

CITY COUNCIL

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

The regular meeting of City Council was held at 7:00 p.m. on Tuesday, July 23, 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, Thomas and Ward, Mayor Cronin, Administrator Tucker, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. Although Councilmember Stone was absent, 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. Clerk Copeland called the roll after a brief invocation from the Mayor and the recitation of the Pledge of Allegiance.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Bettelli moved to approve the minutes of the regular meeting of June 25, 2013 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Diane Oltorik, 15 Ocean Park Court, stated that she has wanted a beach accessible wheel chair for the Medical Equipment Loan Closet since its inception, and she was pleased to announce that the Loan Closet now has a beach access wheel chair thanks to the efforts of Kensey Jones who is in the audience. Mrs. Oltorik described her initial introduction to Kensey when she was a judge in the Miss Wando Pageant; in the course of the competition, Kensey described her work with children living with disabilities. She subsequently raised eighteen hundred dollars (\$1,800) for a beach access wheel chair for use by island residents and visitors; it is now housed at the Lutheran Retreat Center across from the 21st Avenue beach access. Ms. Oltorik introduced Ms. Jones to City Council and thanked her for the addition to the Loan Closet inventory.

Mayor Cronin stated that Council is gratified that someone would stand up and do what Kensey has done on behalf people she does not know; he noted that people will use the chair who can never thank her personally, so the Mayor thanked her for them.

Laverne Smith, 2704 Waterway Boulevard, thanked City Council for extending the hours that dogs are allowed on the beach off-leash to 9:00 a.m., as well as the earlier action to extend the hours in the fall and winter months.

Mayor Cronin reminded Council that the City will sponsor an insurance update covering FEMA changes to flood insurance as well as other changes; it will be held in cooperation with Sullivan's Island Council and will begin at 6:00 p.m. at the Recreation Center.

4. Reports from Standing Committees

A. Ways and Means Committee

Mayor Cronin reported that the preliminary FY13 year-end financials were discussed at the meeting of July 16th; he stated that the auditors are expected to begin their in-house work on August 19th. With revenue yet to be received, the revenue budget for the General Fund is at one hundred one percent (101%); expenditures in the General Fund are at ninety-five percent (95%) of budget. Cash on-hand at June 30th was at thirty-eight percent (38%) of annual General Fund expenditures. Treasurer Suggs made "a bold prediction" that the final year-end gain will be between five hundred thousand and seven hundred thousand dollars (\$500,000-700,000).

Of the tourism funds, Municipal Accommodations Tax fees are running seven percent (7%) ahead of FY12. The final payments from the Charleston County Accommodations Pass-through and State Accommodations Taxes have not been received. Hospitality Taxes are one percent (1%) ahead of FY12 collections.

Mayor Cronin noted that there had been no major activity in the long-term projects of wayfinding signs, Phase II of the drainage initiative or beach restoration.

As has been foreshadowed in earlier meetings, the City staff has been researching the refinancing of certain City debt. Bond counsel has stated that the City would likely get a favorable interest rate on the remaining balance of the marina debt, a taxable bond, that will have a balance of less than one and a half million dollars (\$1,500,000) once the FY14 payment is made. The Committee authorized staff to proceed with refinancing that debt, anticipating a savings to the City of one hundred four thousand dollars (\$104,000) over the remaining six-year (6 yr.) life of the debt.

- 1. Award of a contract to Jones Ford in the amount of \$24,934, state contract pricing, for a budgeted 2013 Ford Explorer**

MOTION: Mayor Cronin moved to award a contract to Jones Ford for a new vehicle as stated above; Councilmember Bergwerf seconded.

The Mayor stated that this vehicle is for the Recreation Department and replaces a vehicle that needed a good bit of work for continued use.

VOTE: The motion PASSED UNANIMOUSLY.

- 2. Award of a contract to Safe Industries in the amount of \$27,161.53 for 5 air packs with accessories, included in the FY14 budget**

MOTION: Mayor Cronin moved to award a contract to Safe Industries as detailed above; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

- 3. Award of a contract to T2 Systems for 3 Casio IT-9000E Handheld Ticket Writers in the amount of \$12,822, included in the FY14 budget**

MOTION: Mayor Cronin moved to award a contract to T2 Systems as detailed above; Councilmember Bettelli seconded, and the motion PASSED UNANIMOUSLY.

The Committee also discussed the Beach2Beach route on the island; the Mayor explained that Battery2Beach is a route for bicyclists to travel from the Battery to the local beaches. Battery 2Beach has received a donation of one hundred thousand dollars (\$100,000) for signage; they are asking the local municipalities establish the routing, the location of the signs and ultimately install the signs after receiving an encroachment permit from SCDOT. The discussion centered on whether the City should hire Stantec to do those projects, but the Committee decided to go back to the Battery2Beach group and attempt to find another method for this work without the City incurring a thirty-seven hundred dollar (\$3,700) expense.

A discussion occurred on residential business licenses that specifically keyed on in-home business licenses. The decision reached was to look into how many in-home businesses are on the island and the amount being paid to the City for these licenses; if the City were to move forward, it would mean a review of all classifications of business licenses issued by the City.

The Committee also discussed the fact that the Isle of Palms is the only local government with a November election looming that uses the petition method of filing; most jurisdictions have a filing fee. The Committee decided to take no action at this time, but to discuss the filing process again in a non-election year.

The next Ways and Means Committee will be at 5:45 p.m. on Tuesday, August 20, 2013.

B. Public Safety Committee

At the meeting of July 19th, a citizen stated that she has a serious allergic reaction to bird droppings which could lead to lung damage; for that reason she is opposed to the City changing its ordinance relative to residents keeping chickens as pets.

The first item of business was a discussion of July 4th activities from the perspective of both the Police and Fire Departments. As always the golf cart parade was a huge success with eighty to one hundred (80-100) participants. This year the City hired security guards to protect the entrance and exit to the Sea Cabins which proved to be very successful and will be repeated in the future. In addition to a full complement of City personnel, a Highway Patrolman on motorcycle assisted with the gold cart parade, and six (6) Charleston County deputies were on the island assisting with traffic and crowd control. Following the fireworks display, cars were off the island by 11:15 p.m., and traffic lights were functioning without manipulation by officers. Assistance from Mount Pleasant police officers in directing traffic on the other side of the Connector has made a significant difference in traffic flow over the past five (5) weeks. According to Chief Graham, the Fire Department also had additional personnel on hand, as well as the presence of Charleston County Rescue; they were divided between the beach and the trucks. One (1) challenge that occurred just prior to the fireworks display was a lost child in the vicinity of 3rd Avenue that pulled resourced that had been staged for the show.

The Public Safety Committee also discussed the Battery2Beach signage that the Mayor covered in his report.

The Committee also discussed the Intergovernmental Agreement with Charleston County for the City's transition to the Consolidated Dispatch Center; copies of the agreement were included in meeting packets and are attached to the historical record of this meeting.

MOTION: Councilmember Bettelli moved to approve the agreement between the City of Isle of Palms and Charleston County; Councilmember Bergwerf seconded.

Mayor Cronin asked that Administrator Tucker review the highlights of the agreement. The Administrator stated that this agreement is consistent with everything that has led up to it, including the multi-local-government intergovernmental agreement with Charleston County and the other entities that are a part of Consolidated Dispatch. This is the individual agreement with Charleston County Consolidated Dispatch for the move scheduled to be made in October 2013, when the City's personnel will physically move to that location. The financial obligation identified in the agreement is consistent with what was expected and with what was budgeted in the FY14 budget. The only item of concern, although a minor concern, is that the Town of Sullivan's Island's portion of the expense, twenty-two percent (22%), will be paid to the City of Isle of Palms; if for any reason Sullivan's Island should neglect to pay, the City would be required to pay their portion, but, of course, in that case, Sullivan's Island would be without telecommunications services from Charleston County 911.

VOTE: The motion PASSED UNANIMOUSLY.

The Public Safety Committee discussed bandit boats at the marina; bandit boats are boats parking in the slips designated for Morgan Creek Grill patrons whose owners are not partaking of a meal at the restaurant. According to the lease between the restaurant and the City, the City is only responsible when the restaurant has filed a complaint.

The installation of "No Parking" signs on Palm between 40th and 41st Avenues was discussed, and Chief Buckhannon said that he would refer the issue to SCDOT to determine whether a safety issue exists.

Chief Graham discussed staffing issues in the Fire Department; the Committee recommended that the Chief prepare a presentation for the Personnel Committee to consider.

The Committee gave preliminary approval for contract awards to Safe Industries and T2 Systems that were finalized earlier in this meeting.

In departmental reports, Chief Graham stated that personnel had been involved in multiple beach rescues, as well as assisting with weather-related incidents involving tree and debris removal. In June, Fire Department personnel responded to one hundred thirty-six (136) calls, a ten-year high, and fifty-seven (57) calls were for EMS. Vehicle maintenance was higher than usual due to the replacement of the main boom hydraulic cylinder for Tower 1002. Chief Graham and two (2) department engineers were involved with the U. S. Coast Guard as they

performed swimmer training off the coast of the island; this was training that IOP personnel had not had the opportunity to get in the past.

Chief Buckhannon reported that, on June 28th, a burglary took place in the 400 block of Carolina Boulevard; through extensive investigation, evidence was collected that led to the identification of suspects in the case. The stolen property was recovered, as well as a significant amount of property reported stolen in multiple jurisdictions. As the result of work done by IOP officer, the City of North Charleston, the City of Charleston and Dorchester County Sheriff's Office were able to clear a number of outstanding burglary cases. In June dispatchers responded to forty-five hundred four (4,504) calls; of those calls, three thousand four hundred thirty-seven (3,437) were for the Isle of Palms Police Department. From four hundred forty-four (444) traffic stops, one hundred thirty-three (133) tickets were issued; eleven hundred thirteen (1,113) parking tickets were issued. Officers wrote one hundred seventy-seven (177) reports in the month and made fifty-four (54) arrests; thirty-nine (39) of the arrests were for alcohol violations.

The next Public Safety Committee meeting will be at 5:00 p.m. on Monday, August 5th in the Conference Room.

Mayor Cronin publicly thanked the entire City staff for their contributions to the July 4th weekend; the City has had a lot of visitors, most of whom returned to their homes safely. The fireworks display was great, as always. The Mayor said that it "was a pleasure" to see the City work as a single team as it comes together in every aspect of the tourist season. He acknowledged that it takes a lot of labor, but those efforts are well appreciated by both residents and tourists.

Administrator Tucker reminded everyone that the Police Department will hold its next "Meet and Greet" on Thursday, July 25th, between the hours of 5:30 and 6:30 p.m. at 2301 Waterway Boulevard.

C. Public Works Committee – no meeting in July

The next Committee meeting will be at 5:30 p.m., Thursday, August 1st in the Conference Room.

D. Recreation Committee

From the Recreation Committee meeting of July 9th, Chair Bergwerf reported that the Isle of Palms Beach Run, held June 29th, drew three hundred sixty-two (362) walkers/runners and sixty (60) youth fun-runners; according to Director Page, as many as twelve (12) states were represented. The Challenger Soccer Camp wrapped up with seventeen (17) children between the ages of twelve and seventeen (12-17). A total of fifty-five (55) children participated in the Rising Stars Basketball Camp; the girls' volleyball clinic had forty (40) participants. The employee wellness activity at the Public Safety Building averages seven (7) employees per session; with the passage of the FY14 budget, Police Department personnel have joined as well. Fifty (50) teams competed in the Piccolo Spoleto sand sculpting contest; photos are on the website. Camp Summershine has completed four (4) weeks and has four (4) remaining. The annual Employee Wellness Fair will be Thursday, September 26th; vendors are being lined up and Director Page is working with East Cooper Hospital on the blood work that will be offered. The

Committee also unanimously approved the contract award to Jones Ford for the replacement Recreation Department vehicle.

The Recreation Committee will meet again at 4:00 p.m., Monday, August 5th in the Conference Room of City Hall.

E. Personnel Committee

Chair Thomas reported that the Personnel Committee held a Special Meeting at 9:00 a.m., on Monday, July 22; the purpose of the meeting was to select an Employee Grievance Committee to respond to a recent grievance. The employees recommended are Norma Jean Page, Douglas Kerr, Jason Smith and alternates Donnie Pitts and Emily Dziuban.

MOTION: Chair Thomas moved to approve the personnel listed above; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

The Personnel Committee will meet next at 9:00 a.m., Thursday, August 1st in the City Hall Conference Room.

Safety Sweepstakes winners for June are Marie Copeland of General Government, K'Hill Lesemann from the Police Department, Bernard Gourdine from the Public Works Department, and Tyler Richardson from the Fire Department.

Councilmember Carroll asked whether the City had a questionnaire for employees who resign to complete, indicating the reason for their departure. Administrator Tucker stated that the City has exit conferences with employees who resign, unless the employee declines to participate.

F. Real Property Committee

Vice Chair Buckhannon reported on the meeting of July 1, stating that the first order of business had been an update on the status of the dock replacement for Tidal Wave WaterSports. Tidal Wave did not have a current Operations and Maintenance Manual, which OCRM requires to accompany the permit application; therefore, the application process was delayed. However, Tidal Wave hired John Schaffer of Ocean and Coastal Consultants to complete the manual. Mr. Schaffer indicated that, despite being three (3) weeks behind in his schedule, the delay is not critical to the overall project schedule of approximately ninety (90) days. Like the Public Safety Committee, the Real Property Committee discussed the problem of bandit boats in Morgan Creek Grill's slips. The RFB for the fuel dispensers at the marina is in the works; a key issue is whether the existing point of sale and Veeder Root systems will interface properly with the product currently in the market, because they are so old. When the RFB is advertised, it will state that a new system must interact, and the bids must state that.

Mayor Cronin asked how much a point-of-sale system would cost the City; Councilmember Buckhannon recalled that the point-of-sale system replacement would fall to the marina management to replace and would likely run between fifteen and twenty thousand dollars (\$15,000-20,000).

The next meeting of the Public Works Committee will be at 5:30 p.m. on Wednesday, August 14th in the City Hall Conference Room.

6. Reports from City Officers, Board and Commissions

- A. Accommodations Tax Advisory Committee** – no meeting in July
- B. Board of Zoning Appeals** – no meeting in July
- C. Planning Commission** – minutes attached

7. Petitions Received, Referred or Disposed of – None

8. Bills Already in Possession of Council

- A. Second Reading of Ordinance 2013-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Article 7, Signs, of the City of Isle of Palms Code of Ordinances to Prohibit Vehicle Signs on Parked Vehicles Under Certain Circumstances, to Provide Exceptions to Prohibition on Vehicle Signs, and to Provide Definition for Vehicle Signs**

MOTION: Mayor Cronin moved to approve Ordinance 2013-07 for Second Reading and to waive the reading of the ordinance; Councilmember Buckhannon seconded.

MOTION: Councilmember Loftus moved to defer action and to send this ordinance back to the Planning Commission; Councilmember Bergwerf seconded.

Councilmember Loftus stated that, in his opinion, this ordinance is too broad and will lead to unintended consequences that would not be favorable for the residents or the City. He continued that many potential issues are not addressed in this ordinance, for instance the number of spaces signed vehicles can occupy in a commercial location or a forty-foot (40 ft.) trailer in front of the new grocery store. He questioned that the ordinance in its present form would allow for a separate trailer attached to the rear of a vehicle to be parking in a commercial setting.

Councilmember Bergwerf stated that her interpretation of the ordinance is that, as a person with an in-home business could park his/her vehicle wrapped in signage in the yard indefinitely to advertise the business activity taking place in the residence.

Director Kerr recalled that, when Council first discussed vehicle signs, Councilmember Stone voiced his dislike of the fact that the existing code prohibits home occupations from displaying a sign; the original draft included a provision for signs at home occupations, but the Planning Commission did not recommend making that change. Under the existing code, no type of signage is allowed for home occupations, and this ordinance does not change that and only applies to the Commercial District.

Attorney Halversen stated that a quick fix to this would be to change the word “business” to “commercial” in the sentence that reads as follows:

“This section shall not apply to prohibit vehicle signs displaying a business name, logo, address or telephone number when the vehicle is parked on the premises of the **business** establishment it serves.”

The City Attorney also explained that the language in the home occupations ordinance refers to the place of business as a dwelling; the home occupation ordinance is separate from this ordinance and prohibits any type of signage.

MOTION: Councilmember Ward moved to change the language in the ordinance to refer to a commercial establishment; Councilmember Carroll seconded the motion.

With multiple motions on the floor, Attorney Halversen recommended that Council act on the motion to defer action, and the Mayor re-opened the floor for discussion on the deferral.

Councilmember Bettelli recalled reading the minutes of the Planning Commission that state that one (1) member of the Commission thought the Commission should have discussed the ordinance more before sending it to Council.

Councilmember Loftus asked Director Kerr a series of questions; i.e.

- Does the proposed ordinance limit the length of the vehicle that can be parked stationary in the parking lot? Director Kerr said that it does not.
- Does the proposed ordinance limit the number of parking spaces a vehicle can occupy? The Director answered that it does not.
- Does the proposed ordinance limit the number of vehicles that one (1) business can have parked at its commercial establishment? The Director said that it does not.

Director Kerr reported that the Planning Commission held a lengthy discussion that this ordinance makes a broad exception; the Commission did specifically discuss the possibility of Newton Farms having a large truck that could potentially be parked for an extended period. The Commission thought that to be unlikely and noted that they have not done that in other locations of which anyone was aware. The Director also noted that the Commission did not make a unanimous decision to recommend this ordinance to City Council.

Councilmember Loftus asked whether the liquor store could have a pull-behind billboard advertising, for example, Bacardi rum parked on the premises. The Director stated that he could not immediately recall anything that would prohibit that situation, but Mayor Cronin quoted from the ordinance as follows:

“ . . the primary purpose of said display is to attract attention of the public rather than to serve the business of the owner. . . ”

Councilmembers Bergwerf and Loftus voiced disagreement with the Mayor's interpretation.

Director Kerr pointed out that a Bacardi rum sign would not have “the business name, logo, address of phone number;” therefore would not be permitted under this ordinance.

Councilmember Carroll voiced the opinion that this subject has been well discussed; the Simons Seafood vehicle was parked on Palm Boulevard for years, in its normal business use, with no complaints. The problem came about when one (1) person questioned one (1) small car. He stated that he feels this ordinance does much to clarify vehicle signs on the Isle of Palms.

Councilmember Buckhannon indicated that he agrees with many of the points Councilmember Loftus made; he reminded Council that sandwich boards are restricted to the front steps of the business, but this ordinance will allow a trailer truck to be packed up to Palm Boulevard because it is in the Commercial District. In his opinion, this is not a pressing issue and sending the ordinance back to the Planning Commission will not create a problem for anyone.

Administrator Tucker clarified the intent of the motion as to be one of deferring Second Reading and sending the ordinance back to the Planning Commission.

VOTE: The motion to defer PASSED on a vote of 7 to 1 with Councilmember Carroll casting the dissenting vote.

With the motion still before Council to approve the ordinance for Second Reading, Councilmembers Bettelli and Carroll withdrew the motion and second, respectively.

B. Second Reading of Ordinance 2013-08 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, and Article 3, Landscaping and Tree Removal Regulations, of the City of Isle of Palms Code of Ordinances to Provide Definition of Hazardous Tree, to Provide for Removal of Hazardous Trees in Certain Circumstances, to Specify Types of Trees that are Subject to the Tree Removal Regulations and to Provide for Exclusions Therefrom.

MOTION: Mayor Cronin moved to approve Ordinance 2013-08 for Second Reading and to suspend the reading of the ordinance; Councilmember Loftus seconded.

Councilmember Bettelli asked Director Kerr to clarify what structures are considered “accessory structure.” Director Kerr said that the structures one would think to be damaged are a shed, a detached structure, a gazebo, boardwalk, garage, tennis or volleyball court, etc. After much discussion by the Planning Commission about what should and should not be protected, they decided that a pool should be protected and it is an accessory structure; the ordinance states “. . . damage to accessory structures other than a pool. . .”

Councilmember Bettelli stated that there are some substantial garages on the island, and, despite wanting to preserve as many trees as possible, the City must be mindful property owners rights.

MOTION: Councilmember Bettelli moved to amend Ordinance 2013-08 to include garages as an exception to accessory structures; Councilmember Carroll seconded.

Councilmember Buckhannon asked Director Kerr to define “garage.” The Director asked whether Councilmember Bettelli was speaking of a structure that specifically houses a car. Councilmember Bettelli responded that there are some nice sheds on the island, as well. Continuing, Director Kerr explained that the City Code lumps accessory structures together and lists some eight (8) examples; the Code does not delineate a shed from a garage. Councilmember Bettelli said he could go with the ordinance as it is, but he would like to see the Planning Commission to take another look at it. The problems with trees undermining the foundation of residences is a new one that has come about as the island has matured; Councilmember Bettelli indicated that he would not like to a property owner lose property due to a tree’s root structure.

Councilmembers Bettelli and Carroll withdrew the motion and second, respectively.

Councilmember Buckhannon queried that a property owner could still apply for a variance to remove a tree undermining an accessory structure; the Director conceded that the owner could apply, but would have to prove that the property could not reasonably be used – Director Kerr indicated that he did not think such a variance would be granted.

Councilmember Ward stated that he has a shed that houses his theater lighting equipment that is very expensive; the shed’s foundation is a cement slab, making it a permanent structure. If a tree were to damage that slab allowing moisture to seep in, the Councilmember indicated that he would suffer a tremendous loss. He stated that he would like this ordinance to go back to the Planning Commission as well.

Councilmember Bettelli stated that his intent is to pass the ordinance as presented, but to ask the Planning Commission to deliberate on it further based on this discussion. By passing this ordinance tonight, residents seeking immediate relief can get it.

VOTE: The motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

Re-adoption of City’s Safety Policy

Administrator Tucker explained that passing this resolution is related to the City’s annual safety audit; the insurance company prefers that the City pass this resolution each year ensuring that all employees know the importance of safety. The Administrator then read the resolution into the record; a copy is attached to the historical record of this meeting.

MOTION: Councilmember Loftus moved to re-adopt the City’s Safety Policy; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business

Net Meeting Date: 7:00 p.m., Tuesday, August 27, 2013

11. Executive Session to receive legal advice related to potential claim

MOTION: Councilmember Bettelli moved to go into Executive Session to receive legal advice related to a potential claim at 8:06 p.m.; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

Council returned to regular session at 8:28 p.m.; Mayor Cronin announced that no action and no votes had occurred in Executive Session.

12. Conclusion/Adjournment

MOTION: Councilmember Bettelli moved to adjourn the meeting at 8:29 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk