

CITY COUNCIL

7:00 p.m., Tuesday, July 24, 2012

The regular meeting of City Council was held at 7:00 p.m. on Tuesday, July 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, Stone, Thomas and Ward, Mayor Cronin, City Administrator Tucker, Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland; Councilmember Loftus' absence was excused; 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. The Mayor offered a brief invocation that was followed by the Pledge of Allegiance and the roll call by Clerk Copeland.

2. Reading of the Journal of Previous Meeting

MOTION: Councilmember Buckhannon moved to approve the minutes of the regular meeting of June 26, 2012 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Ward moved to re-order the *Agenda* to address item 9A at this point in the meeting; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

A. A Proclamation Honoring the 40th Anniversary of The Windjammer

Assistant Dziuban read the proclamation into the minutes of the meeting while Mayor Cronin presented a framed copy to Malcolm Burgis, owner of The Windjammer, and Bobby Ross, General Manager. The honorees received a standing ovation from the audience present.

3. Citizens' Comments

Mayor Cronin commented that the International City Managers Association (ICMA) would recognize Administrator Tucker for twenty (20) years of service as a city administrator at the annual meeting in October in Phoenix, Arizona; she also has twelve (12) years in city administration for a total of over thirty (30) years of public service. The Mayor presented Administrator Tucker with a large bouquet of flowers to commemorate her achievement.

4. Reports from Standing Committees

A. Ways and Means Committee

At the regular meeting of July 17, 2012, Robert Damron of Southwest Securities Group provided information on the Capital Funding Program for the IOP Water and Sewer Commission related to the issuance of a six and a half million dollar (\$6,500,000) bond for the replacement of the Forest Trail water treatment plant in 2013. Later in the *Agenda*, Council will hold First Reading on two (2) ordinances authorizing the bond issuance.

Stantec made a presentation on the wayfinding signs, which also will require action from Council.

Treasurer Suggs presented the preliminary year-end financial statement with revenues in the General Fund ninety-nine percent (99%) of budget and with expenditures at ninety-four percent (94%) of budget. Mayor Cronin took the opportunity to thank all City employees for their efforts to manage the budget. Cash on-hand in the General Fund at year end was thirty-seven percent (37%) of annual General Fund expenditures.

As for the tourism funds, with one (1) month to collect, Municipal Accommodations Taxes were eleven percent (11%) ahead of FY11, and Hospitality Taxes were eight percent (8) ahead of FY11. The final payments from State Accommodations Taxes and the Charleston County Pass-Through have not been received.

1. **Approval of \$3,014.13 from ATAX for the purchase of rescue sleds and handheld VHF radios**

MOTION: Mayor Cronin moved to purchase rescue sleds and VHF handheld radios from ATAX funds; Councilmember Bettelli seconded.

The Mayor explained that the rescue sled attaches to the jet-ski, enabling a safer and more efficient water rescue.

VOTE: The motion PASSED UNANIMOUSLY.

2. **Award of a Contract to Charleston Fitness in the amount of \$13,000 for the budgeted replacement of cardio equipment**

MOTION: Mayor Cronin moved to award the contract to Charleston Fitness as stated; Councilmember Bergwerf seconded.

The Mayor complimented Director Page for negotiating a replacement cost equal to the original purchase price seven (7) years ago.

Vote: The motion PASSED UNANIMOUSLY.

3. **Approval of an amount not to exceed \$20,000 of budgeted funds for approximately fifteen (15) wayfinding signs**

Mayor Cronin explained that, in this first phase of work, the wayfinding signs will direct people from the Connector to the municipal parking lots or the County Park.

MOTION: Mayor Cronin moved to approve the wayfinding signs as stated; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

The Ways and Means Committee will meet again at 5:00 p.m. on Thursday, August 9, 2012 in the Conference Room.

B. Public Safety Committee

The meeting of July 11th began with a resident asking about on-road parking, which under some circumstances can be legal. The City is going to investigate crafting an ordinance that will make parking illegal when tires are on the roadway and standardize enforcement on the avenues island-wide.

MOTION: Councilmember Bettelli moved to approve having a “No Parking on the Pavement” ordinance crafted; Mayor Cronin seconded.

Councilmember Stone asked how such an ordinance would affect the trucks that park in the middle of the street to off-load deliveries; the Mayor responded that this ordinance was an effort to standard parking enforcement island-wide, but was primarily directed at 42nd to 57th Avenues. This action will take approval from SCDOT.

Councilmember Carroll questioned that this ordinance would conflict with the signs that indicate vehicles must be four (4) feet from the edge of the pavement. The Mayor replied that the four (4) foot distance only applies to Palm Boulevard. Councilmember Bettelli stated that this motion was a directive to the City Attorney to being work on the ordinance which must have two (2) readings and DOT approval before being enacted.

VOTE: The motion PASSED UNANIMOUSLY.

In an update on the wayfinding signs, Stantec made the initial presentation of their work product, which Council acted on moments ago. In a continuing discussion of beach access parking, the Committee reviewed the accomplishments that have been made in recent months to manage parking, which include the following:

- The white chalk line on Palm Boulevard;
- The “NO PARKING HERE TO CORNER” signs on Palm Boulevard;
- Additional BSOs for increased parking enforcement; and
- The hiring of a consultant to encourage parking in the municipal lots.

1. **Consideration of Revision of Parking Enforcement Officer job description to Beach Services Officer**
2. **Consideration of Revision of Patrol Sergeant job description**

Revised job descriptions for the Beach Services Officers and Patrol Sergeant were reviewed and approved by the Committee; the revised job descriptions accurately list the duties currently performed by these positions.

MOTION: Councilmember Bettelli moved to approve the revised job descriptions for the Beach Services Officers and Patrol Sergeant; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Consideration of Addendum to Stantec Agreement to expand the scope to include island-wide wayfinding plan

Councilmember Bettelli explained that SCDOT is requiring that the City commit to a plan for an island-wide wayfinding project as a condition of the permit for the stylized signs approved earlier in the meeting. The Councilmember explained that this would be a phased program and that SCDOT only requires a commitment relative to vehicular signage.

MOTION: Councilmember Bettelli moved to approve the amendment to Stantec's Phase 1 Contract for wayfinding signs in the amount of \$24,950 plus reimbursable expenses; Councilmember Bergwerf seconded.

Although he likes the idea of an island-wide program, Councilmember Buckhannon stated his opinion that to expand the scope of work before the completion of Phase 1 was premature. He indicated that he wants to see the end-product before committing to any additional expense.

Mayor Cronin stated that he had not had time to digest the proposal and would like to postpone action until next month. The Mayor suggested that the proposal be discussed by the Public Safety Committee and any other Committee that was interested.

That said, Councilmembers Bettelli and Bergwerf, respectively, withdrew the motion and second.

Councilmember Bettelli noted that the Disaster Expo had been informative and very well attended; he thanked the City employees for their hard work in making it a success.

At the meeting, Chief Buckhannon reported that, for the Memorial Day weekend a daily average of nineteen thousand four hundred (19,400) vehicles came onto and left the island despite a forecast for rain on two (2) of those days.

The Public Safety Committee will hold its next meeting at 5:00 p.m. on Thursday, August 9, 2012 in Conference Room.

C. Public Works Committee – No meeting in July.

Councilmember Buckhannon reminded those present that Recycling Day for the island is tomorrow and that no date has been announced for the delivery of the larger recycling bins for the balance of the island.

D. Recreation Committee

From the meeting of July 12th, Councilmember Bergwerf reported that the Recreation Center continues to be buzzing with activities for all ages and all levels of activity. Table tennis has become such a hit that the program has continued through the summer and fall with a singles and doubles league. Upcoming events are the IOP Beach Run at 8 a.m., Saturday, July 28th; three hundred (300) participants have registered and more are anticipated. The Annual Half Rubber Tournament will take place on Saturday, August 18th. This year forty-six (46) teams

took part in the Piccolo Spoleto Sand Sculpting Contest; two hundred thirty (230) young people enjoyed the last Middle School Dance in May. The new lights for the tennis, basketball and ball-field lights will be in place before the softball season begins. The Committee discussed the issues regarding a beach volleyball league when the activities would be off-site, but the Committee will continue to discuss.

The next meeting of the Recreation Committee will be at 4 p.m., Thursday, August 9th in the Conference Room.

E. Personnel Committee

Councilmember Thomas reported that, in the July 9th meeting of the Personnel Committee, members discussed and approved the revisions to job descriptions for Beach Services Officers and Patrol Sergeant. Administrator Tucker foreshadowed that the initial steps for filling expired seats on boards and commission will occur in August.

Councilmember Thomas announced the June Safety Sweepstakes winners as Amy Lee from General Government, James Catchot from the Police Department, Bernard Gourdine from Public Works and Corey Bullock from the Fire Department.

F. Real Property Committee

With Chair Loftus out of the country, Councilmember Stone provided the summary of the July 10th meeting; the meeting started with a discussion about the wayfinding signs program and a meeting with SCDOT attended by Administrator Tucker where encroachments in the right-of-way were discussed. Committee discussions continue on ways to make the municipal parking lots revenue generating twelve (12) months a year; Administrator Tucker stated that she had assigned the information gathering for possible uses and any necessary retro-fits necessary to Directors Kerr and Pitts and Chief Buckhannon.

1. Amendments to the Marina Joint Ventures and Marina Outpost Leases

In March of this year, Marina Manager and tenant Brian Berrigan approached the Committee with several amendments he requested to his leases; the City acted on the most important of those requests immediately. At this meeting the Committee addressed the remainder of Mr. Berrigan's requests beginning with his desire for relief from the sections in the leases that hold him responsible for the replacement of big-ticket items, such as the cooler in the store and the docks and pilings; he agreed to compile a prioritized list of the items with an estimated replacement price for the Committee's consideration at the next meeting.

a. Approval of the dry stack component of the conceptual plan for the marina presented March 13, 2012.

Mr. Berrigan was seeking a sign from City Council regarding their thoughts about the addition of dry stack storage that would be privately financed.

MOTION: Councilmember Stone moved to support the element of dry stack boat storage at the marina as presented in the conceptual plan of the marina; Councilmember Buckhannon seconded.

Mayor Cronin related having received a communication today from Morgan Creek Grill, another marina tenant, who requested more dialogue about the dry stack, possibly to address parking issues at the marina. The Mayor suggested holding off on a decision at this meeting to have more discussion; Councilmember Stone voiced the opinion that a dry stack would be a long-term endeavor for Mr. Berrigan and to postpone a decision for a month would not have a negative impact on the project. Councilmembers Stone and Buckhannon, respectively, withdrew the motion and second.

Councilmember Buckhannon stated that this motion “was not giving Mr. Berrigan the green light to move forward,” but allowing him to pull his backers together to determine how and when they will present to City Council to move forward.

b. Approval of standardization of lease terms so that each expires on January 31, 2015

MOTION: Councilmember Stone moved to standardize the lease terms for Marina Joint Ventures and the Marina Outpost to expire on January 3, 2015 with the ability for each to extend for two (2) additional five (5) year terms; Councilmember Buckhannon seconded.

Councilmember Ward stated that five (5) year terms seemed to him to be a short timeframe for a commercial venture, especially in light of the capital investments being discussed. Councilmember Stone related that Mr. Berrigan has indicated that he will be approaching the City about a longer commitment.

VOTE: The motion PASSED UNANIMOUSLY.

C. Approval of clarification of language “adult use products” to allow for the sale of beer, wine and tobacco products

MOTION: Councilmember Stone moved to authorize the City Attorney to clarify the language in the Marina Outpost lease allowing for the sale of beer, wine and tobacco products; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

d. Approval of indoor seating at the Marina Market for a maximum of 12 persons contingent upon no conflict with the Morgan Creek Grill lease

MOTION: Councilmember Stone moved to allow indoor seating at the Marina Market as stated above; Councilmember Buckhannon seconded.

Mayor Cronin stated that Morgan Creek Grill has filed an objection to this action; he, therefore, asked that Council postpone action until the August meeting, thereby giving Morgan Creek Grill (MCG) the ability to enter into the discussion at the Committee level. They believe that indoor seating at the Marina Market is a violation of the terms of their lease with the City.

Administrator Tucker reported that she had reviewed the MCG lease and that allowing limited seating in the Marina Market does not conflict with the terms of the MCG lease.

Councilmember Buckhannon reported that, at the July Real Property Committee meeting, the members had tasked the City Administrator with reviewing the MCG lease to determine, if, in fact, limited seating in the Marina Market would create a conflict. Having done so, the City Administrator confirms that no conflict exists; therefore, in his opinion, there is no reason to delay action on this motion.

From the initial presentation by the tenant, the Administrator recalled that Mr. Berrigan had stated that he was interested in cultivating more business in the off-season, and there were many days when the weather was not conducive to outdoor seating.

Administrator Tucker reiterated that there was no direct language in the MCG lease that would prohibit Council from giving the Marina Market permission to have indoor seating for a limited number of persons.

Councilmember Carroll asked whether a vote on this issue tonight could lead to a challenge from Morgan Creek Grill; Mayor Cronin said that, if the MCG lease did preclude indoor seating at the marina store, yes, a challenge could occur. He, therefore, suggested delaying action for thirty (30) days giving the City Attorney time to review the lease.

Councilmember Stone disagreed, saying that "losing ground on the season" is reason enough for urgency to act.

VOTE: The motion PASSED on a vote of 7 to 1; Councilmember Carroll cast the dissenting vote.

- e. Approval of lessee to set the hours of operation for the Marina Market**

MOTION: Councilmember Stone moved to authorize the Marina Market lessee to set the hours of operation; Mayor Cronin seconded and the motion PASSED UNANIMOUSLY.

- f. Approval for the City to apply for a Special Exception from the Board of Zoning Appeals for the Water and Sewer Commission to locate two (2) 150 foot towers on space in the municipal parking lot**

Councilmember Stone explained that the water tower that serves as a support structure for cellular communications requires sandblasting and painting to keep it standing in good fashion. In order to do this, the antennae and other items associated with the cell carriers must be removed and temporarily relocated. The Water and Sewer Commission is seeking to lease space from the City in the large municipal lot to place temporary structures on which to relocate the antennae while the work is taking place. Since the temporary towers will exceed the height that the Zoning Administrator can approve at staff level, the City, as the property owner, and Linda Tucker, as its agent, must request a Special Exception from the Board of Zoning Appeals.

MOTION: Councilmember Stone moved to approve the City's applying for a Special Exception to allow for two (2) 150 foot towers to support cellular communications for the period that the water tower is refurbished; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Mayor Cronin interrupted the flow of the meeting to recognize a troop of Boy Scouts from the United Methodist Church who are attending the meeting and invited them to fill empty seats. The Scout Master explained that they were present to meet an Eagle Scout requirement for the "Citizen in the Community" badge.

The next Real Property Committee meeting will be at 5:00 p.m. on Tuesday, August 14th 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

- A. Second Reading of Ordinance 2012-02 – An Ordinance Authorizing the Conveyance by Quitclaim Deed of all Right, Title and Interest, if any, That the City of Isle of Palms may have in the Property Identified as Cassina Avenue to Pastime Amusement Company.**

MOTION: Councilmember Stone moved to go into Executive Session at 7:55 p.m. to receive legal advice and discussion of negotiations incident to proposed transfer of property interest in road right-of-way; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Council returned to regular session at 8:18 p.m., and Mayor Cronin announced that Council had not taken a vote or any other action while in Executive Session.

MOTION: Councilmember Bettelli moved to postpone action awaiting further legal advice; Councilmember WARD seconded and the motion PASSED UNANIMOUSLY.

Based on information provided by Attorney Halversen, Mayor Cronin announced that the City and The Beach Company are headed in the same direction to close the deal; he stated that he was confident that the concerns from both sides can be resolved. The Mayor advised Council that he will be calling a special meeting when the issues have been resolved.

B. Second Reading of Ordinance 2012-03 – An Ordinance Approving the Grant of a Utility Easement on a Portion of the City’s Property for the South Carolina Electric and Gas Company – (MOTION TO AMEND MOTION PREVIOUSLY PASSED IN ORDER TO STRIKE CLERICAL ERRORS.)

MOTION: Mayor Cronin moved to amend a motion previously passed in order to strike clerical errors from Ordinance 2012-03; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

B. Resolution Requesting City Council Approval of an Ordinance to Provide for the Issuance and Sale of Not Exceeding Six Million Five Hundred Thousand Dollars (\$6,500,000) Water and Sewer System Revenue Bonds, Series 2012, of the City of Isle of Palms, South Carolina; and Other Matters Relating Thereto.

MOTION: Mayor Cronin moved to adopt the Resolution as stated; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

C. First Reading, by title only, of Ordinance 2012-05 – An Ordinance Authorizing the Issuance of not Exceeding \$6,500,000 Water and Sewer System Revenue Bonds, Series 2012, of the City of Isle of Palms, South Carolina; to Provide for the use of the Proceeds; to Provide for the Terms and Conditions Upon Which the Series 2012 Bonds will be Issued; to Provide for the Repayment Thereof and Security Therefor; and to Provide for Other Matters in Connection Therewith.

MOTION: Councilmember Ward moved to suspend the rules of order and to consider Ordinances 2012-05 and 2012-06 together; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

D. First Reading, by title only, of Ordinance 2012-06 – An Ordinance Amending Ordinance 1991-01 Authorizing and Providing for the Issuance of Water and Sewer System Revenue Bonds of the City of Isle of Palms, South Carolina; Prescribing the Form of bonds; Limiting the Payment of the bonds Solely to the Revenues Derived from the Operation of the System and Pledging the Revenues to Such Payment; Creating Certain Funds and Providing for Payment in to Such Funds; and Making Other Covenants and Agreements in Connection with the Foregoing.

MOTION: Mayor Cronin moved to approve for First Reading, by title only, Ordinances 2012-05 and 2012-06; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

E. Resolution to Pursue Greenbelt Funding for the Acquisition of Undeveloped Property

MOTION: Mayor Cronin moved to adopt and to waive the reading of the resolution authorizing the City to pursue Greenbelt Funds for the acquisition of undeveloped property; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business

Councilmember Bettelli took a moment to recognize the Fire Department as they received several very nice letters from residents and visitors whom they have assisted; the Councilmember acknowledged not only do they do their jobs but they also present a very good image of the island.

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

11. Executive Session – held earlier in the meeting

12. Conclusion/Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:25 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie B. Copeland
City Clerk