disappointment in the situation and her perception that some Council members might have further incited Hartnett Boulevard residents on this issue. She expressed her support of the City's process for both subdivision requests and zoning changes. She stressed the need for everyone to follow this process to arrive at orderly and fair decisions, equitable to all. She noted that the Planning Commission has been working on various issues related to properties, such as house size to lot ratios, rental issues, building conformity, etc. She indicated she did not intend to support Ordinance 2007-1 since she felt it was hasty and reactionary.

Councilman Buckhannon expressed his support for this first reading. He noted he is the father of seven-year old triplets and lives near the Recreation Center. He expressed his support for preserving the residential character of the island.

Councilman Taylor noted he just returned from a family vacation that he took over the holiday season. He observed that he left the City for two (2) weeks and returned to first reading on an ordinance related to an issue, which was not an issue just two weeks ago. He expressed his appreciation for citizens' concerns and encouraged their involvement, noting that the original purpose for this special meeting was to appoint citizens who have volunteered to serve on advisory Committees and Boards. Thereafter Councilman Taylor encouraged residents to apply for these committees and/or run for City Council.

As for the ordinance before Council tonight for first reading, Councilman Taylor noted that the current zoning ordinance has been in effect for over twenty (20) years and asked why it was suddenly unsatisfactory. He indicated he was aware some Council members strongly supported this ordinance change, but questioned why these Council members did not think this ordinance was important until two (2) weeks ago. He noted that Building and Planning Director Kerr has advised him that five (5) other SR2 lots would be affected by this change. He wanted to talk to these other five property owners and learn more about this matter before he would consider rendering his opinion on this ordinance change.

Councilwoman McMackin took exception with assertions that some on Council might not be moving forward on this matter in an orderly fashion. She noted that this matter of lot size is a big issue for the City and needs to be addressed.

Call for the question: MOTION PASSED SEVEN (7) TO TWO (2)

There being no further business to come before the Council, the meeting was unanimously adjourned at 8:15 p.m.

Respectfully submitted,

Lisa Darrow
City Clerk

Approved by City Council at the January 23, 2007 Council meeting.