

CITY COUNCIL

7:00 p.m., Tuesday, February 26, 2013

The regular meeting of City Council was held at 7:00 p.m., Tuesday, February 26, 2013 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 Bettelli moved to approve the minutes of the regular meeting of January 22, 2013 and the Special Meeting of February 5, 2013; Councilmember Stone seconded.

Councilmember Stone asked that the spelling of his name be corrected on page 1 of the January 22nd minutes.

Vote: The motion to approve corrected minutes PASSED UNANIMOUSLY.

3. Citizens' Comments

Battery2Beach – Tom Bradford, Consideration of Isle of Palms Route

Tom Bradford stated that he is the director of Charleston Moves, a bicycle and pedestrian advocacy group, and he resides at 18 State Street. He stated that about two (2) years ago he met with Mayor Cronin to introduce the Battery2Beach concept; since that time the program has gained traction. In a published study, the initiative is reported to bring forty million dollars (\$40,000,000) annually in tourism benefits to the area and substantial benefits healthcare cost reductions. Mr. Bradford indicated that this program is not geared to the "bike jock" crowd, but to those running errands close to home and those seeking recreational enjoyment. An intergovernmental working group made up of representatives from the six (6) municipalities impacted by the route, from SCDOT and from Charleston County, the decision-making body for the program. The Battery2Beach program has received a donation of one hundred thousand dollars (\$100,000) for signage for the initiative, and Mr. Bradford has had dialogue with Administrator Tucker relative to signage on the island. The intergovernmental group is presently working on the route, but they know that, over time as roads are improved and things are re-thought, this route may vary from what is proposed today. With the support of the communities involved, Mr. Bradford stated that the hope is for signage to be installed over the summer.

Mayor Cronin stated that, pursuant to a meeting with the Citadel engineering professor working on the route, he had proposed that the route not end at the County Park, but continue down 14th Avenue to Palm Boulevard, then left onto 21st Avenue and to follow Waterway Boulevard ending

at the IOP Marina. Mr. Bradford said that this suggestion would be a consideration for the working group to take under advisement in their decision.

Councilmember Loftus voiced his concern about the lack of biking infrastructure on the Isle of Palms creating a safety issue for cyclists on the island. He indicated to Mr. Bradford that the City needs help to encourage Charleston County and SCDOT to upgrade the island's infrastructure. Mr. Bradford stated that the working group has an on-going dialogue with both Charleston County and SCDOT, who had representatives in the working group.

Councilmember Stone asked what the anticipated timing was for the project, and Mr. Bradford responded that it was a work-in-progress and it would be up to the individual municipalities to make the necessary improvements to the sections of the route running through their jurisdiction.

Administrator Tucker asked for confirmation from Mr. Bradford that he was looking for the Isle of Palms to approve the route on the island since Battery2Beach would need the City's route approval in order to get an encroachment permit from SCDOT. The suggested route is entering the island at Breach Inlet on Palm Boulevard, turn onto Charleston to Ocean, to the County Park then down 14th Avenue onto Palm, left onto 21st Avenue, and then right onto Waterway ending at the IOP Marina. Mr. Bradford indicated that any suggestions regarding the route should be funneled to Douglas Kerr, the City's representative on the working committee, for presentation to the group making the route decision.

Councilmember Bergwerf noted that Ocean Boulevard does not have a designated bike lane, and Mr. Bradford countered that he views Ocean Boulevard as a low speed, low traffic road on the island, and, therefore, a natural fit for this purpose. If the City does not agree that Ocean is the proper route, Mr. Kerr needs to bring that to the attention of the intergovernmental committee.

MOTION: Councilmember Carroll moved to approve the route and to go forward with Battery2Beach program; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker explained that, for the past two (2) years, the City has sought funding from both the Transportation Sales Tax and County Transportation Committees for regulation bike paths on Palm Boulevard from Breach Inlet to 57th Avenue, but the City has not received any funding. She asked for any advocacy on the City's behalf that Mr. Bradford could provide as the funding decisions are imminent; the application this year has narrowed the request to one of surveying to determine whether it is possible to put regulation bike paths on both sides of Palm Boulevard from Breach Inlet to 57th Avenue. Mr. Bradford said he would be happy to send a letter supporting the City's request.

Leola Hanbury, 3203 Hartnett Boulevard, addressed City Council on the subject of the property the City acquired with Greenbelt funds on Palm Boulevard; she stated that she cannot call the space a park. She also questioned how the property came to be called Live Oak Park or designated as a park. Ms. Hanbury stated that probably three quarters (3/4) of the island's population and visitors live or visit on the northeastern part of the island and that represents a

huge number of vehicles; the number grows with the number of vehicles belonging to those servicing the residents and visitors. With those thoughts in mind, she suggested that the property should not have access, but be protected green space. Ms. Hanbury has observed that leaving Island Center and turning left means that the vehicle is taking a huge risk with that being the area where Palm Boulevard narrows from two (2) lanes to one (1); in addition, there are instances when tractor trailers delivery supplies to the businesses in that area have unloaded while parking in the center lane of Palm Boulevard.

Mayor Cronin stated that Council had not discussed what to do with the park, but they welcomed input from citizens relative to the use and name. He noted that the Greenbelt application required that the City name its project when it was submitted, and Live Oak Park seemed to be appropriate at the time.

Jim Raih, 3904 Cameron Boulevard, listed the activities in which he has been involved since he first came to the island in 1984. He explained that his wife, like so many other residents, gets her dog license and dog inoculations at Doggie Day at the Rec, which is held in February. This year, his dog got loose in January resulting in a one hundred fifty dollars (\$150) fine for an expired dog license. Mr. Raih suggested that dog license renewals coincide with Doggie Day rather than the calendar year. He referred to a committee discussion of bike paths on Palm Boulevard and voiced the opinion that the large number of curb cuts on Palm is the problem. From the minutes of the Special Meeting, he expressed thanks to Councilmember Ward for suggesting citizens' approval for the name of the Greenbelt property. Mr. Raih informed that traffic is traversing the barrier put at the end of Cameron Boulevard at 41st Avenue and asked that the barrier be fortified to prevent vehicles from driving over it.

Jim Owens, 2805 Palm Boulevard, spoke to Council on the consideration of amending the roll-out cart ordinance to include recycling bins. He stated that he keeps his recycling bin in the right-of-way for day visitors to deposit their recycling from their visit to the beach; since he started doing this, he has not had to pick up bottles, cans, paper products, etc. from in front of his home. He added that if the recycling bin is removed, the pickup of this garbage will fall to Public Works' personnel or to Bill Schupp's emptying of the one hundred fifty (150) yellow barrels, which costs the City eight dollars (\$8.00) for each dumpster load. In his opinion, having his recycling bin in the easement has saved the City money; he has also stopped drunken drivers from leaving the island. Mr. Owens stated that he thought the Mayor had the authority to ban parking on Palm Boulevard in a radius of one (1) mile from the City parking lots, and he asked that the Mayor take such action.

4. Reports from Standing Committees

A. Ways and Means Committee

From the meeting of February 19th, the Treasurer reported that, with a target of fifty-eight percent (58%), General Fund revenue is at fifty-six percent (56%) of budget and General Fund expenditures are at fifty-two percent (52%) of budget though January 13, 2013. Cash on-hand at the end of January was two and one half million dollars (\$2,500,000) which represents thirty percent (30%) of annual General Fund expenses. Municipal Accommodations Fees are running nine percent (9%) ahead of FY12; the first bi-annual payment from the Charleston County

Accommodations Pass Through was received in the amount of one hundred eighty-thousand dollars (\$180,000) – approximately ten thousand dollars (\$10,000) greater than FY12; and the decline in January's Hospitality Taxes is attributed to the three (3) businesses that closed, Huck's, Dominoes and the Red & White.

Mayor Cronin reported on the meeting he and the City Administrator had with the Director of the Department of Revenue (DOR) and the Administrator of Legislative and Local Government Services regarding the deficiencies the DOR has in remitting to all of the municipalities in the Charleston area the appropriate amount of accommodations taxes the state collects. The DOR has been remitting to Charleston County; the County does not know what to do with it and sent it back for a while; but the County is now keeping the money until the proper disposition can be ascertained.

Also discussed were on-line travel companies, i.e. Travelocity, Priceline, etc., are now reporting to the state and the county and remitting fees accordingly; they started making these payments in the last six (6) months.

The primary change in the status of ongoing projects was the reconciliation of the Beach Renourishment Fund that resulted in a balance remaining in the fund of six hundred thirty-nine thousand dollars (\$639,000) for future projects.

The Mayor recounted the issues with beach erosion at Folly Beach where the federal government/Corps of Engineers is obligated to eighty-five percent (85%) of the cost of renourishment, but has no money. The state provides no assistance as well; for the past couple of years, there has been a proviso in the state budget stating "funding for beach renourishment activities are suspended."

As the local beach municipality mayors have met of the past few months, they learned that North Charleston and the City of Charleston receive two percent (2%) accommodations taxes whereas the beach communities receive only one percent (1%). As a result of these discussions, Representative Sottile, along with twenty-four (24) co-sponsors, has filed a bill in the House entitled the Beach Preservation Act; this bill would permit all local municipalities that have beach activities to enact a one percent (1%) beach preservation fee. The funds could only be used for beach management.

1. Award of a contract to Henley's Construction in the amount of \$61,300 for the construction of a beach access at Pavilion Drive and Ocean Boulevard

MOTION: Mayor Cronin moved to award a contract to Henley's Construction as stated above; Councilmember Bettelli seconded.

Councilmember Ward asked how much money was in the budget for this project; Administrator Tucker responded that the budget was eighty thousand dollars (\$80,000).

Vote: The motion PASSED UNANIMOUSLY.

2. Approval of a change order to Stantec in the amount of \$12,450 for detailed design services, inclusive of Court and Live Oak Park, bid documents, bid assistance and construction management.

MOTION: Mayor Cronin moved to approve the Stantec change order described above; Councilmember Bettelli seconded.

Councilmember Ward again asked what the budget was for this project. Administrator Tucker responded that the money for this change order is additional money added to the project.

Assistant Dziuban explained that the wayfinding sign initiative was started after the FY13 budget was adopted; therefore, staff had to identify money that could be put toward it and identified fifty-two thousand dollars (\$52,000) to use toward the project. A project schedule showing these identified funds plus subsequent actions will be distributed and reviewed at the next Ways and Means Committee meeting. The Live Oak Park sign expense was likewise unbudgeted as that project was not contemplated in time for the FY 13 budget. The schedule shows the entire initiative as approximately \$1,000 below all identified funding and Council actions to date.

VOTE: The motion PASSED UNANIMOUSLY.

The Committee discussed the funding requests for Transportation Sales Taxes and decided upon the first priority to be Phase II of the drainage project between 46th and 52nd Avenues and the second priority to be bike paths on both sides of Palm Boulevard from Breach Inlet to 57th Avenue.

In addition the Committee discussed the possibility of changing the date on which business licenses are due. The discussion will continue at the March meeting.

Capital budgets and the long-range capital plan were given an initial review, and the possibility of City-provided tablets for use by City Council was discussed.

The next Ways and Means Committee meeting will be at 5:45 p.m. on Wednesday, March 20th; the date has been changed due to the Primary for Congressional District 1 that will be held on Tuesday, March 19th.

B. Public Safety Committee

At the Public Safety Committee meeting of February 12th, the Committee considered extending the hours of the parking kiosks, but decided not to extend them because many residents do not go to the Front Beach businesses until the kiosks are no longer monitored. The Committee reviewed the change order to Stantec and was informed about the blinding effect of lasers on search and rescue vessel pilots. Director Kerr advised the Committee on the Battery2Beach initiative and the proposed route over the Isle of Palms. Acting on a request from a resident, the City asked for SCDOT to evaluate the stop control at 5th Avenue and Carolina Boulevard; the review did not find a compelling reason to change the stop control at that intersection. Bobby Ross, manager of The Windjammer, sought approval from the Committee to sponsor volleyball leagues in the spring and summer for island youths.

MOTION: Councilmember Ward moved to approve volleyball leagues at The Windjammer as a City-sponsored event; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

The Committee discussed the Transportation Sales Tax funding request priorities; its recommendation was first for drainage and second for Palm Boulevard bike paths.

At the recommendation of the Public Works Committee, the Public Safety Committee discussed right-of-way encroachments relative to recycling bins.

MOTION: Councilmember Bettelli moved to amend the City's rollout cart ordinance to include recycling bins; Councilmember Bergwerf seconded.

Councilmember Carroll expressed opposition to this action, stating that recycling is voluntary and a new law may deter people from recycling.

Councilmember Ward stated that the amendment was environmentally and fiscally irresponsible.

Councilmember Bergwerf voiced the opinion that the recycling bins are trash bins and should be treated the same.

Councilmember Bettelli thought that part of the issue was education of island residents and visitors; he voiced confidence that people will use the recycling bins, but they need to know when to take them out. In his opinion, visitors to the Isle of Palms are in tune with the environment.

Councilmember Loftus agreed that recycling was just a matter of a change in the way people dispose of their trash; it is good for the environment and keeps tax dollars down. He stated that he counts on people wanting to do the right thing and be good caretakers of the island.

Councilmember Stone said that he was opposed to punishing people for doing the right thing; he added that he would be more agreeable to a warning than to a fine. In his opinion, a fine would discourage people from recycling to a point that they would stop recycling all together, which he thought would be the case for rental properties.

Mayor Cronin informed the Councilmember that the first action was a warning, not a citation; Administrator Tucker explained that three (3) warnings are issued before a citation is given.

Councilmember Buckhannon, Chair of the Public Works Committee, stated that the Public Works Committee had discussed this twice and not passed an action on recycling bins. He described that he had driven over the island on Thursday, which was the last recycling day, and had not seen any recycling bins on the side of the roads he travelled. He does not believe that this is a problem on the island, and, for those who do think recycling bins in the right-of-way is a problem, he said there is an ordinance, Article A, §3-1-1 of the City code, on the books to deal with it.

Councilmember Carroll recalled discussion in Public Works Committee meeting about an educational campaign that the County was going to provide for the City. He asked about the status of the program.

Administrator Tucker said that Charleston County had done a few things, but they may not have done enough. They were very interested in feedback from the City and were committed to do something.

VOTE: The motion PASSED on a vote of 5 to 4; Councilmembers Buckhannon, Carroll, Stone and Ward cast dissenting votes.

The Public Safety Committee reviewed the capital budgets for the Fire and Police Departments.

In highlights from the Fire Department report, Councilmember Bettelli stated that Fire Department personnel responded to a mutual aid structure fire in Awendaw and extricated three (3) people from a condominium complex in Wild Dunes. During the month of January, personnel responded to nine (9) calls, seven (7) of which were EMS calls.

From the Police Department, Captain Usry had reported that burglaries continue to be a problem on the island; four (4) televisions were taken from an unlocked residence on the north end of the island, six (6) televisions were stolen from an unlocked residence on Ocean Boulevard, and iPads and other electronics were stolen from unlocked vehicles. Councilmember Bettelli encouraged all residents to lock their homes and vehicles. Captain Usry also announced that AAA Carolina has awarded the City one (1) of the five (5) traffic safe cities in the state. In January, dispatchers responded to four thousand three hundred eighty-one (4,381) calls, an increase of seventeen percent (17%) over January 2012. There will be a Wounded Warrior Ride on Thursday, March 14th, 2013; this is not a City-sponsored event, but the bikers will have a police escort for their route on the island. Again this year, Fire Department personnel will be collecting for Carolina Children's Charities early in March.

The next Public Safety Committee meeting will be at 5:00 p.m., Tuesday, March 12 in the City Hall Conference Room.

C. Public Works Committee

The February 6th meeting began with the Director's report of January activities that had focused on Charleston County's cleaning of the vegetation from island ditches. Personnel also cleaned the sidewalk at Breach Inlet from 10th Avenue to 13th Avenue, and SCDOT was on the island correcting some deteriorating sidewalks. Director Pitts had reported that vehicle maintenance had been unusually high due to the purchase of four (4) tires. Garbage collection was down twenty tons (20T), but yard debris increased substantially in January.

The Committee discussed the idea of amending the City's tree ordinance to provide relief for homeowners who have trees that are undermining the structural integrity of their homes and to exempt invasive trees. The Committee sent the issue to the Planning Commission to discuss Director Kerr's recommendations. The Committee discussed the issue of recycling bins in the right-of-way.

The Committee was advised on the Public Works site reconfiguration; forty-four thousand dollars (\$44,000) is in the FY13 budget for this project. No work has been done on this project due to the SCE&G tower that will be constructed and the easement granted to them for laying electrical lines. Since the City has been notified that the Public Works site may be out of compliance with NPDES regulations, staff decided to proceed with the plan to renovate the City Hall parking lot. The issues to be addressed with the renovation are broken parking stops with visible and protruding rebar and improved ingress/egress on Oak Harbor assuming SCDOT approves the encroachment permit. In addition, landscape architect Kelly Messier found that the City was not in compliance with the handicapped access requirements which are resolved in her plan.

MOTION: Councilmember Buckhannon moved to proceed with the work in the City Hall parking lot minus the ingress/egress on Oak Harbor; Councilmember Loftus seconded.

Mayor Cronin noted that the City has received the encroachment permit since the Public Works meeting.

Amendment: Mayor Cronin moved to amend the motion to include the ingress/egress on Oak Harbor; Councilmember Bettelli seconded.

Councilmember Buckhannon commented that the City was going to realize a considerable cost savings on the ingress/egress because the contractor re-paving the street for SCDOT has agreed to do the work at no charge to the City.

Councilmember Loftus stated that he is not in favor of having two (2) drives exits onto Oak Harbor; he noted that the drives may be installed for free, but the maintenance of them will be an expense to the City. He indicated that he, in his opinion, the property is too small to need three (3) access points and prefers to block one with shrubbery.

Mayor Cronin commented that the landscape architect had recommended two (2) in her plan, and Councilmember Buckhannon added the SCDOT approved two (2).

Vote on Amendment: The amendment PASSED UNANIMOUSLY.

Vote on Amended Motion: The amended motion PASSED UNANIMOUSLY.

Also discussed by the Public Works Committee were the capital budget and long-range capital plan, funding priorities for the Transportation Sales Taxes, and the roads to be re-surfaced through County Transportation Committee funds.

Councilmember Buckhannon announced that the third annual Hazardous Household Materials Recycling and Shred Day will be from 9:00 a.m. to noon on Saturday, March 16, 2013 in the City parking lot. Councilmember Bettelli stated that tires can be recycled at the Awendaw recycling site.

The next meeting of Public Works will be at 5:30 p.m., Thursday, March 7, in the Conference Room.

D. Recreation Committee

From the meeting of February 11th, Councilmember Bergwerf reported that registration for spring adult softball and basketball, men's and co-ed soccer and table tennis concluded last week. The First Pitch Half Rubber Tournament will be held Saturday, March 23rd and a minimum of twelve (12) teams are expected to register. Basketball for all ages began in January and a total of eighteen (18) teams participated. Councilmember Bergwerf commented that the Committee and Director Page have been working the past couple of months with a request from Sullivan's Island to share the same registration period that Isle of Palms' residents have; Director Page and her staff concluded that this was a positive action, and, islands' children will have a registration period prior to opening it to non-resident participants.

Director Page stated that she and her staff make every effort to accommodate residents; for instance, if a family that regularly participates in Recreation Department activities, but has not registered for a particular activity, a staff member has called the family to ensure that they have the opportunity to register on time.

If enough girls register for softball, Mount Pleasant has agreed to allow the team to participate in their league; this activity is for girls between the ages of nine and eleven (9-11). The January Middle School Dance drew three hundred fifty (350) young people to the Rec Center to dance, sing and go down the double slide. Doggie Day at the Rec was a success despite being a bit wet; the number of dog tags issued was down about twenty percent (20%). Councilmember Bergwerf expressed her agreement with Mr. Raih's suggestion that dog licenses expire on Doggie Day

The Easter Egg Hunt will take place on Saturday, March 30th; approximately eight hundred (800) children participated last year.

Despite being available and being used three hundred fifty-three (353) hours in January, the Recreation Department staff did not generate any overtime.

Like all committees, the Recreation Committee had an initial review of the FY14 capital budget.

The Recreation Committee meets again at 4:00 p.m., Monday, March 4, 2013 in the Conference Room.

E. Personnel Committee

At the meeting of February 7th, the Committee focused on the FY14 capital budgets for General Government and the Building Department.

Safety Sweepstakes winners for January are:

General Government – Amy Lee
Police Department – Jeff Swain

Public Works – Joseph Ancrum
Fire Department – Mike Ciappa

The Personnel Committee will hold its next meeting at 9:00 a.m., Thursday, March 7th in the Conference Room.

F. Real Property Committee

At the Real Property Committee meeting on February 7th, Steven Traynum of Coastal Science and Engineering (CSE) presented the results of the most recent beach monitoring, July 2012; the essence of the monitoring was that the area between 53rd Avenue and the Cedar Creek spit has four hundred fifty-six thousand cubic yards (456,000 cy) more sand than before the 2008 project. Hurricane Sandy brushed the coast after the monitoring, so the results presented are not the condition of the beach today. Mr. Traynum also expressed CSE's opinion that Breach Inlet will heal itself as it has historically done; CSE was not in a position to say how long that healing process would take. In addition, Mr. Traynum gave an update on the City's request for permit modifications to allow for an additional scraping; OCRM has scheduled a public hearing on the request for 6:00 p.m., Tuesday, March 12, 2013 in Council Chambers.

In addition, Marina Manager Brian Berrigan, Scott Meister of SC DNR and John Shaffer of Ocean and Coastal Consultants made a presentation to the Committee about the Boating Infrastructure Grant program, which may be a source of funds for proceeding with the Mr. Berrigan's Marina Master Plan. In addition to construction, these grant funds can be used for soft costs, like surveys, permitting, engineering and design, bidding and construction administration, floating transient dock, fixed dock, fuel system, etc. Informational meetings will take place in March with the application due July 1, 2013.

The Committee considered extended hours for the municipal parking lots, but the decision was not to do so. Real Property Committee reviewed the capital budgets for beach restoration and the Isle of Palms Marina. Approval was given to renovate the City Hall parking lot, and the Committee was informed that one (1) marina tenant was behind in its financial obligation to the City, but has become current since the meeting.

The Real Property Committee will meet next at 5:30 p.m., Wednesday, March 6, 2013 in the Conference Room.

5. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – no meeting in February
- B. Board of Zoning Appeals** – minutes attached
- C. Planning Commission** – minutes attached

6. Reports from Special or Joint Committees – None

7. Petitions Received, Referred or Disposed of – None

8. Bills Already in Possession of Council

9. Introduction of New Bills, Resolutions and Proclamations

10. Miscellaneous Business

Next Meeting Date: 7:00 p.m., Tuesday, March 26, 2013

11. Executive Session to receive legal advice relating to potential legal claims.

12. Conclusion/Adjourn

MOTION: Councilmember Loftus moved to adjourn the meeting at 8:42 p.m.; Councilmember Bettelli seconded, and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk