

**City Council  
Special Meeting**

4:00 p.m., Monday, August 7, 2017

A Special Meeting of City Council was held at 4:00 p.m., Monday, August 7, 2017 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Carroll, Ferencz, and Ward, Mayor ProTem Harrington, Mayor Cronin, Administrator Tucker, Assistant Administrator Fragoso, Attorney Halversen and City Clerk Copeland; a quorum was present to conduct business. Councilmembers Kinghorn and Rice were absent.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

**MOTION: Mayor Cronin moved to suspend the rules of Section 1-3-7(b) of the City Code to add two (2) items to the Agenda, i.e. a discussion of insurance for the Farmers' Market and filming on the beach by Cosmic Pictures of the eclipse as a City-sponsored event; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Ward asked when the City knew about the new items.

Administrator Tucker responded that the matter for the Farmers' Market is time sensitive since the market is to open August 31<sup>st</sup> and decisions made will affect the vendors' participation as well as the market's kickoff. In the last week, complications related to insurance for the participants came up, and Mayor ProTem Harrington asked that the item be added to today's Agenda for Council discussion. Depending on the decision of Council, many of the vendors might not be able to participate. The request for City sponsored-event status has come to the City in the last four to five (4 to 5) days; the request is for August 21<sup>st</sup>, the day of the eclipse, and the Council meeting will not be held until August 22<sup>nd</sup>. A Special Meeting is scheduled for August 15<sup>th</sup>, but it is a joint meeting with the Planning Commission and expected to run long. The Public Safety Committee met at 2:00 p.m. this afternoon and approved the event, so it, too, is time sensitive.

**MOTION: Mayor Cronin moved to add a discussion of insurance for the Farmers' Market and granting City-sponsored event status to Cosmic Pictures for filming on the beach of the eclipse, due to exigent circumstances as outlined by the City Administrator; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

2. Purpose

**Second Reading of Ordinance 2017-05 – An Ordinance Providing for a Referendum Pursuant to the Municipal Bond Act for the Purpose of Determining the Question of Whether the City Council of the City of Isle of Palms, South Carolina Shall be Empowered to Issue and Sell General Obligation Bonds of the City in the Amount not Exceeding \$5,500,000 for the Total Cost of Completing a Two-Phased Marina Revitalization Project at the Isle of Palms Marina; Providing for the Forms of Ballot to be Used; Providing for Notice of the Referendum; and Providing for all Other Acts Necessary to Submit the Aforesaid Question.**

**MOTION: Mayor Cronin moved to waive the reading and to approve for Second Reading Ordinance 2017-05 as amended; Councilmember Bergwerf seconded.**

The ordinance for consideration is a collaboration between the City's bond attorney and the City Attorney; Attorney Halversen stated that the ordinance now reflects the referendum under the Municipal Bond Act as did the original referendum to purchase the marina. The amended ordinance references the same laws as the original ordinance, but it also includes more formalities recommended by the bond attorney. According to Attorney Halversen, a change in the amendment replaces redevelopment with revitalization and adds more language about the two (2) phases of construction anticipated.

Councilmember Carroll referred to pages 3 and 6 and the paragraph under the yes/no boxes where an explanation of the result of a favorable vote is printed; he asked whether an explanation of an unfavorable vote should also be included.

Attorney Halversen replied that the explanation included is not a requirement for the referendum; she thought it would helpful for the voters to understand why the City would be acting under the Municipal Bond Act, which means the money borrowed will not count against the City's borrowing limit. She commented that, if the referendum were to fail, the City could proceed with certain projects at the marina, but any borrowed money would be counted against the City's borrowing limit.

Mayor Cronin stated that the inclusion of that paragraph might be helpful to the City in the future.

The Administrator added that she thought it provides for more transparency.

**VOTE: The motion PASSED UNANIMOUSLY.**

**3. Granting City-sponsored Event Status to allow Cosmic Pictures to film the eclipse from the beach**

**MOTION: Councilmember Bettelli moved to grant City-sponsored event status to Cosmic Pictures to film the eclipse event from the beach; Councilmember Bergwerf seconded.**

The Mayor stated that this would a limited crew, one (1) photographer and equipment, on Front Beach taking time-lapse photographs from 8:00 a.m. to 5:00 p.m.; this photographer will be one (1) of several at various locations across the country in the path of the eclipse. All of the photographs will be put together in an IMAX movie that will be an educational tool for children with screenings at museums and science centers.

In the most recent communication, they corrected the size of the space on the beach they will require to be ten feet by ten feet (10 ft. x 10 ft.); the Administrator added that a space near the pier will be marked off for the photographer.

**VOTE: The motion PASSED UNANIMOUSLY.**

#### 4. Discussion for IOP Farmers' Market Insurance

Administrator Tucker noted that staff and the ad hoc committee were doing everything possible to make an island farmers' market a reality and a success. One (1) issue yet to be resolved is insurance for the event, and the City first contacted the insurance pool, to which the City belongs, through the Municipal Association. With the short window to the opening of the market, the City decided that, for this first year, the City would provide insurance for it through a special policy or a rider to the existing City policy. When the question was posed to the insurance carrier, they said they could not provide the insurance and that no other insurance company would write such a policy; they recommended for the vendors to provide their own insurance. If the vendors were to get their own insurance, they would need to meet the City's requirements, i.e. to name the City as an additional insured, to meet the insurance levels prescribed by the City and to provide the City with a Certificate of Insurance stating all of the above as well as the dates of the events in which they will participate. When the Committee informed the vendors of this, they reacted negatively; the majority said that, with that requirement, they would not be able to participate. The City learned that there is a policy known as a TULIP policy that is specifically for events like a farmers' market, but only if the market was going to be held on City-owned property; the glitch for the City is that the market will be held in the County Park, not City-owned property.

Staff spoke with Sullivan's Island, Mount Pleasant and Charleston County to learn how they handle the issue; they found the following:

- Mount Pleasant requires that its vendors have their own insurance, but they do not require proof of it, and the requirement is only for food vendors;
- Sullivan's Island includes a statement in their application that they do not cover vendors and also do not require proof;
- Charleston County Parks and Recreation (CCPRC) has the same requirements as IOP for their food vendors.

At this point, a decision needs to be made to say that all vendors are required to have their own insurance policy and provide the City proof of insurance, to ask the food vendors but not the artisans to have insurance and provide the City with proof or for the City to take the risk that nothing will happen, leaving the City with the liability and the payment of any claims from City coffers.

Dr. Lewis Gregory, chair of the ad hoc committee, stated that they learned that a vendor could get a bare-bones policy for about ninety dollars (\$90) for ninety (90) days; although the premium is not a lot of money, it covers very little. He indicated that the food vendors are accustomed to the requirement and already have insurance; the issue is with the crafts' vendors.

Dr. Gregory stated that the market has approximately thirty-five (35) vendors; if the City requires all vendors to have liability insurance, the number would drop to ten or twelve (10 to 12).

Mayor Cronin said that his opinion was swayed when he learned CCPRC does not require its artisans to have liability insurance.

Dr. Gregory opined that the artisans would be considered low risk participants and the committee would be willing to have them sign a waiver relieving the City of any liability.

Councilmember Ferencz said that she was not comfortable making an exception, and, therefore, setting a precedent.

Mayor Cronin said that he would argue that the event is being held on County property and that the City is following their established policies for similar events.

The Administrator emphasized that the City has gotten permission to hold the farmers' market on property belonging to Charleston County and that vendors are renting space to make money. For the Street Festival, vendors are invited to participate, they are not charged for space and the event is happening on City-owned property.

**MOTION: Mayor Cronin moved to suspend the requirement for artisans to have liability insurance to participate in the island's farmers' market; Mayor ProTem Harrington seconded.**

Since Council voted to suspend the rules when the meeting began, Jim Raih, 3904 Cameron Boulevard, asked if Citizens' Comments would be allowed. Mayor Cronin invited him to speak.

Mr. Raih stated that he served on an ad hoc committee several years ago relative to starting a farmers' market on the island, and they found it to be a very complicated issue. At that time, the issue was what the City was doing to provide for the island residents, and what is it that the residents need that they cannot get elsewhere that requires the Isle of Palms to hold a farmers' market? He asked the question, "Does the Isle of Palms really need a farmer's market?"

Mayor Cronin responded that the answer will come after the inaugural market season.

Councilmember Carroll asked if the market could be held on City property.

According to the Administrator, one (1) advantage would be that vendors would then qualify for the TULIP policies, which are cost effective.

**VOTE: The motion PASSED on a vote of 6 to 1 with Councilmember Carroll casting the dissenting vote.**

## **5. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 4:33 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk