

## CITY COUNCIL

7:00 P.M., Tuesday, March 26, 2013

The regular meeting of City Council was held at 7:00 p.m., Tuesday, March 26, 2013 in City Council Chambers, 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 offered brief invocation that was followed by the Pledge of Allegiance to the Flag; City Clerk Copeland called the roll.

### 2. Approval of Previous Meetings' Minutes

**MOTION: Councilmember Stone moved to approve the minutes of the Public Hearing of February 19, 2013 and the regular meeting of February 26, 2013 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

### 3. Citizen's Comments

Wray Mattice, 307 Carolina Boulevard, distributed a handout to City Council that included a brief description of his problem, a letter from his insurance carrier indicating that his policy did not cover damage to his residence from "the growth of trees" and a photograph of the tree and its proximity to his home; a copy is attached to the historical record of the meeting. He stated that he has been seeking permission to remove an oak tree twenty-one inches (21 in.) from the foundation of his home before it causes structural damage to his residence; he has been told by the Building Department that the tree cannot be removed according to the existing City code. He stated that he was aware that the City was looking to amend its tree ordinance and asked that Council consider his circumstances as they deliberate the change.

John Ferrell, 702 Ocean Boulevard, asked Council what parking would look like on the island in ten (10) years and indicated that he thinks parking problems on the island will get much worse than they are today. Reasons he cited for this are the fact that Charleston is one of the top tourist destinations in the country, the devastation of the beach at Folly Beach and Sullivan's Island is restrictive. Mr. Ferrell noted that the majority of island visitors choose to park for free in the neighborhoods rather than going to the parking lots or metered parking in the commercial district; he suggested that the situation should be reversed. According to Mr. Ferrell, the Beach Management Act is the legislature's way of saying "this is reasonable access to the beach," and based upon their criteria, no one can park from 5<sup>th</sup> Avenue to 29<sup>th</sup> Avenue because of the parking available in the central business district. He commended the Planning Commission for its work over three (3) years and asked that Council seriously consider the Commission's recommendation for seasonal parking passes. On the subject of Ocean Boulevard, he commented that many on the island believe that there should be parking on Ocean Boulevard just as there is on Palm Boulevard to be fair to all residents, but he stated that he disagreed and that parking on Palm Boulevard should be made better. He expressed the need for livability over "park-ability."

Clay Cable, 116 Palm Boulevard, stated that parking had been an issue at the last election and that candidates had promised to defend single-family zoning, but then the City was about to

build parking lots in the sand dunes. He urged Council to make the area difficult for visitors to block driveways; he stated that it was "not the [City's] responsibility to accommodate the state of South Carolina to come to the beach." He remarked the Council should realize that the citizens come first.

Melinda Mitchell, 702 Ocean Boulevard, voiced the opinion that the City should listen to the citizens more carefully than the consultants since the rumor is that they are going to support parking on Ocean Boulevard. She referred to the Beach Management Acts stating that the City has "a huge parking lot in the commercial district," and she indicated that people who live in close proximity to the commercial district, need some relief not added parking. Ms. Mitchell said that she was excited about the proposed Battery2Beach path across the island, but cautioned that the worst thing the City could do would be "to mix a great bike path with more parking in a residential area."

Peter Zervos, 415 Ocean Boulevard, said that his parents had moved to the island in 1953 and that he and his wife had taken up permanent residence here in September 2012. He voiced concern about parking in the neighborhoods.

Barbara Gobien, 5-51<sup>st</sup> Avenue, recounted bringing pictures of cars parked on 51<sup>st</sup> Avenue with all four (4) tires in the roadway and being told that they were legally parked. She questioned that an emergency vehicle could maneuver down the street if necessary; on a busy summer afternoon, she was dismayed at the number of vehicles clogging her narrow street. Based on her visit to the meeting, signage was posted indicating that all four (4) tires had to be off the roadway, but, in her opinion, that does not alleviate the problem of emergency vehicles being able to respond when needed. She said that moves had to be made to direct visitors to the commercial district and into the lots to improve the lives of island residents.

Laura Campbell, 34-42<sup>nd</sup> Avenue, said that her family has been island residents since 1985 on a street with many long-time residents who have chosen to live at the Isle of Palms. She presented photographs of vehicles parked on 42<sup>nd</sup> Avenue in yards and with wheels on the road. She related that she and her husband had visited their son in South Hampton, New York where there were numerous rules and regulations, but no on-street parking and passes for the parking lots; parking was orderly and everyone seemed to know where they were to go. She opined that there are other places in the country, including Wild Dunes, like this and that the City could study to get ideas on the best way to handle the parking problems on the island. She said that IOP residents do not want people parking in their yards and leaving their trash to be picked up by taxpayers.

Susan Haney, 14-26<sup>th</sup> Avenue, suggested naming the Greenbelt property SeeWee Park to represent the Indian heritage here on the island with a small historical marker.

#### **4. Reports from Standing Committees**

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

From the meeting of March 19, Mayor Cronin reported that two-thirds ( $\frac{2}{3}$ ) of the way through the fiscal year, the City's finances are in good shape. With a target of sixty-six percent (66%),

General Fund revenues are at sixty-eight percent (68%) of budget, and General Fund expenditures for all departments are at fifty-eight percent (58%) of budget. One reason that revenues are up this year is that property taxes are flowing better than last year when the County was experiencing computer problems. Municipal Accommodations Taxes are running eight percent (8%) ahead of FY12 and Hospitality Taxes are running almost seventeen percent (17%) ahead of last year. Approximately six hundred thirty-six thousand dollars (\$636,000) remains available to be spent in the Beach Restoration Fund, and forty thousand dollars (\$40,000) remain available in the Phase II Drainage project. A financial worksheet for way-finding signs and beach access parking initiatives was distributed to the Committee. Mayor Cronin noted that the City has received the encroachment permit from SCDOT, and later in the meeting, Council will be awarding a contract for sign fabrication and installation.

- 1. Award of a Contract to Ocean and Coastal Consultants, Inc. in the amount of \$26,600 for design and engineering of the watersports dock.**

**MOTION:** Mayor Cronin moved to award the contract to Ocean and Coastal Consultants, Inc. as stated above; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

- 2. Award of a sole source contract to MobiMat in the amount of \$15,736 for budgeted beach access mats.**

**MOTION:** Mayor Cronin moved to award a sole source contract to MobiMat as stated above; Councilmember Bettelli seconded.

The Mayor noted that this is matting used at beach access paths at 42<sup>nd</sup> Avenue and 9<sup>th</sup> Avenue that allows for easier access for handicapped visitors.

**VOTE:** The motion PASSED UNANIMOUSLY.

- 3. Award of a sole source contract to CSDC Systems, Inc. for budgeted 5 readers, ticket-writing software, installation and training in the amount of \$18,675.**

**MOTION:** Mayor Cronin moved to award a sole source contract to CSDC Systems Inc. as stated above; Councilmember Bergwerf seconded.

The Mayor explained that this equipment will allow officers to scan drivers' licenses that will be downloaded into the court system eliminating the risk of keying errors by officers.

**VOTE:** The motion PASSED UNANIMOUSLY.

- 4. Award of a contract to Turnkey Creative in the amount of \$14,524.18 for construction/installation of wayfinding signs.**

Mayor Cronin indicated that these signs would be seen as one comes onto the island from the Connector, directing visitors to Front Beach parking lots.

**MOTION: Mayor Cronin moved to award a contract to Turnkey Creative as stated above; Councilmember Buckhannon seconded.**

Councilmember Ward reported that the amount of the award was increased at Ways and Means by two hundred fifty dollars (\$250) to cover the cost of the vendor's IOP business license, and he stated that he does not support the City's subsidizing the cost of business licenses for City contractors.

Councilmember Carroll reported that he had investigated the high-density foam material from which these signs are to be fabricated versus red wood which has been used for many years, and, despite the reduced cost, red wood has proven to withstand the weather conditions on the island. He added that the high-density foam material does not have the proven track record that the red wood does.

Mayor Cronin reminded Councilmember Carroll that the material is guaranteed for ten (10) years; therefore, he believes the material will standup.

**AMENDMENT: Councilmember Ward moved to amend the motion to award the original bid amount of \$14,274.18; Councilmember Stone seconded.**

Mayor Cronin stated that the contractor simply had forgotten to include the cost of the IOP license to operate in the City in his bid; if he had been aware of the cost before bidding, he would have included it originally.

Councilmember Stone opined that, if all of the bids had been itemized to that level of detail, each would have listed the cost of the business license. The Mayor remarked that it would depend on whether the vendor did work on the island regularly or one time only.

When asked about the other bids, Mayor Cronin stated that the next low bid had been seventeen thousand five hundred fifty dollars (\$17,550), and Councilmember Loftus noted that this bidder came in significantly lower than the others. He said that he views this as an oversight by the contractor that was corrected before the initial vote at Ways and Means.

**VOTE on AMENDMENT: The amendment FAILED on a vote of 2 to 7; Councilmembers Carroll and Ward supported the amendment.**

Councilmember Buckhannon commented that the budget for this contract had been twenty thousand dollars (\$20,000), so the City is saving a significant sum with this vendor.

**VOTE on PRIMARY MOTION: The motion PASSED on a vote of 8 to 1; Councilmember Ward cast the dissenting vote.**

Pursuant to discussion about the Greenbelt property, the Public Works Committee agreed to devise a work plan and to determine the cost of future actions for the property; Mayor Cronin added that a name will not be decided upon until Council determines how it will look.

A budget workshop has been scheduled for Tuesday, April 16<sup>th</sup> as a part of the Ways and Means Committee meeting where revenues will be matched to expenditures.

**5. Consideration of alternatives for Business License due date.**

Administrator Tucker reported that this initiative was brought to the City by Councilmember Ward based on input he has received from local businesses related to paying the normal business license at the current due date of January 31<sup>st</sup>. Since this function operates under the Building Department, Director Kerr will present the results of the City's work.

Director Kerr stated that at this time the City has two (2) types of business licenses, i.e. commercial business licenses and short-term rental licenses; the renewal process for each takes approximately three (3) months. The process includes mailing renewal notices, fielding the numerous phone calls the renewal notices generate and processing the applications/payments and mailing the renewed license. These renewal periods were intentionally staggered to accommodate a smaller staff could continue to process both licenses. The Director guided Council to the calendar graphic that illustrates the current process with business licenses due January 31<sup>st</sup>. A copy of the graphics is attached to the historical record of the meeting.

He then pointed to the Option A graphic, which mimics the Mount Pleasant licensing process with licenses due June 30<sup>th</sup>. This alternative creates an overlap of the rental and business licensing period which would require either a reduction in the service level or an increase in staffing and resources; it would also cause a shift in revenue from one year to the next as payments received in July and August would be accrued to June 30<sup>th</sup>. The business revenue to be reported for the license would continue to be based on the calendar year, and the expense of implementing this change is estimated to be five thousand dollars (\$5,000).

In Option B, the business license deadline is shifted to April 30<sup>th</sup>. With this option, there is no overlap with the rental licenses which means no reduction in service and no increase in staffing or resources. Option B does not shift revenue from into the next fiscal year: revenue reported would continue to be based on the calendar year. An expense of five thousand dollars (\$5,000) would again be required to implement the change.

Mayor Cronin questioned that a move to April 30<sup>th</sup> would coincide with date federal and state income taxes are due; therefore, is this not simply an exchange of financially demanding times? The Mayor indicated that he would prefer a March 31<sup>st</sup> date to get ahead of the income taxes due in April. Councilmember Ward said that he was under the impression that business owners on the island would welcome any change; he stated that January poses a hardship coming shortly after Christmas, after the slowest business period of the year, when payroll and excise taxes are due, and when estimated tax payments are due.

Councilmember Loftus asked what the average business license fee was for the City; Director Kerr reported that the City normally received six hundred thousand dollars (\$600,000) from twenty-seven hundred (2,700) taxpayers or two hundred twenty-two dollars (\$222).

Councilmember Loftus noted that any change was going to cost the City tax dollars; therefore, in an effort to save money, he suggested that one way to give the larger taxpayers some relief would be to establish a quarterly or bi-annual payment that would probably not tax staff. Director Kerr said that staff could look into that alternative.

Councilmember Bergwerf added an Option C of leaving the process as it is today. She then asked which option he favored, and the Director responded that the current process is the easiest, but, if a change were to be made, he preferred Option B.

Councilmember Bergwerf commented as a small business owner that businesses have regular expenses every month and every year for which that they have to plan. Her opinion was that "if it isn't broken, don't fix it."

Responding to Councilmember Carroll's question, Director Kerr confirmed that the five thousand dollars (\$5,000) would be a one-time expense to cover the several thousand dollars of software changes and mailing of a notice of change.

Mayor Cronin remarked that a decision did not have to be made at this meeting and suggested that the options be discussed again at the next Ways and Means Committee meeting.

## **B. Public Safety Committee**

At the meeting of March 12<sup>th</sup>, the Committee got a status update on the wayfinding signs and beach access parking initiatives.

**MOTION: Councilmember Bettelli moved to re-order the *Agenda* to have the Stantec presentation at this point in the meeting; Mayor Cronin seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Bettelli stated that Rick Day was going to present Stantec's draft of proposed parking modifications.

As the equipment was being set up, Mayor Cronin stated that Stantec had reviewed all of the work done by the Planning Commission, minutes from joint meetings between the Planning Commission and City Council and minutes from public forums on parking. In addition, Stantec traffic engineers had spent time on the island over a holiday weekend to get a clear understanding of the parking issues facing residents of the island.

A copy of the PowerPoint presentation is attached to the historical record of the meeting.

Mr. Day stated that the goals of Stantec's work has been (1) to balance impacts to residential property with the need for beach visitor parking, (2) to improve safety, (3) to mitigate traffic congestion and (4) to comply with SCDOT regulations. Based on those goals, Stantec offered five (5) concepts for Council consideration; they are as follows:

- Positive Guidance to Core Parking Areas;
- Safety Improvements

- Allow Oceanfront Parking Throughout the Island;
- Grand Boulevard Concept for Palm Boulevard; and
- Restrict Visitor Parking via parking pass system or takeover of roads from SCDOT.

On the subject of safety, Mr. Day indicated that Stantec thought more crosswalks should be added to both Palm Boulevard and Ocean Boulevard coordinated with the street system, cross streets and beach access paths. In addition, Stantec has identified several locations where line of sight could be improved.

Stantec also recommended that parking along Ocean Boulevard should be considered for one (1) side or both to alleviate parking demands on the interior streets. Included in the presentation were conceptual designs for parking on the ocean side of both Palm and Ocean Boulevards with a multi-use path on the mainland side; the removal of obstructions in the rights-of-way would need to be addressed for this plan to be effective.

The grand boulevard concept would have serious financial implications as would taking over the roads; Stantec estimates a cost of approximately eight hundred thousand dollars (\$800,000) per year should the City decide to take over the roads from SCDOT.

Mr. Day also reminded Council that a parking pass system would have to be applied fairly and equitably to residents and visitors.

Councilmember Bettelli asked whether there would be a safety advantage if only parallel parking were to be allowed on both sides of Palm Boulevard. Mr. Day responded that it could be an intermediate option to limit parking along Palm.

Councilmember Bergwerf repeated her comments from the Public Safety Committee meeting that the reason behind the move to hire a consultant which had been to relieve the congestion in the neighborhoods. She commented that the projected growth east of the Cooper River only means many, many more people coming to the beach; she stated that opening Ocean Boulevard to parking was only a band-aid to the problem. She indicated that she did not see anything in the presentation that would address the problem of parking in the neighborhoods. On the subject of taking over the roads, the Councilmember stated that she would like to know what Wild Dunes puts aside to maintain their roads. She added that she did not think asking residents to remove their obstructions in the right-of-way to allow for visitor parking was a viable solution.

Administrator Tucker stated that she has the figures from Wild Dunes and that it was a huge dollar amount.

Mayor Cronin voiced appreciation for the work Stantec has done; he stated that he particularly liked the ideas set forth under the heading *Positive Guidance*. He agreed with comments made that moving vehicles to other areas does not solve the problem; he wants to make the island safe and to have all visitors to island respect it as a place of beauty and a home to many.

Councilmember Bergwerf said that she would like to have a definitive answer from SCDOT as to how much the City can limit parking; if the City's options are very few, then possibly a

referendum would have to go to residents as to whether they want to pay for taking over the roads or not.

Administrator Tucker commented that the complication with SCDOT is that, one can have a lot of dialogue with them, but it is only when a specific plan or concept is presented to them for a permit that an answer is received about whether they will or will not allow it. The Administrator recalled that staff from SCDOT had attended at least two (2) meetings as the Planning Commission was working through possible ways to manage parking on the island.

Councilmember Ward asked what the next step was; he indicated that he had expected to get a parking plan from the presentation. Administrator Tucker stated that certain elements have been included in the FY14 budget related to future work for Stantec; she thought that it would be helpful to know whether there were aspects of Stantec's presentation that could be taken out of consideration or ideas that could be pursued.

Councilmember Buckhannon suggested that, since everything comes back to SCDOT, the City should decide what approach it wants to take and submit it to them for approval, modification or rejection.

Mayor Cronin stated that he would invite SCDOT to attend the next meeting; he added that he did think that parts of the safety improvements and positive guidance recommendations could be pursued.

After confirming that golf carts would be welcomed on a multi-use path, Councilmember Bergwerf opined that parking on the ocean-side of Palm with the multi-use path on the main-land side was a good idea.

Councilmember Carroll expressed his opinion that a grand boulevard concept for Palm was out of the question as was taking over the roads from SCDOT; he supports getting visitors out of the neighborhoods and controlling, not adding, parking.

Returning to his report on the Public Safety Committee meeting, Councilmember Bettelli stated that the Committee had its first look at the wayfinding/beach access parking worksheet and the operating budgets for both the Fire and Police Departments. The Committee discussed the suggestion to change the renewal date for dog licenses.

**MOTION: Councilmember Bettelli moved to change the dog license year to April 1 through March 31; Councilmember Bergwerf seconded.**

Councilmember Ward asked how many licenses were issued each year; the Administrator replied that the number is approximately two hundred (200).

**VOTE: The motion PASSED UNANIMOUSLY.**

From the Fire Department's report for February 2013, Captain Gadsden had reported that personnel responded to thirty-two (32) calls and that eighteen (18) of them were EMS calls. Fire Inspector Kunitzer performed eleven (11) fire inspections during the month. Mayor Cronin



had related that a resident, who suffered a stroke and was attended by island EMS, has had brain surgery and returned to his home on the island; he was very complimentary of the island's Fire Department staff involved.

Chief Buckhannon reported that Police Department dispatchers had responded to thirty-nine hundred fifteen (3,915) calls during February, and thirty-three hundred sixty-six (3,366) were for the Police Department. Officers made three hundred seventy-three (373) traffic stops that resulted in seventy-four (74) tickets being issued. Two hundred twenty (220) reports were written during the month, a ten percent (10%) increase over the same period last year. When asked how the MS Challenge Walk had gone, Chief Buckhannon had responded that it was a "non-event," meaning that it was so well organized and so well run that the Police Department was not aware an event was taking place on the island.

The Public Safety Committee will next meet at 5:00 p.m. on Tuesday, April 9<sup>th</sup> in the City Hall Conference Room.

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

At the meeting of March 7<sup>th</sup>, Director Pitts reported that the unscheduled emphasis for the month had been pumping water from 46<sup>th</sup>, 50<sup>th</sup> and 51<sup>st</sup> Avenues from February 23 through February 27<sup>th</sup>. Charleston County Public Works assisted with the cleaning of beach access paths through 13<sup>th</sup> Avenue, and Public Works personnel are continuing the effort. In addition, a major house cleaning of the Public Works site was done. Charleston County has been on the island repaving roads according to their plan. For February, garbage collection on the island was down, but yard debris was up. As budget discussions continued, the Committee learned that all capital leases for Public Works' equipment have been paid off.

Under the *New Business* heading, the construction necessary at the Public Works' site for NPDES compliance was discussed. In performing a site evaluation, Chuck Jarman with Charleston County, four three (3) areas of concern and they are (1) the need for a major cleaning, (2) illicit discharge from the wash rack situation and (3) a lack of stormwater infrastructure for filtration. Costs for resolving these issues will be addressed in the upcoming budget year.

Like other City Committees, the Public Works Committee reviewed the FY14 operating budget.

The Committee was informed that the request for bid for the City-wide landscaping contract was advertised and that bids are due on Thursday, March 28<sup>th</sup> for the consideration of an award in April.

The Committee also unanimously approved the purchase of additional MobiMat.

The next meeting of the Public Works Committee will be at 5:30 p.m. on Wednesday, April 3 in the City Hall Conference Room.

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

From the meeting of March 4<sup>th</sup>, Councilmember Bergwerf quoted Director Page, "We have a lot going on! It's all good!" Adult softball, basketball, soccer and table tennis leagues began in March; spring baseball registration is complete with approximately two hundred fifty (250) kids signed up, ninety-five (95) from off the island. Work has started for the IOP Beach Run scheduled for Saturday, June 29<sup>th</sup>, sponsors are being secured, applications are being printed and t-shirts are being approved. According to Councilmember Bergwerf, an interesting program is Kid's Night Out, which, in her opinion, should be renamed to Parents' Night Out because it offer a night when parents can go out and have their children safety spend an evening watching movies, eating pizza and playing games at the Recreation Center under Recreation staff supervision. In February, twenty-four (24) youths between the ages of five and twelve (5-12) attended; the next Kid's Night Out is scheduled for Friday, April 26<sup>th</sup>. Doggie Day at the Rec was Saturday, February 26<sup>th</sup> and a huge success again despite the inclement weather; eighty (80) dogs participated in the various judging categories, and Dr. Biascoechrea administered one hundred thirty (130) rabies vaccinations. The annual Yard Sale is scheduled for Saturday, April 20<sup>th</sup>; fifty (50) spaces will be available. On Friday, the Egg-cellent Craft will be held where children fourteen (14) years and younger can dye and decorate eggs; all materials are provided for this free event. The annual Easter Egg Hunt will begin promptly at 10:00 a.m.; the Easter Bunny will available during the event for photos. The Beta Club of Wando High School has volunteered to hide the eggs, and the Keenagers, at their March meeting, filled bags with candy for the children. In 2012 over eight hundred children participated. In February three hundred thirty-two (332) people used the Cardio Room, the Front Desk answered four hundred eighty-two (482) phone calls, there were six hundred twenty-two (622) walk-ins, and the building was available for three hundred eight (308) hours.

The next Recreation Committee meeting will be at 4:00 p.m. on Monday, April 1 in the Conference Room on the second floor of City Hall.

Councilmember Buckhannon asked about the team turnout for the First Pitch Half Rubber Tournament held over the weekend, and Director Page reported that thirteen (13) teams had participated.

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

At the meeting of March 7<sup>th</sup>, Councilmember Thomas reported that the Committee reviewed the FY14 Capital and Operating budgets for the Building Department and General Government, as well as the Long-range Capital Plan. Another item of business was the approval of the City Administrator's 2013 Performance Objectives. The Administrator's personal goal for the past couple of years has been writing an accounting manual for the City; the goal for the Assistant to the Administrator is to assemble, synthesize, index and publish, with table of contents, the accounting manual. The Public Works Department will continue to document services provided to residents accommodating them for special circumstances, such as unscheduled garbage pickups, debris removal, moving, etc, referred to as random acts of kindness. Responding to the large number of burglaries on the island, the Police Department proposes to launch a personal property identification tagging and recording initiative. The Building Department will initiate a new program to monitor the MLS for new listings on the island and send the listing

agents an email containing all of the pertinent information in the City's files for their new listing, which could include elevation certificates, surveys, permits, etc. The Recreation Department will continue with the School's Out activities, and the Fire Department will continue its program of situational awareness. The Administrator's personal goal will be the development of a narrative accompaniment to the City's budget.

The next meeting of the Personnel Committee will be at 9:00 a.m. on Wednesday, April 3 in the Conference Room of City Hall.

Safety Sweepstakes winners for February are as follows:

Recreation Department – Nick Bako	Public Works – Willie Powell
Police – Hunter Lawrimore	Fire – James Giddens

**MOTION: Mayor Cronin moved to approve the City Administrator's 2013 Performance Objectives as presented; Councilmember Stone seconded.**

Councilmember Buckhannon voiced concern that the objectives had not been presented to the Committee Chairs; Administrator Tucker stated that had not been the practice in the past. The Councilmember indicated that he did not recollect having seen these objectives in the past and asked if they existed for 2012.

Councilmember Stone noted that the use of performance objectives was established by Dr. Piening when he was on Council and Chair of the Personnel Committee some three (3) years ago.

Councilmember Buckhannon stated that he had certain reservations about the stated objectives; he referenced the Building Department's pulling data for new listings on the island and suggested that it was creating extra work for personnel. The Mayor responded that the objectives were the plans established by the department heads for their departments to execute at no additional cost to the City while offering a service to the community; Mayor Cronin stated that the programs will be done in the hours already available without adding to costs and without diminishing the services already being provided. Again Councilmember Buckhannon questioned that these programs were not discussed at the Committee level.

Councilmember Bettelli countered that City Council is responsible for the Administrator's annual evaluation, but the Administrator is responsible for the department head's annual evaluations; therefore, she should have input in goal-setting for them.

Addressing the concern about the Building Department, Administrator Tucker explained that, when the program was discussed at the department manager level, this department head said that they are receiving calls for this information anyway and, through this initiative, they are simply being proactive to gather the information before the calls are made to them. They also believe that, if the information is provided to the listing agent, they may receive fewer calls for redundant information.

Councilmember Carroll referenced issues raised by the media earlier in the week about random acts of kindness, and, despite his support for these acts, he suggested that the City had to be

“careful on how [the City] pursues that.” He stated that he supports “this community being friendly to each and every one of [the City’s] residents, but . . . maybe with limitations on there.” In his opinion, to help someone and to have a ladder truck, a pumper truck and a pickup truck respond to a random act of kindness was “overkill.”

He stated that, since the continuation of these random acts of kindness was the Public Works’ goal, he thought Council needed to discuss how far to go with them.

Mayor Cronin responded that, when the Fire Department gets the opportunity to help a citizen, they do not send an individual because that diminishes staffing to respond in case there is a fire; therefore, it is typical to send the equipment with them in case there is a situation so they can immediately respond. The Mayor also noted that, in the February Fire Department report, there were three (3) similar calls for physical assists; one had been to assist a church set up a cross, and the equipment goes with the people.

Councilmember Loftus stated that he thought these random acts of kindness were “one of the things that makes the Isle of Palms a special place and gives [the City] the uniqueness that exists.” He added that, in the years he has been a resident, hundreds of visitors and residents have been helped, and it is a great program that separates the Isle of Palms from many other communities. He praised the people who work for the City and make the difference. Councilmember Loftus noted that he does not want to micro-manage the City Administrator.

Councilmember Bettelli ended the discussion by stating, “We are here to help the citizens.”

**VOTE: The motion PASSED UNANIMOUSLY.**

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

From the meeting of March 6<sup>th</sup>, Councilmember Stone reported that the Committee was presented with a budget and conceptual drawing of the improvements to be done with the Boating Infrastructure Grant. Marina Manager Brian Berrigan and John Shaffer presented a budget that was included in packets for this meeting, for the marina redevelopment that would be done in two (2) phases. Phase I includes the soft costs of engineering and design, floating dock, several docks in the area of the restaurant and fuel systems that totals just over two million dollars (\$2,000,000), of which just over eight hundred thousand dollars (\$800,000) would be grant eligible. Phase II includes the dock behind the store, staging docks for the dry stack storage and floating office and restrooms; the cost for this phase is over one million dollars (\$1,000,000) with less than two hundred thousand dollars (\$200,000) grant eligible.

Discussions on the sources of funds for the City’s portion of the improvements centered on the Marina Fund and tourism funds; the City also has the option of bonding the funds, but that goes against Council’s desire to avoid debt whenever possible. Councilmember Stone noted that replacing the fuel system and reconfiguring the docks are expenditures that are on the horizon for the City, and the grant award would reduce costs by eight hundred thousand dollars (\$800,000). A key component for consideration is that the City would need to pay up front and be reimbursed by the grant.

On the subject of timing, grant applications are due July 1, 2013 with the award coming in March of 2014; therefore the City would not look to spend any money until the FY15 budget year. It was generally agreed that ground-breaking would be eighteen to twenty-four (18-24) months away.

Mr. Shaffer suggested beginning the regulatory permitting after submitting the grant since it could take a year to receive the permit; once the grant is awarded, the City could begin the engineering and design work. The City can extend the grant until it has gathered the necessary funding.

**MOTION: Councilmember Stone moved for staff to work with the marina staff and consultant to pursue a Boating Infrastructure Grant; Councilmember Loftus seconded.**

Assistant Dziuban attended a workshop on the Boating Infrastructure Grant and was asked to report on that meeting at this time. Assistant Dziuban stated that the workshop did not provide new information on the grant, but was concise instruction on completing the grant application, processing reimbursements and timelines. She explained that the applications are submitted to SCDNR that, in turn, vets the applications and recommends them to the federal agency issuing the grants. Based on attendance at the workshop, the City would be looking at considerable competition for a grant.

Responding to Councilmember Carroll's question about what happens if the City is not a grant recipient, Administrator Tucker stated that the City would proceed under the capital plan and the federal mandates for those things that have been scheduled. The Administrator noted that these grants are targeted at improvements for vessels that are twenty-six feet (26 ft.) and greater, so only those improvements that serve vessels of that length can be paid from the grant.

Administrator Tucker reiterated comments made at Ways and Means that, should the City receive a grant of this size, the award would trigger the Single Audit Act, which is required when an entity receives federal money of six hundred thousand dollars (\$600,000) or greater. Such an audit would be more extensive and, therefore, more expensive than the audits the City now has.

The Administrator reassured Councilmember Ward that the one million two hundred thousand dollars (\$1,200,000) the City would need toward the project would not all come due at one time, but would be spread over as many as five (5) years.

**VOTE: The motion PASSED UNANIMOUSLY.**

The review of the FY14 Capital Budget for the marina brought to the forefront requests made by the marina store tenant last fall. Due to the relatively short term of the lease, the store tenant questioned the lease requirement that he be responsible for replacement of major store fixtures; in the fall, he was asked to bring these concerns back to the Committee during budget deliberations, which he has done. Items in the store that are either not functioning or are past their useful life are the following:

Walk-in freezer, not functioning	10,000
Ice machine	6,000
HVAC	25,000
Point-of-Sale cash receipts system	30,000
Store coolers	90,000

The fuel dispensers at the store are also in need of being replaced, but, per the lease, that expense falls to the City and will be approximately thirty thousand dollars (\$30,000).

Administrator Tucker explained further that items are detailed in the triple net lease that are considered inventory items that belong to the City and should be in place when the current tenant vacates the store. Per the terms of the triple net lease, the repair and/or replacement of said items is the responsibility of the tenant. If the City were to agree with the tenant that these are extraordinary items and to consider assuming responsibility for the replacement of these items, an amendment to the lease would be required clarifying that section of the lease.

Councilmember Carroll agreed that, if the tenant had a longer term lease, he would be more inclined to make major investments in the store; he suggested that the City should have longer term leases with certain tenants inviting investment in City-owned property.

Councilmember Buckhannon added that the replacement of the fuel dispenser at the dock is due for replacement, but the tenant is going “to nurse it along” to be included in the marina improvements discussed earlier. A canopy for the land-side dispensers is in the FY14 Capital Budget to protect the dispensers from the elements as much as is possible; this is also a City expense.

Administrator Tucker then read the motion made at the Committee meeting that stated the Administrator was “to work with legal counsel to amend the store lease to include the assets the City was willing to replace.”

Councilmember Loftus acknowledged that the tenant has made major investments to upgrade and improve the store since obtaining the lease.

Mayor Cronin recommended that the issue go back to Committee for clear direction on the terms of any amendment to the lease.

Councilmember Loftus, also a member of the Real Property Committee, asked for legal counsel review the options before further discussions at the Committee level.

The Committee also made a recommendation on the award of a contract for the design/engineering of the watersport dock that was finalized earlier in the meeting.

The Real Property Committee will hold its April meeting at 5:30 p.m. on Tuesday, April 2<sup>nd</sup> in Council Chambers.

## **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

Councilmember Loftus stated that he liked Jim Covington's idea of soliciting island businesses to sponsor holiday light displays.

- 6. **Reports from Special of Joint Committees** – None
- 7. **Petitions Received, Referred or Disposed of** – None
- 8. **Bills Already in Possession of Council** – None
- 9. **Introduction of New Bills, Resolutions and Proclamations**
  - A. **Proclamation for Red Cross Month**

Administrator Tucker read the proclamation into the minutes, and a copy is attached to the historical record of the meeting.

**MOTION: Councilmember Buckhannon moved to approve the Red Cross Proclamation as read; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

**B. First Reading, by title only, of Ordinance 2013-03 – An Ordinance Amending, Title 3, Public Works, Chapter 2, Solid Waste, Section 3-2-8, Garbage Roll-out Carts Shall not be Kept upon Street or Road Rights-of-way, of the City of Isle of Palms Code of Ordinances to Prohibit County Recycling Containers from Being Kept upon Street or Road Rights-of-way except when Placed for Collection.**

**MOTION: Councilmember Bettelli moved to approve for First Reading, by title only, of Ordinance 2013-03; Councilmember Bergwerf seconded.**

Councilmember Buckhannon stated that the impetus of this ordinance was to keep recycling bins out of the rights-of-way; Mayor Cronin responded that it was to follow the same cart procedures that are in place for the City's garbage roll-out carts.

Councilmember Buckhannon stated that the ordinance includes the following statements:

"no garbage carts or recycling containers shall be allowed to remain clearly visible from the street, road, or right-of-way. The City has the right to move garbage carts and recycling containers placed in violation of this section."

The Councilmember then distributed pictures he had taken earlier in the day showing violations in place throughout the City; seven (7) of the eight (8) photos were of City-owned properties. He voiced the opinion that, if the City is going to begin enforcing a law, it should be the first to set an example; if the City is not going to do that, then the ordinance represents a nuisance law.

Councilmember Ward stated that he lives on a corner lot, and it is impossible for him to keep his garbage carts from being visible from the road – meaning he is in violation three hundred sixty-five (365) days a year. In his opinion, that law is poorly written.

Councilmember Bettelli stated that he had ordinance amended in 2001 to change the times that carts will be allowed on the streets for collection giving people time to get home from work to move the carts. He noted that, to his knowledge, no tickets have been written because carts were visible from the road and possibly that should be removed from the ordinance.

Mayor Cronin commented that the ordinance could be tweaked before Second Reading.

**VOTE: The motion PASSED on a vote of 5 to 4; Councilmembers Buckhannon, Carroll, Stone and Ward cast dissenting votes.**

**10. Miscellaneous Business**

**Discussion of the possibility of temporary food market during Island Center renovations**

Administrator Tucker stated that Councilmember Ward had brought this concern to the City's attention because there is going to be such a gap in time between the closing of the Red & White and the opening of the new grocery store. The Administrator said that there are possibilities; the activity would be limited to the commercial district, and the flood and zoning issues would have to be taken into consideration as well. The City would invite a store that would have a temporary structure that could either be in compliance with the flood elevation or that could be readily taken off the island in the threat of a storm. Administrator Tucker continued that, if it is the will of Council for her to pursue this, she thought that she would contact the owner of the Island Center and ask if they would be open to the idea of the City's opening a dialogue with the new tenant to find out if they would be interested in doing this on a temporary basis. She thought the new tenant might welcome the opportunity to create a relationship with the City and the residents.

Mayor Cronin indicated that, when the Red and White closed, the marina store augmented its product line to help residents through the transition. Mr. Berrigan stated that he had added fruits and vegetables and that he has a new deli tenant that will offer delivery service and who has a catering truck as well. Mr. Berrigan added that the store has also expanded its hours to be accommodating to residents; he said, "We are no Piggly Wiggly, but we can provide the staples."

**Next Meeting Date: 7:00 p.m., Tuesday, April 23, 2013.**

**11. Executive Session – not needed**

**12. Adjourn**

**MOTION: Councilmember Bettelli moved to adjourn the meeting at 9:20 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**