

CITY COUNCIL

6:00 p.m., Tuesday, November 28, 2017

The regular meeting of City Council was called to order at 6:16 p.m. in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Carroll, Ferencz, Kinghorn, Rice and Ward, Mayor ProTem Harrington, and Mayor Cronin, Administrator Tucker, Attorney Halversen, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the public and press were duly notified of the meeting in accordance with the Freedom of Information Act. The Mayor gave a brief invocation and led the Pledge of Allegiance followed by the roll call by Clerk Copeland.

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Bettelli moved to approve the minutes of the Special Meeting of November 6, 2016 and the regular meeting of October 24, 2017 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

A. Citadel Brigadier Foundation 5K Walk/Run, Saturday, September 29, 2018 as a City-sponsored event

Suzanne Chisolm, Executive Director of the 5K Walk/Run, stated that the race would begin at the Citadel Beach House, go to Breach Inlet and return to the Beach House; she explained that the Citadel Foundation raises money for athletic scholarships at the Citadel.

MOTION: Mayor Cronin moved to approve the Citadel Brigadier Foundation 5K Walk/Run on Saturday, September 29, 2018 as a City-sponsored event; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Bob Miller of Wild Dunes stated that he and his wife had moved to the City a year ago to enjoy the opportunities for outdoor activities year-round, but the presence of a large number of coyotes was hindering their ability to participate in such activities. He informed Council that a group of Wild Dunes' residents had formed a Committee that was pushing Wild Dunes to employ more aggressive techniques to trap the coyotes, and they would like to partner with the City in doing so. He indicated that they would prefer the use of soft traps because the box traps have not worked. He wanted information on the process to get the City involved; he stated that Dave Kynoski was working with the residents' group and would be the point of contact.

Judy Goble, a part-time resident living at 8 Summer Dunes Lane, stated that there was a sense of urgency in addressing the coyote issue because mating season was in January and February producing offspring in sixty (60) days.

B. FY17 Audit Presentation by Melissa Kiddy and Chris Kerr of McCay, Kiddy & Associates

Copies of the audit documents, Report for Year Ended June 30, 2017 and Report on Financial Statements, are attached to the historical record of the meeting.

Ms. Kiddy reported that the City received an unmodified, or clean, opinion for the FY17 financial statements, meaning that they were presented fairly. Ms. Kiddy proceeded to review the highlights of a variety of financial statements. She reported having surveyed other beach communities to learn what they were reserving for disaster recovery and found that the average was ten percent (10%) of annual operating expenses; the City currently has reserves of sixteen percent (16%) of annual operating expenses. In FY17, the City had revenues of approximately sixteen million dollars (\$16,000,000) and expenditures of approximately thirteen million dollars (\$13,000,000) resulting in revenues in excess of expenditures of approximately two million seven hundred thousand dollars (\$2,700,000).

When Councilmember Ward asked if the City had any provisions for contingencies, Ms. Kiddy responded that they found nothing material to reflect in the notes. Although the City is currently involved in litigation, the attorneys assured the auditors that the City had no exposure at this time.

Responding to Councilmember Kinghorn's question, Ms. Kiddy replied that they do not audit any other municipalities, but they audit several charter school districts. He stated that he appreciated the benchmarking mechanism for the Disaster Recovery Fund; he stated that, as discussed at the 2016 visioning meeting, Council had agreed that the City was in a good financial position in terms of storm recovery compared to other communities..

Councilmember Ward stated that McCay Kiddy in its reporting was not giving an opinion on the financial health of the City but was expressing an opinion on the presentation of the financial statements.

In the "Report to the Honorable Mayor and Members of City Council," a required communication from the auditors, the letter at the beginning reports on any weaknesses or serious deficiencies found during the audit, and Ms. Kiddy stated that they found no material weaknesses or deficiencies.

Ms. Kiddy closed her report saying that the audit went very well and that the City staff had everything organized and gave it to the auditors in a timely manner. She also foreshadowed that, since the City will receive a large amount of federal funds, a single audit will be required next year; in the course of that audit, they will look at compliance with the terms of the funding, internal controls and processes.

At the Mayor's request, Ms. Kiddy explained that anytime the City receives at least seven hundred fifty thousand dollars (\$750,000) in federal funds, an additional audit is required to test that the funds were spent according to the terms under which the money was given.

Mayor Cronin stated that the City's total fund balance twenty (20) years ago was two million five hundred forty-three thousand dollars (\$2,543,000), and today the total is seventeen million four hundred eighteen thousand dollars (\$17,418,000).

4. Reports from Standing Committees

A. Ways and Means Committee

Reporting on the meeting held earlier in the evening, Mayor Cronin stated that revenues were where they were this time last year and expenditures were two percent (2%) lower than the same time in FY17. Total cash on-hand, including the stakeholder funds for the beach renourishment and the PRT grant, was approximately twenty-five million nine hundred dollars (\$25,900,000); with those funds removed, the total fund balances are eighteen million one hundred thousand dollars (\$18,100,000) compared to sixteen million dollars (\$16,000,000) last year. The September quarter's State ATAX was five hundred eighteen thousand dollars (\$518,000) which was two thousand dollars (\$2,000) less than FY17.

B. Tourism Funds

Collections in Municipal Accommodations taxes and the Beach Preservation Fee fund are running two percent (2%) ahead of FY17; Hospitality tax collections were lower than last year, but the Treasurer noted that there were two (2) late payers. Charleston County made a payment to the County Accommodations Tax Pass-through that was significantly lower than last year, but they had stated that the City will receive a second payment in FY18.

C. Projects Schedules

The Mayor stated that no significant changes to projects activities occurred in October; the NPDES wash-down facility was virtually complete; the drainage project is underway and the beach restoration project should begin at the end of December or the first of January.

The Treasurer also reported that the implementation of the new accounting software has gone well.

- 1. Award of a contract to Phillip Smith, GC, LLC in the amount of \$489,622 for the public restroom renovations and the boardwalk**

MOTION: Mayor Cronin moved to award a contract to Phillip Smith as detailed above; Councilmember Bergwerf seconded.

The Mayor stated that, in the Ways and Means Committee meeting, a discussion occurred to separate the bid into two (2) projects, but the motion did not move forward. In addition, the history of the restroom renovation was thoroughly reviewed relative to the City's multiple attempts to get Charleston County to participate in the project, but the City repeatedly refused.

VOTE: The motion PASSED on a vote of 8 to 1 with Councilmember Carroll casting the dissenting vote.

- 2. Approval of expanding the existing agreement with Liollo Architecture to include construction administration for the public restroom renovation and the boardwalk in the amount of \$14,858**

MOTION: Mayor Cronin moved to expand the existing agreement with Liollo for construction administration for the restroom renovation and the boardwalk for \$14,858; Councilmember Bergwerf seconded and the motion PASSED on a vote of 8 to 1 with Councilmember Carroll casting the dissenting vote.

3. **Approval of Assignment of the contract with Schupp Enterprises to Eadie's Rural Waste Services.**

The Mayor stated that Eadie's has pulled out of its agreement with Schupp Enterprises.

4. **Award of a sole source contract to Parkeon for 6 parking kiosks in the amount of \$70,457.10**

MOTION: Mayor Cronin moved to award a sole source contract to Parkeon for 6 parking kiosks in the amount of \$70,457.10; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

5. **Approval of a within budget Change Order estimated at \$29,996.94 for the Phase II Drainage construction contract with IPW to allow for the relocation of a water line**

MOTION: Mayor Cronin moved to approve the Change Order as stated above; Mayor ProTem Harrington seconded and the motion PASSED UNANIMOUSLY.

6. **From the ATAX Committee:**
 - a. **Approval of \$5,000 for the IOP Fire Department for the replacement of the Zodiac rubber boat**

MOTION: Mayor Cronin moved to approve \$5,000 to the IOP Fire Department for the replacement of the Zodiac rubber boat; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

- b. **Approval of a \$5,000 sponsorship for the 2018 Food + Wine Festival**

MOTION: Mayor Cronin moved to approve a \$5,000 sponsorship for the 2018 Food + Wine Festival; Councilmember Rice seconded and the motion PASSED on a vote of 6 to 3 with Councilmembers Bergwerf, Ferencz and Ward voting nay.

- c. **Approval of a \$5,000 sponsorship for the 2018 Dunlop Junior Tennis Championship**

MOTION: Mayor Cronin moved to approve a \$5,000 sponsorship for the Dunlop Junior Tennis Championship; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

7. Approval of Intergovernmental Agreement between Charleston County Public Works and the City of Isle of Palms

MOTION: Mayor Cronin moved to approve the Intergovernmental Agreement; Councilmember Bettelli seconded and the motion **PASSED UNANIMOUSLY.**

8. Consideration of expansion of Community Solar Agreement with SCE&G

Mayor Cronin stated that the deadline for a response has passed.

9. Report in accordance with Chapter 20, Purchasing, Section 1-10-3(c), less than \$25,000 and in the budget

- a. Purchase of 3 in-car cameras with radar interface and 1 year warranty from L3 Mobile Vision, Inc. in the amount of \$16,176.21**
- b. Payment to SC State Firefighters Association of \$5,000 per eligible firefighter for their retirement**

Administrator Tucker stated that the payment to the Firefighters Association did not have to be reported since the City only has a fiduciary responsibility for the Fireman's 1% Fund.

B. Public Safety Committee

From the meeting of November 6th, Councilmember Bettelli reported that the Committee approved the Citadel Brigadier Foundation event. On efforts to remove encroachments in the rights-of-way, Chief Buckhannon reported that to-date sixty-two (62) homeowners have been notified; twenty-one (21) property owners have not come into compliance; some have started the removal process, while others who have not responded were sent a second notice. The Chief also reported that twenty-six (26) properties have been identified as overgrown lots; of that number, all but eleven (11) have been corrected by the property owners, three (3) are in the process and the remaining eight (8) are working with the City to arrive at a solution. Chief Graham found that banning balloons from the beach was covered in the City's pollution ordinance. The parking spaces at the Rec Center have been striped and numbered making it easy to identify vehicles that are parked longer than forty-eight (48) hours. Signs stating "no overnight parking" were discussed and decided against due to the number of signs already on the island. The Committee also approved the Parkeon kiosk purchase and the replacement of the rubber boat.

The highlights of activities in the Fire Department in October were a mutual aid request from Mount Pleasant, a call for swimmers in distress and a dog bite. Personnel responded to eighty-three (83) calls in October; of that number, forty-eight (48) were EMS calls. The Chief reported that all pre-incident surveys were current and renewals would begin in January 2018. In the fourteen (14) fire inspections done in October, fifty-two (52) violations were found. Personnel received an average of thirty-nine (39) hours of training in October. A class in Basic First Aid and CPR was held for the Coast Guard and a group of Boy Scouts, and personnel assisted with the

Connector Run and the SEALKids Swim. Chair Bettelli expressed special thanks to Chief Graham for her service in Puerto Rico following the hurricane; he stated that “it was gratifying to know that we have people of [Chief Graham’s] caliber serving the City.”

A highlight of the month for the Police Department was, when a house-sitter went to the home he/she was responsible for, he found two (2) people inside who did not have permission to be there; they had begun gathering items they intended to steal. Despite jumping from a window to escape, the subjects were apprehended by police. A vehicle crashed into a dumpster, and a witness provided the officer with a good description and noted that the driver had a small child with him. The driver was apprehended and the child was turned over to the Department of Social Services until family was located. While the subject was detained inside the officer’s vehicle, he kicked the door causing it to bend and not to close completely; he also tore the headliner and rendered other damage to the vehicle, totaling twenty-eight hundred dollars (\$2,800). In the month of October officers issued one hundred eighty-one (181) “Property Security Check” notices and seven (7) “You Could have been the Victim of a Crime” notices. Communications Specialists responded to forty-six hundred fifty (4,650) calls in the month; of which, forty-one hundred (4,100) were for the Police Department. Thirty-two (32) traffic tickets were issued from a total of three hundred eight (308) traffic stops. Of the twenty (20) arrests made in the month, six (6) were for underage drinking. In the Criminal Investigation Division, eight (8) cases carried over from September, the officers were assigned seventeen (17) cases, and sixteen (16) cases were closed, leaving nine (9) cases to be carried over to November. Sixteen (16) noise complaints were made; three (3) received citations, seven (7) received warnings and six (6) were determined to be unfounded. Eleven (11) coyote sightings were reported in October.

The next Public Safety Committee meeting will be at 2:00 p.m., Tuesday, January 9th in the Conference Room.

C. Public Works Committee

At the meeting of November 1st, Director Pitts told the Committee that personnel completed the beach cleanup after Hurricane Irma and mowed the beach access paths from 21st Avenue to 53rd Avenue, as well as the bicycle path on Palm Boulevard from Breach Inlet to 9th Avenue. Charleston County assisted the disaster debris contractor in cleaning the stormwater collection boxes and piped ditch systems and lines at the following locations: Myrtle Avenue, 2908 Palm, 31st to 33rd Avenues on Palm Boulevard, 3008 Hartnett and collection boxes between 42nd and 43rd Avenues, 44th and 45th Avenues and 53rd to 57th Avenue. In addition, Eadie’s Clean and Vacuum cleaned, vacuumed and restructured several ditches after Irma. The Director said that SCDOT was on the island at 52nd, 53rd and 54th Avenues on the non-ocean side of Palm Boulevard; Eadie’s is working on the 41st Avenue ditch from Hartnett to Waterway Boulevard. Administrator Tucker confirmed that the amendment to Eadie’s contract has been executed and is in force; Councilmember Ferencz stated that she had received a lot of positive feedback from residents at seeing the work Eadie’s was doing. In the month of October garbage collections were up and yard debris collections were down from the same month in 2016. The vehicle maintenance budget was significantly impacted by the diesel motor rebuild. The Committee discussed the assignment of Mr. Schupp’s contract. The update on the vehicle wash-down project at Public Works was that, except for punch list items, the project was complete. The Phase II Drainage project is progressing well; all of the underground infrastructure has been

identified and the change order to relocate a water line was approved earlier in this meeting. The RFB for the removal and replacement of the underground storage tanks has been issued; the deadline for questions is December 1st and bids will be opened on December 14th. The Committee had a lengthy discussion of personnel needs in the Public Works Department based on the increased demands on its personnel; decisions need to be made about re-organizing the Department and defining the role(s) of any additional personnel toward insuring that all of the jobs assigned to Public Works were accomplished in a timely fashion. The Committee also clarified that the responsibility for cleaning some blocked drainage ditches along Palm Boulevard falls to the property owner when he was granted an encroachment permit from SCDOT. The intergovernmental agreement was also reviewed by the Committee.

The next Public Works Committee meeting is scheduled for 11:00 a.m., Wednesday, January 9th in the Conference Room

D. Recreation Committee

Councilmember Rice reminded everyone that the Holiday Street Festival will be Saturday, December 2nd from 2:00 p.m. to 7:00 p.m.; the tree lighting is scheduled for 5:30 p.m.

E. Personnel Committee

MOTION: Mayor ProTem Harrington moved to appoint Phillip Pounds to the Planning Commission; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

MOTION: Mayor ProTem moved to reappoint Susan Haynie and Julise Spell to the ATAX Committee, Pete Doherty to the Board of Zoning Appeals, Ann Sherrill and Alan Shoultz to the Code Board of Appeals and Ron Denton and Lisa Safford to the Planning Commission; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Mayor ProTem Harrington recognized Councilmember Bettelli for his 20 years of outstanding service to the City of Isle of Palms. He is the longest serving member of Council since the City was incorporated.

Councilmember Bettelli was the Chair of the Personnel Committee when the City hired Linda Tucker for City Administrator. He stated that the Committee interviewed eight (8) candidates, and Administrator Tucker was clearly the best person for the job as she continues to be today. He stated that the Administrator scored a four point five (4.5) out of a possible five (5) on her annual evaluation.

MOTION: Councilmember Bettelli moved to give City Administrator Tucker the full endorsement of City Council; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Mayor ProTem stated that the personnel vacancies were for one (1) part-time Animal Control Officer and one (1) Recreation Supervisor.

October Safety Sweepstakes sinners were as follows:

General Government – Desirée Fragoso
Fire – Battalion Chief Richard Hathaway

Police – Sgt. Derrick Ambas
Public Works – William Sease

F. Real Property Committee

From the meeting of November 6th, Councilmember Bergwerf stated that Steve Halleck addressed the Committee about the need to dredge Hamlin Creek from The Boathouse restaurant at Breach Inlet to the Exchange Club and the desire to partner with the City. Councilmember Rice advised him that the group of property owners needed to form some type of association and engage an attorney to write an agreement between the group and the City stating that the City would be the permittee and that the association would bear the expense of the project. Marina Manager Brian Berrigan informed the Committee that he planned to close the marina store on January 19th for about three (3) days to replace air conditioners and the siding on the store and to do some things in the attic, like add insulation. The Committee reviewed the bids for the public restrooms and boardwalk that was awarded earlier in the evening. Administrator Tucker announced that the emergency berm project has been completed, and the plan is to start the renourishment project on the north end at the end of December or beginning of January. The project is to be complete before the start of turtle nesting season, and the Administrator noted that the project will move quickly once started. Councilmember Ferencz updated Council on the underground storage tank request for bid. The Committee discussed an amendment to the ATM contract; since the referendum was defeated, the next step will be up to the new Council. Assistant Fragoso reported that the City has paid the deposit to the contractor for new signs that will be placed on the beach access paths at 5th, 8th, 9th, 21st, 25th, 28th and 42nd Avenues, at the Sea Cabins and at the public restrooms.

The next Real Property Committee meeting has been scheduled for 9:30 a.m., Tuesday, January 9th in the Conference Room.

Councilmember Kinghorn suggested that the City seek funding for revegetating the dunes.

The Mayor thought that groups existed who would volunteer to do the planting.

Councilmember Ferencz noted that residents have noticed large recreational vehicles (RV) parked at the marina, and, although the lease speaks to the parking of boats and trailers, the parking of recreational vehicles is not mentioned.

Mayor ProTem Harrington indicated that he had spoken with marina manager Brian Berrigan who told him that, since RVs are not allowed to be parked in Wild Dunes, he allowed them to park at the marina temporarily for a fee with the stipulation that no one can sleep overnight in them.

Councilmember Ward asked if the marina manager's lease allowed for RVs to park at the marina; his understanding of the lease was that he was in charge of marina operations, not commercial RV parking.

Administrator Tucker said that she did not remember anything in the lease that would prohibit Mr. Berrigan from allowing temporary RV parking occasionally. She recalled that, over the holidays in years past, RVs have been allowed to pay-to-park at the marina in the off-season when family members of residents in Wild Dunes have come to visit traveling in an RV. She indicated that staff would review the lease to determine if a provision was included that would prohibit this practice, and, if it was the will of Council, it could be enforced.

Councilmember Rice recalled when the City allowed big rigs to park in the municipal lot in the past and that it could be an option for visiting families in RVs.

5. Reports from, City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – minutes in process
- B. Board of Zoning Appeals** – minutes in process
- C. Planning Commission** – minutes in process

6. Reports from Special or Joint Committees – None

7. Petitions Received, Referred or Disposed of – None

8. Bills Already in Possession of Council – None

9. Introduction of New Bills, Resolutions and Proclamations

Adoption of Resolution for the Adoption of the revised *Charleston County Hazard Mitigation Plan*

MOTION: Mayor Cronin moved to adopt the revised *Charleston County Hazard Mitigation Plan* and to waive the reading of the resolution; Councilmember Bettelli seconded and the motion **PASSED UNANIMOUSLY.**

10. Miscellaneous Business

Next Meeting Date: 6:00 p.m., Tuesday, December 5, 2017 in Council Chambers

Councilmember Bettelli read the following:

“Mayor, Council, City Administrator Department Heads, citizens of the Isle of Palms and whoever else may be here, thanks for letting me serve for twenty years; it has been an honor. It has been a good twenty years for me and also for the City. We have seen many improvements on the island through the years; I have a list of sixty-five, but I will only read a few of them:

- First of all, the purchase of the marina,
- The additions and improvements to the Recreation Center,
- Rebuilding Fire Station 2 and the Public Safety Building,
- The CALEA re-certifications for the Police Department, (We have gone through several of these and always come through with flying colors every time.)

- The upgrade to ISO 1 thanks to the Fire Department,
- Recycling island-wide as well as beach recycling, (We were one of the first communities to get in on recycling and the very first one to get in on beach recycling.)
- The parking plan, and
- The City's excellent financial condition . . . , which could not have been accomplished without the insight and expertise of the City's excellent staff.

Special thanks to Linda Tucker for her professionalism and leadership for the City through the years, and Linda continues to exceed our expectations as she has year after year.

Mayor Cronin, thank you for your nine years of service; the City has done well under your leadership and, again, is in excellent financial shape. I also mention that Mayor Cronin was on the Planning Commission, prior to landing this job, when the more stringent building rules were put into effect.

And, to all of you, thanks for allowing me to serve.”

Prior to going into Executive Session, Mayor Cronin symbolically dropped the gavel.

Then Mayor then stated the following:

“I, too, want to thank everybody; the staff has been exemplary in supporting us. We come in here with a lot of ignorance and leave with a lot of admiration for all that you do. I look forward to seeing the City prosper well into the future as we stay afloat.”

11. Executive Session, in accordance with S.C. code Section 30-4-7(a)(2) to receive legal advice concerning settlement of pending claims related to the Public Safety Building. Upon returning to open session, Council may take action on matters discussed I Executive Session.

- **Action item: Authorization for City Administrator to execute certain settlement agreements as recommended by the City's litigation attorneys in a letter dated July 14, 2017 from Thurmond, Kirchner and Timbes PA and approved by City Council at the July 18, 3017 Special Council meeting.**

MOTION: Mayor Cronin moved to go into Executive Session at 7:30 p.m.; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

Council returned to open session at 7:35 p.m., and Mayor Cronin stated that Council had not taken a vote or any action while in Executive Session.

MOTION: Mayor Cronin moved to authorize the City Administrator to execute certain settlement agreements mas recommended by the City's litigation attorneys in a letter dated July 14, 2017 from Thurmond, Kirchner and Timber PA and

**approved by City Council in a Special Council meeting on July 18, 2017;
Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

12. Adjournment

**MOTION: Councilmember Kinghorn moved to adjourn the meeting at 7:37 p.m.;
Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland
City Clerk