

CITY COUNCIL MEETING
7:00 p.m., Tuesday, June 23, 2009

The regular meeting of the City Council was held at 7:00 p.m., Tuesday, June 23, 2009 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening, Rice and Taylor, Mayor Cronin, City Administrator Tucker, Assistant 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 the public had been duly notified of the meeting in accordance with the Freedom of Information Act. He offered an invocation, which was followed by the Pledge of Allegiance and the roll call.

2. **Approval of Previous Meeting's Minutes**

MOTION: Councilman Taylor moved to approve the minutes of the regular meeting of May 19, 2009 as submitted; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Mayor Cronin announced that there would be a tour of the new Public Safety Building immediately following this meeting; he extended the invitation to anyone who would like to join to do so.

The Mayor noted that John Tucker, who was on the *AGENDA* to present state accreditation to the Police Department, had been involved in an automobile accident in Columbia; he is unharmed, but his vehicle was not so lucky. Therefore, his visit and the presentation will take place in another meeting in the near future.

3. **Citizens Comments**

Diane Oltorik, 15 Ocean Park Court, stated that she wanted "to publicly acknowledge the quick and immediate response that our Council and our administration had to the unfortunate incident that occurred a few weeks ago involving our beach ordinance and the Windjammer. That you spoke up so quickly to recognize and have the vision and understanding that we, on this island, as well as our community representatives, have to create an environment where our businesses, our merchants and our restaurants prosper so that our citizens can enjoy these facilities year round. It just speaks volumes as to your dedication to that."

Dan Harvey, 104 Grand Pavilion, expressed his concern that sand fencing did not extend to the area of the beach near his home; he stated that he understood that the sand fencing would be installed along the entire distance of beach that was renourished in 2008. His typed comments are attached.

Before proceeding, Mayor Cronin took the opportunity to thank Jimmy Ward and the Crabpot Players for their efforts in "The Wizard of Oz" production at the Recreation Center earlier in the month. The Mayor stated that the presentation had been "extremely well-received by everyone in the community...and everyone is anxiously awaiting the next production."

Mayor Cronin asked to have a motion to bring Item 9C, Resolution to Approve and Support FY2010 CARTA Budget, forward on the AGENDA.

MOTION: Councilman Bettelli moved to bring Item 9C forward to this point on the AGENDA; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

9. C. Resolution to Approve and Support FY 2010 CARTA Budget

Administrator Tucker read the resolution into the minutes of the meeting.

MOTION: Councilman Taylor moved to approve the Resolution; Councilman Bettelli seconded.

Mayor Cronin reminded the Council that copies of the CARTA budget had been in the packets for the meeting, but he had a copy of the entire budget packet if anyone would like more information. The Mayor noted that Howard Chapman of CARTA had also brought several copies of the CARTA system maps.

Councilwoman Rice asked Mr. Chapman for the statistics on the increased ridership that CARTA is experiencing; he responded that, in 2008, there was record ridership with over four million (4,000,000) passengers. For the Express service that operates from Mount Pleasant, North Charleston, West Ashley and James Island, the overall Express service has been operating with over thirty thousand (30,000) riders per month. Mr. Chapman thanked the City for the services of Councilman Bettelli on the CARTA board and indicated that he is a very supportive member.

Councilman Taylor thanked Mr. Chapman "for his service to the community; he is a true asset to the Charleston area and it is a privilege to work with him."

Call for the Question: The motion PASSED UNANIMOUSLY.

4. Reports from Standing Committees

A. Ways and Means

- 1. MOTION: Councilman Taylor moved to approval of Change Order #11 to Mashburn Construction in the amount of \$16,378 and the addition of sixteen (16) days to the contract making the date of substantial completion June 29, 2009; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**
- 2. MOTION: Councilman Taylor moved to approve a Change Directive to Mashburn Construction for changes required for 911 service in an amount not to exceed \$10,000; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

3. **MOTION: Councilman Taylor moved to award the Post-Disaster Debris Removal contract to Bamaco of Bunnell, Florida; Councilman Bettelli seconded.**

Councilman Bettelli noted that the contract is a requirement of FEMA for reimbursement for any damages incurred in a storm event.

Call for the Question: The motion PASSED UNANIMOUSLY.

Councilman Taylor expressed the City's appreciation for the tremendous amount of work Assistant Dziuban had put in to the Post-Disaster Debris Removal RFP and bid process.

B. Public Safety Committee

Councilman Buckhannon reported that, in further discussion about the 41st Avenue and Palm Boulevard intersection, the Committee decided to keep the demonstration project in place, to permanently close off Cameron Boulevard and to ask SC DOT to look at the feasibility of a roundabout with Cameron closed off. The update on the Public Safety Building included the recommendation to Ways and Means to approve both Change Order #11 and the change directive related to 911 service. He thanked Dave Johnson of Cole+Russell for his negotiations that reduced the number of days in the change order from forty-four (44) to only sixteen (16). The Committee reviewed the recommended changes to Ordinance 2009-10 and recommended it for approval in the amended form. There was also discussion on amending the beach debris ordinance. A subject that received much attention was safely moving people off the island, particularly regarding the stretch of road on the Mount Pleasant side of the Connector. Chief Graham and Administrator Tucker briefed the Committee on the July 4th activities. The Committee was informed that Charleston County would assign bike medics to the island for those activities if the City was willing to pay thirty-five dollars (\$35) per hour for their services for a minimum of four (4) hours each; a motion to authorize this payment passed. It was noted that, in previous years, these services have been provided by the County at no charge.

MOTION: Councilman Buckhannon moved to authorize paying Charleston County for two (2) bike medics for July 4th at a rate of \$35.00 per hour and a minimum of four (4) hours each; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

The Committee requested that improvements to 21st Avenue be added to the project list for the request for CTC funds.

Councilwoman Bergwerf asked who was following up on a request made by Jeff Jacobs about changes to a Livability "sheet of paper;" Administrator Tucker stated that there was a document circulating, that, she thought, was a flyer that had been worked on before. The Administrator explained that the City's position was to allow the people on the email list to give their input before reviewing the suggestions; she stated that she has been following the email trail that has been occurring.

Councilman Taylor asked to recognize three (3) members of the Fire Department. He reported that week the Fire Department had responded to the home of one of his neighbors; the members who responded to the call were Engineer Eric Bolen, Lieutenant Jason Smith and Firefighter Michael Hommel. Councilman Taylor stated that they were extremely professional; they were very calming not only to the person in stress, but also to her husband and others who had gathered, as well. He added that he was very proud of the team that responded and noted that their actions and demeanor says a great deal about the Chief Graham's leadership and the examples set by both the Chief and Administrator Tucker.

Councilman Buckhannon recognized the Exchange Club Award winners for the Police and Fire Departments; they are Detective Sergeant Dawn Caldwell and Victim Advocate Diane Tarr for the Police Department and, in the spirit of teamwork, the entire Fire Department.

Mayor Cronin asked Dave Johnson of Cole+Russell to provide the Council with an update on the Public Safety Building. Mr. Johnson distributed a bar chart that indicates, on a timeline, the major events yet to come regarding the Public Safety Building. The goal of the graphic is to indicate where the construction process is today, where it will be in the next six weeks, how to get the departments into the building and the milestones along the path. (A copy of the graphic is attached.)

Mr. Johnson stated that the substantial completion date is June 29, but there will be some work going on, primarily on the site itself. He stated that, on June 29, the building is intended to be turned over to the City by Mashburn Construction, as well as the majority of the site; the space on the site where the trailers are located will be the area completed after June 29 – this area will be left open for parking on the July 4th weekend. Mr. Johnson stated that Mashburn had assured him that they will meet the June 29th date for substantial completion; the site completion date is July 10th.

The chart is divided into two (2) sections; the first section refers to what will happen before the completion of the building, and the second section states what will happen after the City takes possession of the building.

In reviewing the chart, Mr. Johnson stated that Week 1 begins today, Tuesday, June 23. Lines One and Two indicate that work is ongoing toward the substantial completion date and that the Building Department inspections are occurring daily throughout the week resulting in a Certificate of Occupancy intended to be issued on June 29th. Mr. Johnson said that he does not see any major items that would delay the issuance of the Certificate of Occupancy; he complimented Director Kerr for attending the progress meetings and being proactive and involved with the process.

The following two (2) lines referring to the Conditional Certificate of Occupancy have become irrelevant because the Fire Department has been able to make other accommodations for the storage of equipment and lodging of firefighters in the period between the removal of the trailers and the City taking possession of the building. Mashburn has made storage space available beside the building to store the Fire Department's watercraft.

After the Certificate of Occupancy is issued, but before anyone moves into the building, Mr. Johnson and a Mashburn representative will methodically go through the building developing a punch-list for each room. He indicates that preparing the punch-list completion will take a couple of weeks; the items on the punch-list are items that are not required to be in perfect condition to issue a Certificate of Occupancy, such as nicks in the wall or if something does not quite work correctly. Mashburn will have four (4) to five (5) weeks to complete the items on the punch-list.

Assuming that Mashburn meets the substantial completion date and the Certificate of Occupancy is issued, Mashburn is relieved of any liquidated damages because they will have met the terms of the contract. Mashburn is still required to complete the items on the punch-list, and the City will keep the retainage until completed.

Proceeding to the second section of the graphic, Mr. Johnson repeated that Mashburn has until approximately July 10 for substantial completion of the site work; a second Certificate will be issued once the site work is completed. At this time, both the building and the entire site are turned over to the City, and Mr. Johnson will prepare another punch-list on the site work.

Mr. Johnson indicated that SC DOT required that the repair work on Palm Boulevard remain as-is for a month to determine if anything more were to develop. If not, SC DOT would be satisfied with the patch and work can be finalized with painting.

A similar issue to the one on Palm has developed on J.C. Long Boulevard that is currently being evaluated; it appears to be a workmanship issue where the sand and other materials that were shoring up the pavement came together, there was settling of the sand and voids have developed. The current condition represents minimum repairs, assuming nothing else is found. The geo-technical engineer will be on site on Wednesday, June 24; the civil engineers reviewed the area today. The fix on J.C. Long will not interfere with traffic flow on July 4th.

On the subject of "Finalization of Change Orders and Final Pay Application," Mr. Johnson stated that there were two (2) change directives that have not been translated to change orders; he stated that the delay in writing the change orders is that he is negotiating with Mashburn to reduce the figure. Once these are completed, an official adjustment to the contract will be done. The final pay application usually comes after all work has been completed, and the retainage is kept by the City for the punch-list items; the final pay application completes the contract.

Once the Certificate of Occupancy is issued and the punch-list compiled, the departments can move into the building. With the flurry of activity for July 4th, the move-in is anticipated to begin on July 6, the Monday following July 4th.

The final topic on the graphic refers to the warranty period that is to be one (1) year; at this time the general warranty on the building ends. Before the year ends, another punch-list will be generated; Mr. Johnson offered his services to accomplish this.

Mayor Cronin asked Administrator Tucker to update the Council on the status of the digital radios. The Administrator reported that, on June 16, she had attended a meeting called by Charleston County to respond to the numerous emails from the Fire and Police Departments

relative to communication problems. Included in the meeting were Allen O'Neal, County Administrator, Bill Tunick, Walt Smalls and Donnie Jacomo; they expressed County Council's commitment to getting the problem figured out and reassured the City that they recognize the problem, want to be sure to solve it and are attacking the problem from both a long-term and short-term method. There will be a meeting between Charleston County personnel and Motorola Wednesday, June 24; at this meeting, the group will address the long-term solution requesting from Motorola a system design that will solve the problems that many of the East Cooper communities have been experiencing. They are continuing to work on the short-term site solution related to the Six Mile site and the fact that the City's radios pickup whatever strong signal is available. The Administrator reported that she had suggested that they might ask Motorola to start with a clean slate and to overlay that design to the infrastructure already in place; it should be very evident where the weak points were. She stated she had learned at the meeting of June 16th that part of the problem is that the assignment given to Motorola for the digital radio system by the County was to design a system using the existing towers. At that meeting, the Administrator had expressed her concerns regarding the weeks before and after July 4th and July 4th itself; she stated that the radio problems appear to be very acute on the weekends when the City has the bulk of its serious calls. Assuming the weather is good, she commented that she anticipates a very large crowd of visitors to the island. To address that problem, the County has made arrangements to acquire a piece of equipment referred to as a COW for Communications on Wheels to be deployed on the island to boost the signal; if the COW does not make the situation better, it will not be used. If it does improve the signal, it will be on the island for two (2) weeks. She concluded saying that she was encouraged by the County's support, but she continues to be in weekly contact and Chief Graham continues with daily communication.

In answering Mayor Cronin's question, Administrator Tucker stated that the location of the COW will be a part of the analysis of whether or not it will improve the situation here on the island.

The Administrator also assured City Council that the City would not incur any expenses related to the COW.

Mayor Cronin reported on his meeting with representatives of SC DOT earlier in the month; one of the topics was the 41st Avenue and Palm Boulevard intersection. He explained to them that the City wanted to continue with the demonstration project and, at a minimum, wanted to close off Cameron Boulevard. The members of SC DOT were charged with finding out what had to be done legally to accomplish that closure; they were also charged with taking another look at the feasibility of a roundabout with Cameron closed and how such a project could be funded. They have made their first attempt at producing an inventory of the City's roads that will include rights-of-way; approximately seventy-five to eighty percent (75-80%) of the island's roads were included in this first attempt. Now the problem is why they do not recognize the remainder of roads on the island; the City has compiled a list of all the roads they missed to send to them. When completed, there will be an inventory of all the roads, state designations, what the rights-of-way are and then determine what course of action the City wants to take.

Mayor Cronin commented that he had a meeting with the Mayor and City Administrator of Mount Pleasant where the Mayor made an appeal for the widening of the Connector from Highway 17 through the intersections at Hungry Neck and Rifle Range to the bridge to relieve the bottleneck

of persons leaving the island. Mayor Cronin was told that such a project was included in Mount Pleasant's long-term plan, but they were willing to enter into discussions with the Isle of Palms about how to move it up on their priority list. Once that is accomplished, there is the question of how to fund it.

Councilwoman Rice informed the Council that the turn from 41st Avenue onto Cameron is on several of Charleston County Schools' bus routes. She stated that for months the bus drivers would exit the buses, move the barricade, go through and replace the barricade. If the street is to be permanently closed, the school district should be informed so that it can inform the contractor.

C. Public Works Committee

Chairman Bettelli reported that Director Pitts had received kudos for the work he does for the Turtle Team; he noted that all members of the Public Works Committee were also members of the Turtle Team. A highlight for the month of May was the painting of the public restrooms by the employees of Keller-Williams Real Estate, and they look great. He also reported that the City is seeing a downward trend in trash collections. Several tents have been confiscated during beach sweeps; the Police Department and Public Works have worked out the system. After talking with the garden club, members of the Turtle Team painted turtles on the yellow barrels that had not been decorated with palm trees. The Committee reviewed the Post-Disaster Debris Removal bids and moved to award the contract to Bamaco, which was done earlier in the meeting. Discussion also took place on the beach debris ordinance. The problem of silting in the ditch on 27th Avenue at Waterway was discussed and has been corrected since the meeting.

D. Recreation Committee did not meet in June.

E. Personnel Committee

Councilman Piening reported that there was a brief discussion on changes to the evaluation process for the City Administrator and department managers; this is an ongoing project. To fill the opening on the Planning Commission due to Councilwoman Bergwerf's election to Council, the Committee selected David Cohen from the fourteen (14) applicants.

MOTION: Councilman Piening moved to appoint David Cohen to fill the unexpired term on the Planning Commission; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Safety Sweepstakes Winners for the month were announced as follows:

General Government – Marie Copeland	Police Department – April Hancock
Fire Department – Bryan Everett	Public Works – Willie Powell

F. Real Property Committee did not meet in June.

5. Reports from City Officers, Boards and Commissions

- A. Board of Zoning Appeals** – minutes attached
- B. Planning Commission** – minutes attached

Mayor Cronin stated that he had asked the Chairman of the Planning Commission Ron Denton to attend next month's Council meeting to report to Council on its actions toward the Comprehensive Plan and the items that Council asked the Commission to review.

Councilman Loftus took issue with comments attributed to Chairman Denton as reported in the Planning Commission minutes; Councilman Loftus stressed the noise problem is a very real one and not the negligible one Mr. Denton described.

- 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 2009-10 – An Ordinance Amending Title 7, Chapter 3 of the City of Isle of Palms Code of Ordinances to Create a Swimming Zone and Establish Certain Regulations Thereof.

Mayor Cronin noted that both the red-lined amended version and the final version of the amendment were included in meeting packets; he stated that the ordinance had gone before the Public Safety Committee that had moved for approval of the amended ordinance.

MOTION: Councilwoman Rice moved to approve the amendments to Ordinance 2009-10; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker stated that this ordinance gives the Charleston County Parks and Recreation Commission (CCPRC) the authority to continue what they have been doing in the area of beach included in the County Park. It was determined that the City needed to clarify the levels of authority in the City's ordinances, and the changes to the ordinance basically give CCPRC the jurisdiction and the power to do what they do in that area, as well as making the City's ordinance consistent with state law.

MOTION: Councilman Bettelli moved to approve for second reading and to waive the reading of Ordinance 2009-10 as amended; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

- A. First Reading, by title only, of Ordinance 2009-11 – An Ordinance Amending Title 7, Chapter 3, Beach and Marine Regulations, of the City of Isle of Palms, South Carolina Code of Ordinances to Prohibit Abandonment of Personal Property on the Beach and Leaving the Beach in an Unsafe Condition.**

Mayor Cronin stated that the only change to this ordinance was the insertion of the following:

“or permanently affixed poles supporting volleyball nets existing on the date of adoption of this Section, left unattended”

MOTION: Councilman Taylor moved to approve, for the First Reading by title only, Ordinance 2009-11; Councilman Buckhannon seconded.

Councilman Taylor asked Attorney Halversen if this amendment would preserve the volleyball nets currently at the Windjammer, and she responded that it would.

Call for the Question: The motion PASSED UNANIMOUSLY.

B. Approval of Marina Bulkhead Encroachment Agreement

Mayor Cronin stated that this is an agreement between the City of Isle of Palms and the people on Dewees Island.

Administrator Tucker stated that the agreement is necessary because, as the bulkhead was replaced in the outline of the previous bulkhead, it now extends into the riparian rights of Dewees Island. Through the negotiations of the attorneys for the two (2) entities, this document was developed which states that, in return for a the nominal fee of ten dollars (\$10.00), Dewees Island will grant the City an easement under the condition that the City maintains insurance.

The Administrator confirmed that the insurance is the same as has been the norm in the past.

MOTION: Councilman Taylor moved to approve the Marina Bulkhead Encroachment Agreement with Dewees Island and to authorize the Mayor to execute the document; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business

Councilman Bettelli announced that the City has received the Blue Wave Certification for 2009.

Mayor Cronin stated that he has had an inspiration to line the walls of the new Public Safety Building with pictures of the island over the years. He, therefore, issued a call for members of Council to spearhead a small committee to collect pictures from the community for this purpose; Councilwoman Bergwerf and Councilman Bettelli volunteered.

Before adjourning, Mayor Cronin commented that "Maxim" magazine had designated the Isle of Palms as one of the nations' six (6) sexiest beaches. He commented that he had a copy available for anyone who has not seen the article.

Councilman Loftus complimented City Council for doing its best to boost morale by letting members of every City department to "beat up" on them during the volleyball event at the Windjammer earlier in the month.

Chief Graham informed Council that the fireworks were scheduled for 9:30 p.m. on July 4th.

11. Executive Session - none

12. Adjourn

MOTION: Councilman Taylor moved to adjourn at 6:50 p.m.; Councilwoman Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk