

CITY COUNCIL

7:00 p.m., Tuesday, January 22, 2013

The regular meeting of City Council was held at 7:00 p.m., Tuesday, January 22, 2013 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.

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.

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Stone moved to approve the minutes of the regular meeting of November 27, 2012 and the Special Meetings of December 4, 2012 and January 8, 2013 as submitted; Councilmember Bergwerf seconded and the motion **PASSED UNANIMOUSLY.**

3. **Citizens' Comments – None**

4. Reports from Standing Committees

A. Ways and Means Committee

From the meeting of Tuesday, January 15th, Mayor Cronin reported that he was elected Chair and Councilmember Ward was elected Vice Chair for 2013. Treasurer Suggs reported that, being six (6) months through the fiscal year, the expense target for the General Fund was fifty percent; looking at City departments as a whole, General Fund expenditures were at forty-three percent (43%) of annual budget. Revenues for the General Fund through the end of 2012 were at nineteen percent (19%) of budget, attributed primarily to property taxes; in January the City has received nine hundred sixty-nine thousand dollars (\$969,000) in property taxes. General Fund cash on-hand was at nineteen percent (19%) of annual General Fund expenses at the end of 2012. On the tourism front, Municipal Accommodations Taxes are nine percent (9%) higher than for the same period in FY12, and Hospitality Taxes are nineteen percent (19%) higher than in FY12.

1. Award of a contract to Sweeping South for Street Sweeping in the amount of \$12,060

MOTION: Mayor Cronin moved to award a contract to Sweeping South as stated above; Councilmember Ward seconded and the motion **PASSED UNANIMOUSLY.**

2. Authorization for City Administrator to sign Board of Zoning Appeals' request for Special Exception – Request withdrawn, no action required.

Presentations from the four (4) bidders on the municipal parking lots lease were offered to the Committee; following discussion, the Committee decided to re-bid the lease adding elements that were not in the original RFP. Since that meeting, the RFP has been posted and advertised; the bid opening is scheduled for 4:00 p.m. on Thursday, January 31, 2013.

Discussion also took place on the Water and Sewer Commission's plan to replace the water tank with a one hundred sixty foot (160 ft.) monopole, following a presentation by the attorney representing the communication carriers who have antennae on the tank. General Manager George Gross was also present to answer questions from the Committee. The Committee determined that it wanted more information before making a decision and asked Attorney Halversen to begin a dialogue with the Water and Sewer Commission's attorney pursuant to the leases carriers have with the Commission. Subsequent to City's meeting, the Water and Sewer Board met and decided to keep the water tank as it stands and proceed with the original plan to refurbish it in the fall.

Mayor Cronin advised Council that, following the Ways and Means meeting of February 19th, he has scheduled a public input session relative to Live Oak Park at 6:45 p.m. This meeting is a requirement of having purchased the park through Greenbelt Funds; public input on what the City will do with the park is needed.

The next Ways and Means Committee meeting will be at 5:45 p.m., Tuesday, February 19th.

POINT OF ORDER: Councilmember Ward asked whether a Mayor ProTem was elected every year or every other year; Administrator Tucker and Mayor Cronin agreed that this item had been an oversight in preparing the agenda since this election should take place every year.

Mayor Cronin queried the City Attorney about the legitimacy of amending the agenda considering the most recent state court rulings. Attorney Halversen stated that the action would be taken as a procedural rule, not adding business to the agenda.

Councilmember Ward nominated Councilmember Buckhannon as Mayor ProTem; Councilmember Stone seconded the nomination. On a unanimous vote, Councilmember Buckhannon will be the Mayor ProTem for 2013.

B. Public Safety Committee

At the meeting of January 8, Councilmember Bettelli was elected Chair and Councilmember Bergwerf was elected Vice Chair. Ann Bauer and Catherine Malloy, members of the Island Turtle Team described an educational initiative the Turtle Team has developed for island young people under age twelve (12); the program will be held on Front Beach for a couple of hours on the morning of Saturday, April 10, 2013. The event is not anticipated to have an impact on either the Fire or Police Department. The Stantec consultant updated the Committee on the progress they are making on wayfinding signs and beach access parking. Stantec anticipates the placement of signage before the coming tourist season; they want to have several viable concepts for beach access parking to present to staff, then City Council, then for public input. The Committee also received an update on Consolidated Dispatch; the City has recently begun

to use the same system that is used at the Consolidated Dispatch Center and, as a result, has seen firsthand some of the reasons for difficulties other users have experienced. Under *New Business*, the Committee discussed the SCDOT documentation, particularly related to 52nd Avenue; the roads are the property of SCDOT, and, in the circumstance that SCDOT would take a state road out of the system, the road would be turned over to the City.

The December report from the Fire Department reflected the same response times and the seriousness of the call that is reported from the Dispatch Center since the City is using the new CAD system. Over 2012, the Fire Department responded to nine hundred sixty (960) calls and to five hundred twenty-five (525) medicals calls and treated five hundred eighty-five (585) patients. Mayor Cronin commended the Department for the work with the helicopter/aquatic rescue team training that took place on the island the first weekend in January involving volunteers from all over the state. Chief Graham will be attending the 2013 National Hurricane Conference; unanswered questions/concerns should be funneled to her.

Chief Buckhannon reported that December had been a month for burglaries and larcenies on the island; on one (1) evening there were four (4) petit larcenies on boats, six (6) thefts from vehicles and four (4) burglaries – a total of nine (9) burglaries for the month. Councilmember Bettelli urged residents to lock their cars and residences. For 2012, dispatchers responded to fifty-two thousand two hundred twenty-seven (52,227) calls, forty-one thousand three hundred twenty (41,320) for the Police Department, an increase of ten percent (10%) over 2011.

The Public Safety Committee will hold its next meeting at 5:00 p.m., February 12 in the Conference Room.

Councilmember Carroll stated pleasure at reading that the Assistant Chief Counsel for the SCDOT had stated that towns and cities in the state have the right to regulate parking on public highways within their boundaries; Mayor Cronin noted that he had forgotten to say, “subject to their approval.”

Councilmember Loftus stated that he would like the 2012 statistics on the number of noise ordinance calls and the number of citations issued for noise violations. Councilmember Bettelli said he would have the information at the next meeting.

Mayor Cronin announced that Mount Pleasant will be transitioning to the Charleston County Dispatch Center at the end of February.

C. Public Works Committee

At the meeting of January 9, Councilmember Buckhannon was elected Chair and Councilmember Ward was elected Vice Chair. In the departmental report for November and December, Director Pitts stated that he expects garbage tonnage to be twenty (20) tons less per month due to single stream recycling. Under *Old Business*, the Committee discussed ways to ensure that the recycling bins are removed from the right-of-way between pickups; Councilmember Buckhannon is reviewing City ordinances that may help with this issue. Charleston County generated educational materials that were distributed to short-term rental agencies, but more needs to be done to educate residents. Two (2) dune walkovers are in the

budget for replacement. The City has been unsuccessful in getting the PermaTrak material approved by OCRM for the path at the public restrooms and in getting the elevation over the dune approved; therefore, the City has decided to adjust the materials and elevation in hopes of getting the additional width approved. The Committee reviewed the bids for the City's street sweeping contract and moved to recommend an award to Sweeping South as the low bidder. In addition, the Committee was informed of a request for a tree removal that was undermining the foundation of a home on the island; Director Kerr reported that the tree is protected under the Historic Tree Preservation Ordinance and tree ordinance does not have a provision for this circumstance. Director Kerr said that the owner could seek a variance to remove the tree, but he would have to prove that the property could not be used until such time as the tree was removed. The Committee recommended that the Planning Commission review the City's tree ordinance and to make recommendations regarding tree damaging homes and invasive trees. The Committee was informed that the City was not awarded any "C" funds in this funding cycle.

The next meeting of the Public Works Committee will be at 5:30 p.m., Wednesday, February 6th in the Conference Room.

D. Recreation Committee

From the meeting of January 9, Councilmember Bergwerf was re-elected Chair and Councilmember Carroll was elected Vice Chair. Andy Benke, Sullivan's Island Administrator, and Mike Perkis, Sullivan's Island Mayor Pro Tem, addressed the Committee about allowing Sullivan's Island youths the same enrollment period for sports that is afforded IOP residents. The current policy is that IOP residents are given a week to enroll before enrollment is opened to those who are not IOP residents. The feeling of the Committee was that the City will be able to work with the sister island to accommodate all the islands' youths wanting to participate in sports programs; Director Page was charged with coming up with a policy which will be discussed at the February meeting. Winter sports are winding down and spring sports are registering. The next Middle School dance will be Friday, January 25th; two hundred fifty (250) youths attended the November dance. The Committee discussed the wonderful Holiday Street Festival that was a huge success; between two and three thousand (2,000-3,000) people attended. The Recreation Department has begun planning the 2013 festival and considering ways to improve and expand the event. Doggie Day at the Rec is scheduled for Saturday, February 23rd; as in the past, IOP Animal Control Officers will be on hand selling dog licenses and Dr. Biascochea will be giving inoculations at reduced rate.

The Recreation Committee will meet again at 4:00 p.m., Monday, February 11 in the Conference Room.

Councilmember Loftus complimented the Recreation Department on the success of the Holiday Street Festival, but he expressed concern that the event may become too large.

E. Personnel Committee

At the Personnel Committee meeting of January 8th, Councilmember Thomas was re-elected Chair and Councilmember Stone was elected Vice Chair. Administrator Tucker distributed the information required for her annual evaluation to the Committee, and Councilmember Thomas

distributed the forms for the subjective portion to the balance of Council. The subjective portion is based on the grader's opinion of the Administrator's performance and makes up fifteen percent (15%) of the total score. The objective section is the performance criteria supported by factual, documented by fact, such as meeting or exceeding budget targets and completing certain tasks; this section makes up eighty-five percent (85%) of the Administrator's score. Administrator Tucker distributed documentation showing the City's performance to establish measured goals; they documented that the City met and exceeded all performance goals established at the beginning of the year. Councilmember Thomas stated that the Administrator's evaluation has been completed and she attained a score of eighty-five (85), the maximum in the objective section, for meeting or exceeding all defined goals and twelve and two tenths (12.2), out of a possible fifteen (15), on the subjective portion for a total score of ninety-seven and two tenths (97.2) for 2012. Councilmember Thomas congratulated the City Administrator and said that she was "the right person for the right job at the right time."

December Safety Sweepstakes winners were Will McElheny of the Recreation Department, John Keelan for the Police Department, Joseph Ancrum for the Public Works Department and Corey Bullock of the Fire Department.

The Personnel Committee will meet again at 9:00 a.m., Thursday, February 7, 2013 in the Conference Room.

F. Real Property Committee

At the meeting of January 10th, Councilmember Stone was elected Chair and Councilmember Buckhannon was elected Vice Chair. Jonathan Yates of Hellman Yates made a presentation on behalf of AT&T about the monopole that was being proposed by the Water and Sewer Commission. The Committee discussed the bids for the municipal parking lots' lease and recommended a presentation to Ways and Means by each vendor; at that meeting, the decision was made to re-bid the contract. Following discussions at meetings at the end of the year, the Committee decided to move forward with an RFP to replace the Tidal Wave dock. The Committee was also updated on the permit modifications for the shoal management project; Coastal Science and Engineering (CSE), in dialogue with OCRM and the Corps of Engineers, has stated that they do not anticipate any problems with the proposed permit modifications. On the subject of a time extension for the permit, CSE was reminded that legislation passed a couple of years ago that all permits obtained in a certain window of time would be extended to allow people to do their project once the economy recovered from the downturn. When the marina rents report was given, one (1) tenant was past due, and an update was requested for the Ways and Means Committee meeting.

The next meeting of the Real Property Committee will be at 5:30 p.m., Thursday, February 7 in the Conference Room.

Mayor Cronin requested that Coastal Science and Engineering perform a cost/benefit analysis regarding an interim survey considering the serious erosion that has occurred at the west end of the island.

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 2013-01 – An ordinance ratifying the City of Isle of Palms' Conveyance by Quitclaim Deed of all right, title and interest in and to the property identified as the remaining section of 14th Avenue to Pastime Amusement Company.

MOTION: Mayor Cronin moved to approve the amendment to Ordinance 2013-01; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

MOTION: Mayor Cronin moved to approve for Second Reading Ordinance 2013-01 as amended and to waive the reading; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

- 9. **Introduction of New Bills, Resolutions and Proclamations**

First Reading, by title only, of Ordinance 2013-02 – An ordinance authorizing the City Administrator of the City of Isle of Palms to execute the necessary documents to enter into a lease agreement between the City of Isle of Palms and the successful bidder selected pursuant to the City's procurement process for lease of the City's two municipal parking lots.

Mayor Cronin explained that this ordinance is a preparatory step as, per Attorney Halversen's counsel, the City is to enter into leases through ordinances. This ordinance authorizes the City Administrator to enter into and to execute the necessary documents for leasing the parking lots.

MOTION: Mayor Cronin moved to approve for First Reading, by title only, Ordinance 2013-02; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

- 10. **Miscellaneous Business**

- A. **FY14 Budget Calendar**

According to Mayor Cronin, this is the schedule for activities for preparing the FY14 budget.

B. Report on Collection of State Accommodations Taxes

Mayor Cronin reported that he, Administrator Tucker and Treasurer Suggs had attended a meeting on January 10th with representatives of every municipality in Charleston County, Charleston County and the Charleston Visitors Bureau (CVB) to discuss the collection of State Accommodations Taxes and reporting of same from the state to the appropriate municipalities.

To ensure that the City is getting its fair share, when a property is rented as a short-term rental, the owner must have a business license; in order to get a business license, the owner must produce documentation indicating that they have registered with the state to pay the necessary sales taxes and state accommodations taxes and that they have registered with the County. Annually the IOP Building Department compares the reported revenue declared to the City to the amount reported to accommodations taxes. To ensure that the City collects all of the revenue that it should, personnel scour websites looking for short-term rental residences on the island.

The group agreed that the process that is not functioning well is the Department of Revenue's remittance of funds received to the appropriate municipalities, for example, six hundred thousand dollars (\$600,000) that was remitted to Charleston County, but Charleston County contends it belongs to some other local government within the jurisdiction of Charleston County – they returned the funds to the state. Mayor Cronin reported that he and the Chair of County Council sent a letter to the Director of the Department of Revenue (DOR) and the state Treasurer just before the "hacking" notifying them of this large error; the City has not yet received a response.

Hotels were also in attendance commenting on how they report to the Department of Revenue. The DOR accepts filings electronically or written, and one (1) entity presented stated that his reporting is done by a third party. The structure by which the DOR determines which municipality receives ATAX funds is unknown to the recipients, but, if the information is not reported meticulously correct, the DOR makes no effort to correct it.

The goal of the meeting is to cause a meeting between DOR and the County and municipalities throughout the County to find a permanent "fix" going forward.

C. Photograph Taken of Seated Council

Mayor Cronin stated that the photograph would be taken after the meeting was adjourned.

11. Executive Session – not necessary

12. Conclusion/Adjournment

MOTION: Councilmember Ward moved to adjourn the meeting at 7:50 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:
Marie Copeland, City Clerk

