

CITY COUNCIL

7:00 p.m., Tuesday, April 23, 2013

The regular meeting of City Council was held at 7:00 p.m. on Tuesday, April 23, 2013 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, Assistant to the Administrator Dziuban, Attorney Halversen and City Clerk Copeland. Councilmember Bettelli's absence was excused, and a quorum was present to conduct business.

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

2. Approval of Previous Meeting's Minutes

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

3. Citizens' Comments

Ann Bauer and Catherine Malloy, representatives of the Island Turtle Team, reported to Council on the Loggerhead Lessons held Saturday, April 20 on Front Beach. Six (6) stations were set up to educate island youths, aged ten (10) and under, and their parents about loggerhead turtles and the Turtle Team's efforts to conserve them; the event drew seventy (70) children and fifty (50) adults. The Turtle Team sees it as a very positive event for the island and hopes to make it an annual event. Ms. Malloy noted that they had teen-aged volunteers who helped with the event, and they will be called upon again next year.

Dennis Samuelson of Carolina Coastal Properties addressed Council about the attention he has garnered over how his company vehicle is parked. Mr. Samuelson reported that he had been approached by Director Kerr that he had to park this vehicle in such a way that the advertising on the rear window was not visible from Palm Boulevard; Mr. Kerr stated that, the vehicle parked with the advertising visible from Palm Boulevard, constituted an illegal sign according to the City's Code of Ordinances. He stated that the wording of the ordinance needs to be more specific relative to vehicle signage – what is allowed and what is not; in his opinion the ordinance is too subjective. He stated that there should be no debate about whether his vehicle's primary purpose is transportation or advertising; he added that it should not be "to the whims of government to decide is it a billboard or is it a car." He voiced his understanding of the ordinance was to prevent someone from buying a car or trailer and "planting it somewhere with signage on it for the purpose of advertising." Mr. Samuelson stated that the primary reason he bought the car was for the excellent gas mileage and use by his housekeeping staff to travel the island and check the readiness of rental properties. He indicated that, if he had bought it for advertising, it would be adorned with a much larger logo than what is in the rear window, and he would not have waited six (6) months to add it. Since he was approached by Director Kerr, he has researched other municipalities' ordinances and found their language to be quite specific.

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Additionally, Mr. Samuelson stated that he would like for the City to acknowledge that, as a citizen and a business person, he has the right to park his vehicle anywhere he chooses. He has been told that he needs to park this vehicle in such a way as to have the logo not be prominent from Palm Boulevard; he argues that the only reason a logo is placed on a vehicle is for advertising. He noted that there are many vehicles on the island with logos, so he feels that he has been singled out. He admitted that a one thousand dollar (\$1,000) a day fine "scared" him, but he also thinks it is excessive.

Mr. Samuelson stated that, when this incident occurred last Tuesday, all he wanted was for someone with the City to say that it might have over-reacted, to make sure the car does not get "planted" in that spot and to continue to use the car for business. Had that occurred, he indicated that he would not be speaking to Council at this time.

Susan Haney, 14-26th Avenue, reiterated her comments from the March Council meeting that the island needs a temporary grocery store for the coming tourist season. She distributed information to Council listing the prices of grocery staples, such as eggs, margarine and bread, and a price comparison between the three (3) closest stores, i.e. the Marina store, the BP station and Piggly Wiggly. She stated that the marina prices seem to be a bit high, while the BP station cannot possibly handle the inventory to supply the island in the tourist season. She asked that the City urge The Beach Company and Piggly Wiggly to open a temporary, basic-needs market on the island, so that residents and tourists alike can purchase at a reasonable price.

Mayor Cronin reported that the City has approached The Beach Company, and, they informed the City that, based on their construction schedule, the layout of the property and how the construction will be worked, there is no room on the property to house a temporary market.

Administrator Tucker stated that the City continues to push for a solution, but, in her opinion, the marina store is possibly the best option available in the interim. The Administrator noted that email communication continues with The Beach Company, and Leonard Way appears to be concerned. In addition, the Administrator has contacted Jekyll Island authorities who had a similar situation several years ago; they are sending her photographs that she plans to present to Mr. Way to persuade him that it is a viable option. The Administrator commented that for Newton Farms to open a temporary market would certainly make them heroes in the eyes of residents and visitors by coming in early and saving everyone from getting into the beach traffic to pick up a few grocery items.

The Administrator added that another concern is SCE&G's laying the under-marsh line; the area where they have a corner is where the marsh line will break ground. Administrator Tucker indicated that she sent a communication to SCE&G today for a completion date to this project.

In an update on the construction at the Island Center, Mayor Cronin stated that all tenants have moved out of the original space and now occupy the new building; a demolition permit has been issued and the demolition will take place after asbestos is removed.

The Mayor also reported that no one knows what is going into the drive-through building that is being renovated to be up to code for a tenant.

4. Reports from Standing Committees

A. Ways and Means Committee

Mayor Cronin reported that, at the meeting of March 16, Treasurer Suggs reviewed the financial statements through March, three-quarters ($\frac{3}{4}$) of the way through the fiscal year; General Fund revenues are at seventy-two percent (72%) of annual budget and General Fund expenditures are at sixty-nine percent (69%) of annual budget. With Charleston County having resolved their computer issues of a year ago, Property Tax Revenues are at ninety-nine percent (99%) of budget. The Treasurer announced that the City will be contracting with sc.gov for the processing of credit card payments; sc.gov has the state contract for the internet and credit card acceptance. This will be a revenue neutral endeavor for the City; the credit card user will be charged a processing fee equal to one and seven tenths percent (1.7%) of the transaction amount plus a one dollar (\$1.00) transaction fee. On the tourism fees, Municipal Accommodations Fees collections are nine percent (9%) greater than FY12, and Hospitality Taxes have increased by ten percent (10%) over last year.

Chief Graham and Captain Tetor made an informative presentation on what a quick response vehicle (QRV) truly is and how it would be deployed for medical calls on the island; included were details on how fire personnel respond to a medical call now and how the same call would be responded to with a QRV. The bottom line was that the City would need to add six (6) new firefighters/EMTs, purchase and equip a vehicle at a cost of fifty thousand dollars (\$50,000), and purchase six (6) sets of gear for the new personnel at a cost of eighteen thousand dollars (\$18,000) for a total first year investment in excess of three hundred twelve thousand dollars (\$312,000). The savings to the City in fuel and wear on the apparatus, while not insignificant, do not measure up to the initial investment and ongoing costs of approximately two hundred fifty thousand dollars (\$250,000). This is a subject that the City will continue to look into; the Mayor was confident that a QRV was in the City's future as a way to extend the life of capital assets.

Captain Tetor and the Chief also reviewed how the City deploys fire personnel in the event of a residential fire on the island.

- 1. Award of a sole source contract, for equipment consistency, not to exceed \$10,500, to Charleston Powersports for the budgeted purchase of a waverunner.**

MOTION: Mayor Cronin moved to award a sole source contract to Charleston Powersports as indicated above; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

- 2. Award of a contract to Berkeley Heating and Air in the amount of \$39,303 for the budgeted purchase of HVAC for the Recreation Center gym.**

MOTION: Mayor Cronin moved to award a contract to Berkeley Heating and Air as stated above; Councilmember Loftus second and the motion PASSED UNANIMOUSLY.

The Ways and Means Committee discussed and agreed to change the time when business licenses are due from January 1st to April 1st; this ordinance amendment appears later on the *Agenda* for First Reading.

Since the wayfinding sign fabrication for approved signs was approximately five thousand dollars (\$5,000) less than budgeted, the Committee agreed to spend that remaining balance on "No Parking on Pavement" signs for 42nd to 57th Avenues.

The balance of the meeting was spent in a budget workshop for the FY14 operating and capital budgets; at the conclusion of the discussion, the City has a balanced budget for FY14 that does not require a property tax increase to island residents. The FY14 budget contains a thirteen percent (13%) increase to the State Health Plan, a three percent (3%) merit pool for deserving employees, a full twelve (12) months of the increased Charleston County radio users fee and expenses related to the transition to Consolidated Dispatch while maintaining a presence in the City's dispatch center. This budget also sees the first reservation of funds for the future purchase of capital assets with cash, not capital leases; the amount reserved also includes an amount for radio replacements in FY17; the total reservation in FY14 is six hundred seventy-eight thousand dollars (\$678,000).

The next Ways and Means Committee meeting will be at 5:45 p.m. on Tuesday, May 21 in the City Hall Conference Room.

B. Public Safety Committee

With Councilmember Bettelli's absence, Vice Chair Bergwerf gave the report of the meeting of Monday, April 8. From further discussion on the enforcement of the roll-out cart ordinance, it was the consensus of the Committee to learn more about what other local governments are doing to keep garbage/recycling containers out of the rights-of-way and to enforce the regulations fairly. The Committee also considered some point in the future when the corrals should be removed from the rights-of-way since they have outlived their usefulness. As the Mayor mentioned, the Public Safety Committee approved the purchase of "No Parking on Pavement" signs with funds remaining from the amount budgeted for wayfinding signs budget. This Committee was the first to receive the information on the City's potential use of quick response vehicles (QRVs); Councilmember Bergwerf voiced her opinion that they are in the City's future despite being cost prohibitive at this time. This Committee also approved extending the hours dogs can be on the beach off-leash from 8:00 a.m. to 9:00 a.m. for the period April 1st to September 14th; the First Reading of the amendment to the ordinance is later in the meeting. The Committee also gave initial approval of the waverunner purchase.

When the Public Safety Committee reviewed the budgets for the Fire and Police Departments, Administrator Tucker noted that the Police Department FY14 operating budget as presented shows a ten percent (10%) increase over FY13, but, if the expenses related to the transition to Consolidated Dispatch were to be removed, the Police Department's budget would be less than FY13.

In highlights from departmental reports, Chief Graham noted that personnel responded to a call on March 31st about a black lab in distress in Breach Inlet; the dog would have drowned had it not been rescued. In the month of March, personnel responded to sixty-three (63) calls, of which thirty (30) were EMS calls; there were also several public relations calls, i.e. personnel helped a resident get back into bed, assisted a handicapped visitor to and from the beach on several occasions and assisted a resident on 56th Avenue with removing a car from the garage as the area was flooded.

Chief Buckhannon recounted an incident from March 25th that involved a golf cart being operated by two (2) minors who had alcoholic beverages in the cart as well as a stolen golf course flag from Wild Dunes. The Chief reported that police personnel are working with the rental agencies on the island, tagging electronic equipment inside rental properties then entering the information into a database operated by the Police Department as a community service and crime prevention initiative; the program is being well-received. Councilmember Bergwerf added that this service is available to all residents of the island as well. In March, dispatchers responded to three thousand six hundred sixty (3,660) calls, of which three thousand one hundred fourteen (3,114) were for the Police Department. Officers made three hundred sixty-four (364) traffic stops that generated seventy-six (76) citations. One hundred twenty-eight (128) incident reports were written in the month; the island has experienced fourteen (14) burglaries year-to-date. The burglaries are happening primarily in rental homes and flat screen TVs are being taken.

The next "Meet and Greet" will be held from 5:00 p.m. to 6:00 p.m. on Thursday, April 25th at the corner of Forest Trail and 34th Avenue for residents of Forest Trail, Forest Trail Courts I and II and Cross Lane.

The Public Safety Committee will hold its next meeting at 5:00 p.m. on Monday, May 13th in the City Hall Conference Room.

C. Public Works Committee

During the meeting of April 3, Director Pitts reported that the Department had incurred twelve and a half (12½) hours of overtime for pumping on March 24th and twelve (12) hours overtime on March 16th for the recycling event. For a second month, pumping was the focus, but cleaning of the beach access paths continued as weather permitted. Garbage was down again, which the Director attributes to single-stream recycling; yard debris was up for the third consecutive month. Like other Committees, the Public Works Committee discussed the operating and capital budgets for FY14.

Pursuant to concerns voiced by a resident of Sparrow Drive, the Committee discussed the flooding that occurred during recent rains. The problem was that a high tide kept the flapper valve closed, which it should, as heavy rains fell; once the tide receded, the area drained quickly.

The bids for the City-wide landscaping contract were discussed; the City received eight (8) bids and has been checking references and visiting work sites to make the best decision for the City. A recommendation will be made at the May meeting.

The Committee discussed the possibility of placing the yellow garbage barrels on the land-side of Palm Boulevard; deploying these barrels will likely mean an increase in fees from the contractor for emptying more barrels. Director Pitts informed the Committee that the contractor notifies the Director when there is a need for additional barrels. After the Committee learns the financial impact this action will have, it will make a decision.

In conclusion, the Committee discussed random acts of kindness performed by Public Works personnel.

The next meeting of the Public Works Committee will be at 5:30 p.m. on Monday, May 6th in the City Hall Conference Room.

Mayor Cronin reminded the Committee Chair that they are to be working with staff on recommendations for the City's property referred to as Live Oak Park.

D. Recreation Committee

Councilmember Bergwerf reported from the meeting of April 1st that, "as always, it is busy season at the Rec." Winter season sports have come to an end, and the First Pitch Half Rubber Tournament was held March 23rd with thirteen (13) teams participating; the 15th Annual Half Rubber Tournament will be held on Saturday, August 17th. Tots' lacrosse is a new activity at the Rec Center, and, due to the sport's growing popularity, the response has been very good. Spike Nights continue as do the table tennis leagues. The IOP Beach Run is scheduled for Saturday, June 29th and will feature both 5K and 10K runs again this year. Fifty (50) Keenagers attended the March meeting; in addition, fifteen (15) attended the Lunch Bunch trip to Bricco Bracco. The popularity of the Middle School dances continues as three hundred fifty-four (354) youths danced and enjoyed the jump castle. Always a huge event, the annual Easter Egg Hunt drew between eight hundred fifty and nine hundred (850-900) children who collected eggs and received bags of candy for their efforts. The annual Yard Sale was held Saturday, April 20th, but due to the inclement weather, it will be re-run on Saturday, April 27th. This year will be the 25th Anniversary Piccolo Spoleto Sand Sculpting contest; the event will have a full-page ad in the Piccolo Spoleto Program Book. All but two (2) weeks of Camp Summershine are full; a couple of vacancies exist for the week of July 4th and the first week of camp.

The Recreation Committee reviewed the FY14 operating and capital budgets and gave initial approval of a contract award for the HVAC for the gym.

The Recreation Committee will meet again at 4:00 p.m. on Wednesday, May 1st in the City Hall Conference Room.

E. Personnel Committee

Reporting on the meeting of April 3, Councilmember Thomas noted that the Committee reviewed the FY14 operating and capital budgets for General Government and the Building Department.

Safety Sweepstakes winners for March were announced as

General Government – Debbie Suggs

Public Works – Bernard Gourdine

Police – Hunter Lawrimore

Fire – Dana Burnette

F. Real Property Committee

From the meeting of April 2, Councilmember Stone reported that the first act of business was to re-consider authorizing the City Administrator to sign a Special Exception application for the placement of a temporary antenna and to execute a lease with the IOP Water and Sewer Commission to place a temporary antenna on City property in the next off-season. The Committee was reminded of a similar request last year; the antenna will be needed to house the antenna off the water tower while it is being refurbished. The Committee unanimously approved the requested action.

MOTION: Councilmember Stone moved to recommend authorizing the City Administrator to sign a Special Exception application for the placement of temporary antennae and to execute a lease with the Water and Sewer Commission to place the temporary antennae in the next off-season; Mayor Cronin seconded and the motion PASSED UNANIMOUSLY.

The Committee had planned to consider amendments to the Marina Outpost lease, but Marina Manager Brian Berrigan withdrew his request at this time based on the City's budget constraints.

Steven Traynum with Coastal Science and Engineering (CSE) was present to discuss two (2) issues with the Committee; the first was a no cost adjustment to CSE's work tasks and the second was a request from the Department of Natural Resources (DNR). The contract the City has with CSE has multiple components; certain tasks have been accomplished less costly than estimated, but, at the same time, another task has proven to be more costly than estimated. This does not represent a cost adjustment to the contract that the City has approved, just a reallocation of funds; the Committee was not required to take any action.

The City's permit modification is a request to have an additional, smaller project in the permit window; since the City submitted the modification, DNR has made known their desire to study the benthic organisms to determine if there would be any adverse impact on them as a result of shoal scrapings. Mr. Traynum explained that these studies have been done in the past; therefore, the information already exists. DNR's concern appears to be, if the long-term strategy is continued management of the shoals at yearly increments during certain period, that repetitive projects will not allow benthic colonies to recover in the period of time between events. According to Mr. Traynum, DNR has requested that OCRM include the study as a condition of the permit. The Committee instructed CSE to draft a response to the request citing all of the previous studies, hoping that a permit will be issued without the study as a condition.

Councilmember Buckhannon added that the study would not be done by an independent lab, but would be done by DNR at a cost of thirty thousand dollars (\$30,000) payable to DNR.

The Committee reviewed FY14 operating and capital budgets for the marina, the Front Beach and the public restrooms.

Councilmember Stone noted that the Committee agreed that an application for a Boating Infrastructure Grant should be delayed due to the drain on the marina fund caused by cost overruns on the dredging project.

The Real Property Committee will meet at 5:30 p.m. on Wednesday, May 8 in the City Hall Conference Room.

Councilmember Loftus asked for an update on the work SCE&G is doing at 1301 Palm Boulevard; Administrator Tucker stated that she had not gotten an update today, but SCE&G is making progress. The pole, or riser, has been erected and the companion poles and other underground infrastructure were relocated today; the Administrator does not know the estimated completion date at this time.

Mayor Cronin noted that they are only half way across the marsh and likely have another month's work to do there; he added that he does not know if the pole is at its full height.

Councilmember Loftus added that he thinks it important that residents know the tower will be quite tall, but it is critical to provide backup power to the island in case of a storm event.

Responding to Councilmember Carroll's concern, Administrator Tucker indicated that the pole blocking access from 13th Avenue was relocated today.

5. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – no meeting in April
- 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 – None

9. Introduction of New Bills, Resolutions and Proclamations

- A. Proclamation for Safe Boating Week**

At the request of the Mayor, Administrator Tucker read the proclamation into the minutes of the meeting.

MOTION: Councilmember Ward moved to adopt the Safe Boating Week proclamation; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

B. First Reading, by title only, of Ordinance 2013-04 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 1, Business Licenses, Article A, General Provisions, of the City of Isle of Palms Code of Ordinances to Change the Due Date for Business License Fees from January 1 to April 1 and to Change the Corresponding Delinquency date from February 1 to May 1 of Each Year.

MOTION: Mayor Cronin moved to approve Ordinance 2013-04 for First Reading; Councilmember Bergwerf seconded; the motion passed on a vote of 7 to 1, with Councilmember Loftus casting the dissenting vote.

C. First Reading, by title only, of Ordinance 2013-05 – An Ordinance to Raise Revenue and Adopt a Budget for the City of Isle of Palms, South Carolina, for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.

MOTION: Mayor Cronin moved to approve Ordinance 2013-05 for First Reading; Councilmember Bergwerf seconded.

Councilmember Buckhannon stated that staff had provided him with job descriptions for the various positions in the City, but he wants to evaluate the pay ranges associated with those positions and ensure that all positions are within those ranges.

Administrator Tucker commented that the ranges and employee wages are evaluated each year to ensure that no one is outside of his/her range, but there are employees who are at the top of their range and are ineligible for merit increases even if their performance evaluation warrants an increase.

VOTE: The motion PASSED on a vote of 6 to 2; Councilmembers Buckhannon and Ward did not support the motion.

D. First Reading, by title only, of Ordinance 2013-06 – An Ordinance Amending Title 6, Health and Sanitation, Chapter 2, Animals, Article B, Dogs, of the City of Isle of Palms Code of Ordinances to Extend the Hours that Dogs are Permitted to run at large on the Beach during the period April 1 through September 14 of Each Year.

MOTION: Mayor Cronin moved to approve First Reading of Ordinance 2013-06; Councilmember Bergwerf seconded.

Councilmember Ward asked if there had been any consideration of extending the hours in the evenings; Councilmember Bergwerf stated that the Committee agreed that too many tourists are on the beach in the late afternoon and early evenings to extend evening hours for dogs to be off-leash on the beach.

VOTE: The motion PASSED UNANIMOUSLY.

Mayor Cronin added that the Isle of Palms was the most dog-friendly beach in the area, and, with this action, the island may become even friendlier.

MOTION: Councilmember Ward moved to go into Executive Session at 8:02 p.m. to receive legal advice; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Council returned to open session at 8:14 p.m. and Mayor Cronin announced that Council had not taken a vote or any other action in Executive Session.

10. Miscellaneous Business

Vehicle Signs

Councilmember Buckhannon stated that Council should direct the City attorney to review the City's sign ordinance to allow for a company's vehicles to be parked at the place of business without worrying that the business is in violation of the City's ordinance. He posed that, if a Service Master were to open on the island, it would have to garage its trucks or arrange to park them out of sight.

Mayor Cronin stated that he did not think that anyone would object with the City Attorney reviewing the relevance of the City's sign ordinance and how it compares with other communities.

Councilmember Bergwerf urged caution in changing the existing code; sometimes a change can lead to unintended consequences. Up to now, the City's sign ordinance has served the City well.

Councilmember Stone stated that many island residents have driven vehicles with signs on them for many years, but, as the result of applying for a home office, they then must remove any signage from that vehicle. He questioned whether that was fair to island residents.

Administrator Tucker reminded Council that changes to the sign ordinance will go through the Planning Commission.

Councilmember Bergwerf announced that "Lights out for Turtles" begins May 15th and runs through October 15th.

11. Executive Session – held earlier in the meeting

12. Conclusion/Adjournment

MOTION: Councilmember Loftus moved to adjourn the meeting at 8:23 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk