

CITY COUNCIL

6:00 p.m., Tuesday, September 26, 2017

The regular meeting of City Council was held at 6:00 p.m., Tuesday, September 26, 2017, in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Carroll, Ferencz, Kinghorn, Rice and Ward, Mayor ProTem Harrington, Mayor Cronin, Administrator Tucker, Attorney Halversen, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act. After a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

2. Approval of Previous Meeting Minutes

MOTION: Councilmember Bettelli moved to approve the minutes of the regular meeting of August 22, 2017 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

3. Appointment and Administrator of Oath to New Employees

MOTION: Councilmember Kinghorn moved to appoint Patrol Officer Karina Garcia and Firefighter Chris Rouse as employees of the City; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Mayor Cronin announced that the City has been named a recipient of Charleston's Choice Award for Charleston's Best Family Beach for 2017 by *The Post and Courier* for the second year.

John Dodds, representing Barrier Isles LLC dba Morgan Creek Grill, addressed Council about Jay Clarke and Carla Pope's efforts over the past eighteen months (18 mos.) to secure a lease extension; their lease agreement originally began in May of 2002 through October 2005 with five options to extend for three years (3 yrs.). He stated that, in the haste to obtain an extension of the lease, Mr. Clarke missed the due date to notify of the restaurant's intention to exercise the fifth three-year (3 yr.) option within the required time period spelled out in the lease. Mr. Dodds stated that they were shocked to learn that the City would consider the late exercise of the option an opportunity for the dock space the restaurant currently has, some ten (10) slips, to be taken away. He contended that Morgan Creek Grill was a marina restaurant, and, therefore, boat traffic was an integral part of their business. Mr. Dodds expressed hope that City Council would take into consideration that Morgan Creek Grill has been "a faithful tenant for fifteen years" (15 yrs.) as was exhibited by their efforts to resolve the noise issue several years back with a cost to the restaurant of forty-five thousand dollars (\$45,000). He indicated that they would not be opposed to having their dock space relocated, but he said that they do need dock space. He stated that he wanted Council to allow Morgan Creek Grill to exercise its option to renew the lease for three (3) additional years and to retain comparable dock space within walking distance of the restaurant; he noted that they were considering "closing down their business" on October 31, 2017.

J.C. Nicholson, 20 Commons Court, thanked "whoever put out the brochure in the mail" and stated that he thought the "brochure" sent to registered voters relative to the marina plan was "informative

and put together very well” and that it emphasized the fact that the marina plan would not require a tax increase. He stated that his experiences at the marina have been very positive, and he commended the marina management. He said that he planned to vote in favor of the referendum because the marina is a valuable asset that the City needs to take care of and that should receive regular maintenance. He recounted that he has purchased a new boat that will not fit into his garage in Wild Dunes, and, in his search for storage for the boat, he learned that fifty-one (51) people are currently on a waiting list for space at the marina to store their boat and trailer. He asked that the marina plan consider a place for island residents to store their boats that do not fit into their garages.

Elizabeth Campsen, 32 Intracoastal Court, explained, in detail, the reasons that she was not going to vote in favor of the referendum; the full text of her comments is attached to the historical record of the meeting.

Ralph Martino, 30 Waterway Island Drive, stated that he has “been a neighbor and a customer at the marina for nearly twenty years (20 yrs.)” He thanked Morgan Creek Grill for the solution to the noise problem and noted that he now takes his children and grandchildren there on the weekend for food and entertainment. He thanked Council for the time they have given to developing this marina plan. On the subject of the management of the marina, he expressed the opinion that Brian Berrigan and his team have done a “marvelous job;” he added that he sees stability and leadership. He encouraged everyone to trust the work that was done by the consultant, trust the leadership of a long-term tenant, and he believes that “what is brought forward would provide greater service to the residents of the Isle of Palms and make the marina the crown-jewel that it could be and should be as a wonderful asset to all who live here.”

Randy Bell, 22-41st Avenue, said that he thought misconceptions exist for the people who state they will not support the referendum; he said they were not anti-marina or anti-Brian Berrigan. In his opinion, these people do not support the referendum based on the City’s current financial situation that was created by this Council and others running for Council who allowed a thirty-year (30-yr.) lease at the marina from which the City will not receive additional revenue because the terms are set. As a candidate for Council, he has received many emails commenting that Council is advocating for the marina and not simply presenting facts. He believed that the information presented has been factual, but also incomplete. Having received the City’s communication, he thought it was a lot of marketing; in his opinion, the project was not “community revitalization:” but a marina enhancement plan for point two (0.2) acres of City property. He stated that his issue was with the financial arrangements of marina tenants who pay a combined total to the City of four hundred six thousand dollars (\$406,000) per year; he noted that profit toggles were included in the leases, but “a good business operator would be remiss to increase profits and hit toggles to pay the City more money.” He stated that “the City was locked into a lease until 2045 that was not going to bring more money to the City no matter how much the City spends on the marina.” Information he thought was not being provided to residents was that the City has spent fifty-four thousand dollars (\$54,000) of General Fund money at the marina over the past ten years (10 yrs.), or that an excess of five million dollars (\$5,000,000) in tourism funds have gone to the marina, plus eight hundred three thousand dollars (\$803,000) in FY18 for the replacement of the underground storage tanks and the rehabilitation of the bulkhead. He added that, since the City is responsible for the maintenance and upkeep of the marina, the City would be paying for those

things without a referendum. Mr. Bell stated that, when things are funded by tourism dollars and when an additional five point five million dollars (\$5,500,000) is borrowed, the concern is what will happen to the debt when those funds are no longer coming to the City, and the answer, in his opinion, would be an increase in property taxes. He said that, although he does support making investments in the marina, he could not support the referendum.

John McMaster, 2801 Palm Boulevard, commented to the large number of decks, walkways and steps built by individual property owners that are now littering the beach as a result of Hurricane Irma. He opined that the property owners should be financially liable for the cleanup when it becomes necessary. He questioned also that the contractor building the emergency berms might be close to completing the task if he were not required to stop to clean away the decks, walkways and steps that are on the beach. He noted that some property owners have begun to rebuild their steps and walkways that he thought were extending onto what could now be considered public beach; he asked if they had to get permits from the City and, if they were, the City needed to be checking on where they were building.

Mayor Cronin told Mr. McMaster that OCRM issues the permits for walkways and steps, not the City and stated that he agreed with him – the City cleared these structures from the beach after Matthew and was now doing it again after Irma.

Administrator Tucker stated that the regulations being followed were those of OCRM; she also agreed with Mr. McMaster, but, when the steps and walkovers fall, they become beach debris and the City's responsibility to clean up. She noted that some property owners do try to identify and salvage their steps or walkovers, but, when new ones are constructed, OCRM simply notifies the City that the permit has been issued. The Administrator commented that, if residents wanted to advocate for a change in state law, they should communicate to OCRM and the state legislature the merit of requiring owners to post bonds when they are issued permits so that money would exist on the state level to pay for cleanup should they be destroyed.

Mr. McMaster recalled speaking to Director Pitts about the still flooded 28th Avenue beach access, and he pointed to streets and people's yards that are still holding water. He remarked that the City was considering spending a million dollars to build a fitness center at the Rec Center, that, in his opinion, the money might be used elsewhere.

Mayor Cronin informed Mr. McMaster that a two point seven million dollar (\$2,700,000) drainage project has just begun on the west end of the island for 45th to 52nd Avenues. The Mayor noted that drainage projects are very costly and that the City put money away for several years for this project; he assured Mr. McMaster that the City was working on the island's drainage problems.

Mr. McMaster suggested that the million dollars for a fitness room might be better directed to the City's drainage issues.

Wayne Jones, 52nd Avenue, stated that he has lived on the island for fifteen years (15 yrs.); he thanked Council members and the Mayor for their service. He voiced the opinion that the current City Council appears to have made serving Wild Dunes, the resort and its residents' priorities over the needs of the citizens who live outside Wild Dunes. A draft of his comments is attached to the

historical record of the meeting; it contains three (3) suggestions to Council to make life better on the island for its citizens, i.e. the fitness room, traffic solutions and drainage.

Presentation of Marina Enhancement and Community Revitalization Plan by Kirby Marshall, ATM

Mr. Marshall recalled that, just over two (2) years ago, he was with City Council in the kick-off meeting for a marina revitalization plan; discussions centered on what the marina was and what the marina could be. Stakeholder groups that met with ATM representatives included City staff, the Planning Commission, City Council, marina tenants and groups of IOP residents; ATM took the comments about the marina and sequenced them by their frequency. ATM heard most frequently about the parking issues on the site and on the adjacent streets, followed by statements that any redevelopment of the marina must provide benefits for the City's residents like more community and open space, better pedestrian access and more safety around the marina site. Other concerns cited were the need for a separate launch site for non-motorized vessels, improved traffic flow through better signage, better access for bicycles and golf carts, as well as the under-utilization of the Intracoastal Waterway docks due to their configuration. Following this series of meetings, ATM launched a website to garner more input from the residents of the island regarding improvements at the marina. The next step were a number of engineering assessments of the site on the upland side and on the water side, including the condition of the infrastructure in-place, the docks, the drainage the bulkhead, the utilities on-site, the boat ramp, etc.; they conducted a detailed parking and traffic flow assessment, including the parking requirements of the various uses at the marina. Based on all of the information gathered, ATM developed conceptual plans and conducted a financial analysis both of which were presented to City Council in a detailed summary report that also included a regulatory analysis to determine what could be done within the envelope of the site.

Once a concept was available, ATM hosted and participated in another series of meetings held with the public and with the Planning Commission that made a presentation to City Council of changes they recommended for it. At this point the plan was assigned to the Real Property Committee, and they have spent about eighteen months (18 mos.) tweaking the plan pursuant to input from residents, the marina tenants and marina manager, and members of the Committee. The conceptual drawing before City Council is the culmination of all of the work described above.

The driving forces were providing public access to the water, not just to boaters, providing a park-like atmosphere at the water's edge to bring citizens to the water, and creating a place where citizens can gather and a place engendering civic pride. ATM was asked to transform the marina into a place where people can just sit and enjoy the water or a child can fish and learn about the water. In the Committee's minds, those goals have been accomplished in this plan.

The proposed revitalization plan includes the following:

- On the Dewees Island side of the marina nearest Fire Station II, a safe and wide pedestrian access outside the realm of vehicular access is located to the right as one enters the marina site that will accommodate walkers and cyclists.
- A waterfront promenade has been incorporated around the marina site; it is bisected by the boat ramp, but a safe walkway has been identified at the top of the ramp for pedestrians.

- The site has been segregated into three (3) separate paths of vehicular traffic; the first enables easy access to the marina store and the commercial activities in that area of the marina; a second road is for boat and trailer access to the boat ramp with easy access to the upland fuel dock; and the third takes one directly to the restaurant and the activities found on the Intracoastal Waterway side of the marina, including Tidal Wave Watersports and Coastal Expeditions.
- A new City dock is on the Intracoastal Waterway, originally the Tidal Wave Watersports dock, that incorporates a launch for kayaks and paddleboards; a tranquil park-like area is planned in this area with benches and swings for the enjoyment of the water, as well as a small storage building for kayaks and paddleboards belonging to island residents.
- Also integrated into the site are multiple locations for increased bicycle and golf cart parking, and the entire site will be ADA accessible.
- To increase usage of the Intracoastal docks, the fingers and piling will be removed and the docks will be relocated farther into the Waterway and reconfigured.
- Small platforms and a building structure will be constructed on the Intracoastal Waterway docks to provide Tidal Wave the same level of operational capacity they experience at their current location.
- The remainder of the Intracoastal dock space could be used for additional residential slip space, an issue that Council will address later in the meeting relative to Morgan Creek Grill's lease.
- Coastal Expeditions will be relocated to a small floating platform farther from the jet-ski business.
- Having reached the end of their useful life, the docks on Morgan Creek will be demolished and replaced as will the utilities on the docks.
- The new docks will extend as far into Morgan Creek as regulations allow, thereby expanding the space available on the docks.
- Dock space to the right of the boat ramp and behind the marina store would be dedicated commercial dockage with the fuel dock, several jet docks for the various in-shore charter fishing boats and the rental stand-up paddleboard operation, as well as the Osprey, an off-shore charter service and the Barrier Isle Eco-tour boats. The result will be a separation of the residential and commercial uses at the marina.

Mr. Marshall also had comparisons between the existing conditions at the marina to the proposed improvements, such as the number of parking spaces and linear feet of dock space. A copy of the graphic is attached to the historical record of the meeting.

Responding to Councilmember Ferencz' question about the percentage of the site that will be pervious, Mr. Marshall said that the pervious surface would be fifty-nine percent (59%), including the gravel and grass covered areas. He noted the gravel at the site now has become so compacted that it is no longer pervious; after site visits after rain showers or storms, a senior civil engineer with ATM determined that only twenty percent (20%) of the surface is currently pervious. In the new plan, forty-two percent (42%) of the site will be pervious and will contain state-of-the-art drainage systems for stormwater management control.

The existing stormwater drainage system at the marina is effectively clogged; it functions only in certain areas and is highly influenced by tidal flows especially with the ditch that flows along 41st

Avenue. He stated that “runoff runs uncontrolled for quantity and quality into the adjacent ditch and sometimes overland straight into the Waterway. The proposed stormwater management system will control the flows to limit the tidal influences and intrusion into the stormwater management system; a purpose-designed collection system will occur throughout the site and discharge in underground stone beds that will filter the water and clean it before it exits into the ditch or into the Waterway. Piping will be limited to save costs, and, if possible, a portion of the intercepted water taken into the storm drains will infiltrate laterally into the soil and evaporate due to the sponging effect of the soil or feed vegetation at the site. The roof drainage from the store and restaurant can also be directed to cisterns and other collection systems to be used in irrigation. The site will be completely redeveloped to include a complete, thorough, state-of-the-art, green collection system for stormwater management.”

He stated that, currently, the percentage of the parking used for truck and trailer parking is between thirteen and eighteen percent (13-18%), depending upon the inclusion of flex-parking; in the new plan twenty-one percent (21%) of the parking area will be for truck and trailer parking. The percentage of parking that is currently residential, including golf carts and bicycles, is unknown because it is not controlled or managed. At present, forty-one percent (41%) of the dock space is commercial; in the new plan, commercial dock space will be thirty-nine percent (39%). Residential dock space in the marina today is fifty-nine percent (49%), but will become sixty-one percent (61%) in the new plan. Greenspace at the marina presently occupies less than three-quarters ($\frac{3}{4}$) of an acre; it is not managed, planned or cared for; in the new plan, greenspace will cover approximately one (1) acre of purposed-design space.

Councilmember Ferencz expressed concern over how the runoff from the hard surfaces, i.e. the amount of asphalt that will be added to the site for driving areas and the concrete promenade around the site, will be managed to prevent it from running into Morgan Creek. To prevent the ponding issues at the marina and to accommodate trucks – that are getting bigger and heavier – with trailers, buses, garbage and delivery trucks, etc. the roads in the marina need to be asphalt. In efforts to prevent as much water runoff from a boat ramp to go into the waterways, an important factor is not to create a peak in the drive surface between the access point where someone might be backing down the ramp because at that point in time the trailer goes over the edge of the ramp and the tongue of the trailer would impact the peak. The solution was to slope away from the ramp in such a manner as to honor that maximum peak and sweep the rest away from the ramp.

Councilmember Kinghorn thanked Councilmembers, staff, Mr. Marshall and citizens who participated in the project. He stated that the plan was not perfect, it was affected by the environment in which it was situated, but, with the effort that has gone into it in the past two (2) years, he opined that the City was in a place where it could go forward confident with its collective responsibility in the project. The Councilmember listed adjectives, i.e. thorough, comprehensive, transparent, inclusive, open, communicative, thoughtful, safe, financially responsible, improvement for infrastructure, fair; he then asked Mr. Marshall if staff, Council, citizens and stakeholders involved in this process have honored the phrases and characterizations. Mr. Marshall responded, “Yes, and as much or more on this project than any other they have worked.”

Councilmember Carroll said that he has asked the Mayor and Administrator to begin to think about the future and that the buzz word on the island was drainage, and he would like to see the City begin to use pervious concrete. He indicated that he did not know the difference in cost.

According to Mr. Marshall, if the project goes forward, opportunities would come up in the design process to incorporate innovative products within the budget that has been established; he noted that engineering solutions, like pervious concrete, were becoming more cost effective.

MOTION: Mayor Cronin moved to approve the Marina Revitalization and Community Enhancement plan dated September 26, 2017 as presented; Councilmember Bergwerf seconded.

Councilmember Carroll clarified that the vote would be to approve the plan for presentation to the citizens at the two (2) upcoming community meetings.

Councilmember Bergwerf stated that this plan was still open to changes, noting that the permitting agencies might require certain changes before approval.

Councilmember Bettelli commented that he is the only member of City Council that was on City Council when the marina was purchased; he stated that the plan from the beginning was to pay off the debt from the purchase and to then address improvements.

VOTE: The motion PASSED UNANIMOUSLY.

Mayor Cronin announced that, on Wednesday, September 27th from 4:00 p.m. until 7:00 p.m., an Open House will be held at the marina to provide citizens the opportunity to see and to study the plan, to ask questions and to make comments relative to it. Representatives from ATM, familiar with the project, will be on-hand along with members of the Real Property Committee, marina tenants and City staff to answer questions and to address concerns. A second informational meeting will be held from 5:00 p.m. to 8:00 p.m., Thursday, October 12th at the Recreation Center using the same format at a different location.

Councilmember Ferencz reported that she had received many phone calls about the City's first mailing about the marina referendum; she stated that one (1) caller thought that it had come from a private group on the island pushing for a favorable vote on it since it was not signed. She suggested that, in the next mailing, rather than making the statement "No tax increase," the caveat "as long as tourist funds are maintained at the same level as they are now" should be added because, without them, the debt could not be serviced without a tax increase since the lease revenue cannot increase significantly.

Councilmember Bergwerf countered that two (2) of the three (3) marina leases will expire and be up for renegotiation before any work would begin on the project; therefore, to assume the tenants would not pay more was not valid.

Councilmember Carroll voiced agreement with Councilmember Ferencz; he, too, received "numerous" phone calls from residents who thought the mailing had taken a "pro" stance rather than a neutral one.

Mayor Cronin repeated that the mailing contained only factual information.

Councilmember Bergwerf reiterated that the information set forth in the mailing was factual with no leaning either pro or con; it was inherently positive because of the present condition and lack of coordination at the marina. She commented that the City will be holding a referendum in November and residents cannot be asked to vote on something without having the factual information on which to base the vote.

When Councilmember Ward stated that he knew nothing about the mailing, Councilmember Bergwerf recalled that the mailing was discussed at both the August and September Real Property Committee meetings which were included in Council packets and the August City Council meeting.

Councilmember Kinghorn said that he had received calls of appreciation from constituents who were pleased to receive the information because they were relatively unaware of the revitalization of the marina. He suggested that the second mailing contain a timeline of information about the time allowed for citizen input.

Administrator Tucker offered clarification that, on August 2nd, she had sent Council a first draft of the information piece for the mailing; the mailing discussion from the Real Property Committee of August 3rd, contained in Council packets for August 22nd, and the Real Property Committee minutes from September 15th were in meeting packets for this meeting.

Councilmember Rice stated that the point of the mailing was to be as transparent as possible; she said that, if people found it to be positive, the reason might be the nature of the project that is to make the marina “so much better.”

Councilmember Carroll repeated his caution that the island will be hit by another hurricane and, therefore, must be careful with its spending.

5. Reports from Standing Committees

MOTION: Mayor Cronin moved to reorder the Agenda to advance the Personnel Committee as the first report; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

E. Personnel Committee

Reporting on the meeting of September 2nd, Mayor ProTem Harrington stated that the first order of business had been a “spirited” discussion of the proposed IOP Code of Conduct for Elected and Appointed Officials developed by Attorney Halversen after researching such codes nationwide; he briefly described the punitive actions the Code would make available to City Council. Commenting that social media has become a focal point in daily lives, he indicated that the Code needed more reflection, more intensive review and discussion.

Mayor Cronin indicated that he preferred the Ten Commandments; he was, however, aware that, society today requires legal structures to make people more accountable.

Councilmember Ferencz noted that many of the terms contained in the Code of Conduct could not be quantified, and she believed that the inclusion of sanctions required measurable terminology. Secondly, she pointed out that the Code, as presented, would give the Mayor and Mayor ProTem rights and privileges that were not be afforded to other Council members. She expressed the belief that each person has an inherent code of conduct and that “no piece of paper would change the actions of some and would be an insult to others.”

Councilmember Kinghorn stated that anything Council could do ‘to raise its ethical efforts in public service or conduct . . . would be a very positive thing.’ He asked that the document receive approval from both the Human Resources Director and the City Attorney.

Mayor ProTem Harrington stated that the City Attorney had written the Code of Conduct that was in the meeting packet.

Mayor Cronin suggested that Council continue its discussion on the Code of Conduct at Council’s visioning meeting nearer the end of the year.

Mayor ProTem Harrington said that the revised job description for the City Clerk was a reflection of her duties and responsibilities as they exist today.

MOTION: Mayor ProTem Harrington moved to approve the revised job description for the position of City Clerk; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

The August Safety Sweepstakes winners were Marie Copeland of General Government, Officer Jonathan Ayer of the Police Department, Firefighter Jon Seginalp of the Fire Department and George Myers of the Public Works Department.

Position vacancies in the City are for a part-time Animal Control Officer in the Police Department, and a Parks and Facilities Specialist at the Recreation Department.

(Mayor ProTem Harrington left the meeting after the report.)

A. Ways and Means Committee

The Mayor noted that, after the Ways and Means Committee meeting, Councilmembers were provided a copy of Moody’s Investors Service Annual Comment on the City of Isle of Palms; copies were available in Council Chambers for residents to have. From the “Credit Overview” the Mayor read the following into the minutes:

“Isle of Palms has a very good credit position, and its Aa1 rating is above the median rating of Aa3 for US cities. Notable credit factors include a robust financial position, a strong wealth and income profile and a healthy tax base. The credit profile also reflects an extremely small debt burden and a moderate pension liability.

The financial position of the city is very strong and is slightly favorable in comparison to the assigned rating of Aa1. Isle of Palms' fund balance as a percent of operating revenues (89.7%) far exceeds the US median, and stayed the same between 2012 and 2016. Moreover, the cash balance as a percent of operating revenues (60.3%) is much higher than the US median."

Mayor Cronin reported on the meeting of September 19th where Treasurer Suggs reported that, two (2) months into the fiscal year, budgeted expenditures were at fifteen percent (15%) of budget with a target of seventeen percent (17%), and revenue was at eight percent (8%) of budget. The Treasurer stated that a large portion of revenue received in August was for the prior fiscal year. The City's cash balance, excluding the stakeholder funds, exceeded seventeen point seven million dollars (\$17,700,000) at August 31, 2017; for the same time in FY16, the balance was fifteen point two million dollars (\$15,200,000). The increase can be attributed to the Beach Preservation Fee Fund, generated by tourists for the upkeep of the beach, and an increase in the Capital Projects Fund. In tourism funds, the Municipal Accommodations Fees and the Beach Preservations Fee fund have an increase of seven percent (7%) over the same period in FY16, and Hospitality Taxes have an increase of six percent (6%) over FY16. Due to the solar eclipse, August tourism funds for the Charleston area saw a significant "bump." For the Phase II Drainage Project from 45th to 52nd Avenue, the contract has been executed and the contractor has begun survey work; in October, construction will begin with the outfall and work its way back to Palm Boulevard. The contract has also been let for the Beach Renourishment Project; in a pre-construction meeting, the contractor stated that the work is scheduled to begin in December.

Administrator Tucker added that, on the City's website under the Administration tab, a timeline for the project is maintained and constantly updated.

The vehicle wash-down project continues with no specified completion date.

1. Approval of FY17 millage rate of 24.7 mills

MOTION: Mayor Cronin moved to set the FY17 millage rate at 24.7 mills for property taxes; Councilmember Bettelli seconded.

The Mayor noted that the property tax rate has not changed for several years.

VOTE: The motion PASSED UNANIMOUSLY.

2. Affirmation of distribution of FY17 positive net result by putting \$100,000 into the Disaster Recovery Fund, \$600,000 into the Capital Project Fund and leaving \$182,030 in the General Fund; Councilmember Bettelli seconded.

Mayor Cronin stated that the City has not withdrawn any funds from the Unassigned General Fund in several years, and the balance has remained untouched for approximately twenty (20) years.

Councilmember Ferencz recalled that information provided to Council previously showed that the City received in excess of one hundred fifty-two thousand dollars (\$152,000) in FEMA reimbursements, and she questioned that the City was not putting that amount back into the Disaster Recovery Fund, especially in light of the Administrator's report to Ways and Means that the City has already accumulated five hundred thousand dollars (\$500,000) in damages from Hurricane Irma. She noted that, according to news reports, FEMA payments for Hurricane Matthew have been frozen; she stated that she doubted that the City would be reimbursed as expected for the Irma damages.

Mayor Cronin commented that the City will have approximately two point four million dollars (\$2,400,000) in the Disaster Recovery Fund with this action, and he voiced confidence that the City would receive reimbursement for the emergency expenditures. He added that Congress was in the process of appropriating seventy-two billion dollars (\$72,000,000,000) for emergency response.

VOTE: The motion PASSED on a vote of 6 to 2 with Councilmembers Ferencz and Ward casting the dissenting votes.

Director Pitts made a "very good presentation" relative to what he had learned was needed after dealing with the One Hundred Year Flood, Joaquin, Matthew and Irma in addition to debris pickup and removal, i.e. stormwater and the island's drainage. He also made suggestions for future needs of the Public Works Department, for instance, to increase the frequency that the City deals with stormwater maintenance, particularly the ditches and drains.

The Mayor stated that it was a complex issue because much of the drainage system on the island falls under SCDOT's purview since the ditches are in the SCDOT right-of-way, and they become concerned if the City does something that they do not recommend. In addition, solving drainage issues is a very expensive job; the City's current project to move water from seven (7) blocks from the beach front to an outfall is two point seven million dollars (\$2,700,000).

Councilmember Ferencz stated that the Administrator had sent her a copy of the 1995 drainage study done by Seabrook; a referendum was held at that time for seven million dollars (\$7,000,000) to implement the recommendations. The City has contracted with Eadie's for ditch maintenance on a five-year (5 yr.) cycle, and that contract is approximately half a million dollars (\$500,000). She opined that, in the near future, the City needed to budget that amount every year for a continual process of cleaning the island's ditches.

Councilmember Bettelli recalled that, prior to 2000, the City did not have a drainage plan; he also pointed that many of the ditches on the island are tidal ditches.

Councilmember Kinghorn asked if any of the surrounding local governments were involved in sea water level studies that the City might partner with to make long-term plans.

Mayor Cronin complimented staff for their storm preparation that had a contractor in the office on Tuesday morning to sign a contract for emergency berm repair from Breach Inlet to 10th Avenue, Beachwood East and Grand Pavilion. This work will be filed with FEMA under Category B which is emergency recovery.

3. **Consideration of an award of a contract to Master Craft in the amount of \$34,500 for the installation of retractable basketball goals in the Recreation Center gymnasium (pg. 46, In. 137 – Capital Projects, Recreation Department, \$40,000)**

MOTION: Mayor Cronin moved to award a contract to Master Craft for \$34,500 as detailed above; Councilmember Rice seconded.

Councilmember Carroll said that he was opposed to the purchase at this time although the City had the money; he thought it sent the wrong message to citizens because drainage should be the City's priority.

Councilmember Rice reminded Council that the retractable goals were budgeted and would be an improvement to the gymnasium.

Councilmember Bettelli indicated that he thought that supporting the island's children was important since they are the primary users of the Rec Center.

VOTE: The motion PASSED on a vote of 5 to 3 with Councilmembers Carroll, Ferencz and Ward casting dissenting votes.

4. **Consideration of an award of contract to Technology Solutions of Charleston in the amount of \$29,896.81, state contract pricing, for Access Control Upgrade to the Police Department (pg. 43, In. 38 – Capital Projects, Police Department, \$30,000)**
5. **Consideration of an award of contract to Technology Solutions of Charleston in the amount of \$33,197.90, state contract pricing, for Access Control Upgrade to the Fire Department (pg. 44, In. 68 – Capital Projects, Fire Department, \$30,000)**

MOTION: Mayor Cronin moved to award the contracts to Technology Solutions of Charleston for Access Control Upgrades for the Police and Fire Departments; Councilmember Bettelli seconded and PASSED UNANIMOUSLY.

6. **Award of a contract in an amount up to \$25,000 to FireLine for the unbudgeted repair of the 95 foot ladder truck**

MOTION: Mayor Cronin moved to award a contract to Fireline for the repair of the 95 foot ladder truck in an amount not to exceed \$25,000; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

In closing, the Mayor noted that Ways and Means and City Council will meet on Tuesday, October 24th at 5:00 p.m. and 6:00 p.m. respectively.

B. Public Safety Committee – no meeting in September

- C. Public Works Committee** – no meeting in September
- D. Recreation Committee** – no meeting in September
- F. Real Property Committee**

Councilmember Bergwerf, reporting on the meeting of September 15th, stated that the marina tenants reported on the damages sustained from Hurricane Irma. Marina Manager Berrigan reported that the marina store closed at 6:00 p.m. on Sunday, September 10th and reopened Tuesday, September 12th; the storm produced minor damage to the docks, and water breached one of the underground storage tanks. After two (2) site visits, Petroleum Recovery Services removed the water from the tank and the fuel lines; salt water intrusion into the electrical components at the dock has meant that only diesel fuel was available at those docks at that time. Boats at the marina received only cosmetic damage, and, although the IntraCoastal docks were under water, they had no damaged. Michael Fiem reported that the Tidal Wave dock was also under water, but did not experience any structural damage. In addition, employees reported being shocked by the electrical equipment on one side of their hut; power was shutoff to that area, and Mr. Fiem was hopeful that drying out the line would solve the problem. Jaye Clark of Morgan Creek Grill reported that the restaurant had closed on Thursday, September 7th and remained closed through Wednesday, September 13th; although the building does not appear to be damaged, they are still assessing the situation. In the following discussion about the Marina Revitalization, Administrator Tucker related that Kirby Marshall of ATM had presented the plan to the ATAX Committee earlier in the week; ATAX members voiced concern about the drop-off at the end of the boat ramp and surprise that a correction or replacement were not included in the plans. In subsequent days, Mr. Marshall conferred with his team and, as a result, he brought a couple of solutions to the Committee for consideration. The most economical solution was to place a curb at the end of the ramp to stop trailer wheels and prevent them from going off the end of the ramp. Mr. Berrigan expressed his opinion that the ramp should be replaced to give it the proper slope, to be ridged to reduce maintenance and to eliminate the problem of the drop-off completely. Mr. Marshall estimated the cost to be between two hundred and two hundred fifty thousand dollars (\$200,000 – 250,000) to replace the ramp; Mr. Berrigan committed up to one hundred thousand dollars (\$100,000) toward a new ramp should the referendum pass. Additionally, the Committee talked about the informational mailings and established the dates, location and times for the public meetings, i.e. Wednesday, September 27th from 4:00 p.m. to 7:00 p.m. at the IOP Marina and Thursday, October 12th from 5:00 p.m. to 8:00 p.m. at the Recreation Center. When discussing the relocation of TidalWave Watersports, the Committee agreed that to move them before the referendum was impractical. When discussing the future of marina leases, Administrator Tucker noted that one(1) of the missions of the marina revitalization was to react to citizens' advocacy for more residential uses and, specifically, for more slips to be available to residents. She recalled that consideration for terminating one (1) of the leases was entertained at the last Council meeting, but Council did not support that action. At the Committee meeting, the final three-year (3 yr.) renewal option for Morgan Creek Grill was approved with an amendment that removes the allotted dock space from the lease.

MOTION: Councilmember Bergwerf moved to approve the three year renewal of the lease for Barrier Isles LL dba Morgan Creek Grill with an amendment removing the allotted dock space; Councilmember Rice seconded.

Councilmember Ward asked why the City was taking away the dock space.

Councilmember Bergwerf responded that the docks were under-utilized and, when the marina plan is implemented, the City can make better use of the docks. When asked whether the change had been discussed with the restaurant management, Councilmember Bergwerf stated that they wanted to keep the docks since they believe the dock space is vital to their business, but, working with the Marina Manager, they have been assured of having slip space for their boating customers that will be closer to the restaurant and easier for them to monitor.

Councilmember Ferencz then asked if these docks would be given to Mr. Berrigan, and Councilmember Bergwerf replied that no decision has been made as to their disposition. Councilmember Ferencz commented that, if they were to become residential docks, Mr. Berrigan would receive income from them, possibly as much as thirty-eight thousand dollars (\$38,000) per year.

Councilmember Bergwerf said that, if the docks were to be put under Mr. Berrigan's purview, his lease would be amended to reflect the addition.

Elaborating on her response to Councilmember Ward, Councilmember Bergwerf stated that the City is proposing to revitalize the marina which involves reconfiguring the docks and making them more resident-friendly. Arrangements will be made to accommodate Morgan Creek Grill, but, as has been stated numerous times, the marina revitalization will require give-and-take from all of the marina tenants. In addition, Councilmember Bergwerf stated that she thought providing this dock space for residents was in the best interest of the City and the residents.

Councilmember Carroll opined that, in recent years, Morgan Creek Grill has done more to appease its residential neighbors of any other marina tenant, and he thought this action was punishment for their being tardy in notifying the City of their desire to renew their lease. He indicated that he saw no problem with allowing Morgan Creek Grill to operate for the coming three years (3 yrs.) under the same lease terms that exist today.

Councilmember Ferencz said that she thought the perception was that City was holding the restaurant hostage, saying they would get the lease renewal but with the loss of their dock space.

VOTE: The motion PASSED on a vote of 5 to 3 with Councilmembers Carroll, Ferencz and Ward casting the dissenting votes.

The Committee was told that the RFP for the removal/replacement of the underground storage tanks would likely go out this week and that the RFP contains two (2) scenarios, i.e. to remove and replace the tanks and to revamp the entire system; staff is hopeful that the work can begin in the fall.

The next Real Property Committee meeting is scheduled for 9:00 a.m., Monday, October 9th in the City Hall Conference Room.

6. **Reports from City Officers, Boards and Commissions**
 - A. **Accommodations Tax Advisory Committee** – minutes attached
 - B. **Board of Zoning Appeals** – minutes attached
 - C. **Planning Commission** – minutes in process
7. **Reports from Special or Joint Committees** – None
8. **Petitions Received, Referred or Disposed of** – None
9. **Introduction of New Bills, Resolutions and Proclamations**

Mayor Cronin reported that the City Attorney is in the process of drafting ordinances coming from the discussions with the Planning Commission relative to sewer; he stated that the IOP Water and Sewer Commission expressed concern that reducing the lot coverage to floor area ratio would result in more grinder pumps on the island.

A. Resolution to Adopt a Code of Conduct for Elected and Appointed Officials of the City of Isle of Palms

The decision was made earlier in the meeting to hold this for the visioning meeting later in the year.

B. First Reading, by title only, of Ordinance 2017-06 – An Ordinance Authorizing the City Administrator of the City of Isle of Palms to execute the Necessary Documents to Enter into that Certain Second Amendment to the Commercial Lease Between the City of Isle of Palms and Barrier Isles, LLC, Attached Hereto as Exhibit 1 and Incorporated Herein by Reference.

MOTION: Mayor Cronin moved to approve Ordinance 2017-06 for First Reading by title only; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

C. First Reading, by title only, of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Floor Insurance Rate Maps (FIRM) and to Provide for a Minimum Elevation for Residential Construction.

MOTION: Mayor Cronin moved to adopt Ordinance 2017-07 for First Reading by title only; Councilmember Carroll seconded.

To clarify the essence of the ordinance, Mayor Cronin stated that the federal government has changed the datum for measuring the base flood elevation, i.e. if a residence was in an AE4 zone before and in an AE4 zone today, the flood elevation level would be different now but keep the same identification. The second part of the ordinance states that, regardless of that, the minimum elevation for residential construction is to be fifteen (15) feet.

The Mayor said that this was part of the City's attempt to adapt to the new flood maps that show certain areas of the island where the flood elevation actually goes down, which history has shown to be incorrect; the City will be establishing, by ordinance, its own standards.

Attorney Halversen stated that this ordinance was a precursor to an ordinance adopting new flood maps.

VOTE: The motion PASSED UNANIMOUSLY.

10. Miscellaneous Business

Next Meeting Date: 6:00 p.m., Tuesday, October 24th in Council Chambers

11. Executive Session – not needed

12. Conclusion/Adjournment

MOTION: Councilmember Ward moved to adjourn the meeting at 8:37 p.m.; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk