

## CITY COUNCIL

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

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

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. Following a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

### 3. Reading of the Journal of Previous Meetings

**MOTION:** Councilmember Loftus moved to approve the minutes of the Joint Meeting of February 20, 2012 and the regular meeting of February 28, 2012 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

**MOTION:** Councilmember Stone moved to reorder the agenda to place Item 10 next; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

### 10. Introduction of New Bills, Resolutions and Proclamations

#### Proclamation for Red Cross Month

Mayor Cronin introduced Louise Welch Williams, Red Cross CEO of the Charleston Region, and David Johnson, Red Cross board member, who were present for the meeting. The Mayor then asked Administrator Tucker to read the Proclamation; a copy of the proclamation is attached to the historical record of the meeting.

**MOTION:** Councilmember Carroll moved to approve the proclamation declaring March as Red Cross Month; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

Ms. Williams thanked the City for its continuing support and assured the City that the Red Cross prepares year-long for catastrophic events; should the area experience another Hugo-like event, the Red Cross is ready to open more shelters than any Red Cross Chapter in the nation, except Tampa Bay.

### 2. Administration of Oath of Office for Municipal Judge

Judge Molony came forward and introduced his son Emmett who would hold the family Bible for his swearing in; Mayor Cronin administered the oath.

Judge Molony thanked the City for the opportunity to serve as Municipal Judge; he stated that the Bible Emmett held was one that he was given by his father when he was approximately Emmett's age.

**MOTION: Councilmember Buckhannon moved to approve Michael Molony as the City Municipal Judge; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

#### **4. Citizens' Comments**

Diane Oltorik, 15 Ocean Park Court, notified Council that the medical equipment loan closet was fully supplied and open; she has received the first request for a walker with a seat - which is one (1) of the only items the closet does not have. The equipment in the closet are three (3) walkers, three (3) potty chairs, three (3) wheelchairs and three (3) sets of crutches; these items fill the space provided for the loan closet in the Public Safety Building. Mrs. Oltorik thanked Chief Graham for arranging for the space and complimented the Fire Captains that have been so helpful to her. In addition, she acknowledged Attorney Halversen for her time in preparing the waiver of liability and thanked City Council for its support in this endeavor. Ms. Oltorik ended her comments with a plea for a walker with a seat.

Julie Nestler, 31-25<sup>th</sup> Avenue, said that her daughter, Aspen, had first auditioned for the Crabpot Players at the age of five (5). This role was intended to be a walk-on, but Councilmember Ward wrote ten (10) lines for her to say; she was determined to do a good job. Since that first role, she has appeared in all but one (1) of the Crabpot Players' productions. Not only do the actors learn about acting, but they also learn commitment, having each other's back, humor. Ms. Nestler explained that her daughter's participation in Crabpot Players has fostered several "wonderful friendships" that she would probably not have since she attends school in West Ashley. In addition, Aspen has used some of the lines from plays appropriately in some sarcastic humor. Ms. Nestler described her daughter's involvement with Crabpot Players as positive on many levels. She voiced hope for the Crabpot Players to continue on the island.

Mackenzie Fowler, 252 Forest Trail, stated that she is an actor with the Crabpot Players and has learned not only acting but also techniques that she carries into her everyday life, like being comfortable in speaking to City Council this evening. She added that she and the other young people who act with Crabpot Players would miss the productions and that they make new friends and have a lot of fun with the productions. She recited an original poem . . .

Crabpot Players, what should I say?  
They influence lives every day.  
We are taught the basics of going on stages  
And memorizing a whole lot of pages.  
Courage is brought and strength in your voice.  
Please! Oh, please make a good choice.  
Keep Crabpot Players forever to stay.  
Don't make us children cry every day.

Amy Cone, 7 Tabby Lane, stated that she has lived on the island for ten (10) years. During that time, her nieces, nephews, neighbors and friends have had the experience of volunteering or working with Crabpot Players. The parents, grandparents and friends have all the "wonderful experience" that comes from those efforts. She added, "For Crabpot Players to leave the island would be a crime. They bring so much good to the island and ask nothing in return."

Gary Nestler, 31-25<sup>th</sup> Avenue, expressed his “resounding support for maintaining . . . what, seemingly is an institution for the island, a cultural institution.” He stated that the City has a responsibility to the children and to the community to let [Crabpot Players] be the cornerstone to the island’s “cultural being on the island.” He voiced the opinion that, as Councilmember, all will see the balance of his experience, his work life, and his commitment to the children that those involved with Crabpot Players have seen over the years. Mr. Nestler said that, “If Crabpot Players are forced off the island, I agree with my neighbor on Tabby Lane that not only would it be a crime, but it would also be a shame and an embarrassment to the City.” He noted that friendships between the children translate into friendships between the parents. In the years since Crabpot Players, performances are sold out before the performances begin – a tribute to the success of Crabpot Players. Through Crabpot Players, the children are given a cultural experience; in conclusion, he stated that Crabpot Players “is absolutely the foundation of our cultural community, and we will plead and expect for the Council and others to keep it and to maintain it as it is. You will have parental support and community support without question.”

Michael Wolfman, 1300 River Landing Drive, Daniel Island, was before Council to comment on the parking revision that was done at 801 Eighth Avenue by Mr. Harris. Mr. Wolfman’s exception is to the number of spaces that resulted from the plantings in the right-of-way; having ridden past the site several times in recent days, four (4) spaces for compact cars are all that remain. He indicated that he parks there quite often, while the property owner is a full-time resident of Connecticut who visits the island. As a full-time resident of South Carolina, he stated that he “does not want his rights of parking taken away during the summer months.” Mr. Wolfman indicated that he had met the owner before the meeting and that he was empathetic to needs and the facts that his property is abused at times by visitors. On the other hand, Mr. Wolfman does not think that everyone should be penalized for the actions of a few. He voiced the opinion that Mr. Harris’ plantings will force parking onto his neighbors, and that problems will occur with people who are accustomed to parking at that location. He acknowledged the parking issues facing the island, but added that the state’s allowing this type of exception is the answer.

## **5. Reports from Standing Committees**

### **A. Ways and Means Committee**

At the meeting of March 20<sup>th</sup>, Treasurer Suggs had reported that being two-thirds ( $\frac{2}{3}$ ) through the fiscal year the target was sixty-seven percent (67%). Year-to-date, overall expenditures in the General Fund are at fifty-eight percent (58%) of budget while revenues continue to lag behind FY11 at fifty-five percent (55%) of budget. Charleston County’s computer issues caused property tax bills to go out late that is resulting in delayed distributions to not only the Isle of Palms, but to other local governments as well. The City Administrator has initiated a dialogue with the County on ways to improve the distribution process. Cash on-hand at the end of February is at thirty-one percent (31%) of General Fund annual expenditures.

Municipal Accommodations Fees are running ahead of FY11, and Hospitality Taxes are equal to collections in FY11.

Baker Infrastructure Group is hard at work on the beach for the 2012 Shoal Management Project; dredging of the marina may be completed this week.

In March, the standing committees of Council prioritized a list of major projects on which the City should focus; the results are:

Drainage project at 42<sup>nd</sup> to 52<sup>nd</sup> Avenue,  
Increase the Disaster Recovery Fund,  
Replacing the ball-field lights at the Recreation Center,  
Additions to the bicycle and pedestrian infrastructure,  
Island-wide parking management system, and  
Underground wiring projects.

Marcol Dredging has submitted change orders that are needed because they have run into areas of hard materials that are covered at a different rate according to the contract; they are seeking change orders for fifty-nine (59) total hours of additional time at a rate of five hundred dollars (\$500) per hour for a total of twenty-nine thousand five hundred dollars (\$29,500).

**MOTION: Mayor Cronin moved to approve Marcol Dredging change orders for dredging 12 hours at \$500/hour for hard material near Intracoastal Court, dredging 12 hours at \$500/hour for hard material behind the fuel dock, dredging 25 hours at \$500/hour for hard material behind Tidal Wave dock, and dredging 10 hours at \$500/hour for hard material near restaurant dock to be paid from Contingency Funds for the project; the motion was seconded by Councilmember Loftus and PASSED UNANIMOUSLY.**

**MOTION: Mayor Cronin moved to award a sole source contract to Low Country Marine, due to dredging timing, in the amount of \$24,400 from the Marina Fund for the removal, construction and installation of a new floating dock for Tidal Wave Water Sports; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

The next item of business was a review of the operating budgets for FY13; the annual budget workshop was set for Tuesday, April 17<sup>th</sup> as part of the regular Ways and Means Committee meeting. At the workshop, the Committee will review the Capital and Operating Budgets for FY13 and get its first glimpse of the revenue projections for the upcoming year.

The next meeting will be at 5:45 p.m. on Tuesday, April 17<sup>th</sup>.

## **B. Public Safety Committee**

In Councilmember Bettelli's absence, Councilmember Bergwerf, Committee Vice Chair, will present the meeting report from Thursday, March 15<sup>th</sup>. A member of the Committee for the Connector Run attended the meeting to provide the Committee with an update of plans for the after-race sponsor space from which to sell food or merchandise; Acme Cantina, Banana Cabana, Ben & Jerry's, Coconut Joe's, Hucks, Luke 'n Ollie's, the Sea Biscuit, The Windjammer, Mingo's, the Island Mermaid and Splash. The Connector Committee is hoping to

attract one thousand (1,000) runners to this year's event and have expressed a desire to have local realtors offer special rates to make it a destination event.

Under *New Business*, the Committee discussed its charge from the Mayor relative to parking, i.e. line of sight clearance at intersections and parking control systems and enforcement. The Committee was pleased to see that the signs "NO PARKING HERE TO CORNER" have been installed and look forward to the first busy weekend to determine the signs' impact on parking along Palm Boulevard. On the issue of subject of parking control systems, the Committee agreed to ask the City Attorney for an opinion on the legalities of parking restrictions on the island. In an effort to confront parking in the neighborhoods, the Committee is considering a demonstration project, from Breach Inlet to 10<sup>th</sup> Avenue, where Beach Service Officers (BSOs) would be stationed on the avenues to be proactive and address parking problems as they are occurring.

Also under *New Business* was a review of the FY13 operating budgets for the Fire and Police Departments; the Fire Department operating budget, as first presented, increases two percent (2%) from FY12; the Police Department's operating budget is neutral with neither an increase nor a decrease.

From the monthly Fire Department report, the Committee was told that representatives from the City were involved in the search of the Francis Marion National Forest for the missing Mount Pleasant female on February 17<sup>th</sup>. Personnel responded to thirty-four (34) call in the month; thirteen (13) of which were for EMS. A new fire inspector has been hired and starts to work in March.

For the month of February, the Police Department had no significant calls. Dispatchers received a total of forty-two hundred six (4,206) calls; thirty-five hundred sixty (3,560) were for the Police Department. Officers made three hundred sixty (360) traffic stops that resulted in seventy-six (76) tickets being issued.

The filming of "Army Wives" has been completed, and the Administrator does not know when the episode will air; once a date is announced, the information will be posted to the website. Mayor Cronin asked if the filming had been a good experience for the island, and the consensus was: yes, it had been; the Mayor was interested in how it was received by the residents of the island.

The Public Safety Committee will meet at 5 p.m. on Thursday, April 12<sup>th</sup>.

**MOTION: Councilmember Bergwerf moved to Award a Contract in Excess of \$10,000 for the City's 25% share of Charleston County's Grant to Purchase Mobile Data Terminals (MDTs) as budgeted in the FY12 Budget for the Purpose of Placing MDTs in Fire apparatus as Specified for Transition to Consolidate Dispatch System; Councilmember Loftus seconded.**

Administrator Tucker emphasized that in the FY12 budget, Council had earmarked eighteen thousand dollars (\$18,000) for eight (8) mobile data terminals. This happened very quickly since the Ways and Means meeting from a point where the City knew it was coming to a call

that the County was ready to install the equipment. The Administrator explained that the City is at the mercy of the consolidated dispatch scheduling and Charleston County; the City's share of the grant is eleven thousand seventy-five dollars and sixty-eight cents (\$11,075.68). The money will be paid to Charleston County, not they since they are the recipient of the grant. The Administrator noted that the City will have other expenses related to the mobile data terminals, but they are smaller and will not exceed the eighteen thousand dollars (\$18,000) budgeted and will not require Council approval. Since the City was unsure whether this would occur in FY12, the money had been re-budgeted to FY13 and will now be removed.

Mayor Cronin asked if the City would be able to use the data terminals prior to transitioning to consolidated dispatch; Chief Graham indicated that they will work with the City's equipment and added that the staff would need the additional time to learn to use it. The Chief stated that the equipment comes with a five (5) year replacement warranty; if the equipment is dropped during routine use, it will be replaced. Responding to Councilmember Stone's query, Chief Graham said these data terminals are about the size of a tablet with an air card and an automatic vehicle locator built in.

Councilmember Loftus asked for an update on the communications tower at 41<sup>st</sup> Avenue. Chief Graham said the tower was one hundred percent (100%) operational; Phases 1 and 2 have been completed in all of Charleston County, and Phase 3 is due to be completed in June of this year. If the tower is completely operational, Councilmember Loftus asked why the old tower has not been removed; the Chief reported that the new tower had not been signed off on and the old tower must remain in place until that happens. The Councilmember stated that residents around the towers have been very patient, and he would like to have a target date for them on when the old tower will be taken down; Chief Graham said she would try to get a date.

**VOTE: The motion PASSED UNANIMOUSLY.**

**C. Public Works Committee**

Bev Ballow attended the regular meeting of March 7 to ask the Committee to consider placing recycle bins on the beach. Councilmember Buckhannon told her that the issue had been discussed in the past and had not gotten support because it would be a very labor intensive. People tend to put anything in the recycle bins, and, because employees would have to sort the contents before Charleston County would pick up, beach recycling has not received the support of the Committee. Councilmember Buckhannon stated that he would look into the ways that other beach communities are handling recycling on the beach.

Areas of focus for the department in February were tree trimming and spreading sand shell on the inland side of Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenues.

An extended discussion about changing the ingress/egress to the Public Works area as part of the landscaping/rehabilitation of the old Building Department site and City Hall parking lot. No decisions were reached and the Committee will continue the dialogue at the April meeting.

The Committee reviewed the FY13 operating budget and began the discussion on the tasks assigned at the joint meeting of the Planning Commission and City Council. The Public Works Committee was tasked with island-wide signage, the possibility of a path at the Citadel Beach

Club and obstructions in the right-of-way; all agreed that the new "NO PARKING HERE TO CORNER" signs on Palm were a great first step in spreading out the cars along Palm Boulevard. A possible alternative to a path at the Citadel Beach Club was presented. The Committee will ask for Council to re-consider an ordinance from several years ago that would give the City more authority to enforce the laws governing obstruction in the right-of-way.

The next meeting will be at 5 p.m. on Tuesday, April 20, 2012 in the City Hall Conference Room.

Councilmember Buckhannon looked to Administrator Tucker for information she had received from SCDOT about street signage; Mayor Cronin said the information appeared to be in "SCDOT-ese". From his reading, the Mayor indicated that the City can put a plan together, but DOT still has the right to approve or disapprove it. The Mayor added that he did not think the City had the expertise to put such a plan together and that the City would benefit from hiring a transportation engineer who was familiar with DOT regulations to expedite a plan. With support of Council, Mayor Cronin tasked the City staff with finding a transportation engineer who can

- (1) look at the signage that is currently in place, and
- (2) signage that could be added to augment and improve the movement of vehicles to commercial lots.

Administrator Tucker added that the City's best chance for success with getting the signage hoped for would be to have a professional involved who would advocate on the City's behalf to SCDOT to maximize the amount the City can do. Without that assistance, the Administrator opined that the City would be starting at a disadvantage.

Councilmember Carroll expressed the feeling that a transportation engineer could help City Council to better understand what can and cannot happen in the rights-of-way.

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

From the meeting of March 14<sup>th</sup>, Councilmember Bergwerf reported that the Recreation Center continues to be "a beehive of activity." Approximately five hundred (500) people paid to enjoy the Lowcountry Blues Bash; eighty (80) dogs competed for titles at Doggie Day at the Rec. Co-ed volleyball concluded March 13<sup>th</sup> with a double elimination tournament; the First Pitch Half Rubber Tournament was held on Saturday, March 24<sup>th</sup>. As youth basketball is winding down, youth baseball is ramping up with opening games March 31<sup>st</sup>. On March 15<sup>th</sup>, the Recreation staff starting laying the white chalk line along Palm Boulevard to indicted the appropriate distance from the road's edge for parking, which has increased the safety along the road. Staff member Shelia Redmon went over and above her regular duties and made several set of new palm tree stencils for the garden club. The Recreation Center was available to island residents and visitors for three hundred fifty-three (353) hours in February.

Charges for the Recreation Committee relative to an island-wide parking plan were to look into provisions for bike racks and golf cart parking and the installation of a bike path from Breach Inlet to 57<sup>th</sup> Avenue. The Committee concurred that, until the basics of a parking plan were in place, their work would be delayed; discussion will continue at future meetings. The Committee also agreed that bike racks at beach accesses was questionable; people who ride their bikes to the beach continue by riding their bikes on the beach.

In addition, Councilmember Ward commented on a letter he received from the Attorney General's office and distribute to all members of Council in reference to his association to Crabpot Players and Crabpot Players association with the Recreation Center. From reading the letter, Councilmember Bergwerf stated "that any City Council member is precluded from being employed by the Rec Department as an instructor." Councilmember Bergwerf suggested that Councilmember Ward post the letter to his website for his supporters to read and understand the restraints placed on any municipal elected official. She also stated that the Crabpot Players' productions at the Recreation Center are a program at the Recreation Department as are all other programs; the decisions about the plays are made by the Recreation Department staff, not City Council.

Bev Ballow appeared before the Committee suggestion that they offer a fair/celebration to educate the residents about the island's history and habitat, calling on local organizations such as the Turtle Team, the Aquarium, Native Plant Society, DNR, etc. The Committee looked on the idea favorably and, hopefully, will work with Ms. Ballow and move the project forward.

Two (2) citizens, Kay and David Bernard, came forward with a ten thousand dollar (\$10,000) donation to the Recreation Department to add water fountains, both human and canine, and a couple of pieces of agility equipment for the dogs. The Committee accepted the donation, and Director Page is moving forward with making their wish a reality.

The Photography Contest will end on Friday, March 30; Councilmember Bergwerf encouraged the island's photographers to submit their entries. In addition, she reminded everyone of the Easter Egg Hunt that will start at 9 a.m. on Saturday, April 7, 2012; last year eight hundred (800) children participated.

The next meeting will be at 4 p.m. on Wednesday, April 11<sup>th</sup>.

Councilmember Carroll asked for confirmation that he understood the Attorney General's letter as saying that the Crabpot Players may continue to hold plays at the Recreation Center, but Councilmember Ward should not teach classes there. The Mayor agreed.

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

From the meeting of March 13<sup>th</sup>, Councilmember Thomas reported that the Committee had reviewed the FY13 operating budgets for Mayor and Council, General Government, Building and Planning and Judicial and Legal; the Committee asked that an annual holiday party be added to the General Government budget for the budget workshop. A letter from prior Councilmember Brian Duffy was presented that recommended that Public Works Director Pitts be nominated for "Employee of the Month;" the Committee unanimously agreed. At the conclu-

sion of the meeting, the Committee went into Executive Session to present the annual evaluation to the City Administrator; the Administrator achieved an overall grade of 98.2.

The next Personnel Committee meeting will be a 9 a.m., Tuesday, April 10<sup>th</sup> in the City Hall Conference Room.

Councilmember Thomas announced that the following employees had been selected as the Safety Sweepstakes Winners for the month of February:

Building Department – William Seabrook  
Police Department – John Keelan

Fire Department – Frederick Tetor  
Public Works – Willie Powell

Councilmember Buckhannon recalled that the Personnel Committee minutes had referenced the fact that the Administrator had interviewed two (2) candidates for the position of City Prosecutor; he wanted to know whether the position had been filled; Administrator Tucker responded that Chris Skipper has been offered and accepted the position.

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

At the marathon meeting of March 13<sup>th</sup>, Councilmember Loftus reported that the Shoal Management Project is underway; he noted that the trucks will not be moving over Easter weekend. The Committee had extended discussions on areas in the marina where the dredger has encountered hard material and the Tidal Wave docks, the landscape architect's design for 1207, 1301 and 1303 Palm Boulevard, and requests from the marina manager for possible amendments to the leases for the marina and the store. The Committee also reviewed the FY13 operating budgets for the Front Beach Area, the Front Beach Public Restrooms, the Marina Fund, and the Beach Restoration Fund. The meeting concluded with a discussion on how to handle late payments from marina tenants.

The next meeting will be at 5 p.m. on Monday, April 9, 2012 in the City Hall Conference Room.

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

- A. Accommodations Tax Advisory Committee**
- B. Board of Zoning Appeals – minutes attached**
- C. Planning Commission – minutes attached**

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

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

**9. Bills Already in Possession of Council - None**

**10. Introduction of New Bills, Resolutions and Proclamations – earlier in the meeting**

**11. Miscellaneous Business**

**Next Meeting: 7 p.m., Tuesday, April 24, 2012**

Councilmember Bergwerf asked whether money was in the budget for outside lighting for the City Hall parking area; she commented that the lot is very dark at night and not safe. Mayor Cronin said that the exterior lights were motion sensitive; he asked that Director Pitts look into the matter.

**12. Executive Session – not needed**

**13. Conclusion/Adjourn**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:07 p.m.; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk