

CITY COUNCIL

6:00 p.m., Tuesday, October 25, 2016

The regular meeting of City Council was held at 6:00 p.m., Tuesday, October 25, 2016 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Carroll, Ferencz, Harrington, Kinghorn, Rice and Ward, Mayor Cronin, City Administrator Tucker, City attorney Halversen, and Assistant Administrator Fragoso. A quorum was present to conduct business.

1. Mayor Cronin acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act. Following a brief invocation and the Pledge of Allegiance to the Flag, Administrator Tucker stated that all members of Council were present, as well as the City Attorney, Assistant City Administrator and herself, the City Administrator.

2. Reading of the Journals of Previous Meetings

MOTION: Mayor Cronin moved to approve the minutes of the regular meeting of September 7, 2016 as submitted; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

The Mayor stated that "the citizens of the island are truly blessed with the service" the City's employees have shown to them, from the Administrator on down and through every department, with preparation before, during the storm and in the recovery phase after Hurricane Matthew. The work continues, but fortunately the City dodged a bullet.

4. Reports from Standing Committees

A. Ways and Means Committee

From the regular meeting of the October 18th, the Mayor stated that General Fund expenditures were running at twenty-three percent (23%) of budget, and being one quarter ($\frac{1}{4}$) of the way through the fiscal year, the target was twenty-five percent (25%). Revenues were running one hundred twenty-nine percent (129%) ahead of the same period last year; this increase is primarily due to the change the City made in the parking lots and other summer incomes. Rental License revenue is one hundred two percent (102%) of the prior year. The only tourism fund to see a change from last month was the Hospitality Tax revenue that was running six percent (6%) ahead of where it was last year. Administrator Tucker reported that City staff and the City Attorney continue to work to finalize the changes to the procurement ordinance.

1. Reporting of emergency contracts awarded

a. The emergency contracts that were awarded in the wake of Hurricane Matthew were reviewed as follows:

1. A \$30,000 contract to Coastal Science and Engineering for the post-Matthew beach survey. The survey has been completed, but the City has not yet received the report. Administrator Tucker explained that the City had not yet been notified that Charleston

County has received the disaster declaration that would include all categories of expenses reimbursable by FEMA, but it was expected by the end of business tomorrow.

2. A contract, not to exceed \$127,000, with Ashridge/Fort Moultrie to construct replacement dunes for properties in Beachwood East, Dune Crest, Seascape, Grand Pavilion and Ocean Club Building 1, as well as the 100 to 500 block of Ocean Boulevard.

2. Approval of an expense of \$2,400 annually for electricity and cable to make the traffic camera at Rifle Range Road and the Connector accessible through the SCDOT 511 system

MOTION: Mayor Cronin moved to approve an expense of \$2,400 annually for the traffic camera at Rifle Range Road and the Connector to be accessible through SCDOT 511; Councilmember Bettelli seconded.

The Administrator reported that the camera is pointed in the right direction and that is on a swivel, but the City will have it pointed toward the Connector.

Councilmember Carroll added that Sullivan's Island has agreed to pay the same expense for the camera pointing to it to be accessible to SCDOT 511 as well.

VOTE: The motion PASSED UNANIMOUSLY.

3. Award of a contract to Jones & Frank in the amount of \$10,499.52 for an electronic leak detection system for the underground storage tank at the Public Safety Building

MOTION: Mayor Cronin moved to award the contract detailed above to Jones and Frank; Councilmember Bettelli seconded.

The Mayor stated that this would mark the end of a long struggle staff has been dealing with in getting DHEC's approval for leak detection at the Public Safety Building.

VOTE: The motion PASSED UNANIMOUSLY.

Under emergency conditions, the City is considering issuing a contract for the analysis of the docks at the marina to ensure that they did not sustain any damage that would be hidden except at low tide.

Administrator Tucker also reported that the City had proceeded with the budgeted expense of the attachment to the skid steer to enable it to pick up debris and load it into trucks; the one (1) the City is using now is borrowed from the vendor until the City's unit arrives.

The next Ways and means Committee meeting will be November 15th in Council Chambers.

B. Public Safety Committee

From the October meeting, Councilmember Bettelli reported that the Committee gave unanimous approval to allowing HGTV's television show *Island Life* to film three (3) episodes over three (3) weeks in the month of October. The producer said that the filming would not be disruptive to the island and would not require special assistance from public safety personnel. The Committee also discussed encroachments in the rights-of-way and learned that police officers would begin inventorying the encroachments that represent safety hazards during the month of October. On September 16th through September 22nd, a speed survey was conducted on 41st Avenue where the speed limit is twenty-five miles per hour (25 mph); the results are as follows:

<u># of cars</u>	<u>speed</u>
4,841 (44%)	25 mph or less
9,267 (83%)	30 mph or less
10,873 (98%)	35 mph or less
11,109 (99%)	less than 40 mph
20	exceeded 40 mph
4	exceeded 45 mph

In summary, the majority of vehicles on 41st Avenue are driving less than thirty-five miles per hour (35 mph); that speed is where enforcement normally begins. Councilmember Bettelli reminded Council that new speed devices have been ordered that will be installed on the speed limit signs to inform drivers if they are going faster than the posted speed limit.

Referring to the Fire Department's September report, the Councilmember noted that personnel responded to a possible structure fire in Wild Dunes that turned out to be a lightning strike; residents were not home at the time, but damage occurred to both the interior and exterior of the structure. On September 13th, personnel responded to a call of a person in the water between IOP and Goat Island; once he was pulled from the water, he was transported. Personnel also responded to a report of a swimmer in distress in the water in the area of the County Park on September 16th; the crew determined that the person had gone into cardiac arrest. After basic life support protocols were initiated, the person was turned over to Charleston County EMS and transported to a local hospital. In the month of September, personnel responded to ninety-one (91) calls, of which forty-one (41) were EMS. Although the QRV has been removed from the island 24/7, Charleston County's goal is to have an ambulance or other transport unit on the island quicker. The Fire Inspector conducted nine (9) inspections and located thirty-nine (39) violations. In advance of the impending storm, Administrative Assistant Golden called all residents on the City's Priority Assistance list.

For the Police Department, Chief Buckhannon reported that the kiosks on Front Beach and in the municipal parking lots have been covered for the winter months. Information is that one thousand forty-one (1,041) runners/walkers participated in the IOP Connector Run on October 1st. The Lunch Buddies program re-started at Sullivan's Island Elementary School on September 30th; on October 1st, Officer King spoke to the Keenagers about identify theft.

Councilmember Bettelli added the Public Safety Committee's thanks and praise for City personnel in the days before and continuing now for their service to the City.

The Public Safety Committee will hold its next meeting at 9:00 a.m. on Monday, November 7th in the City Hall Conference Room.

C. Public Works Committee

From the Public Works Committee meeting of October 11th, Councilmember Ward reported that Ann Mahon, 7 Wills Way, asked for the Committee's assistance to get the overgrown lots at 31st and Wills Way cleared as they are habitats for rats and coyotes. She made references to the City Code saying that the owner was responsible for maintaining the lots, but that the City has some leverage when they do not. Administrator Tucker said that she would keep Mrs. Mahon abreast of actions the City might take. In the aftermath of Hurricane Matthew, Chair Ward reported that several residents had called him about the stair structures extending from private residences over the dunes that have become dislodged and were dangling over the beach with no support. Director Kerr explained that OCRM has jurisdiction over these walkovers. He has unofficially learned that if the space is habitable, OCRM will handle it, but, if it is not habitable, such as a deck, walkover or boardwalk, the responsibility will fall to the local government. The City's procedure has been that, if the structure is unattached, Public Works personnel will remove it, but, if it remains attached, the property owner will be asked to take care of it. Currently, staff is inventorying these locations to reach out to the property owners first in case they plan to remove them and are working toward that goal. If the property owners ignore the City's outreach, the City will order these structures to be removed, which could lead to court action. In talking with a contractor, Councilmember Ward has learned that, contrary to OCRM regulations, some of the walkovers have been built with four by fours (4 x 4) or even six by sixes (6 x 6); some are even anchored in concrete.

Director Kerr stated that the City specifies that these boardwalks are to be constructed with nothing heavier than a two by six (2 x 6) or a four by four (4 x 4); residents are also advised that they are not to use concrete. He indicated that non-compliant boardwalks have been seen since the sand eroded away, and, when they are uncovered, they must be removed.

Following up on the progress with the golf cart path, Councilmember Ward noted that the contractor was working today on constructing a fence, and it should be completed shortly. The Committee discussed and unanimously approved the proposal from Jones & Frank for the electronic leak protection system for the Public Safety Building. The Administrator gave an after-Matthew report and indicated that the County expected a disaster declaration for the County that would make storm damages and related expenses to be reimbursable from FEMA at seventy-five percent (75%).

The Public Works Committee will hold its next meeting at 11:00 a.m., Wednesday, November 2nd in the City Hall Conference Room.

In conclusion, Councilmember Ward stated that he had received a lot of compliments on the Police Department's handling of re-entry to the island after Hurricane Matthew.

Mayor Cronin reported that staff continues to work diligently on getting debris removed by Charleston County; Public Works is sweeping its way across the island moving east. The Administrator has assured the Mayor that they will complete the first pass by the end of the week.

Responding to Councilmember Carroll, Administrator Tucker voiced the opinion that the golf cart path was not going to be wide enough for two (2) carts to pass safely.

D. Recreation Committee

Although the Recreation Committee did not meet in October, Councilmember Carroll reported that “Ghostly Tide Tales” held the previous Friday evening was the best one to-date – the weather was great, the attendance was great and the stories were the scariest. On Monday, the annual Halloween Carnival will be at the Rec Center beginning at 5:00 p.m. to 7:00 p.m.; the Councilmember encouraged everyone to attend.

The next meeting of the Recreation Committee will be at 9:00 a.m., Wednesday, November 2nd in the City Hall Conference Room.

E. Personnel Committee

From the meeting of October 13th, Councilmember Harrington reported that the Committee voted unanimously to defer the City Administrator’s personal goal for 2016; the time consumed after Hurricanes Joaquin and Matthew to recover and to gather the data for filings with FEMA for reimbursement have robbed her of the dedicated time complete the goal to her satisfaction. The Committee then considered the responsibilities of the Personnel Committee as stated in the City Code and voted unanimously to add language reflecting the Committee’s involvement with filling positions on boards and commissions. The Committee recommended the following persons to fill expiring terms on boards and commissions:

- Elizabeth Campsen to fill the unexpired 3-year term of Jay Leigh on the Board of Zoning Appeals; and
- Re-appoint as follows:

*ATAX	Malcolm Burgis, Sally Muhlig and David Nelson
*Board of Zoning Appeals	Carolyn Holscher and Elizabeth Campsen
*Code Board of Appeals	Brian Garner
*Planning Commission	Vincent DiGangi, Rick Ferencz, Lewis Gregory and Bill Mills
- Appoint Rusty Williamson ATAX Committee, Cultural Seat

A lengthy discussion took place over the policy for the use of electronic devices by elected officials and their related email accounts; a key topic was the discoverability of information on these devices relative to litigation against the City and FOIA requests. Assistant Administrator Fragoso has assured Council members that they will get training on the iPads and that she was even preparing a user’s manual. (A copy of the policy is attached to the historical record of the meeting.)

MOTION: Councilmember Harrington moved to approve the recommended appointments and re-appointments to boards and commissions as previously stated; Mayor Cronin seconded.

Councilmember Ward asked how Mr. Williamson qualified for a cultural seat, and the Administrator responded that it was based on his work in photography.

VOTE: The motion PASSED on a vote of 7 to 1 as Councilmember Ferencz recused herself due to her familial relationship with a candidate for re-appointment.

MOTION: Mayor Cronin moved to adopt the Policy for Elected Officials' Use of Electronic Devices and Email Accounts; Councilmember Carroll seconded.

Based on Councilmember Carroll's question, the Administrator stated that staff had researched the policies of other local governments in the area who use electronic devices in writing the policy for the City of Isle of Palms; Attorney Halversen added that much of the City's policy had come from the policy Mount Pleasant established.

Councilmember Rice asked when staff planned to initiate the use of the iPads for Council, and Administrator Tucker explained that the current delay is due to Microsoft 365. The City is actually doing two (2) things at once, i.e. getting the iPads useable by everyone and transferring the City's email hosting from VC3 to Microsoft 365 as well; migrating the emails is taking the most time. At this time, staff hope to introduce them to Council at the first of the year, which is later than originally scheduled.

VOTE: The motion PASSED UNANIMOUSLY.

The Personnel Committee talked about consent agendas and their use by Council; consent agendas were seen as another way to be more efficient by eliminating the discussion of the same issues multiple times and repeating the same comments. Consent agendas would include non-controversial matters like minutes, committee reports, etc.; items to be included on a consent agenda would typically be sent out in advance of the meeting agenda preparation to ascertain if any item(s) should not be included. At the Administrator's request, the use of consent agendas would be phased in beginning with City Council and Ways and Means Committee meetings.

Administrator Tucker stated that, since this meeting, she had picked up an agenda when she attended the applicants' briefing at Charleston County; embedded in that County Council Agenda was a consent agenda section. The only area of concern for the Administrator is that the items included on the consent agenda imply to the public that decisions have already been made and no discussion will occur on the topic at the meeting, thereby, discouraging them from attending. If, in the course of the meeting, a Councilmember indicates that he/she would like to discuss an item and remove it from the consent agenda, the public, not realizing that could happen, would not be present to hear the discussion and feel as if it had been deprived of the opportunity to hear the debate.

Councilmember Carroll voiced his agreement with the Administrator's concerns; he recalled a recent Council meeting where a motion had been made to pass six (6) or seven (7) items together, and he did not feel that these items had been thoroughly vetted in public as he thought they should have.

Councilmember Harrington reiterated that the goal of the use of consent agendas was to be more efficient and not to eliminate debate on a subject.

The Mayor added that the consent agenda would have to be published prior to the full agenda to see if a Councilmember wanted more discussion or information on a subject; the item would then be listed separately on the regular meeting agenda. He also indicated that he would like to adopt the changes to the procurement ordinance prior to implementing consent agendas because some items could be eliminated from an agenda based on those changes.

Employee vacancies in the City are a Permitting Clerk in the Building Department effective January 1, the Payroll/Human Resources Officer in General Government and four (4) police officers. The Administrator reported that staff will be interviewing applicants for the HR/payroll position through Thanksgiving week; candidates for the police positions are currently going through background checks.

The September Safety Sweepstakes winners were Andy Sinwald of the Recreation Department, Jane Stewart of the Police Department, Chris Fassos of the Fire Department and Joseph Ancrum of the Public Works Department.

The Committee decided not to meet again in 2016 and did not set a January meeting.

F. Real Property Committee

Reporting on the meeting of October 10th, Councilmember Bergwerf said that Carla Pope of Morgan Creek Grill informed the Committee that the restaurant had fared Hurricane Matthew relatively well despite the wind and rain. A small awning at the back of the building was blown off the building and into an air conditioning unit, an ice condenser and one (1) small puncture in the roof system; smaller losses were fans from the upper deck, one (1) television. Insurance claims will be filed for those losses, and the restaurant plans to re-open on Tuesday, October 11th. As for the loss of revenue, Ms. Pope told the Committee that MCG does have business interruption insurance to cover some of that loss, but the restaurant had anticipated a big week with weddings and the pig roast planned for Saturday. Mr. Berrigan had reported that the store also had not sustained any major damage; he managed to get the store open very quickly after the controlled-access began and was pumping gas. Based on the updated appraisal, the value of the public restrooms has increased, so Director Kerr was getting new estimates for repairs and improvements identified earlier; work on the mural will begin on November 30th. Hurricane Matthew actually washed sand back on the 49th Avenue beach access, but Steven Traynum, beach consulting engineer, agreed that the beach access still needs work and recommended that the City proceed with its plan because the elevation of that area needs to be raised. The Comprehensive Beach Management Plan has gone out for public comment; staff is working with Chris Jones to respond to changes that OCRM requested. On the subject of the beach renourishment project, staff continues to work on an acceptable way for the City to harvest sand from the same site used for the 2008 project. The Administrator reviewed with the Committee the damages and expenses the City incurred as a result of Hurricane Matthew; damages included siding off City Hall and six (6) to (8) additional leaks in the Public Safety Building. Due to the destruction of the dunes on the north and south ends of the island, an emergency contract was executed with Ashridge/Lake Moultrie for create protective dunes by scraping sand at low tide and moving it in front of the properties endangered by the hurricane. A second emergency

contract was executed with Coastal Science and Engineering for a post-storm survey of the changes to the shoreline.

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Mayor Cronin reported that a team from the Fire Department went to Edisto Beach to assist with their post-Matthew cleanup; they were at Edisto for several days cutting trees and whatever else was needed to aid in their recovery.

5. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – no meeting in September
- B. Board of Zoning Appeals** – no meeting in September
- 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

Second Reading of Ordinance 2016-08 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-38, Table of Permitted Uses in Commercial Districts, of the City of Isle of Palms Code of Ordinances to Prohibit Mobile and Temporary Units Being Used for Outdoor Sale or Rental of Personal Property, Except During City-Hosted, -Sponsored or –Sanctioned Special Events

MOTION: Mayor Cronin moved to suspend the reading and to approve for Second Reading Ordinance 2016-08; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

Second Reading of Ordinance 2016-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-16, Temporary Uses, of the City of Isle of Palms Code of Ordinances to delete reference to mobile homes, storage and office trailers used for temporary housing, storage and offices for City emergency and public safety equipment and personnel as permitted temporary uses.

MOTION: Mayor Cronin moved to suspend the reading and to approve for Second Reading of Ordinance 2016-09; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations – None

10. Miscellaneous Business

Special Council Meeting: 3:00 p.m., Tuesday, November 1, 2016
Next Regular Meeting Date: 6:00 p.m., Tuesday, November 15, 2016

11. Conclusion/Adjournment

MOTION: Councilmember Carroll moved to adjourn the meeting at 7:18 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk