

CITY COUNCIL MEETING

6:00 p.m., Tuesday, February 24, 2015

The regular meeting of City Council was held at 6:00 p.m., Tuesday, February 24, 2015 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Carroll, Ferencz, Harrington, Loftus and Ward, Mayor Cronin, Administrator Tucker, Attorney Halversen, Assistant Administrator Dziuban and Clerk Copeland; a quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public were 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. **Approval of Previous Meeting's Minutes**

MOTION: Councilmember Loftus moved to approve the minutes of the regular meeting of January 27, 2015 as submitted; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

ATM Presentation by Kirby Marshall and Justin Davis

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

In the way of an introduction, Mr. Marshall stated that ATM was an interdisciplinary engineering and planning firm that was founded in 1984 in Florida and opened the Charleston office in 1986; ATM has a particular focus on the waterfront, particularly marina development, planning and engineering. Mr. Marshall stated that ATM has worked on over six hundred fifty (650) recreational marina projects worldwide.

Mayor Cronin noted that this presentation has also been given to the Planning Commission, the Real Property Committee and now City Council. The Mayor agreed that something must be done at the marina, and he proposed having this item on the March Ways and Means Committee agenda.

Samantha Siegel, resident of West Ashley, said that she is the southeastern campaign organizer for Oceana, a non-profit dedicated to preserving the world's oceans; she indicated that she was attending tonight to thank the City for considering a resolution opposing off-shore drilling and seismic blasting. She reported that several other coastal communities have passed similar resolutions; she commented that without the support of citizens and elected officials taking a stand to defend the coast, South Carolinians could be seeing oil rigs soon. Ms. Segal added that, the limited amount of oil and gas off the South Carolina coast does not justify the risks associated with an off-shore drilling industry; she noted that DHEC is currently reviewing an individual seismic permit.

Jay Clarke, 10 Seahorse Court, owner of Morgan Creek Grill (MCG), stated that he is working with the City on two (2) issues, one (1) of which are amendments to the MCG lease; taking suggestions from the Real Property Committee, he plans to submit a final proposal to the Committee in March. On the noise ordinance and amplified music issue, he noted that several

people spoke at the February Public Safety Committee meeting who have been impacted by the music from MCG; he reported that he has been meeting with engineers and other professions to find a way to keep the music within the confines of MCG. Mr. Clarke concluded by saying that his intention was for MCG to be a good neighbor, particularly to the residents who live close to the restaurant, by unreasonably subjecting anyone to the music from Morgan Creek Grill.

Francis Lynch, 20 Waterway Island Drive, stated that he has attended several City meetings in recent months to add his voice to those who are disturbed by the music from Morgan Creek Grill. He described two (2) incidents when residents received warnings from police officers about the noise emanating from their backyards. He reiterated the statement he has made at other meetings that he spent eighty-seven hundred dollars (\$8,700) to try to sound-proof his home. He noted that Morgan Creek Grill had stated that they wanted to attract more visitors to the island; Mr. Lynch said that "the island is already chaos at times" and that the City did not need more visitors. He stated that he should be able to enjoy his time at home. Mr. Lynch stressed that MCG should not be allowed to violate the terms of the lease and that the City needed more enforcement.

Stewart Coleman, Live Oak Drive in Wild Dunes, stated that he does not think people of the island understand what is happening with the parking plan; he commented that he does not understand how someone could pack up their kids and paraphernalia for a day at the beach and question where he would park, but he could be directed to places he could park for free because he was unaware of the paid parking plan. He said that he envisions more traffic congestion generated by the same number of cars because they would be driving around the island looking for a place to park; he anticipates that these visitors will be driving up and down the avenues and into the residential-only areas to get to the back of the island to park for free after driving back to the beach to drop off the wife, kids and paraphernalia. He questioned how someone with a parking permit would find the spots where he is allowed to park. He concluded with a quote from the March 2014 edition of *Coastal Living*:

"Our doors are open; music is playing; surfboards are out – it's a dream."

He added that he thought the City has seen the end of the dream.

Joseph Settemio, 25-24th Avenue, stated that he thought the parking permit program was wrong and that the City should be drop it. He said that Council was "trying to stop the tide and there is big ocean of people out there who just want to come to the beach."

4. Reports from Standing Committees

A. Ways and Means Committee

From the meeting of February 17th, the Mayor reported from the Treasurer's report that the target for expenditures through seven (7) months of the fiscal year was fifty-eight percent (58%) of budget. For revenues, the Mayor related that the General Fund was on target and one hundred nineteen percent (119%) ahead of FY14 for the same period. Based on property taxes collected to-date, the Treasurer was confident that City would meet its budget in that area. Residential Business Licenses paid exceed the amount budgeted for FY15, and Building Permits purchased to-date are at ninety-five percent (95%) of budget. General Fund expenditures were at fifty-four percent (54%) of budget.

In the tourism funds, State ATAX was two point eight percent (2.8%) ahead of FY14 with two (2) quarters collected; Hospitality Taxes are running thirteen percent (13%) ahead of last year; and Municipal Accommodations Taxes were six percent (6%) ahead of last year.

The Mayor announced that the shoal management project has been completed under-budget and the equipment was off the beach.

The City has closed on the Rec Center Bond re-finance at one point six eight percent (1.68%); the anticipated interest savings over the remaining term are one hundred thirty-three thousand dollars (\$133,000).

Pursuant to the discussions at the Ways and Means Committee, Mayor Cronin asked whether members of Council had any concerns or hesitation about staff going "full speed ahead" on implementing the parking plan. The City's consultant detailed the six (6) major steps that include thirty-eight (38) additional remaining to be done; after reviewing the Gantt Chart that was presented to the Committee, it was apparent that implementation could not happen before late July 2015. The critical first step is to find a software provider who can execute the plan design the City has decided upon; the desired program would allow someone to go online via a phone app or computer to acquire a parking permit. This software would tie in to electronic devices to scan a license plate and to determine whether the driver had or had not purchased a permit. A vendor will not be selected until the City goes through the steps in the procurement code.

Having reviewed the steps required to implement the management parking plan, the Committee concluded that implementation might not take place until spring 2016. The Mayor asked Council if they had any concerns or hesitation with allowing staff to go "full speed ahead" with the implementation steps identified at the Ways and Means Committee meeting.

Councilmember Buckhannon opined that the City must do its due diligence to find out if the plan would be cost effective.

Councilmember Ferencz repeated that she believed the City could find a better way to inform people about the parking plan without adding three hundred twenty-five (325) signs to the island.

Mayor Cronin stated that the signs were an element of enforcement, and he questioned a different method.

Councilmember Loftus said that the issue of signs was one of the problems with Plan B; in addition, visitors will be parking in neighborhoods where they have never parked before. If Council had supported Plan A, the City would have a designated parking area that could have signage, and anywhere else on the island would be no parking. The City could eliminate the cost of three hundred plus (300+) signs. He expressed the opinion that Plan B does not promote carpooling, that people will be driving down Palm Boulevard stopping to unload their beach gear and family then driving to the north end of the island looking for parking; people will be driving through the neighborhoods looking for places to park and then walking several blocks to get to the beach. He concluded by saying that the primary reason for the parking plan is the safety of the residents, but he did not feel that the City was going in the right direction.

Councilmember Carroll agreed that the City should move forward with obtaining a software vendor, and by delaying the full implementation to 2016, the City will have time to determine if it can afford to do what is planned.

Councilmember Bettelli reminded Council that they had voted in favor of Concept B and that was the direction in which the City was headed. Concerning Concept A, the Councilmember asked that, with parking limited to the front of the island, how would visitors know they could not park elsewhere without signage? No matter which plan was adopted, signage will be necessary.

Councilmember Ferencz stated that, since there will be no implementation in 2015, the City should look at its present enforcement of the laws currently in place; she wanted the visitors to become part of the solution rather than the problem.

Mayor Cronin suggested installing the resident-only parking signs toward the end of the summer as another part of the soft opening.

Councilmember Loftus indicated that a soft opening should happen because it would be beneficial to both the residents and police officers, and it would acclimate visitors to the permitted parking areas. He added that the intent is to avoid getting a reputation of being over-enforcing and making visitors feel unwelcome to the island; the City wants to manage traffic to keep the residents safe.

2. Approval of Change Order to Stantec to Re-assign Money Budgeted to the Wayfinding Sign and Beach Access Parking Contracts

MOTION: Mayor Cronin moved to approve the Stantec Change Order to Re-assign \$1,795 in the Stantec budgets to a different task; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Award of a Contract to Sign Design in an Amount not to Exceed \$7,000 for message boards

MOTION: Mayor Cronin moved to award a contract to Sign Design as detailed above in an amount not to exceed \$7,000; Councilmember Bergwerf seconded.

Councilmember Buckhannon again reported that Greenville, South Carolina still was using signage in-the-road to direct people to parking. When people come onto the island from the Connector, traffic backs up because people do not know where to go; in his opinion, a lot of problems would be solved if people knew to go straight or right for parking.

Mayor Cronin reported that SCDOT said that the City could not do the same.

According to Councilmember Buckhannon, the problem is that SCDOT has used on the same in-the-road signage on I-26 directing drivers onto I-526 and vice versa.

The Mayor stated that he would approach SCDOT again on the subject.

VOTE: The motion PASSED UNANIMOUSLY.

4. Award of a contract to Emergency One in the amount of \$352,528 for a rescue truck with pump

MOTION: Mayor Cronin moved to award a contract to Emergency One as detailed above; Councilmember Bergwerf seconded

The Mayor noted that this contract has been bid twice; there were three bidders the second time, and Emergency One was selected.

Councilmember Loftus called for a roll call vote.

Councilmember Ferencz stated that she could not support this motion because, during the budget process, a rescue truck with pump was not approved by Council at two hundred twenty-nine thousand dollars (\$229,000). She indicated that between the time Council approved the purchase and the time the specifications were written, the truck became a rescue truck with pump at a cost of three hundred fifty-two thousand dollars (\$352,000). The Councilmember also contended that the need for a truck with pump was not established, and the change to a rescue truck with pump was never brought back to Council or a Committee for approval.

Councilmember Bettelli recalled that, in looking over past minutes, he found that the rescue truck with pump was discussed four or five (4-5) times last year, three (3) times at the Ways and Means Committee during the budget process. He referred to the May 2014 minutes of the Ways and Means Committee where a long discussion about the rescue truck with pump took place. Councilmember Bettelli quoted from the minutes of the Ways and Means Committee meeting of November 18, 2014 meeting: "Councilmember Carroll commented that the new truck would have features that the existing rescue truck does not, such as the ability to pump water."

Councilmember Ferencz questioned that Council was ever given the opportunity to determine whether, at this point in time, the City needed a pump truck; she indicated that she, too, had researched minutes and could find any kind of data supporting the need for the truck.

Councilmember Bettelli stated that the need had been discussed in Ways and Means Committee meeting during the budget process in the spring of 2014.

Councilmember Bergwerf suggested that Chief Graham should speak, and the Councilmember remembered the same discussions that were being referred to.

Chief Graham reported that, on several occasions including June 17, 2014, the pump was discussed; the chief quoted the minutes of that meeting:

Councilmember Ferencz commented "The replacement model being considered will have water-pumping capabilities and be more of a water supply than a supply truck."

Councilmember Ferencz said she was wrong and apologized to Chief Graham; she repeated that she did not remember those discussions.

Councilmember Carroll remembered the discussion about the existing truck as being more of a supply truck with a compressor for refilling air tanks and that the new truck would also have a small water supply with pump. He added that this vehicle would not roll out for every call; the large pumper trucks would respond.

Chief Graham stated that the new rescue truck would roll if either a ladder truck or pumper was out of service; she noted that truck will not be manned twenty-four (24) hours seven (7) days a week.

Councilmember Loftus stated that, although the truck was over-budget, the pump, at twenty-four thousand dollars (\$24,000) was not a big factor in the increased cost; the increase is more for the result of inflation plus there is a limited supply.

Councilmember Ferencz asked whether there was a rescue vehicle that could be purchased for the budgeted amount of two hundred twenty-nine thousand dollars (\$229,000); she questioned that there was not another truck that would have the rescue capability in the City's price range.

The Chief responded that the only way to find that out would be to go back out to bid, with a significant change to the bid specifications, and the City might lose the ability to carry all of the equipment that is in the existing truck. The new vehicle is referred to as a ladder service vehicle, which is how the vehicle is referred to for ISO purposes and within the Department.

Councilmember Buckhannon commented that "the truck could pump ice cream," but the issue is that the truck is some one hundred twenty-three thousand dollars (\$123,000) over-budget in the current year. He voiced his understanding that the City planned to re-budget the money budgeted in FY15 to FY16 and the budget for the balance in the FY16 budget; his problem with this proposal was carrying money from this year to next year and to a budget that has not yet been approved. The Councilmember added that the City was banking on money that has not yet been allocated; he would prefer to wait until the funds have been allocated.

Chief Graham noted that she expects to get a reasonable sum when the existing truck is sold.

Mayor Cronin reiterated that no money would be spent in this fiscal year for the new rescue truck; in addition, this purchase does not push the sinking fund into to the negative.

VOTE: The roll call vote was as follows: Councilmember Bergwerf – yes, Councilmember Bettelli – yes, Councilmember Buckhannon – yes, Councilmember Carroll – no, Councilmember Ferencz – no, Councilmember Harrington – yes, Councilmember Loftus – yes, Councilmember Ward – no, and Mayor Cronin – yes; the motion PASSED on a vote of 6 to 3.

5. Award of a Contract to East Coast Pyrotechnic in an amount not to exceed \$17,000 for the July 4th fireworks display

MOTION: Councilmember Loftus moved to award a contract to East Coast Pyrotechnic in an amount not to exceed \$17,000; Councilmember Bettelli seconded.

The Mayor reported that this company as the low bidder.

Responding to Councilmember Carroll, Chief Graham remarked that she has spoken with the representative of East Coast about increasing the number of large shells with an increase in the contract amount; he indicated that there would be no problem fulfilling the request.

VOTE: The motion PASSED UNANIMOUSLY.

6. Award of a Sole Source Contract to Hughes Motors, Inc. in the amount of \$194,000 for one 2016 Mack GUI13, a 30-yard Garbage Truck

MOTION: Mayor Cronin moved to award a contract to Hughes Motors in the amount of \$194,000 for a garbage truck as described above; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

MOTION: Councilmember Ward moved to re-order the *Agenda* to move Item 10 to this juncture in the meeting; Mayor Cronin seconded and the motion PASSED UNANIMOUSLY.

Mayor Cronin announced that the next Ways and Means Committee meeting will be at 5:45 p.m. on Tuesday, March 24, 2015

10. Introduction of New Bills, Resolutions and Proclamations

A Resolution Expressing Opposition to Seismic Testing and Offshore Drilling Activities

MOTION: Councilmember Ward moved to suspend the reading and to adopt this resolution; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

The Mayor commented that the City does not want to happen until full protection is known.

B. Public Safety Committee

Reporting on the meeting of February 12th, Councilmember Bettelli stated that there was a standing-room-only crowd; people spoke in favor of and in opposition to the proposed amendment to the City's noise ordinance. After an Executive Session to receive legal advice relative to the noise ordinance, the Committee decided that more research was needed before a decision could be made; the topic will appear on the March agenda for further consideration.

The Committee asked Jay Clarke, owner of Morgan Creek Grill, and Carla Pope, Operations Manager of the restaurant, to attend the March meeting with a written plan on how they would propose to go forward; the plan was to include what their actions would be, how much time it would take to test their proposals, and how many performances would be needed. The Committee reviewed the bid results for the rescue truck and unanimously agreed to accept Emergency One's bid. The Chair added the request from Bobby Ross to again hold the volleyball

leagues for children at the *Windjammer* in March through May and in June through August; the Committee unanimously approved the volleyball programs as City-sponsored events.

MOTION: Councilmember Bettelli moved to approve the volleyball leagues as a City-sponsored event; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

The Fire Department submitted information on Smart911 which is a new service being offered to residents from the Charleston County Consolidated Dispatch. Participation requires that a resident either call or go online to register and establish a profile; this will be particularly helpful for residents who may have a physical handicap or chronic medical issues. Once established, if a person calls 9-1-1, the profile comes up on the dispatcher's screen so that she can alert EMS to the full situation. Councilmember Bettelli urged residents to reach out to any elderly neighbors and to assist them with registering.

In addition, the Committee discussed the hours that dogs are allowed to be on the beach off-leash and agreed to make no changes at this time. There was a resident complaint about dogs running on the beach, but, on that particular weekend, the Animal Control Officer was not working due to a surgical procedure.

Elements of the managed parking plan were also discussed focusing on golf cart parking; a proposal was made to have golf cart only parking at the beach accesses at 28th and 31st Avenues on Palm Boulevard.

MOTION: Councilmember Bettelli moved to designate on-street, golf cart only parking at 28th and 31st Avenues on Palm Boulevard; Councilmember Loftus seconded.

Councilmember Loftus asked how many spaces would be dedicated golf cart parking at these locations; the Administrator responded ten to twelve (10-12) spaces at each place.

The Administrator recounted that designated golf cart parking was another element of the parking plan that was sent to SCDOT and the response was positive.

When asked by Councilmember Buckhannon how enforcement would be handled, Administrator Tucker responded that there must be signage. The Councilmember contended that this action did not solve any problems; the person who would park in a NO PARKING zone would also park in golf cart only spaces and pay the fine. He also asked what the fine would be for a vehicle parked in spaces designated as golf cart only parking; Chief Buckhannon confirmed that the fine would be the same as other parking violations, twenty-five dollars (\$25).

VOTE: The motion PASSED UNANIMOUSLY.

Councilmember Loftus asked whether the Smart911 information has been posted to the website; The Administrator assured him that it would be added.

Since all members of the Committee had reviewed the FY16 Proposed Revenue Budgets, the Committee agreed that another review was unnecessary.

Highlights from the Monthly Fire Department Report

Councilmember Bettelli noted that, on New Year's Day, personnel responded to a motor vehicle accident where the vehicle turned over, and the four (4) passengers had been ejected from the vehicle; one (1) passenger was transported immediately and the other three (3) had non-life-threatening injuries and were transported separately. Personnel responded to a report of an explosion in a residence; when they arrived, they found a broken heating element in the oven had caused some sparking. A boat fire behind Marsh Island Drive was reported on January 17th, after the fire was located and mutual aid was requested of Sullivan's Island, the boat's owner was taken to the marina for further medical treatment. During the month, the Fire Department responded to seventy-one (71) calls, thirty-eight (38) of which were EMS calls. Chief Graham noted that each year the number of incidents continues to rise although not by a big margin. Thirty-four (34) fire inspections were done and personnel averaged forty (40) hours of training. Vehicle maintenance was up for the month of January; primary expenses were the replacement of the gear box on Tower 1002 and the replacement of the radiator on Ladder 1001. Personnel participated in a noisy welcome to the island for a young cancer patient as part of a young cancer patient's Make-A-Wish event.

Highlights from the Monthly Police Department Report

Councilmember Bettelli reported that January was very busy for the Department with ten (10) DUIs in the month; one (1) person was found to have a blood alcohol level of .31. Sgt. Baldrick is a certified child safety seat expert, and, on two (2) occasions, she assisted citizens with the property installation of safety seats in their vehicles. Dispatchers had a total of five thousand three hundred eighteen (5,318) calls; four thousand seven hundred eighty-three (4,783) were for the Police Department, which is an increase for forty-eight percent (48%) over the same period in 2014. Officers made four hundred thirty (430) traffic stops and issued one hundred twenty-one (121) tickets; for a variety of violations, officers issued two hundred ninety-nine (299) warnings. Chief Buckhannon pointed out that in two (2) months, the Department has had nineteen (19) DUIs, which represent a significant increase. In addition, officers wrote one hundred three (103) reports with four (4) for burglaries, but two (2) were for prior months and reported in January. Of the twenty-five (25) arrests, ten (10) were DUIs. Officers received one hundred fifty-seven (157) hours of training, with an emphasis on "Roadside Impaired Driver Enforcement" taught by the Academy. In the area of livability, officers received two (2) noise complaints; one (1) was founded and given a warning, but the second was unfounded. Officers also received five (5) complaints for barking dogs, and one (1) citation was issued. Referring to questions about the back-up dispatchers on the island, Chief Buckhannon said that his recommendation was for the program to continue indefinitely because it is a valuable service for the citizens.

Chair Bettelli reminded those present that the Polar Plunge to benefit Special Olympics was held on Saturday, February 28th at *The Windjammer*.

The next meeting of the Public Safety Committee will be at 9:30 a.m., Tuesday, March 3, 2015 in the City Hall Conference Room.

C. Public Works Committee

Reporting on the meeting of February 11th, Councilmember Ward stated that Gail Bridgham, 2908 Palm Boulevard, was in attendance seeking assistance from the City to resolve the problems in front of her home due to a drainage ditch pipe between her home and 2906 Palm Boulevard. In order to give the resident some relief, the Committee unanimously approved the placement of sand-shell as a stabilizer in the right-of-way between 2906 and 2908 Palm Boulevard; the Committee will get an update on the situation at the March meeting. SCE&G representatives Westy Westmoreland and Sam Loggins attended to answer questions from the Committee about the electrical pedestals installed on Front Beach. Councilmember Ward stated that he was happy to see the lights being installed and was very pleased with the look. The problem the Committee has with the pedestals is their unappealing appearance, especially in front of the *Windjammer*, but Mr. Westmoreland and Mr. Loggins explained that there was no way to put the City's pedestals in decorative cases. Councilmember Ward reported that, in his most recent trip to Front Beach, he noticed that City staff members have covered it with a green sheath, and it looks much better. The Chair suggested in the meeting that staff develop a contest for camouflaging the pedestals and to contact the Mount Pleasant Artists Guild and the Wando High School Art Department to participate. The Committee hopes that all of the lights will be installed for Island Gras on March 7th. The new Front Beach trash compactor was installed on February 16th. Flooding at handicap parking area on 21st Avenue was also discussed; Administrator Tucker was asked to contact Charleston County about a resolution to the issue. The review of the FY16 revenue projections brought to the Committee's attention that two (2) bills are moving through the State Legislature that could have a serious impact on the City's budgets; the first suggests that municipal business and rental licenses be limited to one hundred dollars (\$100), and the second eliminates municipal business licenses entirely. These two (2) revenue streams make up a considerable portion of the City's budget; if they were to be lost, the City would find it difficult to find another revenue source to equal them or it would be forced to reduce or eliminate services to the residents. Councilmember Loftus had specifically asked why the revenue anticipated from the County and the construction costs were not included; Administrator Tucker replied that the City has no guarantee that the County would provide a substantial amount to the project. The Committee has unanimously agreed to award the contract to Hughes Motors for the new garbage truck.

The Public Works Committee will meet again at 5:30 p.m., Thursday, March 12, 2015 in the City Hall Conference Room.

D. Recreation Committee

In reporting on the Recreation Committee meeting of February 2nd, Councilmember Carroll related the Director Page had stated that adult sports are becoming very active with co-ed volleyball, basketball, soccer and table tennis. Youth basketball is about one-third ($\frac{1}{3}$) of the way through the season, and baseball registration is on-going. The first Middle School Dance was held on Friday, January 30th and drew three hundred fifty (350) youths. Councilmember Carroll reported that there was a minor incident when two (2) young men were dropped off for the dance by a parent; being suspicious that the boys were plotting something, the parent hung around to see

them into the dance. Instead of going to the dance, they went off in another direction. According to Director Page, the IOP police officers did a good job with the boys and impressed upon them that it was easy to get into trouble but difficult to get out of trouble. The annual Doggie Day at the Rec was a great success with ninety (90) registrants and fifty-nine (69) contestants; Cupid's Card Shop was held on Thursday, February 12th. The City's second annual Island Gras is planned for Saturday, March 7th from noon to 4:00 p.m.; on Front Beach will be entertainment, craft vendors and activities for the children, as well as food from local restaurants. Upcoming offerings include an ocean education course and a class or program for island photographers. Councilmember Carroll commended the Rec staff for having classes for all ages and keeping the grounds and building looking great; he concluded saying that the Recreation Center is the heart and soul of the island. The Committee approved the purchase of new message boards for Breach Inlet and at the intersection of 14th and Palm Boulevard. Like all other Committees of the City, the Recreation Committee reviewed the FY16 proposed revenue budgets.

The next meeting of the Recreation Committee will be at 9:00 a.m., Monday, March 2, 2015 in the City Hall Conference Room.

Councilmember Buckhannon noted that residents are trying to get in shape for softball and baseball and like to use the Rec Department fields to do so; he asked whether the gates have been locked for a reason. Director Page stated that the gates should be unlocked, unless too wet, and that she would look into it.

E. Personnel Committee

Councilmember Harrington reported on the meeting of Monday, February 2, and the meeting was spent reviewing the FY16 proposed revenue budgets.

Councilmember Harrington stated that Councilmembers had rated the Administrator's performance for 2015 very highly on the subjective portion of her evaluation; for the objective section, the Administrator met every goal with the exception of ending the fiscal year three percent (3%) under-budget – the year ended two point two percent (2.2%) under budget. The Councilmember congratulated Administrator Tucker on a strong Council approval rating in her duties as City Administrator.

He reported that the City currently has no vacancies, but is hiring BSOs for the summer.

The January Sweepstakes winners were: Kerrie Ferrell of the Recreation Department, Hunter Lawrimore of the Police Department, Charles Williams of the Public Works Department and Chris Puckhaber of the Fire Department.

The Personnel Committee will hold its next meeting at 10:00 a.m., Monday, March 2nd in the City Hall Conference Room.

Councilmember Loftus noted that the Personnel Committee had not discussed the addition of two (2) holidays for employees; Councilmember Harrington said that it would be on the agenda for the March 2nd meeting.

Councilmember Carroll inquired about the City Administrator's overall evaluation score and was told that it was four point six one (4.61) on a five (5) point scale for the subjective portion and a score of seventy-five (75) on the objective for a rating of eighty-eight point eight four (88.48).

F. Real Property Committee

Reporting on the meeting of February 9th, Councilmember Loftus said that Steven Traynum of Coastal Science and Engineering (CSE) was present to update the Committee on the shoal management project and to explain their recommendations for moving forward with a new project. Mr. Traynum explained that the shoal had been harvested and sand was being harvested from the accreted land near Property Owners Beach House and the eastern area of Beach Club Villas, ShipWatch and Mariner's Walk. Mr. Traynum reported that the beach continues to go through some dynamic changes and erosion, he suggested that the City consider another project for the fall of 2015. In addition, he voiced the opinion that the City should begin work on a permit and the engineering for another major off-shore project in the next couple of years; he estimated that the total cost of the permit could be between two hundred ninety and three hundred seventy-five thousand dollars (\$290,000-375,000), but would be in effect for five (5) years.

Under New Business, Jay Clarke of Morgan Creek Grill (MCG) presented a preliminary look at a lease amendment for the restaurant; highlights of the amendment were:

- A request for six (6) additional five (5) year terms in order to secure long-term financing to maintain and improve the building;
- A request to move the toggle for additional rent to four and a half million dollars (\$4,500,000) and to alter the percentage and due date for additional rent; and
- A request to change the default terms to thirty/sixty (30/60) days.

Administrator Tucker explained that the suggested changes would not benefit the City; she recommended that Mr. Clarke go back to his attorney to produce a more "give and take" agreement.

The Administrator recalled that, before the Mayor Carmen R. Bunch Park was cleared, native plant species were identified and tagged or removed from the site to be kept safe. Bev Ballow has kept the plants and is interested in returning them to the park, as well as adding other native species. Mary Pringle and Bev Ballow will get members of the Native Plant Society to hold a work day on the island to assist with the plantings; the Committee approved the project.

Like other Committees, the Real Property Committee reviewed the FY16 Proposed Revenue Budget.

The next meeting is scheduled for 5:30 p.m., Wednesday, March 4, 2015 in the Conference Room.

Councilmember Carroll asked what was necessary to start on the OCRM permit application; the Mayor responded, "Money!"

6. Reports from City Officers, Boards and Commissions

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

The Planning Commission will begin the update to the City's Comprehensive Plan at their next meeting.

D. Report on CARTA

Councilmember Bettelli noted that he had distributed the Director's Interim Report from January 2015. He reported that in 2014, CARTA exceeded five million (5,000,000) riders, while the airport reported serving three million (3,000,000) people. He noted that the CARTA fleet is twenty (20) years old and is aging out. The Councilmember recalled attending a sub-committee meeting on the Beach Access Shuttle; CARTA has no money for new buses, and they envision the need for three (3) buses – one each to Isle of Palms and Sullivan's Island and a spare – at a cost of three hundred fifty thousand dollars (\$350,000); therefore, CARTA is not ready to commit any funds for this endeavor.

E. Charleston Visitors Bureau

Mayor Cronin reported that beach communities average daily rate was up one point two percent (1.2%) last year; the rental rate on the island was up three point five percent (3.5%). Occupancy on the island was up three point three point two percent (3.2%) over the prior year, while on the peninsula the rate was up one point six percent (1.6%). Last weekend was the Southeastern Wildlife Exhibition was up fifteen (15%) percent over last year in ticket sales and twenty-two percent (22%) on art sales over last year. Porter has started non-stop air service from Charleston to Toronto; Silver will begin their flight between Charleston and Orlando and Tampa in March.; and Southwest is introducing a direct flight from Charleston to Dallas on Saturdays only for the time being. On April 24th, the McLeod Plantation, a part of the County Parks and Recreation Department, will open for the first time to tourists. The Mayor also noted that the City of Charleston is struggling with panhandlers currently, and, apparently, there is no enforcement capability because of free speech.

- 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 2015-01 – An Ordinance authorizing the City Administrator of the City of Isle of Palms to Execute the Necessary Documents to enter into that Certain Third Amendment to Commercial Lease Agreement Between the City of Isle of Palms and Marina Outpost, LLC, Attached Hereto as Exhibit 1 and Incorporated Herein by Reference, in Order to Extend the Term of the Lease for Thirty (30) Years, to Clarify the Maintenance Responsibilities Between the Parties, and to Provide for Other

Amendments to the Terms of the Lease for Alterations and Improvements, Additional Rent, and Subleasing.

The Mayor commented that this ordinance references a commercial lease between the City and Marina Outpost; it extends the lease to thirty (30) years and clarifies certain maintenance responsibilities between the parties.

MOTION: Mayor Cronin moved to waive the reading and to approve for Second Reading Ordinance 2015-01; Councilmember Loftus seconded.

Councilmember Carroll indicated that he has questions about the lease and questioned that Council should go into Executive Session.

The Mayor answered that it would only be appropriate if he needed legal advice.

Councilmember Carroll said that he still has questions about the lease and the master plan for the marina that has been discussed – future costs and locking the City into a thirty-year (30 yr.) lease.

Mayor Cronin stated that he did not think that warranted going into executive Session.

Administrator Tucker explained that, if the ordinance passes Second Reading, the City would amend the language of the lease, it would be signed by both parties and go into effect.

The Mayor commented that this tenant and the City were going into the Master Plan as partners.

Councilmember Ferencz thanked staff for providing Council with a lot of data for making this decision.

A portion of the amendment would contemplate protection to the City should some new, large revenue-generator be approved and would insure that the City receive part of the revenue.

Councilmember Ferencz sought clarification that, although the amendment moves responsibility for certain asset replacements to the tenant, there is nothing in the lease that requires the tenant to replace them. Under these circumstances, the City would recognize no savings in her opinion. The Councilmember reiterated that a primary reason for buying the marina was to guarantee water access to residents, but she does not see anything in the lease that guarantees that for island residents.

Councilmember Buckhannon assured Councilmember Ferencz that resident access to the water at the marina is in the City Code.

Councilmember Carroll expressed his opinion that the City has gotten into the real estate business; he added that he has long supported a long-term lease for the marina as long as the tenant is responsible for everything, including the docks and underground storage tanks.

VOTE: The motion **PASSED** on a vote of 7 to 2, dissenting votes were cast by Councilmembers Carroll and Ferencz.

B. Second Reading of Ordinance 2015-02 – An Ordinance authorizing the City Administrator of the City of Isle of Palms to Execute the Necessary Documents to enter into that Certain Fourth Amendment to Commercial Lease Agreement Between the City of Isle of Palms and Marina Joint Ventures, Inc., Attached Hereto as Exhibit 1 and Incorporated Herein by Reference, in Order to Extend the Term of the Lease for Thirty (30) Years, to Clarify the Maintenance Responsibilities Between the Parties, and to Provide for Other Amendments to the Terms of the Lease Concerning Improvements and Alterations, Additional Rent, and Subleasing.

Attorney Halversen reported that, since the photos attached as exhibits have been corrected from First Reading, the ordinance needs to be amended.

MOTION: Mayor Cronin moved to amend Ordinance 2015-02 to include the correct photographs; Councilmember Buckhannon seconded and the motion **PASSED UNANIMOUSLY**.

MOTION: Mayor Cronin moved to approve for Second Reading Ordinance 2015-02 as amended; Councilmember Loftus seconded and the motion **PASSED** on a vote of 7 to 2 with Councilmember Carroll and Ferencz casting the dissenting votes.

C. Second Reading of Ordinance 2015-03 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 6, Hospitality Tax, Section 7-6-5, Violations and Penalties, of the City of Isle of Palms Code of Ordinances to Provide for Suspension and/or Revocation of Business Licenses for Failure to Collect or timely remit Hospitality Taxes to the City.

MOTION: Councilmember Ward moved to approve Ordinance 2015-03 for Second Reading; Councilmember Buckhannon seconded and the motion **PASSED UNANIMOUSLY**.

10. Introduction of New Bills, Resolutions and Proclamations – earlier in the meeting

11. Miscellaneous Business

Next Meeting Date: 6:00 p.m., Tuesday, March 31, 2015

12. Executive Session for the discussion of negotiations incident to proposed contractual arrangements related to Marina leases, to receive legal advice related to a pending claim concerning the property rights related to a road, to receive legal advice related to a pending claim concerning the Public Safety Building and to receive legal advice related to potential claims concerning the Freedom of Information Act which pertain to the conduct at Council and Committee meetings.

MOTION: Mayor Cronin moved to go into Executive Session at 8:28 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

City Council reconvened at 9:35 p.m.; the Mayor announced that Council had not taken a vote or other action while in Executive Session.

13. Conclusion/Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 9:36 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk