

CITY COUNCIL

7 p.m., Tuesday, September 28, 2010

The regular meeting of City Council was held at 7 p.m., Tuesday, September 28, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening, Stone and Thomas, Mayor Cronin, City Administrator Tucker, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. There was a quorum 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 offered the invocation and led the Pledge of Allegiance; Clerk Copeland called the roll.

2. Reading of the Journal of Previous Meetings

MOTION: Councilmember Loftus moved to approve the minutes of the regular meeting of August 24, 2010 and the Special Meeting of September 16, 2010 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

William Millman, 408 Ocean Boulevard, stated that his purpose in speaking to Council was to voice his concern over the City's spending money it did not need to spend in renovating City Hall to accommodate the Building Department. He commented that the Building Department was likely generating less revenue than it has in the past twenty-six (26) years he has lived on the island. He stated that, "In such tight financial times, we should try very hard to do the best with what we have." Mr. Millman said that, if a department were overloaded with work and needed additional personnel and, therefore, more space, he could justify the expense, but he did not think that was the case with the City's Building Department.

Joanna Harper, 3612 Waterway Boulevard, noted that she was representing the Isle of Palms Neighborhood Association and others with whom she has spoken who have been pleased to see the citizens' survey related to the Police Department on the City's website. She stated that it was an example of "democracy in action." Ms. Harper commented that the island has "a really great police force" that is appreciated, but she added that everybody has "room for improvements." She suggested that surveys appear on the website in the future related to other departments in the City.

For residents who may not be familiar with the survey, Mayor Cronin explained that the survey was available at the City's website, www.iop.net, and to complete it only takes a couple of minutes, plus the time involved in adding personal comments.

Mike Judson, 3304 Cameron Boulevard, noted that he has lived on the island for twenty-six (26) years, and he expressed concern over the fact that the short-term rental units in his neighborhood do not recycle, yet the bulk of their trash is aluminum and glass, i.e. recyclables. He suggested that recycling should be required of those who possess short-term rental licenses. He stated that "not recycling is unconscionable at this point in time."

Mayor Cronin explained that the City is working with Charleston County, who is responsible for recycling on the island; the Mayor added that he was not aware of the problem in the residential areas although he did know that recycling was an issue in the condominiums.

Brad Harvey, representing the Wild Dunes Resort, explained that he was present to commend Detective Sergeant Dawn Caldwell and Detective Diane Tarr for their exemplary work over the past year in the Wild Dunes resort area. A copy of the letter of commendation is attached to the historical record of the meeting; the concluding paragraph states the following:

“I can truly say that these two individuals represent the City in very good fashion and go above and beyond in their service to see that the job is completed.”

Howard Chapman, CARTA Executive Director, expressed mixed feelings at having to address City Council a second time to get approval of the CARTA FY2011 revised budget. He explained that CARTA must begin its budget process in January and they learned, after generating the draft budget, that the half cent sales taxes CARTA receives would be reduced again in 2011 by approximately one point four million dollars (\$1,400,000). As a result of that, an *ad hoc* committee was appointed to study the draft budget, in detail, looking for ways to reduce it; among the changes are the following:

- A fare increase effective October 1, 2010 and
- A reduction in service that impacts the least number of people.

Councilmember Duffy complimented Mr. Chapman for reducing the CARTA budget while continuing “to provide optimal service;” he then asked Mr. Chapman how the FY11 budget compared to the FY10 budget. Mr. Chapman quoted figures that show a reduction from FY10 in excess of one point six million dollars (\$1,600,000).

MOTION: Councilmember Bettelli moved to approve the CARTA revised draft FY11 budget; Councilmember Duffy seconded.

Councilmember Bettelli, who represents the City on the CARTA board, thanked Mr. Chapman and the CARTA for the preparatory work they did for the route workshop that was held; Councilmember Bettelli described the workshop as “one of the toughest things I have sat through in a long time in deciding where to make those necessary cuts.”

VOTE: The motion PASSED UNANIMOUSLY.

4. Reports from Standing Committees

A. Ways and Means Committee

Mayor Cronin reported that General Fund expenditures for the first two (2) months of the fiscal year are below the target of sixteen percent (16%). For the year in tourism revenue, State Accommodations taxes were up one point three percent (1.3%) from FY09; Municipal Accommodations taxes were up four percent (4%) from FY09 while Hospitality taxes were down two (2) percent from FY09. The first Municipal Accommodations fees received for the new fiscal year were higher than any month in the past six (6) years. At the meeting, Treasurer Suggs

reported a gain in the General Fund for FY10 of three hundred sixteen thousand three hundred ninety-two dollars (\$316,392), and the Committee voted to move those funds into the Unreserved Capital Projects Fund. Since that meeting, the auditors have recalculated; the gain is now three hundred seventy-seven thousand nine hundred fourteen dollars fifty-two cents (\$377,914.52).

MOTION: Mayor Cronin moved to transfer the FY10 gain of \$377,914.52 from the General Fund to the Unreserved Capital Project Fund; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

- 1. Recommendation to award a contract for street sweeping to Star Cleaning USA, Inc. in the amount of \$12,342.00.**

Mayor Cronin remarked that most people are probably not aware that the City has the streets swept at least monthly; the streets involved include the Connector, Front Beach, Breach Inlet and a good portion of Palm Boulevard.

MOTION: Mayor Cronin moved to award the contract for street sweeping to Star Cleaning USA., Inc. in the amount of \$12,342.00; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.

- 2. Recommendation to award a contract to Wilson & Associates Developers in the amount of \$200,850 for renovations to City Hall.**

Mayor Cronin explained that Wilson & Associates had been the lowest bidder on the project and has proven to be a qualified bidder; they are presently involved in a couple of projects of similar scope at the College of Charleston.

MOTION: Mayor Cronin moved to award the contract for City Hall renovations to Wilson & Associates Developers in the amount of \$200,850; Councilmember Duffy seconded.

Mayor Cronin, referring to Mr. Millman's comments earlier in the meeting, explained that the renovations to City Hall involve more than moving the Building Department; the work relates to mold remediation, replacement of windows and the flat areas of the roof that are leaking. The resulting move of the Building Department to City Hall will possibly provide the City with additional revenue if the City decides to lease it.

VOTE: The motion PASSED UNANIMOUSLY.

- 3. Approval to transfer one (1) retired Bobcat ATV from the Fire Department to the Public Works Department.**

Mayor Cronin questioned the used of the word "retired" since he sees the ATV on the City's streets nearly every day. The action being taken represents moving a vehicle that is no longer viable to the Fire Department for public safety to the Public Works Department where its cranking first time every time is not critical.

MOTION: Mayor Cronin moved to approve the asset transfer as stated; Councilmember Duffy seconded.

Councilmember Bettelli reiterated the fact that the vehicle is no longer reliable for use by the Fire Department and that the Public Works Department has no plans to replace the ATV when it goes out of service.

VOTE: The motion PASSED UNANIMOUSLY.

Mayor Cronin announced that the Committee voted unanimously to cancel plans for the annual Christmas Party as a cost-saving measure for the FY11 budget year. Following a brief Executive Session, the Committee authorized the Mayor and Administrator to continue to look into properties on the island for which Greenbelt Funds could be used. In conclusion, Mayor Cronin noted that the auditors have completed their work and will make their presentation to City Council at the October meeting.

The next meeting is scheduled for 5:45 p.m., Tuesday, October 19 in Council Chambers.

B. Public Safety Committee

Councilmember Bettelli reported that a considerable amount of time had been spent on an update on the proposed digital radio tower to be erected on the island; representatives from Charleston County, Motorola and Crown Castle, as well as a member of the users' group, participated in the discussion. The Committee was again told that the only way Motorola would guarantee overcoming the interference the City's communications are experiencing and providing in-building coverage is to build a tower of no less than one hundred eighty (180) feet either at the site of the water tower or at the Recreation Center. The preferred site remains the water tower location and the preferred height is two hundred thirty (230) feet. The tower, as proposed, would be constructed to withstand winds in excess of two hundred miles per hour (200 mph) and could be constructed in three to six (3-6) months. During the discussion, Administrator Tucker explained to the Charleston County representatives that she needed a written proposal from them to present to the IOP City Council explaining the problems, the solutions and any alternatives; Councilmember Bettelli stated that the Administrator has received correspondence from the County that she is in the process of scrutinizing. Councilmember Bettelli also thanked Chief Graham for her work in keeping attention focused on the problems with the digital radios that public safety agencies all over the County have been experiencing. In the update on the Public Safety Building, Councilmember Bettelli reported that slow progress continues to be made on the HVAC issues on the Fire Department side. The City Attorney is presently reviewing options for the City regarding vessels abandoned on the beach. The Committee denied a request for an event proposing people on the Connector from Mount Pleasant to the Isle of Palms. The monthly reports from the Fire and Police Departments concluded the meeting.

Councilmember Duffy initiated a period of discussion regarding the proposed radio tower; Administrator Tucker informed the Committee that, from her first review of the document from Charleston County, it does not answer all of the questions that were posed at the Public Safety Committee meeting. As a result of that, the Administrator intends to respond by pointing out

what information is missing; until the City's questions have been fully addressed, the Administrator does not believe that Council's time should be spent revisiting incomplete information. Key points in the discussion were that the City has spent a great deal of money for a system that does not live up to the promises made about it, that no one wants to see a tower, whether one hundred eighty feet or two hundred thirty feet (130 ft. or 230 ft.) constructed on the island, and that other alternatives must exist to resolve the communications problems on the island.

The next meeting is scheduled for 5:30 p.m. on Thursday, October 7 in the Public Safety Building.

C. Public Works Committee

Chair Duffy noted that garbage collections had returned to once a week earlier in the month. According to the Director's report, vehicle maintenance is right on target for two (2) months into the fiscal year. The Committee discussed the transfer of the ATV from the Fire Department to the Public Works Department and made its recommendation to accept the bid from Star Cleaning for the street sweeping RFP. The drainage project is on target, and Committee anticipates that the RFP will be advertised in October.

Councilmember Loftus asked Chair Duffy about the anticipated completion date of the drainage project; Chair Duffy responded that the project was expected to begin in January 2011 for completion by May 2011.

Chair Duffy commented that the Public Works Committee continues to brainstorm on ways to increase recycling throughout the island.

The next meeting is scheduled for 4 p.m. on Wednesday, October 6 in the Public Works Building.

D. Recreation Committee

Chair Buckhannon reported that the Recreation Department held its first Theatre Camp over the summer in which twenty-two (22) youths participated; auditions for the December production of "A Miracle on 34th Street" will take place in the evening of Monday, October 18. The first Middle School dance was held Friday, September 10, and there was a good turnout. Among the new classes being offered this fall are Kensington Etiquette for ages four (4) through twelve (12), tap dancing for pre-schoolers, semi-personal training for adults, brain games and memoir writing. The Wellness Fair was a huge success; many health-related vendors were available for employees and members of the community. The annual Connector Run will take place on Saturday, October 2; the Connector will be closed to traffic from 7 a.m. until 10:30 a.m. The Halloween Carnival is scheduled for Saturday, October 30 from 5 p.m. to 7 p.m.

The next meeting is scheduled for 4 p.m., Wednesday, November 3 at the Recreation Center.

E. Personnel Committee

Chair Piening reported that the Committee had discussed the City Administrator's evaluation related to the large percentage attributed to the City's financial performance. The Chair reminded Council that the City's fiscal year and the evaluation year to not coincide; therefore, in this first performance based evaluation, performance would be based on the six (6) months ending June 30, 2010 and would be completed in August or September. The evaluation based on financial guidelines for the calendar year 2012 will be based on the fiscal year ending June 30, 2011. Chair Piening explained that, since financial performance is a significant portion of the City's Administrator, the Committee, with Council's agreement, believes that this is the fairest way on which to base that portion of the evaluation.

MOTION: Councilmember Piening moved to base the financial portion of the City Administrator's annual evaluation for the calendar year 2011 and going forward on the previous fiscal year; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Chair Piening reported that the Committee had spent two (2) evenings interviewing applicants for boards and commissions; the interview summaries will be provided to the balance of Council for their review.

The Chair announced Safety Sweepstakes Winners for August as the following:

General Government – Debbie Suggs
Public Works – Kim Tapply

Fire Department – Seth Bacon
Police Department – Robert Nelson

The next Personnel Committee meeting is scheduled for 5:45 p.m., Tuesday, October 5 in Council Chambers.

F. Real Property Committee

Chair Loftus reported that Diane Oltorik had addressed the Committee about starting an island farmers' market on the City-owned property next to the Post Office. On the subject of Beach Restoration, the Chair reported that the OCRM permit application is being completed for the focused erosion project. Marina dredging discussions also continue with the focus on locating a spoil site and determining the requirements for the repair to the Goat Island site used previously. The Committee approved the placement of a new street light at the Tidal Wave Water Sports docks as the expense for the light would be the tenant's responsibility. Discussion took place regarding the installation of a fan in the Front Beach public restroom; the Committee deferred a decision to the beginning of the 2011 tourist season. The Committee took under advisement a request from Tidal Wave to extend the term of their lease to twenty (20) years. Based on a request from Committee member Stone, Schupp Enterprises will be asked to present its year-end financial data to the Committee at the next meeting.

The next meeting is scheduled for 8:30 a.m., Tuesday, October 5 in Council Chambers.

6. Reports from City Officers, Boards and Commissions

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

7. Reports from Special or Joint Committees – None

8. Petitions Received, Referred or Disposed of – None

9. Bills Already in Possession of Council

Second Reading of Ordinance 2010-12 – an Ordinance Amending Title 7, Licensing and Regulation, Chapter 3, Beach and Marine Recreation Regulations, Article 1, General Provisions, Section 7-3-20, Commercial Activities Restricted, of the City of Isle of Palms Code of Ordinances to Allow Commercial Photographers to take Photographs on the Beach Under Certain Conditions.

MOTION: Councilmember Stone moved to suspend the reading and to approve Ordinance 2010-12 for Second Reading; Councilmember Bergwerf seconded.

Mayor Cronin requested that Administrator Tucker read the changed paragraph into the minutes as follows:

However, nothing in this section shall be deemed to prohibit a commercial photographer, who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, from implementing a prior contract to take still photographs on the beach for a fee. The use of the beach to take photographs for a fee shall be limited to no more than one hour on the beach per day for this activity.

VOTE: The motion PASSED UNANIMOUSLY.

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

11. Miscellaneous Business

Councilmember Loftus announced that radio station WIOP is no longer broadcasting; he added that he will miss “the oldies.”

12. Executive Session – not necessary

13. Conclusion/Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 7:59 p.m.; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk