

## CITY COUNCIL

6:00 p.m., Tuesday, January 24, 2012

The regular meeting of City Council was held at 6:00 p.m. on Tuesday, January 24, 2012 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Carroll, Loftus, Stone, Thomas and Ward, Mayor Cronin, City Administrator Tucker, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland; a quorum was present to conduct business. Invited guests at this meeting were Bill Taylor, Field Services Manager with the Municipal Association of South Carolina, and Frances Cantwell, well-known local attorney.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act. The Pledge of Allegiance followed a brief invocation that was followed by the roll call.

### **2. Introduction to Services Offered by Municipal Association of South Carolina (MASC) by Bill Taylor**

The Mayor introduced Mr. Taylor and invited him to the podium for his presentation regarding the Municipal Association and the work it does for the state and for local municipalities.

Mr. Taylor related that he is one (1) of two (2) Field Services Managers for MASC; he explained that MASC is a not-for-profit and non-partisan organization that was formed approximately eighty (80) years ago to help the two hundred sixty-nine (269) communities in the state to better their opportunities for managing their local governments. This mission is accomplished through three (3) divisions, i.e. Shared Knowledge, Shared Solutions and Shared Voices. The Shared Knowledge division encompasses nine (9) affiliate organizations that are primarily staff-driven and staff-related, with the exception of the newest organization the Association of South Carolina Mayors. Staff training is provided through these associations which include the Municipal Court Administration, Municipal Human Resources, Municipal Finance Officers, Clerks and Treasurers, Municipal Technology, Municipal Power Systems, Association of Stormwater Managers, Business Licensing Officials, Municipal Attorneys, Community Development and Utility Billing Associations. This division also offers three (3) comprehensive training institutes; they are Municipal Clerks and Treasurers Institute, the Local Government Information Technology Institute and the Elected Officials Institute of Government. The Shared Solutions division includes the collections programs that include Brokers Tax, Insurance Tax, Off-set Debt and Telecommunications Tax. Self-funded insurance programs also fall under this division; the South Carolina Insurance Risk Financing Fund (SCMIRF) provides property and liability coverage, tort liability and vehicles, and the South Carolina Municipal Insurance Trust (SCMIT) program that provides workers' compensation insurance. The Shared Voices division is the legislative and public relations area. In the "Cities Means Business" campaign, discussions are held about the benefits of collaborating with business officials and talking about what is important in individual cities. From the regional advocacy meetings held in September, staffers got input from the local municipalities throughout the state about what could occur legislatively that could improve their operations; this information was the basis for building MASC's agenda for the upcoming legislative year.

Mr. Taylor encouraged Councilmembers to attend the Hometown Legislative Action Day scheduled for Wednesday, February 15, 2012 in Columbia; this event affords an opportunity for staying in touch with activity in the General Assembly.

Mr. Taylor continued his presentation by briefly reviewing the information included in the handout; the handout is attached to the historical record of the meeting.

In conclusion, Mr. Taylor stated that he wanted the IOP Council to view MASC as its “resource on issues relative to local government because (MASC) is working for and with (Council) as elected officials and local staff as well.”

- 3. Executive Session** to receive legal advice regarding the South Carolina Freedom of Information Act and related laws which pertain to the conduct of Councilmembers, Council and Committee meetings presented by Frances Cantwell, Attorney at Law

**MOTION: Councilmember Loftus moved to go into Executive Session for the purpose stated above at 6:20 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

City Council returned to regular session at 7:10 p.m.; Mayor Cronin announced that Council had not taken any action or a vote while in Executive Session.

#### **4. Presentation of Signal 30 Award to Bill Pennington**

Mayor Cronin explained that the City confers the Signal 30 Award to citizens who have displayed exceptional public service; he then invited Bill Pennington of Salem, South Carolina to join him in front of the dais. The Mayor described how, on November 2, 2011, Mr. Pennington had responded instinctively and effectively to a participant in a tennis tournament at Wild Dunes who collapsed on the court in full cardiac arrest; with the use of a defibrillator, Mr. Pennington saved the man’s life in the three to four (3-4) minutes it took the City’s first responders to arrive at the scene. The Mayor thanked Mr. Pennington for his actions and awarded the plaque signifying the Signal 30 Award. Mayor Cronin also introduced Mr. Pennington’s wife and EMS officials from Salem who drove down to participate in honoring him.

Mr. Pennington reported that he had received an email from the man he saved who has completely recovered and was on his way to Aspen, Colorado for a ski-and-learn seminar; the former patient also expressed his thanks to the IOP first responders from Station 2.

#### **5. Reading of the Journal of Previous Meetings**

**MOTION: Councilmember Bettelli moved to approve the minutes of the regular meeting of November 15, 2011, and the Special Meetings of November 1 and December 6, 2011 and January 3, 2012; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

#### **6. Consideration of Mayor Pro Tem**

Councilmember Loftus nominated Councilmember Bergwerf for Mayor Pro Tem; Councilmember Thomas seconded. Councilmember Ward nominated Councilmember Buckhannon, and Councilmember Carroll seconded. Councilmember Buckhannon was elected Mayor Pro Tem on a vote of five to four (5 to 4).

**7. Citizens' Comments – None**

**8. Reports from Standing Committees**

**A. Ways and Means Committee**

From the meeting of Tuesday, January 17, Mayor Cronin reported that he had been elected Chair, and Councilmember Ward was elected Vice Chair.

The meeting started with a presentation by the IOP Water and Sewer Commission about the new wastewater treatment plant planned for Forest Trail. Consultants for the Commission will appear before the IOP Board of Zoning Appeals for a Special Exception to construct to a height in excess of thirty (30) feet; they will also begin the permitting process with DHEC and OCRM which is expected to take eight to ten (8-10) months. The total cost of the project exceeds six million dollars (\$6,000,000); construction is expected to begin in 2013 and take eighteen (18) months. Ten percent (10%) of the costs will come from the Water and Sewer Commission; the balance will come from revenue bonds, which will have to be approved by City Council. A rate increase of approximately five percent (5%) is projected for sewer customers in 2014. Mayor Cronin asked that the conceptual drawings be added to the City's website.

Half way through the fiscal year, Treasurer Suggs had reported that revenues were at twenty-three percent (23%) of General Fund budget and expenditures were at forty-three percent (43%) of General Fund budget, which is well below the target of fifty percent (50%).

Tourism revenues from State ATAX and the Charleston County Pass-through were unchanged from the December meeting; Municipal Accommodations Fees are up nine percent (9%) from FY11. Hospitality Taxes were down eight percent (8%) primarily due to two (2) tax payers being delinquent; efforts are being made to collect these taxes.

**MOTION: Mayor Cronin moved to extend the audit engagement with Greene, Finney, Horton LLP for four (4) years through 2015; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.**

From a recommendation by the Real Property Committee,

**MOTION: Mayor Cronin moved to approve \$5,500 from the Tree Fund for beautification of 1301 Palm; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.**

The meeting concluded with the approval of the budget calendar for FY13; budget preparations will begin in February.

The next meeting will be at 5:45 p.m., Tuesday, February 21, 2012.

**B. Public Safety Committee**

At the regular meeting of Thursday, January 12, 2012, the Public Safety Committee elected Councilmember Bettelli Chair and Councilmember Bergwerf as Vice Chair.

Representatives of the Connector Run attended the meeting to discuss the possibility of adding a "beer garden" to the race-end festivities; they referred to the declining participation over the past couple of years and the need for changes to draw new and returning participants. After much discussion, the Committee agreed to close J.C. Long Boulevard to host such an event as long as the Connector Run Board agreed to the involvement of island businesses.

The mutual aid agreements between the Isle of Palms Police Department and the departments of Sullivan's Island and Mount Pleasant have been through legal review and have been forwarded to the respective communities for review by their Public Safety Committees and Councils. Administrator Tucker indicated that recent Supreme Court decisions have stated that such agreements be in written form, and, since the City has provided and been provided mutual aid by both Sullivan's Island and Mount Pleasant for many years, this was simply formalizing the activity. The Administrator commented that the City has a written mutual aid agreement with Charleston County.

**MOTION: Councilmember Bettelli moved for the approval of mutual aid agreements between the Isle of Palms Police Department and Sullivan's Island and Mount Pleasant Police Departments; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.**

Because the City will be moving its dispatching capabilities to Charleston County's Consolidated Dispatch Center, Chief Graham impressed upon the Committee the need for street addresses to be readily available to visitors to the island. Since cell phones are not associated with specific street addresses, 911 operators cannot identify a caller's location when the call is placed from other than a house phone. Although the address is printed on the short-term rental placard that is mandated to be in close proximity to the front door, it appears in very small print. The Committee agreed that the address should be printed in a much larger font and possibly distinguished by a different color ink.

From this discussion, the fact was brought to the Committee's attention that many residences on the island do not have house numbers on them or on the mailboxes. Councilmember Bettelli urged property owners to place street numbers on their homes to ensure quick responses to 911 calls.

In the same vein, Councilmember Bergwerf stated that the same problem exists on the beach; many of the numerical street markers are behind dunes or buried by sand and not visible to beach-goers. Chief Graham explained that crews rework these numerical markers every spring.

Mayor Cronin and Administrator Tucker reviewed possible improvements to the Connector adding bike and pedestrian lanes; the Committee concluded that maintaining a minimum ten (10) foot wide center lane for emergency vehicles was of vital importance. Certain questions were raised about the various design options, and the Administrator was tasked with getting answers for the February meeting.

In the Fire Department Report, Chief Graham announced that the new radio tower had been put into service in November and personnel saw an immediate improvement in coverage.

From the Police Department's November report, the Committee learned of an incident where a quantity of handguns with live ammunition and other suspicious items were found; the City worked with both the South Carolina and West Virginia ATFs, the West Virginia State Patrol and federal prosecutors to extradite the subject to West Virginia for federal prosecution.

Generally for the year 2011, crimes against people are down on the island and across the nation, whereas property crimes remain relatively steady with some spikes based on the state of the economy according to Captain Caldwell. The Captain noted that the City has been proactive in recent years with crime prevention programs and more community service.

The next Public Safety Committee will be at 5 p.m. on Tuesday, February 7, 2012.

Councilmember Loftus noted that the January meeting had been at 3:00 pm, but that meetings had been at 5:30 p.m. for several years. He asked that the Committee return to a 5:30 p.m. meeting time to afford working residents the opportunity to attend the meetings of the Public Safety Committee. Councilmember Bettelli said he would take the matter under consideration.

### **C. Public Works Committee**

Councilmember Buckhannon reported that he had been elected Chair and Councilmember Loftus Vice Chair at the January 4 meeting. In the departmental report, Director Pitts had stated that the focus for the Department in November had been completing the cleanup of the beach access paths; in December work had centered on working with Eadie's on the ditches at 34<sup>th</sup> Avenue, Hartnett and Forest Trail. The drainage work on 21<sup>st</sup> Avenue was completed before the end of the year, and paperwork has been submitted to get reimbursement from Charleston County. At the time of the meeting, the Sparrow Drive project was approximately ninety percent (90%) complete, and Lauden Street was complete. The Committee charged the Administrator with getting a proposal for the design work for a drainage project from 46<sup>th</sup> to 52<sup>nd</sup> Avenues; money was earmarked in the FY12 budget for engineering and design.

As discussion continued, the Committee agreed that expanding bike lanes on the island should be a priority and possible sources of funding were noted.

Based on a request from a Front Beach restaurant, the Committee discussed constructing a stable path through the parking lot to the compactor. The business had indicated that its employees were injuring themselves when transporting hundreds of pounds of garbage to the compact in wheeled containers. Since no other business had complained, the Committee agreed to delay making a decision until each had an opportunity to view the area in question, and possibly, talk to the business manager. Director Pitts had gotten a quote of less than six thousand dollars (\$6,000) to construct a pad.

A member of the Committee had received complaints about recycling bins being left in the right-of-way and sought resolution in the Committee. Giving Committee members an opportunity to observe residents' habits for the next month, the topic will be on the agenda for the next meeting.

Councilmember Loftus brought to the Committee's attention that an electrical line is running through a tree on the grounds of the Recreation Center – a tree that children love to climb. Administrator Tucker announced that the problem has been resolved.

The Public Works Committee will meet at 4:00 p.m. on Thursday, February 9, 2012.

#### **D. Recreation Committee**

Councilmember Bergwerf announced that, at the meeting of January 11<sup>th</sup>, she was re-elected Chair and Councilmember Thomas was elected Vice Chair. Holding up the new activities guide, Councilmember Bergwerf encouraged everyone on the island to take advantage of the myriad of activities for all ages that are offered on the island. For Christmas, the staff assisted with answering one hundred eighty-one (181) letters to Santa in addition to the annual tree lighting, holiday card drawing and craft workshop. Entries will be accepted up to March 30<sup>th</sup> for a photography contest with three (3) categories, i.e. Lifestyle IOP, Natural IOP and Wild IOP; the pictures will be used on the covers of the quarterly activity guide. As an enthusiast herself, Councilmember Bergwerf was happy to announce the formation of a table tennis league; games will be played on Tuesdays from 10 am to noon. The Lowcountry Blue Bash will be held at the Recreation Center on Saturday, February 11 and Sunday, February 12; admission is five dollars (\$5.00). The always popular Doggie Day at the Rec will be Saturday, February 25<sup>th</sup> beginning at 9:00 a.m.

The Recreation Meeting will meet again at 4 p.m. on Wednesday, February 8 in Council Chambers.

#### **E. Personnel Committee**

In the meeting of January 10, Councilmember Thomas was re-elected Chair and Councilmember Bettelli was elected Vice Chair. The primary item of business before the Committee was the recommendation to Council for a municipal judge to fill the un-expired term of Judge Harper who retired December 31, 2011 having served the City for approximately thirty (30) years. Two (2) equally qualified candidates indicated interest in the position; they were Michael Molony and Dan Slotchiver. Judge Molony has served the City for the past three (3) years as Livability Judge, and Mr. Slotchiver has been the City Prosecutor.

**MOTION: Councilmember Thomas moved to approve Michael Molony as Municipal Judge and Dan Slotchiver as Assistant Judge; Councilmember Bergwerf seconded.**

Councilmember Bettelli asked the Administrator whether these candidates had been contacted and had confirmed interest in accepting the positions if offered; Administrator Tucker responded that she has not had additional discussions with Michael Molony since he had confirmed he would be willing to serve as both Municipal and Livability Judge. In a communication from Dan Slotchiver, he had stated that he would not want to serve as Assistant Judge unless the role was expanded beyond substituting in the absence of the municipal judge. Based on that, Council is considering the appointment of a municipal judge, and the Personnel Committee

must discuss the Assistant Judge's position at a subsequent meeting. Administrator Tucker voiced the opinion that, for the sake of continuity, the appointment of a municipal judge at this time is important.

**Amendment: Councilmember Thomas amended the original motion to appoint Michael Molony as Municipal Judge; Councilmember Loftus seconded.**

Councilmember Buckhannon asked whether the two judges' positions were for two (2) year terms and whether the terms would run concurrently. The Administrator replied that both were two (2) year terms and that the municipal judge's appointment would be to complete the un-expired term for Judge Harper that would end December 31, 2012.

Councilmember Buckhannon commented that the City judge and assistant judge positions would be up for re-appointment in January 2013; the Administrator agreed.

Councilmember Buckhannon expressed his preference for the City to have two (2) judges, "one who has criminal experience to serve in a municipal criminal law area." He added that he liked the appointment of Dan Slotchiver, who has stated that he would very much like to serve in that capacity and who has served the City well for many years as prosecutor. He added that he thought the City had been well-served by having two (2) judges, as it has since the inception of the Livability Court.

Councilmember Loftus stated that he has observed Judge Molony on several occasions on the bench and has been impressed with the Judge's manner. He is of the opinion that Judge Molony "has done a great job representing the City, looking out for interests of the residents and, particularly, effective in some of his discussions with underage drinking and trying to change some people's lives." Based on Judge Molony's past performance, Councilmember Loftus supported this appointment.

**VOTE: The amendment PASSED on a vote of 7 to 2; Councilmembers Ward and Buckhannon cast the dissenting votes.**

Mayor Cronin pointed out that with the passage of the amendment, the primary motion was moot.

**VOTE: The primary motion FAILED on a vote of 7 to 2; Councilmembers Ward and Buckhannon cast the dissenting votes.**

Continuing with the Committee report, Councilmember Thomas related that, prior to leaving office, Councilmember Piening had recommended that Laura McLellan of General Government be recognized as Employee of the Month. Councilmember Piening had noted that his visits to City Hall were typically after normal business hours and he frequently found Laura still working; she was always cheerful and helpful. He commented on her ability to multi-task quite efficiently. Administrator Tucker informed the Committee that she would be providing the Committee with the information necessary for her annual evaluation by the end of the month.

The next meeting of Personnel will be at 9 a.m. on Thursday, February 2, 2012.

Safety Sweepstakes winners for December were:

General Government – Emily Dziuban  
Police Department – Dawn Caldwell

Fire Department – Victor Lawrence  
Public Works – Joseph Ancrum

#### **F. Real Property Committee**

At the meeting held January 6, Councilmember Loftus was elected Chair, and Councilmember Stone was elected Vice Chair. Although one (1) marina tenant was behind in rent at the time of the meeting, all tenants are current at this time. On the subject of Beach Restoration, the City has not received the permit from the Corps of Engineers, but Coastal Science and Engineering is developing the bid package. Dredging is being delayed by the lack of a permit from the Corps, as well. The Committee discussed and made a recommendation on funding for the beautification of 1301 Palm Boulevard once the building is demolished; Council voted on that action earlier. Ways and Means will have a new project schedule next month that combines funds for the demolition of 1301 Palm and the beautification of both 1207 Palm and 1301 Palm. This Committee also discussed the request from a Front Beach business about the path through the parking lot to the compactor; after Committee members have an opportunity to look at the site, the subject will be discussed again at the next meeting.

The Real Property will meet again at 5:30 p.m. on Monday, February 6, 2012.

Administrator Tucker reminded Council that the bid opening for the demolition of 1301 Palm Boulevard was to be at 10:00 a.m. on Friday, January 27, 2012.

Mayor Cronin added that every effort is being made to encourage the Corps of Engineers to issue the permits for beach restoration and dredging.

#### **9. Reports from City Officers, Boards and Commissions**

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

Councilmember Carroll requested a listing of the parking recommendations made by island residents at the recent open houses; Administrator Tucker stated that she would provide Councilmembers with the summary generated by Director Kerr.

**10. Reports from Special or Joint Committees** – None

**11. Petitions Received, Referred or Disposed of** – None

**12. Bills Already in Possession of Council** – None

**13. Introduction of New Bills, Resolutions and Proclamations** – None

**14. Miscellaneous Business**

**MASC Legislative Action Day – February 15, 2012**

Mayor Cronin reminded those present that the Exchange Club Oyster Roast would be held Saturday, January 28, 2012.

**Next Meeting Date: 7:00 p.m., Tuesday, February 28, 2012.**

**15. Executive Session** – not needed

**16. Conclusion/Adjourn**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 3:03 p.m.; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk