

CITY COUNCIL

7:00 p.m., Tuesday, November 17, 2009

The regular meeting of City Council was held at 7 p.m. on Tuesday, November 17, 2009 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, Rice and Taylor, Mayor Cronin, City Administrator Tucker, City Attorney Sottile, 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 the public had been duly notified of the meeting in accordance with the Freedom of Information Act. Clerk Copeland called the roll following a brief invocation and the Pledge of Allegiance to the Flag.

3. Citizens' Comments

Clay Cable, 116 Palm Boulevard, added his thanks to Councilmembers Rice and Taylor for their service to the City. Mr. Cable recalled a recent incident when he had called 911 for assistance, the ambulance did arrive to assist him, but the Fire Department was dispatched to a different address. He asked that the City look into the occurrence and determine what had gone wrong.

Mayor Cronin assured Mr. Cable that the City Administrator would investigate.

Representative Mike Sottile, former Mayor of the City of Isle of Palms, stated that it was a pleasure to be back in these chambers, but he wanted to attend the meeting tonight to thank two (2) members of the Council who served with him for years and for their great service and commitment to the Isle of Palms. Rep. Sottile acknowledged that Councilmember Rice's passion had been recreation, and he noted that, without her leadership, the City would not have the state-of-the-art recreation facility that is now on the island. He, also, recognized the efforts she has put forth on behalf of the marina. He stated that she "always had the children and families of the City at heart" and thanked her for what she had done in the eight (8) years she has served on City Council. Councilmember Rice served seven (7) of those years while Rep. Sottile was Mayor, and Councilmember Rice stepped in as Mayor Pro Tem when he was elected to the House of Representatives.

Rep. Sottile stated that he did not know of a family more committed to civic activities than that of Councilmember Taylor; his brother serves as a Councilmember for the City of North Charleston; his parents served on the Election Commission years ago; and his father has served on the Planning Commission and the Board of Zoning Appeals. Rep. Sottile commented that Councilmember Taylor has served on City Council for sixteen (16) years, and all but one (1) year was with Rep. Sottile. Under Councilmember Taylor's leadership on the Ways and Means Committee, the City was financially able to add significantly to the infrastructure of the City; Rep. Sottile expressed his sincere thanks for Councilmember Taylor's hard work.

In conclusion, Rep. Sottile stated that it had been important for him to be present to personally thank both of these individuals for their outstanding work and from "what (Councilmembers Rice and Taylor) have done, they reflect a great credit not only on (themselves), but also on the Isle of Palms."

Mayor Cronin asked for a motion to move Agenda Item 9 to this point in the meeting.

MOTION: Councilmember Bettelli so moved: Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

Special Presentation to City Councilmember Carol Rice and Dee Taylor

Individual proclamations were compiled for Councilmember Rice and Councilmember Taylor that reflected upon their accomplishments; copies of the proclamations are attached to the historical record of this meeting.

Having read aloud the proclamation for Councilmember Rice, Mayor Cronin asked Chief Buckhannon to come forward with a presentation for her. Chief Buckhannon presented Councilmember Rice with a "GET OUT OF JAIL FREE" card that read "This 'Get out of Jail Free' card expires December 31, 2009 and is not valid on the Isle of Palms Connector."

Councilmember Rice thanked everyone and commented that the presentation had been very meaningful. She stated, "Public service is worthwhile; that is what the message is here. If you have a goal, you can get it done; get involved and it does pay off." She stated that she has enjoyed her time on Council and that she will miss everyone; she added that this job as City Councilmember might be the longest job she has ever had.

After reading the proclamation to Councilmember Taylor, he was presented with a large jar of jelly beans that was labeled 'A Paperless Tool for the Isle of Palms' Best Bean-Counter.'

Councilmember Taylor reflected that he had worked with twenty-five (25) different Councilmembers, eight (8) different Councils and two (2) administrators in his sixteen (16) years on City Council. He thanked his family for being present tonight; he reported that his father has served the Isle of Palms continuously since 1986 beginning on the Planning Commission and now the Board of Zoning Appeals. Councilmember Taylor specially thanked his wife Bonne "for everything she does."

Mayor Cronin noted that the staff, at his request, is researching a sculpture to go on Front Beach to be dedicated to the citizens who serve on City Council, and he plans to have the names of Councilmembers Rice and Taylor inscribed once it is selected. He stated that there is a location and there are funds in the "Aisle of Palms" fund to pay for it.

2. Reading of the Journal of Previous Meetings

MOTION: Councilmember Taylor moved to approve the minutes of the Public Hearing and the regular meeting of October 27, 2009 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

4. Reports from Standing Committees

A. Ways and Means Committee

1. **MOTION: Councilmember Taylor moved to award a contract to Godwin Pumps in the amount of \$26,179.80 for three (3) trash pumps, model QP4TZ, with trailers; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.**
2. **MOTION: Councilmember Taylor moved to award a contract to Jones Ford in the amount of \$20,962.00 and applicable sales taxes, according to state contract pricing, for one (1) Ford F150 truck, plus the cost of rhino lining to be purchased later; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Taylor ended his report stating that “the City is in good shape” and expressing his thanks to the City Administrator and Treasurer.

B. Public Safety Committee

Councilmember Buckhannon noted that Councilmember Taylor had been “a great mentor” to him; he expressed both Councilmember Taylor and his family had been assets to the City and to the Buckhannon family.

The Public Safety Committee meeting began with an update on the Public Safety Building, particularly the heating and cooling system; it was determined that the units were not getting adequate power. The RFP for the civil engineering for the 41st Avenue intersection, which was discussed earlier, will again be a topic for discussion at the January meeting. He stated that the sidewalk along 21st Avenue has slowly been replaced by SCDOT. Since the IOP Water and Sewer Commission had planned to replace infrastructure along 41st Avenue, Charleston County has postponed the repaving of 41st Avenue at the request of the Water and Sewer Commission.

Under New Business, the Committee had reviewed the addendum to the Consolidated Dispatch Agreement that provides for the inclusion of the City of Charleston.

MOTION: Councilmember Buckhannon moved to approve the addendum to the Consolidated Dispatch Agreement; Councilmember Bettelli seconded the motion.

Mayor Cronin asked whether the only change in the addendum was the addition of Charleston City; Administrator Tucker replied that there were changes to the sections pertinent to the addition of the City of Charleston.

Call for the Question: The motion PASSED UNANIMOUSLY.

Among the other issues covered by the Public Safety Committee was a discussion about the Livability Hotline and refrigerator magnets displaying the number for distribution to residents.

Anticipating the lengthening of the hours that dogs would be allowed on the beach off-leash, the Committee discussed increasing the dog-licensing fee from its current two dollars (\$2). The Committee approved the elimination of the position of Assistant Fire Chief and the replacement of it with the position of Fire Inspector. The action was passed to the Personnel Committee for further review.

Mayor Cronin asked Administrator Tucker to inform the Council about the most recent information related to the Ben Sawyer Bridge closure. The Administrator reported that she had attended a meeting earlier in the day with the Ben Sawyer construction team and public safety officials from Sullivan's Island and Mount Pleasant; the two (2) key subjects discussed at the meeting were the timing for the bridge closure to vehicular traffic and traffic management at the intersections the Connector and Rifle Range Road and the Connector and Hungry Neck Boulevard. Although still indefinite, it appears that the bridge will be closed beginning Friday, December 4, 2009; the reason that date cannot be definitively stated is because a great deal of the timing is dependent upon weather conditions, specifically wind.

On the traffic management information, Chief Buckhannon related that the Mount Pleasant Signalization Chief Brad Morrison had explained that he would be working with SCDOT to ensure that the timing of the lights was conducive to keep traffic flowing as well as possible at both Rifle Range Road and Hungry Neck Boulevard. The Mount Pleasant Traffic Squad has committed to monitoring the lights, especially during peak traffic hours; should a backup occur, they intend to place officers at the intersections to aid in the traffic flow. Here on the island, the Police Department will continually monitor the flow through the intersection at Palm and the Connector and will be prepared to place an officer there to aid as needed. SCDOT will also be working with the three (3) communities.

Administrator Tucker noted that signs will be posted in anticipation of the event and that there is a link on the City's website to the Ben Sawyer Bridge Construction site for residents to monitor the time as well. She explained that the truss that will go in place is being constructed in North Charleston; it will be floated through Charleston Harbor and down the IntraCoastal Waterway. The old truss will be removed, the barge will turn around and the new truss will move into place for it and the roadbed to slowly migrate into position over approximately eighteen (18) hours.

C. Public Works Committee

Referencing the Director's monthly report, Councilmember Bettelli stated that garbage collections for October were equal to those of 2008; more beach access paths were cleaned and SCDOT has been on the island repairing potholes. Under *Old Business*, the Lowe Wild Dunes Investors had asked the City's contractor Dave Stevens to look into relocating a line; Mr. Stevens has determined that the line cannot be moved, but work on the project is continuing. Eadie's has been on the island working on the 25th Avenue ditches in the fifth year of the five-year (5-year) drainage project. Discussions took place regarding the dedication to the City of an easement at 2001 Waterway Boulevard; Councilman Bettelli explained that, when construction was proposed for this location, it was learned that the City did not have a drainage easement despite the fact that there was a storm water drainage pipe running through the property. In the end, the property owner decided to grant an easement to the City for a sum of ten dollars (\$10) giving the City the authority to access the property for maintenance should the need arise.

MOTION: Councilmember Bettelli moved for the City to accept the granting of the easement at 2001 Waterway Boulevard; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.

Councilmember Bettelli informed the Council that the City had received fifty thousand dollars (\$50,000) from the County for enlargement of the drainage pipe at Lauden Street and that the beach monitoring results for September and October were satisfactory.

D. Recreation Committee

Councilmember Rice stated that Director Page was absent tonight because she was in Winston-Salem, North Carolina receiving the "Agency of the Year" award. She announced that the "Tree Lighting" would take place on Thursday, December 3 on Front Beach at 6 p.m. The Recreation staff is continuing to gather email addresses for the Recreation e-newsletter; Councilmember Rice thanked Assistant Dziuban for the wonderful job she does producing the e-newsletter. The Recreation Director recently had some playground equipment repaired or replaced due to rust that had occurred prematurely with only labor costs to the City.

Councilmember Rice praised the staff at the Recreation Center for the way that the programming is in a state of constant evolution and improvement. She added that working with them has been a true pleasure for her and that she now looks forward to having the time to participate in their programs for a change. Councilmember Rice commented that her time on City Council had been wonderful and that she had appreciated the work the City staff had done.

Councilmember Buckhannon remarked that he had served on the Recreation Committee with Councilmember Rice for several years and he appreciated the hard work she had done. He agreed that the City would not have the remarkable Recreation facility that it has without her diligence and dedication to meeting the recreational needs of the residents.

E. Personnel Committee

Councilmember Piening thanked Councilmember Rice for her thoughts and ideas at City Council that were always reasoned and helpful. He noted that he had worked with Councilmember Taylor for two (2) years on the Personnel Committee; Councilmember Piening stated that Councilmember Taylor had given him guidance and direction and had been vital to the significant changes that have occurred over the past two (2) years.

Councilmember Taylor noted that, under the leadership of Councilman Piening, the City had made worthwhile changes, such as going to a fully merit-based performance system for its employees, which "is extremely rare in any municipality." He expressed thanks to both Councilmembers Piening and Loftus for their hard work and dedication with the Personnel Committee.

Councilmember Piening reported that the Committee had met twice during November. He noted that the interview process for boards' and commissions' appointments was continuing and that the appointments would be announced at the December special meeting of City Council.

As a result of the action taken at the recent City Council Meeting to combine the cost of living adjustment and the merit evaluation for employment into one annual merit evaluation, a change in the City's Personnel Manual is required; the changes eliminated references to the cost of living adjustment. A redlined copy of the required changes was included in the meeting packet and is attached to the historical record of this meeting.

MOTION: Councilmember Piening moved to adopt the proposed changes to the Personnel Manual; Councilmember Taylor seconded and the motion PASSED UNANIMOUSLY.

Councilmember Piening noted that the Committee has also discussed a new system for evaluating the City Administrator that would be more measurable and be helpful to both the Administrator and the City Council. The Committee's proposed plan was presented to Council for discussion during an Executive Session at the Ways and Means Committee meeting earlier in the evening.

MOTION: Councilmember Piening moved to adopt the new performance evaluation tool that was presented at Ways and Means to go into effect January 2010 and that, under the section of Fiscal Management, the City percentages discussed, i.e.

3% under budget = 5

2% under budget = 4

budget neutral = 3

2% over budget = 2

3% over budget = 1;

Councilmember Taylor seconded and the motion PASSED UNANIMOUSLY.

Councilman Piening announced that the October Safety Sweepstakes winners were:

Recreation – Nick Bako
Public Works – Kim Tapply

Fire Department – Jason Smith
Police Department – Sgt. Derrick Ambas

F. Real Property Committee

Mayor Cronin thanked Councilmembers Rice and Taylor, who were "deserting him" on the Real Property Committee; he stated that "it had been meaningful how (the Committee) had reshaped the City Council's view of the marina."

Mayor Cronin reported that, according to the Marina Manager, business has been "brutally slow" and that September had been the worst month ever. There is concern about the closure of the IntraCoastal Waterway the beginning of December because it coincides with the planned ten-day (10-day) closure of Morgan Creek Grill for annual repairs and maintenance. If the timing for the closure of the waterway continues to be delayed, any problems of mariners being stranded with no place to eat may not materialize. The marina store will be closed beginning January 10, 2010 for replacement of the floors resulting from an explosion of the expansion tank in July of this year. Contrary to the marina, Morgan Creek Grill reported that its business has exceeded that of 2008. The permit for additional sand fencing in the beach restoration area has been

applied for, but had not been issued, and the City still awaits the written report on the beach monitoring from September. The City and Morgan Creek Grill are continuing their discussion on the lease re-negotiation for the restaurant.

5. Reports from City Officers, Boards and Commissions

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

6. Reports from Special or Joint Committees

7. Petitions Received, Referred or Disposed of

8. Bills Already in Possession of Council

Second Reading of Ordinance 2009-16 – An Ordinance Amending Title 6, Chapter 2, Article B, Dogs, Section 6-2-15(a) of the City of Isle of Palms Code of Ordinances, Changing the Hours During Which a Dog is Allowed on the Beach Without a Leash.

Administrator Tucker summarized the purpose of this amendment to be one to allow for more time, during the off-season, for people to allow their dogs to run on the beach off-leash so long as the dogs are under the control of their owners and abiding by all of the other regulations.

MOTION: Councilmember Rice moved to waive the reading of Ordinance 2009-16; Councilmember Taylor seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Buckhannon moved to approve Ordinance 2009-16 for Second Reading; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business - None

Councilmember Bettelli expressed his enjoyment working with both Councilmembers Rice and Taylor over the years; both have done a wonderful job, and it has been a pleasure to work with people who have the work ethics that they have exhibited.

Having expressed her thanks to Councilmember Taylor at Ways and Means, Administrator Tucker stated that it had been a real pleasure to work with Councilmember Rice. The Administrator said that two (2) of Councilmember Rice's characteristics stood out to her and set an example for her; they were Councilmember Rice's ability to insert humor into situations that were tense, to defuse them and to get people to listen to her. Administrator Tucker added, on behalf of all of the employees of the City, that Councilmember Rice would be missed and all have expressed that they have felt her appreciation for what they do.

11. Executive Session – not needed

12. Adjourn

MOTION: Councilmember Taylor moved to adjourn the meeting at 8:03 p.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk