

CITY COUNCIL

7:00 p.m., Tuesday, June 26, 2012

The regular meeting of the City Council for the City of Isle of Palms was held at 7:00 p.m. on Tuesday, June 26, 2012 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Carroll, Loftus, Stone, Thomas and Ward, Mayor Cronin, City Administrator Tucker, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act. Clerk Copeland called the roll after a brief invocation and the Pledge of Allegiance.

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Loftus moved to approve the minutes of the regular meeting of May 22, 2012 and the Special Meeting of June 12, 2012 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments:

Prior to *Citizens' Comments*, Mayor Cronin thanked the residents of the island who attended the Disaster Expo on June 12th and the staff for their hard work ensuring that useful and meaningful materials were made available to attendees. The Mayor indicated that attendance was higher than it has been in several years. For those who were unable to attend, materials distributed at the Expo are available in City Hall and on the City's website.

The Mayor also reminded everyone that the annual July 4th fireworks display will take place just after sundown on July 4th; he added that sundown is also the time for an unusually high tide, so everyone should get to the beach early to stakeout a dry location from which to enjoy the spectacle.

At the end of the week, Councilmember Bettelli, Administrator Tucker and the Mayor will be attending the Annual Meeting for the Municipal Association of South Carolina where the City will receive an achievement award for the 2008 beach renourishment project.

Bobby Ross, Manager of The Windjammer, stated that he had two (2) requests to make of City Council; they are to establish a girls' beach volleyball league composed of girls between the ages of twelve and eighteen (12-18) and to host a tournament for local beach volleyball players on August 18th and 19th. The league would start the week after

July 4th and run for six (6) weeks. He emphasized that the league is not a business venture; if there is any money left at the end of the six (6) weeks, it will be donated to charity. Mr. Ross assured Council that he has gotten the necessary insurance with the City named as an additional insured. For the tournament, the entry fees pay for the tournament and prize money.

Mayor Cronin asked Councilmember Bettelli whether the tournament had been approved by the Public Safety Committee and was told that the Committee unanimously approved Mr. Ross's requests.

Councilmember Carroll asked Mr. Ross if he had gotten the support of the other Front Beach businesses; Mr. Ross responded that, in the past, one (1) business had not supported beach volleyball tournaments so no nets have been set up in front of that business to honor its wishes.

Councilmember Carroll asked whether Mr. Ross had checked the tide charts for the tournament; Mr. Ross said that the courts are high on the beach to not be impeded by the tides. As for the Wednesday leagues, if the tides are too high, the games will be called off.

MOTION: Councilmember Buckhannon moved to approve the girls' volleyball league and the tournament of August 18th and 19th as City-sponsored events; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Bettelli moved to reorder the Agenda to consider Item 8A, Second Reading of Ordinance 2012-02, at this point in the meeting; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

8. Bills Already in Possession of Council

A. Second Reading of Ordinance 2013-02 – An Ordinance Authorizing the Release of a Quitclaim Deed of the City of Isle of Palms' Interest in the Property Identified as Cassina Avenue and Eighteenth Avenue to Pastime Amusement Company, Inc.

MOTION: Mayor Cronin moved to approve for Second Reading and to waive the reading of Ordinance 2012-02 as stated above; Councilmember Stone seconded.

Mayor Cronin introduced Leonard Way and asked him to come forward; Mr. Way stated that he is the Vice-President of Pastime Amusement Company, which owns the Island Center, and of The Beach Company, which oversees other holdings on the island. Mr. Way noted that Eighteenth and Cassina Avenues makeup the service road for businesses in the shopping center; it is also a stone road, which is less than ideal. At this time, a significant renovation of the shopping center is planned for late 2012 and early 2013 to bring the aging shopping center to Class A status. In previous years, questions about ownership of the road have come up, but Pastime Amusement has offered, in exchange for clarifying the ownership, to assume the financial burden of paving the service road. Pastime plans to leave the service road in its current location, and redevelopment will stay within the footprint of the existing buildings. The transfer of ownership also helps Pastime Amusement with items that mean they will not have to come back to the City to seek setback variances, and, as for the City, the property will come back onto the tax rolls with a substantially increased value.

Councilmember Carroll said that he has received multiple calls from residents about why the City would pass ownership of these roads to a developer; he asked Mr. Way for more information about what will be in the newly renovated shipping center. Mr. Way responded that they will be able to use the right-of-way distance for setbacks for the existing buildings, and what the residents will see is a paved service road. Mr. Way indicated that he was unaware of Cassina and Eighteenth ever being used as public roadway, but rather they were used for parking to the rear of the businesses for unloading and for employee parking for the tenants. He noted that the intent is to pave what is now rock-surfaced for employee parking; the road will have a one-direction traffic flow with the entrance being where the old Pelican Cleaners is located and the exit being a right turn onto Palm nearest the Connector.

Councilmember Bettelli referred to Mr. Way's comments about ingress/egress and commented that the line of sight is impeded by the bushes in the landscaping; he asked that this safety factor be a consideration in the final plan. Mr. Way assured the Committee that Director Kerr was addressing landscaping for the shopping center.

Councilmember Loftus queried, if the City gives the roads to Pastime Amusement, what is planned for the four (4) lots zoned residential to the right of Eighteenth Avenue. According to Mr. Way, there are no plans for those lots at this time, but he could see their asking for them to be re-zoned commercial at some time in the future.

Responding to Councilmember Bergwerf's question about what will occupy the footprint, Mr. Way explained that, from the Long Island Café to the right up to Beachside Realty will stay in place and get a new façade; from the Red & White to the left including the old Wild Dunes out-parcel will be replaced by one (1) large anchor tenant of approximately twenty to twenty-five (20,000-25,000) square feet and building another

structure of approximately five thousand (5,000) square feet between the Wild Dunes building and the liquor store. If the current tenants so desire, they can move over into that space with a new anchor tenant.

Councilmember Ward asked about the future of the Red & White; Mr. Way stated that their lease is ending and has not been renewed; Mr. Way was not in a position to disclose who the new anchor tenant will be – he only confirmed that it will be a retail entity.

In addition, Councilmember Ward wanted to know what the cost would be to the City to retain ownership of and to pave Eighteenth and Cassina Avenues. Administrator Tucker stated that she had requested cost estimates from Charleston County for the paving of the roads and was told it would be at least two hundred thousand dollars (\$200,000); in addition, the City would likely be required to do some drainage upgrades to stay in compliance with NPDES regulations which would add to the expense. Once the road was paved, it would go into the County's pavement management system so that maintenance would ultimately be done on the same routine as other roads on the island. The Administrator opined that the road would likely need more maintenance than the average road on the island since its primary users would be eighteen-wheeler trucks.

Councilmember Carroll asked Mr. Way for a guarantee that both Eighteenth and Cassina Avenues would always be where they are and not be re-located. Mr. Way said that the intent with the new buildings was for them to last forty to fifty (40-50) years into the future; therefore, there would be no reason to move the service road. He added that they would like flexibility with the portion coming from Palm Boulevard to the back of the lot so that, if there was ever to be an adjustment with those buildings as they age, they would have the ability to relocate the footprint.

Councilmember Buckhannon expressed concern with the one (1) acre lot to the right of Eighteenth Avenue which is now zoned residential; he stated that, if the City gives up these roads, he could envision the lot lines being abandoned and the entire block becoming commercial and the expansion of the footprint of the shopping center in the future. The Councilmember expressed a desire to see a plan for the future of the shopping center.

Councilmember Bergwerf voiced agreement with Councilmember Buckhannon; she stated that she would like to hold a public hearing for input from the community before acting to give away these roads. She commented that she does not believe that Pastime Amusement is being totally forthcoming with their plans for the shopping center. Attorney Halversen remarked that action to change the zoning would have to go

through the approval process that would include a public hearing and final approval by City Council.

Mayor Cronin asked again if the determination had been made that the City does, in fact, own the roads in question. Administrator Tucker stated that the documentation that the City has is reasonable to support the City's ownership of these two roads, but there is no guarantee.

The Administrator stated that she is hearing an underlying fear that the residential lot will be re-zoned commercial interfering with the peace and tranquility of the adjoining properties on Twentieth Avenue; she, therefore, suggested considering donating a portion of the lot to the City to be maintained as a buffer in return for getting the roads. This solution could mitigate the concerns being expressed by Council and accomplish whatever future goals Pastime Amusement might have. Administrator Tucker recalled that this lot had some huge trees that inhibit development of the lot.

Mr. Way said that Pastime Amusement was open to many things. He continued by saying that their request to clarify ownership of the road is to make the Island Center a Class A shopping center, and to do so is going to cost several hundred thousand dollars based on the facts that the site has to be brought up four (4) feet and all of the drainage has to be re-worked. The roadway has nothing to do with the residentially zoned property; there are two (2) separate and distinct owners of the properties. He concurred with Attorney Halversen that they must get permission from the City to re-zone the property; he stated that Pastime Amusement would be open to make a portion of the lot a buffer to appease the adjacent property owners. Mr. Way reported that the City had the residential property appraised several years ago when looking for a site for the fire station; the appraisal came in a one million four hundred thousand dollars (\$1,400,000) - not an insignificant value. He commented that Director Kerr had made it clear that the lot cannot be used for overflow parking or to meet the parking requirement; therefore, their redevelopment of the Island Center has been reduced from the original idea to be in compliance for parking, landscaping and setbacks. Mr. Way clearly stated that there are no current plans for the residential lot, but, at some point in the future, it will not be economically feasible to continue to carry a property that is valued into the seven (7) figures. He noted that they would not likely develop it as residential, but that someone else might.

Councilmember Loftus summarized his understanding of the discussion as Pastime Amusement's desire to upgrade the shopping center to the standards of other properties under the same corporate umbrella. The Councilmember questioned that, if the City were to retain ownership of the roads and have them paved, would the need for transfer of ownership of the roads continue?

Mayor Cronin cautioned that the likelihood of getting money from Charleston County for the paving of these roads was very slim, because they have an assessment program for road needs throughout the County; since these roads do not serve the general public, the City would be hard-pressed, in the Mayor's opinion, to justify the need to the County.

Mr. Way stated that his legal counsel has been unable to find any official dedication of these roads to the City of Isle of Palms. He questioned that, if the City retains ownership, trucks would be allowed to park on Cassina – a public roadway – for indefinite periods of time for loading and unloading. If the roads belong to Pastime Amusements as a service road for the shopping center, trucks parked for indefinite periods of time for loading and unloading is a non-issue.

Councilmember Carroll asked if a vote could be delayed to a later date to allow Council to see a plan for the changes to the shopping center and to allow time to educate residents about what will happen to the shopping center.

When asked if delaying action would generate any problems for Pastime Amusement, Mr. Way said that, without ownership of the roads passing to them, they would have to come to the Board of Zoning Appeals for setback variances for the structure to be built. In addition, Pastime Amusement could not go forward with financing and other permitting requests until all of the requirements for the City have been met. Mr. Way noted that Pastime Amusement's plan - that has been presented and worked through with Director Kerr – has met all of the City's regulations without any variances.

Councilmember Bergwerf opined that Eighteenth Avenue has a more residential use than Cassina Avenue which is truly a service road for the shopping center; she asked if the two (2) roads could be considered separately.

Based on input from Attorney Halversen, Councilmembers Cronin and Stone, respectively, withdrew the motion and second.

Councilmember Loftus recounted that, when this road transfer was originally presented to City Council, the Mayor had said that Council would have plans before they would be asked to vote. Secondly, the Councilmember expressed his opinion that the Planning Commission should be involved in this process and make a recommendation to Council. With a discussion of a variance for setbacks, Councilmember Loftus voiced his opinion that the residents who will be affected by the rehabilitation of the shopping center should be consulted. And, lastly, the City should be compensated in some way for the conveyance of the roads.

MOTION: Councilmember Bergwerf moved to postpone Second Reading of Ordinance 2012-02 until the July City Council meeting, to charge the City Administrator with reaching out to the citizens affected by the changes proposed for the shopping center and to determine the feasibility of separating Eighteenth Avenue and Cassina Avenue; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Loftus moved to reorder the *Agenda* to discuss Item 8 B to this place in the meeting; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

8. Bills Already in Possession of Council

B. Second Reading of Ordinance 2012-03 – An Ordinance Approving the Grant of a Utility Easement on a Portion of the City’s Property to the South Carolina Electric and Gas Company.

MOTION: Mayor Cronin moved to waive the reading and to approve for Second Reading Ordinance 2012-06 as stated above; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

4. Reports from Standing Committees

A. Ways and Means Committee

From the Ways and Means Committee meeting of Tuesday, June 19th, Mayor Cronin reported that, being eleven (11) months into the fiscal year, the target for revenue and expenses in the General Fund was ninety-two percent (92%), but overall General Fund expenditures were at eighty-three percent (83%) of budget and revenues are at seventy-nine percent (79%) of budget through May. Property Taxes Revenues continue to lag behind prior years, but the Treasurer is confident that the City will meet budgeted estimates since Charleston County is five (5) months behind in reconciling collections to payouts. Cash in the bank at the end of May was at twenty-eight percent (28%) of the General Fund annual budget. Municipal Accommodations Fees are running twelve percent (12%) ahead of the same period in FY11; with all taxpayers now current, Hospitality Tax Collections are ten percent (10%) greater than in FY11. May saw no change in State Accommodations Tax or the Charleston County Pass-through.

With the final payment applications being paid to Baker Infrastructure Group; the 2012 shoal management project has been completed.

Mayor Cronin informed the Committee about concerns raised by an OCRM request for one million dollars (\$1,000,000) in funding for coastal access improvement projects and with no funding available for beach renourishment – approved via legislation by both the House and Senate.

All expenditures have been paid for the marina dredging project, and the 53rd to 57th Avenue drainage schedule will be replaced by the 42nd to 52nd Avenue Drainage Project as the City enters into the next phase.

Mayor Cronin recognized the City Administrator and Treasurer for their hard work in successfully getting an improved rating from Aa2 to Aa1 from Moody's Investor Service based on years of successful financial management and keeping the City stable.

The Mayor and Administrator also were successful in lobbying Charleston County for forty-six thousand dollars (\$46,000) to offset the cost of additional Beach Service Officers in FY13.

The Mayor noted that the City has submitted an application for funds toward the dune walkover, but has not been notified of a determination.

MOTION: Mayor Cronin moved to award as contract to Motorola for maintenance on to (2) dispatch consoles in the Telecommunications Center in the amount of \$10,800.35 for budgeted annual maintenance contracts at state contract pricing; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

The next meeting will be at 5:45 p.m. on Tuesday, July 17, 2012.

B. Public Safety Committee

Representatives of Stantec attended the Public Safety Committee meeting of June 12, 2012 to report on progress they are making with the wayfinding signs. Stantec staff members have made multiple visits to the island and ridden with patrol officers on Memorial Day weekend to get a firsthand look at a typical holiday at the Isle of Palms. Base mapping and conceptual work has been done, and Stantec plans to present designs to the Committee in July. From the discussion on beach access parking, Chief Buckhannon reported that additional patrols would begin in July. Chief Buckhannon also reported that officers did spend time studying the report of speeding on Hartnett between 29th and 30th Avenues, but, due to the shortness of the road, catching someone speeding was difficult; officers are continuing to monitor the area. Relative to a citizen's request for parallel parking on 8th Avenue, Chief Buckhannon expressed his opinion that if the City were to consider parallel parking for one (1) area, then it should

consider parallel parking throughout the island – to single out one (1) street would make enforcement very difficult. The Committee unanimously approved the golf cart parade for July 4th and the volleyball league and tournament that were voted on earlier in the meeting. From the departmental reports, Chief Graham told of ninety-one (91) incidents in May and forty-one (41) EMS calls. On the Police side, Chief Buckhannon reported that telecommunicators had received fifty-one hundred seventy-six (5,176) calls in May with forty-one hundred eighty-nine (4,189) being for the Police Department. One hundred sixty-seven (167) reports were written in May, and twenty-four (24) arrests were made with eight (8) for traffic offenses. Thirty-five (35) noise complaints were received and two (2) citations were written.

The next Public Safety Committee meeting will be at 5 p.m. on Wednesday, July 11th in Council Chambers.

Councilmember Bettelli recognized Administrator Tucker who had new information on the transition to Consolidated Dispatch to share with Council; the Administrator recalled that Council has approved funding for mobile data terminals (MDTs) in both the FY12 and FY13 budget years. At the end of last week, the Administrator received the agreement from Charleston County relative to the MDTs; Charleston County did receive the grant for the MDTs and the City will be participating in the grant to fund the terminals. When the Chiefs talked about the MDTs, they indicated that the City would have on-going expenses related to the software licensing; this agreement includes the costs for those licenses in future years. Since the execution of this document will obligate an expense for future City Councils, Administrator Tucker wanted this Council to be aware of the costs prior to affixing her signature; the documents quotes “worst case scenarios,” such as for FY15 for both Police and Fire Departments is ninety-six hundred twenty-nine dollars (\$9,629) and the “best case scenario” is seventy-five hundred dollars (\$7,500). The on-going licensing maintenance expense is allocated based on the number of users on the system, i.e. as other local governments join the Consolidated Dispatch System and more mobile data terminals go on-line, the cost is shared by the group. Another component of the agreement is that the City will only use the mobile data terminals for the purpose consistent with the terms of the grant, which is public safety.

C. Public Works Committee

From the meeting of June 14, Councilmember Buckhannon reported that beach sweeps had been the focus of work for May with five (5) sweeps during the month. Director Pitts reported that the remaining Mobi-mat was used to replace the worn mats at 42nd Avenue. Despite higher vehicle maintenance in May, the Department will end the year well under budget for the year. Garbage collection was up for May while debris was consistent with the previous month. The new ninety-five gallon (95 gal.) recycling bins

for single-stream recycling were delivered to residences from Breach Inlet through 30th Avenue.

The Public Works Committee will hold its next meeting at 5:00 p.m. on Tuesday, August 7 in the City Hall Conference Room.

Mayor Cronin requested, for former Mayor and State Representative Sottile, that the Public Works Committee look into amending the City's ordinances to include the blue recycling containers in the existing ordinance relative to the time rollout carts are to be placed out for pickup and returned to a residence.

D. Recreation Committee – No meeting in June.

E. Personnel Committee – No meeting in June.

Councilmember Thomas announced the May Safety Sweepstakes Winners as:

Recreation - Christina Willson
Police Department – Kraig Thompson

Public Works – Joseph Ancrum
Fire Department – Dana Burnette

F. Real Property – No meeting in June.

5. Reports from City Officers, Boards and Commissions

A. Accommodations Tax Advisory Committee – no meeting

B. Board of Zoning Appeals – no meeting

C. Planning Commission – minutes attached

6. Reports from Special of Joint Committees – None

7. Petitions Received, Referred or Disposed of – None

8. Bills Already in Possession of Council – Earlier in the meeting

9. Introduction of New Bills, Resolutions and Proclamations

Resolution Establishing Fund Balance Policies as Required by GASB #54

This GASB #54 resolution is required each year prior to closing the books with adjusted figures based on unaudited FY12 financial activity; the Committee waived the reading.

MOTION: Councilmember Loftus moved to adopt the GADB #54 resolution stating that funds have been “committed” in the amount of \$1,844,1547.57 for the Disaster Recovery Fund and in the amount of \$425,98.07 for the Recreation Ball Field Renovations; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Re-adoption of City’s Safety Policy

Administrator Tucker read the resolution into the minutes of the meeting after explaining that the City re-adopts the policy each year; she noted that it was a good practice for the policy-making body to make a statement regarding safety in the workplace. In addition, the Administrator commented that the City’s safety practices, when they are good, are reflected with discounts on insurance.

MOTION: Councilmember Bettelli moved to adopt the Safety Policy as described in the resolution; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business

Councilmember Bettelli reminded everyone that the Public Safety Committee had again approved the annual July 4th golf cart parade that begins around 11 a.m. on Charleston Avenue. Mayor Cronin added that, in 2011, approximately one hundred twenty (120) golf carts participated in the parade; Administrator Tucker noted that the 2012 parade theme is “Hats,” and pictures from the 2011 parade on are the City’s website.

Councilmember Buckhannon asked for an update on the recent meeting with Stantec on the wayfinding signs. The City Administrator said that the meeting had gone very well and that SC DOT had attended the meeting as well; Stantec had some very preliminary designs. As a result of that meeting, the City expects to see some visuals at the next Public Safety Committee meeting.

Administrator Tucker added that, when the City entered into the contract with Stantec, the City indicated that this could be a first step Stantec’s assisting the City as it works through the issues of parking island-wide.

Councilmember Loftus pointed out that the golf cart rental company has added advertising space on the side of the golf carts, and he is of the opinion that a prohibition to billboards on vehicles should be added to the City’s sign ordinance.

Councilmember Bergwerf voiced her understanding that a vehicle with advertising for a business cannot, for instance, be parked on a street corner for a weekend; Attorney Halversen agreed with her understanding that it could not be parked in a spot for the strict purpose of advertising. On the other hand, a vehicle with advertising on its side can be parked in a yard if it is primarily a mode of transportation/for personal use.

Mayor Cronin clarified that the ordinance does not mention moving vehicles; he referenced the fact that the CARTA buses now carry advertising.

Attorney Halversen commented that it is easy to get into commercial speech and First Amendment types of cases when trying to regulate this kind of advertising.

Councilmember Loftus said that he would like to change the City's sign ordinance to include prohibiting this advertising on low-speed vehicles. Attorney Halversen stated that Director Kerr had asked that she research the issue and that she has not completed that research, but she believes that to restrict this type of advertising "is going to be very hard to do without inviting constitutional litigation."

Next Meeting Date: 7:00 p.m., Tuesday, July 24, 2012.

11. Executive Session – not needed

12. Conclusion/Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:16 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk