

CITY COUNCIL

7:00 p.m., Tuesday, November 27, 2012

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, November 27, 2012 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Carroll, Loftus, Stone, Thomas and Ward, Mayor Cronin, Administrator Tucker, Attorney Halversen, Assistant to the Administrator Dziuban, and City Clerk Copeland. The absence of Councilmember Buckhannon was excused, and a quorum was present to conduct business.

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

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Loftus moved to approve the minutes of the Public Hearing on October 23, 2012 and the regular Council meeting of October 23, 2012 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

3. Citizens Comments

Diane Oltorik of 15 Ocean Park Court spoke to City Council about the new signs at the intersection of 14th Avenue and Palm Boulevard; her comments are attached to the historical record of the meeting.

Mayor Cronin announced that the Recreation Department is departing from its traditional tree lighting ceremony to hold a street festival on Front Beach from 3:00 p.m. to 7:00 p.m. on Saturday, December 8th. There will be bands, a Ferris wheel, food from Front Beach restaurants, a face painter and much more, including the arrival of Santa Claus and the lighting of the City's Christmas tree.

4. Reports from Standing Committees

A. Ways and Means Committee

The Ways and Means Committee held its monthly meeting immediately preceding this meeting.

1. Approval of an amount not to exceed \$6,000 from State ATAX funds - \$3,000 for a full page advertisement in the 2013 Spoleto program book and \$3,000 for camera-ready art.

Motion: Mayor Cronin moved to approve \$6,000 from State ATAX funds to be used as stated above; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

2. Approval of \$2,000 sponsorship from State ATAX funds for the 2013 Dunlop Junior Tennis Championship, February 16-18, 2013.

MOTION: Mayor Cronin moved to approve \$2,000 from ATAX funds for a sponsorship of the 2013 Dunlop Junior Tennis Championship, February 16-18, 2013; Councilmember Bettelli seconded.

Councilmember Loftus commented that, included in the Ways and Means discussion, was a request for the City to be given the tournament's participant database to be added to the list of recipients of the City's newsletter to draw them to the island. The information could also be given to the island's rental agencies for them to solicit their business when in the area.

VOTE: The motion PASSED 7 to 1 with Councilmember Carroll casting the dissenting vote.

3. Award of a contract to Love Chevrolet in the amount of \$103,380 for 5 budgeted Impala patrol vehicles at state contract pricing.

MOTION: Mayor Cronin moved to award a contract to Love Chevrolet as stated above; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

The Mayor noted that, although six (6) vehicles had originally been budgeted, the City is purchasing only five (5) because one (1) vehicle has a lower mileage and is in good condition warranting another year's use.

4. Deployment of a Sandy Relief Team

Mayor Cronin reported that the Ways and Means Committee had considered a proposal to send a relief team to aid in Hurricane Sandy recovery assuming that a community can be identified; the proposed budget for the relief project was approximately sixty-one thousand dollars (\$61,000) to come from the Disaster Recovery Fund.

MOTION: Mayor Cronin moved to support a Hurricane Sandy relief team, if called upon to do so; Councilmember Bergwerf seconded and the motion PASSED on a vote of 6 to 2 with Councilmembers Carroll and Ward casting dissenting votes.

5. Authorization to Engage the McNair Firm

The Mayor stated that the City had contracted with the McNair Firm for approximately two thousand dollars (\$2,000) for assistance with an IRS audit of the City's bond for the Public Safety Building.

MOTION: Mayor Cronin moved to authorize engaging the McNair Firm; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

The next meeting of the Ways and Means Committee will be Tuesday, January 15, 2013.

B. Public Safety Committee

At the Public Safety Committee meeting on Wednesday, November 7, the status of the consultant's work on beach access parking was discussed, and the City Administrator reported that Stantec personnel have processed all of the documentation provided by the City. The Committee reviewed the report on the medical equipment loan closet provided by Diane Oltorik. As the City continues its transition to the Consolidated Dispatch Center, the City's dispatchers began using the CAD/Pro Q & A system – the same equipment and software that is in the Consolidated Dispatch Center. As noted earlier in the meeting, the Public Safety Committee discussed the possibility of sending a team of City employees to assist with Hurricane Sandy recovery, as well as assisting the Sea Cabins with parking and traffic for the 2013 July 4th fireworks display. Under the heading of "Contracts in Excess of \$10,000," the Committee recommended the award of a contract to Love Chevrolet for patrol vehicles. In addition, the Committee discussed the MS Challenge Walk proposed for March 2013, which is held in Wild Dunes, and has proven to be an exceptionally well-run event that has very little impact on the island.

Motion: Councilmember Bettelli moved to add the MS Challenge Walk to the list of City-sponsored Annual Events; Councilmember Bergwerf seconded.

Mayor Cronin added that, over the course of the three (3) day event, participants walk fifty to sixty (50-60) miles with the last leg being on the island.

Councilmember Stone mentioned that under "Miscellaneous Business" was the consideration of the revised list of approved City-sponsored events, which he assumed included the MS Challenge Walk. With that distinction being made, Councilmembers Bettelli and Bergwerf withdrew the motion and second respectively.

MOTION: Councilmember Bettelli moved to approve the revised list of approved City-sponsored events, which includes the MS Challenge Walk; Councilmember Bergwerf seconded.

Mayor Cronin commented that this event is held in the first quarter of the year, which is the time of year when the island needs visitors.

Councilmember Loftus suggested that the City request the registration lists from the sponsors of events held on the island to capture the email addresses to market the island through the City's newsletters; he also proposed that this should be made a requirement for all City-sponsored events.

VOTE: The motion PASSED UNANIMOUSLY.

From the monthly Fire Department report, Councilmember Bettelli stated that since October had been Fire Prevention Month, personnel checked and installed many smoke detectors for residents of the island. For the senior tennis tournament held in Wild Dunes, the Fire Department stationed first responders close by; participants in the tournament stated that there is no other location they go to that provides the level of attention that they get at the Isle of Palms.

Additionally, department personnel assisted the family of the City's videographer upon his return to the island after a long day of travel following an extended hospital stay.

From the Police Department report given by Battalion Chief Tetor in Chief Graham's absence, Councilmember Bettelli noted that dispatchers responded to thirty-seven hundred eighty-three (3,783) calls in the month of October and that twenty-eight hundred thirty (2,830) had been for the Police Department – an increase of five percent (5%) over the same period last year. Two (2) officers have completed their training at the South Carolina Academy of Justice and have begun their field training.

The next meeting of the Public Safety Committee will be at 5:00 p.m., Tuesday, January 8, 2013 in the Conference Room.

C. Public Works Committee

In Councilmember Buckhannon's absence, Councilmember Loftus gave the report of the Public Works meeting held November 5 where street sweeping continued to be a subject of interest. Since the present vendor was still under-performing and had not been available to sweep the Connector prior to the Connector Run, Director Pitts made an effort to contact the previous vendor, and he succeeded. Administrator Tucker commented that the City has subsequently terminated its contract with the present vendor. The entire island now has the new single-stream recycling bins, and the volume has increased substantially while garbage tonnage has decreased. With the increased volume of recycling materials, the City will be requesting that pickups be increased; bi-weekly pickups are not sufficient to the volume of material especially in the tourist season. Councilmember Loftus suggested that the City should recognize Dickie Schweers for his work behind the scenes in getting the City into the single-stream recycling program; Mayor Cronin remarked that he had sent a personal letter to all members of County Council thanking them for their support and, particularly, that of Dickie Schweers.

The Public Works Committee will hold its next meeting at 5:00 p.m., Wednesday, January 9, 2013 in the Conference Room.

D. Recreation Committee

From the meeting of November 7, Councilmember Bergwerf reported that the fall programs are winding down with new programs, like co-ed volleyball, beginning after the holidays. As always the Halloween Carnival was a huge success with seven hundred (700) children and parents attending. Reiterating the Mayor's earlier comments, Councilmember Bergwerf encouraged everyone to attend the Holiday Street Festival on Saturday, December 8; almost every restaurant on the island will be offering their goodies, and there will be carnival rides for the children, a Ferris wheel, inflatables, and Santa, as well as the lighting of the City's Holiday tree.

The Recreation Committee will meet at 4:00 p.m., Wednesday, January 9, 2013 in the Conference Room.

E. Personnel Committee

Councilmember Thomas reported from the Personnel Committee meeting of November 5th that the revised Personnel Manual was a key topic for discussion; he asked that Assistant Dziuban address Council on the process and the end product and to answer any questions.

Assistant Dziuban stated that, in the City's annual safety audit, the recommendation is made that the personnel manual should be reviewed and updated every five (5) years to ensure that it meets all state and federal employment regulations and defines City policies. The first phase of work was to compare, line-by-line and page-by-page, the City's current manual with the Municipal Association's recommended model and mesh the two (2) together. Whenever the manual contained an action specific to the Isle of Palms or an action of Council, the language was retained; whenever the MASC model's language was more current and not specific to the City, the MASC language was kept. This version was distributed to department managers and human resources personnel for their review and input; these people met to discuss any changes they may have made and to determine if there was anything in the manual that the City no longer does that should be removed or anything that the City does that should be added. The draft that was generated from that meeting was sent to the City's labor attorneys for a legal review; they returned it to the City with their recommendations for changes. The changes they recommended were to ensure compliance with state and federal law. The attorneys' review recommended three (3) policies that should be removed entirely and replaced with more current language; specifically those items related to Family Medical Leave Act (FMLA), drug testing and the computer use policy, and the manual now contains their language. Other recommendations from the attorneys were small and related more to wording; when the City agreed, those changes were included as well. The Personnel Committee worked through this with staff and made small policy-related changes, as well; they are

(1) Eliminating the restriction on employees making purchases on City computers for personal use, recognizing that there are times when it is beneficial for employees to conduct a small amount of personal business on City computers to keep the employee on-task in the office; and

(2) Eliminating the need for Council approval for decisions about inclement weather and special compensation, but having the Administrator keep Council informed;

The goal tonight is a recommendation to adopt this final work product included in the meeting packet, but Assistant Dziuban stressed that the City can make changes to this manual at any time through an action of Council.

MOTION: Councilmember Thomas moved to adopt the revised employee manual; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

2. Approval of 2013 Floating Holiday

MOTION: Councilmember Thomas moved to approve Tuesday, December 24th as the 2013 Floating Holiday; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

The next meeting of the Personnel Committee will be 9:00 a.m. on Monday, January 9, 2013 in the Conference Room.

Safety Sweepstakes winners for October were Christine Willson from the Recreation Department, Stephen Goodwin from the Fire Department, Caroline Voigt for the Police Department and Kim Tapply from the Public Works Department.

F. Real Property Committee

Reporting on the meeting of November 13th, Councilmember Loftus stated that Tom Gear had attended the meeting, urging the Committee to allow parking on Ocean Boulevard; his written comments are attached to the historical record of the Committee meeting. The RFP for the municipal parking lots has been issued and bids will be opened on Wednesday, November 28th for a contract that will begin March 1, 2013. The Committee discussed allowing the vendor to maintain control of the lots until 8:00 p.m., but chose not to act at this time. Rick Day of Stantec was in attendance to apprise the Committee of progress on wayfinding signs; Stantec plans to make application to SCDOT for the non-traditional signage after Thanksgiving. The new signs at the intersection of 14th Avenue and Palm Boulevard recognizing Mike Sottile were also discussed; the Committee agreed that the signs were "too large for the intersection and contrary to the direction the City is moving on as far as signage with the wayfinding project." Stantec has also been contracted to assess beach access parking on the island and, as such, will be looking into parking on Ocean Boulevard.

1. Authorization for Permit Change
2. Discussion for Future Shoal Management

On the subject of beach restoration, Administrator Tucker had explained to the Committee that the existing permit allows the City to engage in two (2) events within the permit window, and one (1) of those events was the shoal management project earlier this year; therefore, the City must "treasure" the remaining one (1) until a time when there is maximum available sand. The City's consultant has suggested a request for a permit modification to allow for a third event in the permit window, which would allow for smaller volume projects. A second issue is that the state permit expires at the end of August 2016 and the federal permit expires at the end of March 2017; Coastal Science and Engineering (CSE) is recommending a request for a second modification to the state permit to allow for it to expire at the same time as the federal permit.

MOTION: Councilmember Loftus moved to authorize up to \$5,000 for CSE to proceed with the permit modifications and to coordinate the schedules for the next shoal scraping event; Councilmember Stone seconded.

Mayor Cronin referred to the beach restoration schedule reviewed at Ways and Means as the balance remaining will be the source of funds for this award.

Administrator Tucker commented that, within the existing beach restoration budget, the general contingency line item has a balance of sixteen thousand dollars (\$16,000) and one hundred twenty thousand dollars (\$120,000) remains in the shoal management project; either of these lines could accommodate the additional five thousand dollars (\$5,000). The need for additional work is that the permitting agencies are requiring that data be submitted to them for their consideration, which will require collecting the data and submitting drawings; if the permit is considered for approval, it will have to go out for public comment.

VOTE: The motion PASSED UNANIMOUSLY.

Councilmember Loftus noted that all tenants are current in their financial obligations to the City.

The Real Property Committee will hold its next meeting at 5:00 p.m. on Thursday, January 10, 2013 in the Conference Room.

5. 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 attached

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 2012-09 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 71, Business Licenses, Article A, General Provisions, of the City of Isle of Palms Code of Ordinances, to Change the Provisions for Insurance Companies to Conform with State Law.

MOTION: Mayor Cronin moved to approve for Second Reading and to waive the reading of Ordinance 2012-09; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

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

10. Miscellaneous Business

- 1. Consideration of Hiring Thurmond, Kirchner, Timbes and Yelverton, PA**

Administrator Tucker stated that a discussion in Executive Session would explain the reasons why the City may need counsel in a matter related to a potential legal claim arising from contractual matters.

11. Executive Session to receive legal advice relating to a potential legal claim arising out of contractual matters.

MOTION: Councilmember Loftus moved to go into Executive Session at 7:45 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Council returned to regular session at 8:13 p.m.; Mayor Cronin stated that Council had taken no votes and no action while in Executive Session.

MOTION: Councilmember Bettelli moved to hire Thurmond, Kitchner, Timbes and Yelverton, PA related to a potential legal claim arising out of contractual matters; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

12. Conclusion/Adjournment

MOTION: Councilmember Ward moved to adjourn the meeting at 8:15 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk