

City Council

6:00 p.m., Tuesday, September 29, 2015

The regular meeting of City Council was called to order at 6:00 p.m., Tuesday, September 29, 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 Fragoso and City 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 notified in accordance with the Freedom of Information Act. Following a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

2. Reading of the Journal of Previous Meetings

MOTION: Councilmember Bettelli moved to approve the minutes of the regular meeting of August 25, 2015 and the Special Meeting of September 20, 2015 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Minutes of the Special Meeting of September 22, 2015 were on the dais when Councilmembers arrived for this meeting, but they decided to take no action on them at this meeting.

3. Appointment and Administration of Oath to New Employee

MOTION: Councilmember Bettelli moved to appoint Desirée Fragoso to the General Government staff; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

After administering the oath, the Mayor welcomed Desirée to the Isle of Palms' family.

4. Citizens' Comments

Mayor Cronin announced that the stars and crew of the HBO series "Vice Principals" will be filming next week in the Front Beach area and the nine hundred block of Ocean Boulevard.

Jim Raih, 3904 Cameron Boulevard, voiced his concerns about the new construction that is occurring on the island; he saw a challenge for the City for the next twenty years (20 yrs.) to maintain a balance during and after the construction of the replacements of the first generation of homes on the island. He opined that the Building Department stay on top of elevation of the new construction; he noted that, if one owner builds up greater than he should for new construction, the balance of the entire block will change. He stressed the need to monitor the elevation of the first floor of a residence build up; he stated that every load of dirt trucked onto the island has a negative impact on someone.

Councilmember Buckhannon stated that the City has tried to curtail this process in the past by passing an ordinance requiring plans for handling water runoff for any type of new construction; he asked Director Kerr how that was enforced.

According to Director Kerr, an owner, contractor or developer cannot change the grade outside the footprint of the house without a stormwater management plan that must be developed by a design professional, such as a civil engineer or landscape architect. Before fill is brought in, the plan must be submitted to the Building Director and approved; prior to receiving a Certificate of Occupancy, the design professional must certify that it was built in accordance with the plan. That requirement is unique to the City of Isle of Palms; the Director reviews the plans, stamps on the site plan that the grade cannot be changed unless this step happens, but, routinely he finds people who claim they did not see the note because it is an unusual practice. Director Kerr confirmed that the design professional must certify all four (4) sides of the property, including the road or street. When the stormwater plans are done, they typically result in a fairly good sized mound of dirt next to the houses, but the design includes a series of swales and channels to run the water into an appropriate place. Despite the water runoff plan, many concerns from neighbors are voiced to the Building Department, and he often finds it difficult to tell the caller that everything is according to plan.

Councilmember Loftus questioned that whether the existing code was sound or in need to tweaking; he suggested that the Planning Commission look into the situation.

MOTION: Councilmember Ward moved to re-order the Agenda to take up Item 9 next; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.

9. Bills Already in Possession of Council

Second Reading of Ordinance 2015-11 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Article 2, District Regulations, and Article 6, Parking and Loading, of the City of Isle of Palms Code of Ordinances to Amend the Off-street Parking Requirements for the GC-2 and GC-3 General Commercial Districts.

Attorney Halversen stated that a change has been made in the ordinance since First Reading; the change was made to page 15 § 5-4-113(h) and replaces “GC3” with “commercial districts.”

MOTION: Mayor Cronin moved to suspend the reading and approve for Second Reading Ordinance 2015-11; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

5. Reports from Standing Committees

A. Ways and Means Committee

1. August Financial Statement

Mayor Cronin initiated his comments by giving the financial report for the month of August 2015; he reported that, as the second month of the fiscal year, the target for revenue and expenditures

was seventeen percent (17%). Overall, expenditures were at fourteen percent (14%) of budget and revenues were at one hundred seven percent (107%) compared with the same period of FY15.

City Council
September 29, 2015
Page 3 of 10

The Mayor noted that Rental Licenses revenues are at seventy-nine percent (79%) of the FY16 budget. Cash on-hand represents thirty-two percent (32%) of the FY16 General Fund budget.

From the meeting of September 22, Mayor Cronin reported that the City has received the August payment for Municipal Accommodations Fees from Charleston County, and it totaled more than one hundred ninety-two thousand dollars (\$192,000). The Treasurer stated this is the largest collection the City has ever had. The Mayor recalled seeing the report from the Charleston Visitors Bureau that showed the daily rate in the beach communities in general has increased significantly.

The Hospitality Taxes received were less than last year and more in-line with FY14.

Councilmember Ward noted that the City has reduced its debt principle by six million dollars (\$6,000,000) in the five (5) years between 2011 and 2015.

2. Award of a sole source contract to Coastal Science and Engineering in the amount of \$198,781 for planning and permitting for off-shore dredging project for future beach restoration

MOTION: Mayor Cronin moved to award a sole source contract to Coastal Science and Engineering as stated above; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

3. Award of a contract to Evanston Insurance Company in the amount of \$5,300 to purchase liability insurance to cover service of City's Medical Control Physician

MOTION: Mayor Cronin moved to award a contract to Evanston Insurance Company in the amount of \$5,300 for liability insurance for the City Medical Control Physician.

4. Award of a contract for Internal Control Auditors

Mayor Cronin commented that the City had heard presentations from the three (3) competent audit firms to conduct an Internal control audit; he noted that the points made by each were quite similar.

MOTION: Councilmember Ward moved to award a contract to Elliott Davis and Decosimo in the amount of \$9,800 for an internal controls audit; Councilmember Bettelli seconded.

Councilmember Ward reiterated that the representative from Elliott Davis and Decosimo had said that they had cut their normal fee in half in order to get their “foot in the door” with the City; of the three (3) presentations, Councilmember Ward was of the opinion that this company had more governmental experience.

City Council
September 29, 2015
Page 4 of 10

The Mayor added that he liked the thought of a second set of eyes reviewing the City’s processes and procedures.

Councilmember Bettelli noted that Elliott Davis and Decosimo was the lowest bidder at ninety-eight hundred dollars (\$9,800).

VOTE: The motion PASSED UNANIMOUSLY.

5. Approval of distribution of FY15 positive net result transferring \$75,000 to the Disaster Recovery Fund and \$825,000 to the Unassigned Capital Projects Fund

MOTION: Mayor Cronin moved to distribute the FY15 positive net result with \$75,000 going to the Disaster Recovery Fund and \$825,000 going into the Unassigned Capital Projects Fund; Councilmember Bergwerf seconded.

The Mayor indicated that the City intends to use a portion of these funds to pay-down part of the debt on Fire Station 2 and refinance the balance at a lower interest rate.

VOTE: The motion PASSED UNANIMOUSLY.

Discussed at Ways and Means and at the Special Council meeting was the impact of the County’s reassessment on the island’s properties; overall more assessments went down than up. In order to maintain the same level of property taxes collected by the County, City Council adjusted the millage to 24.7 mills and will still end the year approximately ninety thousand dollars (\$90,000) short.

B. Public Safety Committee

At the meeting of September 9, Stuart Berberich, Assistant Location Manager for the HBO production of “Vice Principals,” approached the Committee during Citizens’ Comments about filming an episode of the series in and around Front Beach, and the Committee unanimously voted to take the event to City Council. The Committee also discussed parallel parking on both sides of Palm Boulevard and parking four feet (4 ft.) from the pavement; the Committee voted unanimously to implement four feet (4 ft.) from the pavement on the land-side of Palm Boulevard between 21st and 41st Avenues.

MOTION: Councilmember Bettelli moved to implement no parking within four feet of pavement on the land-side of Palm Boulevard between 21st and 41st Avenues; Councilmember Bergwerf seconded.

Responding to Councilmember Loftus, Councilmember Bettelli stated that, at the present time, there is no preferred way to park on the land-side of Palm.

Councilmember Buckhannon asked whether a sign for people to park four feet (4 ft.) from the pavement could be placed four feet (4 ft.) from the pavement, making the sign an indicator of the distance.

City Council
September 29, 20155
Page 5 of 10

VOTE: The motion PASSED UNANIMOUSLY.

The Committee discussed the installation of a crosswalk between Breach Inlet and 10th Avenue; the area under consideration was at Merritt Boulevard with the largest concentration of residences.

The Administrator updated the Committee on the possibility of a golf cart path between 20th Avenue and the shopping center. Administrator Tucker stated that her goal at the meeting was to get direction from the Committee about where staff should concentrate its efforts, on the ocean-side or the land-side. The Committee agreed that the staff should put its efforts into the land-side of Palm first, so a budget is being developed for the improvements for a golf cart path. At the same time, staff will be making arrangements for the land to be built up and the relocation of infrastructure, as well as applying for an encroachment permit from SCDOT.

Councilmember Ferencz voiced concern about having three lanes of traffic – vehicles in the road, pedestrians on the sidewalk and golf carts on another path – would create a safety issue; there-fore, she thought that putting the golf cart path at the rear of the property over the drainage ditch would be the safer course of action.

In addition to the monthly report from the Fire Department, Chief Graham and Battalion Chief Maibach explained that, during the safety audit, the City learned that its Medical Control Physician was not covered under the City's liability insurance; the Medical Control Doctor is a doctor who reviews the City's training for emergency medical technicians in the Fire Department and signs-off that the training is correct. The doctor who serves in this capacity for the City is Dr. Christine M. Carr, who is a resident of the island; she has served the City for twenty years (20 yrs.) without charging for her services.

Chief Graham reported that, on August 6th, Fire Department personnel responded to the report of a lightning strike at a residence on Ocean Boulevard; with no signs of smoke or fire, power was secured to the HVAC and the occupants were advised to contact a repair service. On August 12th, personnel responded to a call of a possible suicide on Seagrass Lane. Personnel responded to one hundred fifteen (115) calls in August; forty-seven (47) of which were EMS calls. Thirty (30) fire inspections were performed that located twenty-seven (27) violations. The Department successfully completed its annual medical response inspection conducted by the Department of Health and Environmental Control; Captain Maibach met with a representative of the state's Pharmacy Board for an inspection of both stations for certification as a Non-dispensing Medicine Outlet. Personnel conducted many station tours in August for island guests.

Chief Buckhannon stated that the island has had an uptick in thefts from a vehicle, which could be avoided if people would lock their doors. On August 7th, officers were involved with a rental

listing from Craigslist that the true rental agent knew nothing about, and the visitors had paid the person listing the ad eleven hundred fifty dollars (\$1,150). On August 4th, the Department hosted its first National Night Out event at the Recreation Center; it was attended by about two hundred (200) residents. The intention of the event was to bring the community and law enforcement closer together and to build stronger community relationships. Detective Sergeant Swain conducted an interview with local media about rental property frauds found on Craigslist and other social media sites. Officers assigned to conduct enforcement on the beach to address citizens'

City Council
September 29, 2015
Page 6 of 10

concerns of littering and alcohol and glass on the beach issued twenty (20) citations for alcohol on the beach. Dispatchers responded to a total of four thousand nine hundred twenty-nine (4,929)

calls; three thousand seven hundred eighty-eight (3,788) were for the Police Department. In August, officers made three hundred four (304) traffic stops and issued one hundred one (101) tickets; year-to-date, there have been eighty-four (84) traffic collisions that is an increase of twenty-four percent (24%) over the same time period on 2014. Of the fifty-five arrests (55), nineteen (19) were for liquor law violations. Twenty-eight (28) noise complaints were reported; fifteen (15) received warnings and four (4) received citations.

Mayor Cronin reported having attended a meeting in Columbia earlier today where AirBnb was discussed; an issue that was brought up was public safety with people renting out rooms in their homes with little vetting of just who is coming to stay on their property. The indications are that AirBnb is being responsive and working with the appropriate people.

The next meeting of the Public Safety Committee will be at 9:30 a.m., Thursday, October 8th in the Conference Room.

C. Public Works Committee

From the meeting of September 8th, Councilmember Ward reported that, since August was the end of the season, the focus for Public Works was cleaning the beach; Director Pitts announced that the skid steer had been received and put into action. Eadie's has begun the removal of vegetation from the ditches. With the popularity of single-stream recycling, the volume of garbage continues to decrease. In a discussion of the flooding of the handicap parking space on 21st Avenue, the Committee agreed that the City should take the issue to a higher authority at Charleston County to get them to perform and pay for the work to eliminate the flooding problem there. Another issue before the Public Works Committee is the NPDES improvements for the Public Works site; Councilmember Loftus suggested that the fence be relocated to the street-side of the large oak to provide added space. Administrator Tucker reported that progress was being made relative to obstructions in the rights-of-way; although the initial focus was on Palm Boulevard, actions have not been limited to Palm. The Committee was presented with an inter-governmental agreement from Charleston County regarding disaster debris removal.

MOTION: Councilmember Carroll moved to adopt the intergovernmental agreement with Charleston County for disaster debris removal subject to legal review; Councilmember Loftus seconded.

The Mayor explained that Charleston County has entered into the same agreement with other municipalities in the area.

VOTE: The motion PASSED UNANIMOUSLY.

Responding to the Mayor, Administrator Tucker stated the Phillips and Jordan has contracted with SCDOT for disaster debris removal; the Committee recommended that the City also contract with Phillip and Jones for the same service with state contract purchasing. Consideration of a contract was not presented tonight because the Administrator has been unable to get pricing; she reported

City Council
September 29, 2015
Page 7 10

that Phillips and Jordan have helped the City in an emergency capacity in the past and done an excellent job.

Like the Public Safety Committee, the Public Works Committee discussed parallel parking on Palm Boulevard.

As the meeting concluded, the Chair announced that the City had been awarded a grant of one hundred thousand dollars (\$100,000) by the Charleston County Transportation Committee (CTC) for the Phase II drainage project.

The next Public Works Committee meeting has been scheduled for 5:30 p.m., Wednesday, October 7th in the Conference Room.

D. Recreation Committee

Reporting on the meeting of September 1st, Councilmember Carroll noted that September was a busy month with the start of many programs and activities after the summer break. Exercise and fitness programs and boot camp are all doing well; new programs on the horizon are a beginner art class for children five to ten (5-10) years of age, a beach education series with Charleston County Parks and Recreation Department, and a beginner photography class. The Employee Wellness program of a city-wide volleyball game set for the *Windjammer* on Thursday, September 17th was cancelled. The Keenagers held their first meeting of the fall at noon on Wednesday, September 2nd, and the Lunch Bunch will gather on Wednesday, September 9th at a local restaurant. The Community Wellness Fair was held from 7:00 a.m. to 11:00 a.m. on Thursday, September 24th. in cooperation with the SC Public Employee Benefit Authority, the event included a Preventative Worksite Screening that included free flu shots, blood work, a health risk appraisal, blood pressure and lipid panels. The Middle School Dance held on Friday, September 18th drew about one hundred thirty (130) students. Upcoming events include the following:

- Ghostly Tide Tales – 6:30 p.m.-7:30 p.m., Friday, October 16th
- Pumpkin Painting – 4:00 p.m., Monday, October 26th
- Halloween Carnival – 5:00 p.m.-7:00 p.m., Saturday, October 31st
- Holiday Street Festival – 2:00 p.m.-7:00 p.m., Saturday, December 5th

Athletics are in full swing for adults and youths with basketball, softball, soccer and table tennis. The 17th Annual Half Rubber Tournament was held on Saturday, August 15th with twelve (12) teams competing. Approximately two hundred twenty-five youths (225) are playing soccer at the Rec, and one hundred thirty-six (136) of them are island residents. The soccer and volleyball camps held in August were very successful.

The "New Business" for the meeting was an offer from the Exchange Club of a Freedom Shrine for the Recreation Center. After a lengthy discussion, the consensus of the Committee was that a display of historical photographs of the island would be better suited; the issue is finding a way to display these old photos in a manner that will last for many years.

The next meeting of the Recreation Committee will be at 9:00 a.m., Monday, October 5th in the Conference Room.

City Council
September 29, 2015
Page 8 of 10

Mayor Cronin reminded Council that the Connector Run was Saturday, October 3rd and that the Connector would be closed at 7:00 a.m. until the last person is off the bridge.

Councilmember Loftus opined that the City should both display old photographs of the island and find a suitable location for the Freedom Shrine. In addition, he asked Director Page how programs and activities were judged to be successful and, therefore, be continued.

Director Page responded that classes are rotated at the Rec Center; if a class is not going well, it is dropped. She also directed Council's attention to the monthly report from the Recreation Department that states the number of people participating in each class each month; and that, if a number seems low, it means that the class has a maximum number of participants it can accommodate. Since the instructors are paid based on the participants in each class, Director Page can compare last year to this year to see if attendance is up or down.

Councilmember Harrington stated that the Exchange Club was preparing a proposal for the City Administrator in hopes of hanging the Freedom Shrine in City Hall.

E. Personnel Committee

From the meeting on September 8th, Councilmember Harrington reported that the first order of business was reviewing and approving changes to job descriptions for the Fire Department; Chief Graham reported that the rationale for the changes was to require firefighters and new hires to have EMT certification before being considered for promotion to Engineer.

MOTION: Councilmember Harrington moved to adopt the changes to Fire Department job descriptions as presented; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

The Committee also looked at the openings on Boards and Commissions in 2016; Councilmembers Bettelli and Harrington interviewed three (3) new candidates on September 15th and 17th. At the next meeting, the Committee plans to select those persons who will be appointed or re-appointed for 2016; the recommendations will be presented to Council at the November meeting.

August winners of the Safety Sweepstakes were Andy Sinwald from the Recreation Department, Sgt. Kraig Thompson from the Police Department, Capt. Roger Eagle of the Fire Department and Willie Powell of the Public Works Department.

The next Personnel Committee meeting is scheduled for Monday, October 5th in the Conference Room.

F. Real Property Committee

From the meeting of September 5th, Councilmember Loftus reported that Jay Clarke of Morgan Creek Grill informed the Committee that he was compiling a proposal for amendment(s) to the restaurant lease for the October meeting. The Committee continued its discussion about the 42nd Avenue handicap beach access; Director Kerr said that the City would need an encroachment

City Council
September 24, 2015
Page 9 of 10

permit from SCDOT. The path would end in soft sand and would not have a staging area from which people could see the water. Administrator Tucker presented proposed signage from Mayor Carmen R. Bunch Park, but the Committee agreed that each of these signs was too large.

The Committee thought that the park should have two (2) signs, i.e. the first identifying the property as Greenbelt property and a second telling the story of Carmen Bunch and the City of Isle of Palms. The Committee also discussed the golf cart path between 20th Avenue and the shopping center and the contract award to Coastal Science and Engineering related to a future off-shore dredging event. All City tenants were current in their financial obligations to the City. The concluding discussion centered on an encroachment on the 23rd Avenue beach access and resident complaints about the route through the dunes for garbage and recycling removal from the beach.

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

6. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – no meeting in September
- 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. (Disposed of earlier in the meeting.)

10. Introduction of New Bills, Resolutions and Proclamations

First Reading, by title only, of Ordinance 2015-12 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of

the City of Isle of Palms Code of Ordinances to Update the City's Flood Damage Prevention Ordinance in Accordance with the Requirements of the South Carolina Department of Natural Resources Flood Mitigation Program

MOTION: Mayor Cronin moved to approve Ordinance 2015-12 for First Reading by Title only; Councilmember Bettelli seconded.

Attorney Halversen stated that the ordinance as presented brings the City's flood prevention ordinance in line with the minimum standards established by the State.

VOTE: The motion PASSED UNANIMOUSLY.

Mayor Cronin reported that the City's CRS rating has changed from a 7 to a 6 which means a lower flood insurance rating for all residences on the island

City Council
September 29, 2015
Page 10 of 10

11. Miscellaneous Business

Next Meeting Date: 6:00 p.m., Tuesday, October 27, 2015

- 12. EXECUTIVE SESSION** in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice related to potential claims concerning the PDD district, a potential claim concerning the City's beach access at 23rd Avenue and a potential claim concerning the City's access to the beach for purposes of servicing garbage and recycling cans.

MOTION: Mayor Cronin moved to go into Executive Session at 7:14 p.m. for the reasons stated above; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

The Committee returned to regular session at 8:11 p.m., and the Mayor announced that Council had not taken a vote or any action in Executive Session.

13. Adjourn

MOTION: Councilmember Harrington moved to adjourn the meeting at 8:12 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk