

City Council

7:00 p.m., Tuesday, November 16, 2010

The regular meeting of City Council was held at 7:00 p.m. on Tuesday, November 16, 2010 in Council Chambers of City Hall located at 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening and Stone, Mayor Cronin, Assistant to the Administrator Dziuban, City Attorney Halversen and City Clerk Copeland; Administrator Tucker was ill. Despite Councilmember Thomas' excused absence, 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. The Mayor delivered a brief invocation and led the Pledge of Allegiance; the roll call by Clerk Copeland followed.

2. Approval of Previous Meetings' Minutes

MOTION: Councilmember Stone moved to approve the minutes of the Special Meeting of October 19, the Revocation Hearing of October 26, and the regular meeting of October 26, 2010 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Mayor Cronin asked employees of the Isle of Palms Post Office to come forward as he read a proclamation, as a motion, recognizing the island's post office personnel for their service to the community over ninety-seven (97) years. In attendance from the post office were Postmaster Lori Gates, Jackie Oree, Terry Hughes and Brenda Pinckney; a copy of the proclamation is attached to the historical record of the meeting.

The motion to adopt the proclamation was seconded by Councilmember Buckhannon and PASSED UNANIMOUSLY.

Toby VanBuren, 1279 West Vagabond Lane, Mount Pleasant, stated that he was a commercial shell fisherman, and he was appearing before Council to describe the pollution problems that exist behind the island and to request the formation of a committee to investigate the problem. He displayed maps of the area behind the Isle of Palms that illustrated the dramatic increase from 2007 to 2009 in areas closed to the harvesting of shell fish by DHEC due to fecal coliform contamination. Among the agencies that would provide assistance to a committee are Sea Grant, the Clemson Extension and DHEC; the work of the committee would be to re-visit the 2004 study and to determine whether its recommendations were carried out. In discussing the problem previously with Administrator Tucker, she had suggested that the committee should be composed of members from both City Council and the IOP Water and Sewer Commission plus a couple of concerned citizens and Mr. VanBuren.

Councilmember Duffy asked to suspend the rules to allow for a motion during Citizens' Comments.

MOTION: Councilmember Duffy moved to form an ad hoc committee to investigate the deterioration of water quality behind the Isle of Palms; Councilmember Bergwerf seconded.

Mayor Cronin commented that the earlier study had been quite expensive, but that it had not cost the City any money because it had been funded with grants. The City would again seek other sources of funding for this research.

The Mayor asked that each member of Council submit the name of a resident interested in serving on the committee, the Water and Sewer Commission would be contacted and a couple of members of City Council would be chosen to serve. Mayor Cronin hoped to announce the makeup of the committee at the December meeting.

VOTE: The motion PASSED UNANIMOUSLY.

4. Reports from Standing Committees

A. Ways and Means Committee

Mayor Cronin stated that the meeting had taken place earlier in the evening and that Treasurer Suggs had reported on the City's financial position through the end of October 2010. The City's expenditures are trending below the target of thirty-three percent (33%), and revenues are close to meeting budget.

1. Award of Contract to Herndon Chevrolet for 3 Chevrolet Impalas at State Contract Pricing of \$19,957/each, or \$59,871.00.

MOTION: Mayor Cronin moved to award a contract to Herndon Chevrolet for 3 Chevrolet Impalas totaling \$59,871; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

2. Award of Contract to Safe Industries for air packs in the amount of \$22,790.00.

MOTION: Mayor Cronin moved to award a contract to Safe Industries in the amount of \$22,790.00 for air packs; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Award of Contract to W.E. DeLonge Electrical LLC in the amount of \$56,905.31 for Front Beach Lighting; funding from the FY11 Budget, the Aisle of Palms Fund and the Energy Grant.

MOTION: Mayor Cronin moved to award a contract to W. E. DeLonge Electrical as stated above; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

4. Approval of Lease Amendment for Tidal Wave Water Sports.

MOTION: Mayor Cronin moved to approve the amendment to the Tidal Wave Water Sports lease; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

B. Public Safety Committee

Councilmember Bettelli stated that Suzanne Bland had appeared before the Committee with a well-prepared presentation requesting approval from the City to hold the MS Challenge Walk on the island over the weekend of March 4-6, 2011. Ms. Bland had explained that the walk would cover fifty (50) miles over three (3) days beginning in Charleston going to Mount Pleasant and ending on the Isle of Palms; she described the average walker as a female approximately forty-eight (48) years old with an income in excess of one hundred thousand dollars (\$100,000) a year. No Isle of Palms resources would be required. The Committee approved the MS Challenge Walk; the event will not be added to the City's list of approved annual events.

MOTION: Councilmember Bettelli moved to approve the MS Challenge Walk for March 4-6, 2011 as described; Councilmember Bergwerf seconded.

Mayor Cronin asked if the event would take place on the island for two (2) years; Councilmember Bettelli responded that the group has a two-year (2 yr.) contract with Wild Dunes Resort and that they were seeking a permanent home for the event.

Vote: The motion PASSED UNANIMOUSLY.

In an update on the digital radio tower, Councilmember Bettelli related that Chiefs Buckhannon and Graham and Administrator Tucker had been given a presentation by the radio team from Charleston County and the Charleston County Administrator. From the meeting, the Administrator had learned that the County is clearly committed to Motorola, the County is not contemplating a return to analog, and the County is committed to solving the problems with the system with Motorola. Although the County plans to finalize its contract with Motorola before the end of the year, they are not pressuring the Isle of Palms to make a decision before the City can learn whether other planned improvements to the system would eliminate the need for a tower on the island. Motorola has asked to evaluate the 41st Avenue tower to determine whether its height could be extended to provide the service needed for the island's public safety personnel. Councilmember Bettelli added that the City has responded to a Freedom of Information Act request from *The Post and Courier* about the digital radios; a similar request was made of Mount Pleasant, Folly Beach and Charleston County.

The Charleston County staff has agreed to meet with the IOP City Council after the first of the year; Mayor Cronin stated that he plans to have a meeting dedicated to this one (1) subject.

In an effort to resolve the HVAC issues in the Public Safety Building, sensors have been placed in the ceiling of each room to tell the damper to close; the engineers have determined that the damper is staying open longer than it should allowing moisture to enter the building. Closure on this issue will not occur until the system can be properly tested in next summer's heat.

The Committee discussed Ordinance 2010-14 related to the removal of abandoned watercraft which appears later on the agenda. The Committee recommended it for First Reading on a vote of two to one (2 to 1) despite the fact that the ordinance will not address the issue of the abandoned boats that caused the ordinance to be written.

Councilmember Bettelli reported that the hobie-cats that were the source of the discussion have been removed with assistance from DHEC.

Chief Graham introduced changes to the City's alarm ordinance and the short-term rental license; the Committee asked that the Chief research how these issues are handled in other municipalities and report back at the next meeting.

After discussion and an executive session, the Committee recommended the adoption of Ordinance 2010-14.

The Committee also approved the purchases in excess of ten thousand dollars (\$10,000) that were voted on earlier in the meeting.

The meeting was adjourned after the departmental highlights reports from the Fire and Police Departments. The next meeting will be held at 5:30 p.m. on Tuesday, January 11, 2011.

C. Public Works Committee

Councilmember Duffy reported that Public Works personnel have been concentrating on cleaning the beach access paths since the tourist season has ended and garbage pickups have gone back to once per week. The volume of garbage being removed from the island was down for another month. As regards the 52nd to 57th Avenue drainage project, Councilmember Duffy reported that the easement in Wild Dunes has not yet been executed; the RFP will be advertised once the easement documents are received. On the subject of recycling, Councilmember Duffy stated that he met with Dickie Schweers, and the County does have recycling opportunities in which the City could participate. The City will not be a part of the pilot, single-stream recycling test project; the participating communities have already been selected. Councilmember Duffy learned that, based on the number of blue cans in use/number of stops, the City of Isle of Palms is behind Folly Beach in recycling; the Councilmember does not believe that this is a true measure of the City's participation because many residents fill their containers and take the contents to the large recycling dumpsters. In conclusion, Councilmember Duffy reported that the Sparrow Drive drainage project is underway, and beach monitoring results have been satisfactory.

The next Public Works Committee meeting will be at 4 p.m. on Wednesday, January 5, 2011.

D. Recreation Committee

Councilmember Buckhannon noted that auditions for "Miracle on 34th Street" drew sixty (60) persons to fill the forty (40) roles needed for the production; the play will be presented Wednesday, December 8 through Saturday, December 11. Seventy (70) Keenagers attended the safety presentation by the IOP Police Department in September, and fifty-six (56) seniors attended the

pot-luck lunch and keep-the-brain-fit program in October. The first middle school dance of the 2010-2011 school year attracted two hundred (200) young people; the dance on November 12 was equally successful.

Director Page reported that, by partnering with East Cooper Medical Center for the City's Wellness Fair, employees saved approximately fifteen hundred dollars (\$1,500) in the costs of blood work and vaccinations this year versus the 2009 costs; in addition, employees participating in the blood screening at the Wellness Fair saved approximately thirteen thousand dollars (\$13,000) in employee co-pay and insurance costs.

Over one thousand (1,000) participants took part in the IOP Connector Run and Walk for the Child held October 2.

Councilmember Buckhannon stated that the Halloween carnival was the most successful one he remembers at the Recreation Center.

Among upcoming holiday events are the card drawing contest, the craft workshop, the cookie workshop and the annual tree lighting on December 2, 2010.

The next Recreation Committee meeting will be at 4 p.m. on Thursday, January 6, 2011.

E. Personnel Committee

Councilmember Piening noted that the Committee had completed its recommendations for boards and commissions that will be presented at the special meeting in December. In addition, the Committee set the floating holiday for 2011 as Friday, December 23, 2010. The Safety Sweepstakes winners for October are as follows:

Building Department – Cathy Kennedy
Public Works – John Graham

Fire Department – Eric Stinnett
Police Department – Gerardo Chavez

The next Personnel Committee meeting is scheduled for 5:45 p.m. on Wednesday, January 5, 2011.

F. Real Property Committee

Councilmember Loftus noted that the marina manager had reported that transient business was good and the marina was having a good season. Marina Manager Berrigan and John Tarkany presented a conceptual master plan for the marina; the presentation will be made to City Council at the February 2011 meeting. Morgan Creek Grill reported that they had had a very good summer and were continuing with a variety of promotions this fall. Related to beach restoration, Councilmember Loftus reported that the permit application had been filed on October 6 and the thirty-day (30-day) public comment period is expected to begin by November 19, 2010. Once the City Attorney completes the contract, the dredging RFP will be advertised; the project is expected to be completed by March 2012. The Committee approved the contract award for the Front Beach lighting project and the lease amendment for Tidal Wave Water

Sports. Bill Schupp of Schupp Enterprises attended the meeting and reviewed the revenue figures for the lease year just ended; he also requested additional signage directing visitors to the City lots and an extension of the parking lot lease to coincide with the terms of the beach trash removal contract.

The next meeting of the Real Property Committee will be at 8:30 a.m., Thursday, January 6, 2011.

Councilmember Piening recounted that he had voted against the award of the parking lot contract on the basis that he thought "the City could have gotten a better deal," i.e. made more money on the parking lot lease.

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

Mayor Cronin expressed his understanding that the Planning Commission wants to postpone the public forum on parking until March 2011 and stated that he finds this delay unacceptable.

- 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 2010-13 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 3, Beach and Marine Regulations, of the City of Isle of Palms to Prohibit Abandonment of Person Property on the Beach and Leaving the Beach in an Unsafe Condition.

MOTION: Mayor Cronin moved to suspend the reading and to approve Ordinance 2010-13 for Second Reading; Councilmember Bettelli seconded.

Mayor Cronin read the change in language that constituted the amendment as follows:

"(c) Any personal property, except "Hobie Cat" style sailboats which are operable and kept in good working condition or poles supporting volley nets adjacent to commercially zoned property, left on the beach after sunset shall be deemed abandoned and subject to disposal by the City."

Councilmember Loftus expressed the opinion that this was good for the City and would protect the beach.

Councilmember Stone commented that this amendment does not address any issues or problems the City currently has; in addition, the amendment does not address the issue of an abandoned hobie cat in the sand dunes on private property. He stated that he could not support the ordinance.

Mayor Cronin stated that this amendment works to clarify an existing ordinance and that the language being added should have been included in the original ordinance.

Councilmember Bettelli voiced his opinion that the City was being proactive in protecting the beach; the ordinance might not be needed today, but it was needed several years ago and may be needed in the future.

VOTE: The motion PASSED on a vote of 7 to 1, with Councilmember Stone casting the dissenting vote.

9. Introduction of New Bills, Resolutions and Proclamations

First Reading, by title only, of Ordinance 2010-14 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 3, Beach and Marine Recreation Regulations, of the City of Isle of Palms Code of Ordinances to Provide for a New Article C Pertaining to Abandoned Watercraft.

MOTION: Mayor Cronin moved to approve Ordinance 2010-14, by title only, for First Reading; Councilmember Bettelli seconded.

The Mayor stated that this is a new ordinance that deals specifically with the abandonment of watercraft in the public domain that allows the City to act. The ordinance falls within the state regulation and mirrors the Mount Pleasant and City of Charleston ordinances.

VOTE: The motion PASSED on a vote of 6 to 2; Councilmember Buckhannon and Loftus cast “nay” votes.

10. Miscellaneous Business

MOTION: Mayor Cronin moved to approve up to \$2,500 from the Capital Projects fund for the appraisal and survey of real property; Councilmember Duffy seconded, and the motion PASSED UNANIMOUSLY.

11. Executive Session – not needed

12. Conclusion/Adjournment

MOTION: Councilmember Bettelli moved to adjourn the meeting at 7:55 p.m.; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:
Marie Copeland, City Clerk