

CITY COUNCIL

6:00 p.m., Tuesday, July 22, 2014

The regular meeting of City Council was held at 6:00 p.m. on Tuesday, July 22, 2014 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Buckhannon, Carroll, Ferencz, Harrington, Loftus and Ward, Mayor Cronin, City Administrator Tucker, Attorney Halversen and Clerk Copeland. A quorum was present to conduct business. Councilmember Bettelli's absence was excused.

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. After a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Carroll moved to approve the minutes of the regular meeting of June 24, 2014 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Bobby Simmons of the Acme Cantina informed Council that he and his partner are planning to renovate, enlarge and update the restaurant that will include an outdoor bar on a back deck. Mr. Simmons' understanding from talking with Director Kerr is that the restaurant, being in the GC-3 zoning district, has parking requirements relative to the number of parking spaces required for restaurant patrons and employees that are not in the GC-2 zoning district. He informed Council that the spaces on the front and side of his business cannot be included in the number of spaces because they are in the right-of-way. Mr. Simmons stated that he has talked with Bill Schupp, lessee of the municipal parking lots, about buying season passes for his employees, therefore, re-locating employee parking to the municipal parking lot. He asked the City to change the regulations for the GC-3 district to mirror GC-2 regulations.

Mayor Cronin acknowledged Boy Scout Troop 502 from the Methodist Church for attending the meeting in pursuit of a citizenship and community badge.

4. Reports from Standing Committees

A. Ways and Means Committee

From the meeting of July 15, 2014, Mayor Cronin reported that, after re-ordering the *Agenda*, representatives from Liollo Architects presented their recommendation for the location of the public restrooms. The sites being considered were:

- 1118 Ocean Boulevard, the location of the existing restrooms,
- 30 JC Long Boulevard, behind the Public Safety Building,
- 1116 Pavilion Drive in the municipal parking lot, and
- City-owned property at the intersection of Ocean Boulevard and JC Long Boulevard.

The factors that were considered for each site were as follows:

- flood zones,
- ADA regulations,
- Proximity to the beach,
- pedestrian safety,
- traffic patterns,
- construction costs and
- durability in a harsh environment.

Other considerations in the study were:

- the impact on businesses,
- the best use of the property,
- familiarity with the site and
- aesthetics.

Despite the construction limitations of the existing space, Liollo recommended that the City build in the same location.

The Committee unanimously agreed to expand the existing contract to have Liollo prepare clear cost estimates for construction associated with the existing site and the municipal parking lot on Pavilion Drive.

MOTION: Mayor Cronin moved to approve an expansion of the existing contract with Liollo in the amount of \$10,290 to perform the work described above; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

From the preliminary and un-audited financial statement through the end of the fiscal year on June 30, 2014, the Mayor reported that General Fund revenues were ninety-nine percent (99%) of budget while General Fund expenditures are at ninety-eight percent (98%) of budget. Revenues yet to be collected include one (1) month's property taxes, three (3) months of Local Option Sales Taxes, brokers' tax, the second payment of Comcast franchise fees and the fourth quarter's State Accommodations taxes.

Treasurer Suggs and Director Kerr have discussed a mailing to business owners on the island explaining how Local Option Sales taxes should be reported each month in order for the City to receive all of the revenue it is due.

The Mayor added that the City has sent a letter to Charleston County expressing the City's willingness to cooperate with them since they have embarked on the initiative to ensure that every property owner is paying the appropriate amount. For the City, the Fairness in Lodging Act passed recently by the state legislature requires owners who rent their homes for more than seventy-two (72) days in a year to pay six percent (6%), not four percent (4%).

Municipal Accommodations Taxes are running ten percent (10%) ahead of FY13 with one month yet to be reported; Hospitality Taxes are running thirteen percent (13%) ahead of FY13

The final FY14 payment for State Accommodations Taxes and the Charleston County Accommodations Pass-through are yet to be received.

MOTION: Mayor Cronin moved to award a sole source contract to Coastal Science and Engineering for engineering in the amount of \$107,662; Councilmember Loftus seconded.

The Mayor explained that this award was for the shoal management project planned for the fall on the northeast end of the island where sand will be harvested from the shoal and placed in areas hard-hit by erosion.

Councilmember Ward asked if this item was included in the FY15 budget; Administrator Tucker explained that this amount was included in stakeholders' funds from the 2008 project.

VOTE: The motion PASSED UNANIMOUSLY.

MOTION: Mayor Cronin moved to award a contract to Bobcat of Charleston for the budgeted replacement of 1 ATV for the Police Department in the amount of \$17,055.94, state contract pricing; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Consideration of an Award of Contract for Recreation Ballfield Rehabilitation

Administrator Tucker reminded Council that, at the original bid opening, all bids exceeded budget and were rejected; therefore, the project was re-bid. The Administrator explained that a recommendation on the vendor was not in packets because the low bidder still needed to be fully vetted when packets were distributed. At this point, the Administrator turned the discussion to Director Page for further explanations.

Director Page reported that the City had received three (3) bids, but one (1) was late and could not be accepted. The bid submitted by Thomas Brothers Nursery in Greenville was one hundred seventy-nine thousand eight hundred ninety-five dollars and thirteen cents (\$179,895.13); the low bidder was Wilson and Associates Sports Turf in the amount of ninety-seven thousand three hundred twenty dollars (\$97,320). The late bid was ninety-nine thousand dollars (\$99,000).

Having called references on Wilson and Associates who gave glowing reports of their work, Director Page recommended a contract award to Wilson and Associates.

MOTION: Councilmember Carroll moved to award a contract to Wilson and Associates in the amount of \$97,320 for the budgeted rehabilitation of the Recreation Department ball fields; Councilmember Harrington seconded.

Responding to Councilmember Loftus' question, Director Page stated that the scope of the work includes the following:

- Destroy existing vegetation;
- Site preparation to remove existing grasses and weeds;

- Addition of and blending of sand into existing soil for leveling;
- Installation of automatic irrigation system;
- Laser grade the fields;
- Roll with 4 ton dual smooth drum roller for desired compaction and playing surface;
- Installation of certified Bermuda grass sod; and
- New sod to be top dressed with sand and rolled with dual smooth drum roller.

Mayor Cronin asked Director Page whether the work could be accomplished in this growing season; the Director responded that getting it done this season was the reason that the contract had to be awarded in July so that the sod can be laid at the end of August.

Councilmember Carroll asked about the large difference between the bids and was told that the company from Greenville had thought that there was much more to be removed from the island than the other bidders.

This project is being funded equally by the Recreation Building Fund and Capital Projects.

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

The Mayor reported that the Ways and Means Committee had a lengthy discussion about the possibility of the City taking over the roads on the island if the state would allow. The City will continue to pursue this over time to determine if it is in the City's best interest to assume responsibility for the roads on the island.

Councilmember Carroll recalled that the Administrator was going to contact SCDOT about the feasibility of the City taking over Palm Boulevard. Administrator Tucker reported that she had spoken with Robert Clarke of SCDOT who told her that the request had been sent further up the chain of command. To-date, SCDOT has not responded.

The next meeting of the Ways and Means Committee will be at 5:45 p.m. on Tuesday, August 19th in Council Chambers.

B. Public Safety Committee

Although the Public Safety Committee did not meet in July, there is the consideration of a volleyball tournament as a City-sponsored event at the Windjammer on Saturday, August 16th. Mayor Cronin stated that Bobby Ross of the Windjammer was present to answer questions.

Mr. Ross stated that the tournament would be an adult male competition and possibly co-ed; because money will be changing hands in the form of entry fees, he brought it before Council for their consideration. The entry fees will be used to buy prizes for the tournament winners.

Mr. Ross reported that, despite a storm on Easter weekend that took a lot of sand from the beach at the Windjammer, the sand has built up nicely through the summer and is better than it was last year.

MOTION: Councilmember Ward moved to hold the volleyball tournament at the Windjammer as a City-sponsored event; Councilmember Loftus seconded.

Administrator Tucker suggested that approval of this motion be contingent upon the City's investigation of the entry fee issue because the City has been faced with similar issues in the past. She recalled that the City had declined other volleyball circumstance due to the entry.

Mayor Cronin stated that the crux of the matter is that the City does not allow any business to be conducted on the beach; with fees being paid, some could interpret it as conducting business on the beach.

In the past, Mr. Ross has stated that any money remaining from the entry fees would be donated to charity, and Mr. Ross stated that he would be happy to do that again.

Council decided that the Administrator could have further discussions about the entry fee, but approval of the motion would not be contingent upon an investigation of the entry fee.

VOTE: The motion PASSED UNANIMOUSLY.

C. Public Works Committee

Although the Committee did not meet in July, Councilmember Ward asked whether the Administrator had an update on the Front Beach lighting initiative.

Administrator Tucker reported that she had received a written report from SCE&G stating that they hope to complete and present the photometrics to the Public Works Committee in another month.

D. Recreation Committee

This Committee also did not meet in July but Councilmember Carroll reported that between three hundred and four hundred (300-400) participants on Saturday, July 19th in the IOP Beach Run. He added that the Recreation Department has had two (2) staff members to resign, but, in his view, turnover of young people in their twenties is normal.

E. Personnel Committee

From the meeting of July 1st, Councilmember Ferencz reported that the meeting started with a discussion of vacancies on Boards and Commissions, and a recommendation to fill a vacancy on the Board of Zoning Appeals was made.

MOTION: Councilmember Ferencz moved to appoint Peter Doherty to the Board of Zoning Appeals; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

The Committee proceeded to discuss the new City-wide evaluation tool created by Chief Buckhannon based on the evaluation form that has been used successfully for several years.

This is a fillable form which is easy to complete and, when completed, the computer does the calculations, eliminating human error. The supervisor must qualify the ranking in each area before advancing. Copies of the supervisor and employee evaluation forms were included in meeting packets.

Despite the Committee's unanimous decision to recommend the new evaluation tools for approval by Council, questions have been asked about the calculation formula for the evaluations that need to be answered by Chief Buckhannon; therefore, Councilmember Ferencz asked for the forms to be sent back to Committee.

Committee members also reviewed the job description and evaluation for City Administrator that dates back to 1993 and the job description generated by the Archer Group; the Committee acknowledged that the Administrator's job functions have been added to and changed since 1993. The goal is to generate a hybrid of the two (2) job descriptions that includes the best of both for Council approval.

Recalling the end-product of the Archer study, Councilmember Loftus stated that Council was not pleased with the job descriptions because they were too detailed and voluminous; coupled with the salary increases suggested, City Council rejected the study in full.

According to Councilmember Ferencz, the goal is to produce a job description with performance indicators that can be used as part of an Administrator's evaluation.

Councilmember Ferencz stated that Committee members were tasked with studying both job descriptions and to develop a revision of the Administrator's job descriptions.

In addition to the job description, the Committee is reviewing the City Administrator's evaluation tools; in addition to the evaluation form which is subjective, the Administrator has an objective portion as well. The Committee is going to determine if the categories included are relevant today, as well as the value assigned to each category.

The Committee wants each of these tasks accomplished before the end of 2014 so they can be used for the 2015 evaluation.

In addition, department managers will review their own job descriptions to make whatever changes or additions they deem important.

The final piece of business was recognizing three (3) patrol officers for a job well done. Both Ptl Amanda Postell and Ptl Dylan Reynolds were acknowledged for the assistance they gave to a pedestrian regarding information on the crosswalks along Palm Boulevard; they were helpful, understanding and professional in their interaction.

Pfc. Matt Storen was nominated as Employee of the Month for his actions on May 25th relative to a moped stolen from the enclosed storage area of the Windjammer. Pfc. Storen, accompanied by two (2) other officers apprehended the subject, and, as a team, ensured that witness statements were obtained and all other aspects of the incident were properly documented.

The next Personnel Committee meeting will be at 10:00 a.m., Wednesday, August 6th in the Conference Room.

For the monthly update on employee staffing, Councilmember Ferencz reported that there are no vacancies in General Government, Public Works, Fire and the Building and Planning departments; a new firefighter will report for duty next week to fill the one (1) vacancy that existed. The Police Department has two (2) vacancies, i.e. the Animal Control Officer and one (1) BSO; the Department is short one (1) patrol officer, but the replacement is expected to report in two (2) weeks. In the Recreation Department, three (3) part-time positions are open as well as two (2) Recreation Supervisors; replacements are to start work on August 11.

June Safety Sweepstakes winners were Laura McLellan in General Government, Diane Tarr in the Police Department, John "Rob" Graham from Public Works and Victor Lawrence from the Fire Department.

Councilmember Loftus asked if the Police Department was planning to fill the BSO position since the summer is half over. Administrator Tucker stated that, if a qualified candidate is found, the position will be filled; the duties assigned to them extend through the month of September.

Councilmember Loftus referred to the first paragraph on Page 6 of the Personnel Committee minutes that discusses the Administrator's financial goals; he voiced the opinion that, including the Capital budget is not a good indicator of the Administrator's performance. As an example, he reminded that the replacement of the watersports dock was contemplated in the FY14 budget, but, since the decision was made to rehabilitate the existing dock, a surplus remains in that line item. He stated that the Committee should reconsider inclusion of the Capital budget because the General Fund is a better barometer of performance. He did acknowledge that the financial goals may need to be tweaked and that the three percent (3%) under-budget is too aggressive.

F. Real Property Committee

From the meeting of July 7th, Councilmember Loftus commented that representatives from Liollo and Associates made their presentation on the Front Beach restrooms which was subsequently presented to the Ways and Means Committee. Marina Manager Berrigan explained the incident that was reported to Councilmembers of a car being booted. The Committee continued its discussion of amendments to the Marina Outpost lease; the suggestion of having a longer term lease with the tenant that would allow him to be responsible for all of the equipment in the store. Administrator Tucker indicated that she would contact the City Attorney to learn whether extending the term was feasible under the current lease. In addition, the Committee unanimously approved the shoal management engineering contract with Coastal Science and Engineering for one hundred seven thousand six hundred sixty-two dollars (\$107,662).

The Real Property Committee will hold its next meeting at 5:30 p.m., Tuesday, August 5th in the Conference Room.

6. Reports from City Officers, Boards and Commissions

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

7. Reports from Special or Joint Committees – none

8. Petitions Received, Referred or Disposed of – none

9. Bills Already in Possession of Council

A. Second Reading of Ordinance 2014-06 – An Ordinance Amending Title 1, Government and Administration, Chapter 3, Procedures, Committees, Ordinances and Use of Code, Article A, Rules of Order and Procedure, Section 1-3-1, Regular Meetings, of the City of Isle of Palms Code of Ordinances to Change the Time for Regular Meetings of City Council to 6:00 p.m. in the evening.

MOTION: Mayor Cronin moved to waive the reading and to approve Ordinance 2014-06 for Second Reading; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

B. Second Reading of Ordinance 2014-07– An Ordinance Authorizing the Grant of a Utility Easement on a Portion of the City’s Property Identified as TMS #571-07-00-029 to the South Carolina Electric and Gas Company for Conversion of Power Lines to Underground Facilities.

MOTION: Mayor Cronin moved to amend First Reading of Ordinance 2014-07 to include the revised Exhibit 1 to the Ordinance and Exhibit A for the Easement; Councilmember Carroll seconded.

The goal of granting the easement to SCE&G would be to provide space at the IOP Water and Sewer Commission’s waste water treatment site at the intersection of 41st Avenue and Waterway Boulevard to be able to place the power poles and power lines underground in the future and to place the infrastructure required to do that inside the fence of the waste water treatment site. No timeline exists for the undergrounding of the lines to the marina.

Vote: The motion PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

First Reading, by title only, Ordinance 2014-08 – An Ordinance to Levy and Impose, Subject to a Referendum, a One Percent Beach Preservation Fee on the Gross Proceeds Derived from the Rental or Charges for Accommodations Furnished to Transients for Consideration which are subject to the Local Accommodations Tax within the City of Isle of Palms Pursuant to the Beach Preservation Act, Section 6-1-610, et. seq., of the Code of Laws of South Carolina 1976, as Amended; to Define the Purposes

for Which the Proceeds of the Beach Preservation Fee may be used; to Provide for a Referendum on the Imposition of the Beach Preservation Fee and to Prescribe the Contents of the Ballot Questions in the Referendum; and to Provide for a Separate Fund and Remittance of the Beach Preservation Fee if Approved.

MOTION: Mayor Cronin moved to approve First Reading, by title only, of Ordinance 2014-08 as stated above; Councilmember Ward seconded.

Confirming that the funds generated by this tax must be kept in a separate fund, Councilmember Ferencz referred to the portion of the ordinance that states:

“The revenue generated by the Beach Preservation Fee shall be used exclusively for the following purposes: ... maintenance of public beach accesses within the corporate limits of the City of Isle of Palms.”

and asked if this fund would be the only source of funds for replacing beach access paths.

Administrator Tucker stated that the intent of the law is for there to be funds available and generated for beach preservation activities, dune walkovers being one of those activities; it does not mean that it is the only source of money a local government can use for those activities.

Councilmember Ferencz commented that beach access paths are typically funded by State Accommodations Taxes.

VOTE: The motion PASSED UNANIMOUSLY.

11. Miscellaneous Business

Discussion of Social Media

In the absence of Assistant Dziuban, Administrator Tucker reported that the City is ready to move forward with social media to put information out, but does not intend to respond to comments since the City is not staffed to do so. For those who need to comment, all City employees have an e-mail address that can be used for that purpose. The Administrator stated that the City is ready to proceed on Twitter and Facebook to push information out to the public.

On the matter of getting information out, Councilmember Loftus expressed the belief that the City should invest its time to generating and IOP app where people anywhere in the County could get instant information on the beach or access the Windjammer beach camera.

He indicated that this is the future of communication using their iPhones, people are using apps to get beach, parking, weather and traffic information; therefore, in his opinion, this is the way the City should be heading.

Councilmember Bergwerf was in favor of the City taking “baby steps” at this time; she noted that much of the information he would put in an app are on the City’s website already. In her

opinion, an app would be labor intensive as the City tried to provide “up to the minute” information, but she did think the idea had merit and should be researched.

Councilmember Ward fully supported the City’s use of Facebook and Twitter because it finally gives the citizens a means of making comments to the City about what is happening on the island. He added that, up to now, citizens have had no way of communicating ideas, concerns or opinions about the City.

Mayor Cronin reminded Council that a Special Meeting will be held at 6:30 p.m., Tuesday, July 29th to have Second Reading of Ordinance 2014-08.

Next Regular Meeting: 6:00 p.m., Tuesday, August 26, 2014 in Council Chambers

12. Executive Session – not needed

13. Adjournment

MOTION: Councilmember Bergwerf moved to adjourn the meeting at 7:30 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk