

## CITY COUNCIL

6:00 p.m., Tuesday, January 26, 2010

The City Council held its regular meeting at 6:00 p.m., Tuesday, January 26, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening, Stone and Thomas, Mayor Cronin, City Administrator Tucker, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. There was a quorum present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public had been duly notified in accordance with the Freedom of Information Act. Clerk Copeland called the roll following Mayor Cronin's invocation and the Pledge of Allegiance to the Flag.
2. **Executive Session** to receive legal advice regarding the South Carolina Freedom of Information Act and related laws which pertain to the conduct of councilmembers and council and committee meetings presented by Frances Cantwell, Attorney at Law.

**MOTION: Councilmember Loftus moved to go into Executive Session at 6:03 p.m. to receive legal advice regarding the Freedom of Information Act and related laws pertaining to the conduct of Councilmembers and Council and committee meetings; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Council returned to regular session at 6:52 p.m.; Mayor Cronin commented that City Council had taken no actions or votes in Executive Session.

**MOTION: Councilmember Duffy moved to adjourn the meeting until 7 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

The Council meeting reconvened at 7 p.m. and was called to order by Mayor Cronin.

3. **Presentation of Audit Review by David Greene of Greene, Finney & Horton, LLP**

Mr. Greene's PowerPoint presentation and the auditor's management letter are attached as Exhibits A and B to the historical record of this meeting. Mr. Greene stated that the City had an "unqualified opinion," which is the best opinion that an entity can receive; an unqualified opinion means that the auditors did not find anything materially incorrect. Mr. Greene noted two (2) recommendations in the management letter, i.e. (1) to formalize and document policies and procedures and (2) to have another person review and approve the bank reconciliations.

Mayor Cronin asked if the auditors had a template of policies and procedures that they could share with the City; Mr. Greene responded that they did not have such a template, but, if they did, to provide it to the City could possibly bring into question the independence that the auditors need to have from their clients. Mr. Greene suggested contacting other municipalities who may have something the City could use as a guide.

Administrator Tucker stated that the staff had developed a plan to make significant progress on documenting policies and procedures over the coming year.

Mayor Cronin thanked the City's staff for their time and efforts in supporting the audit, and he acknowledged the trust and faith that the auditors expressed toward the City Administrator and City Treasurer. The Mayor was also expressed satisfaction in the auditors' confirmation that the City is financially sound in these hard economic times.

#### **4. Consideration of Mayor Pro Tem**

Councilmember Stone nominated Councilmember Bettelli for Mayor Pro Tem; Councilmember Buckhannon seconded and there were no additional nominations. Councilmember Bettelli was unanimously elected Mayor Pro Tem for calendar year 2010.

#### **5. Reading of Journal of Previous Meetings**

**MOTION: Councilmember Bergwerf moved to approve the minutes of the special meetings of December 8, 2009 and January 5, 2010 as submitted; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.**

#### **6. Citizens' Comments**

##### **A. Announcement of 2009 Light It Up Holiday Lights Contest Winners**

###### Commercial Winners

1<sup>st</sup> – Windjammer

2<sup>nd</sup> – Wild Dunes Pavilion

###### Breach Inlet to Connector

1<sup>st</sup> – Onie Scalise, 803 Palm Boulevard

2<sup>nd</sup> – Prentice Family, 401 Palm Boulevard

###### Connector to 41<sup>st</sup> Avenue

1<sup>st</sup> – Kathryn Leopold, 4 24<sup>th</sup> Avenue

2<sup>nd</sup> – Jeff & Ann Evans, 3301 Hartnett Boulevard

###### 41<sup>st</sup> Avenue to Wild Dunes

1<sup>st</sup> – Pat McArthur, 12 48<sup>th</sup> Avenue

2<sup>nd</sup> – Guido Evangelista, 26 Morgan Place

##### **B. Presentation by Kevin Walsh, Past-President of South Carolina Recreation and Parks Association**

Mr. Walsh made the official presentation to Director Page and Recreation Department of the City of Isle of Palms of the 2009 Agency of the Year Award for Class 1. He explained that this award was the highest that the Recreation Department could achieve, with Class 1 representing all communities with a population of ten thousand (10,000) or less. Mr. Walsh praised Director Page for her work, and the City Council and City Administrator that support and encourage her; he commented that Director Page constantly remarks about the teamwork that exists here on the island.

JoAnna Harper, 3612 Waterway Boulevard, newly elected president of the Isle of Palms Neighborhood Association, expressed the Association's full support for the initiative to save Sullivan's Island Elementary School. She stated that the school was an asset to the community and that the community should do all in its power to ensure that the school is here in the future.

David Rawle, 1 Fifty-third Avenue, began his comments by commending the Council for its service to the City and to the staff for the remarkable financial picture. He stated that he lives in a fourteen hundred square foot (1,400 sq. ft.) house that he often could not get to because of the storm water; he noted that the water was often higher than the bottom of his car. He indicated that he was paying seventy-five dollars and forty-seven cents (\$75.47) per day in property taxes for a home to which he frequently could not gain access. Mr. Rawle expressed two (2) areas of particular concern relative to the water problems. First there was an issue of health as his home was serviced by a septic tank that he was confident DHEC would have problems with because of the standing water issues; secondly there was the issue of the perception of the island if it were to be known as a place of contamination, i.e. "an isle of sewage." He explained that he was aware of the long-term drainage plan that was "ambitious" and expensive, but he was interested in an interim plan. Mr. Rawle reported that, when he had contacted the Public Works Department about the flooding, they reacted as promptly as possible and were "always as nice as they could be." But, the Public Works personnel had informed him that the water had to be at least eight inches (8") deep to pump. Mr. Rawle made the following suggestions for short-term solutions:

- 1) acquire pumps that will pump water less than eight inches (8") deep, or
- 2) acquire more pumps and/or more personnel.

In conclusion, he stated that the time, effort and money to do these things were substantially less than not doing it. The health risks and the island's reputation were worth far more than doing something to relieve the flooding problems on a short-term basis.

Mayor Cronin thanked Mr. Rawle for coming and sharing his problem with Council; the Mayor assured him that drainage in the area of 53<sup>rd</sup> Avenue was a priority with Council.

Milton Eblen, 3405 Cameron Boulevard, wanted to commend Sergeant Jimenez for outstanding and exceptional work he had done for Mr. Eblen's neighbor. Mr. Eblen stated that the neighbor in question is elderly and has recently suffered some serious memory loss; she is from South America, so there is also a language barrier. He reported that Sergeant Jimenez had approached the neighbor in a gentle and caring manner to which she was most receptive; Sergeant Jimenez had managed to cut through some of the red tape to communicate with family in South America and to obtain assistance for the neighbor. Mr. Eblen attributes avoiding a potentially bad situation to Sergeant Jimenez's actions. Mr. Eblen concluded with the following words:

"Religion, which God, our Father, accepts as pure and faultless is this – to care for orphans and widows in their distress."

Ed Holscher, 2 Fifty-third Avenue, stated that he is Mr. Rawle's across-the-street neighbor. He commended Mr. Rawle for his descriptions of the problems residents are experiencing on 53th Avenue, but he stated that he had been taught that repetition for the sake of emphasis was worthwhile. He agreed with Mr. Rawle about the health issues the standing water creates; he

stated that, as a physician, he could smell the feces in the standing water in his yard, and he reported that, when a neighbor had his pool cleaned recently, there had been sewage in the bottom. Mr. Holscher also alluded to the mosquito problems to which the water contributes in the warmer months. He also urged the City Council to find some kind of solution to the flooding problems in this part of the island.

## **7. Reports from Standing Committees**

In light of Mr. Eblen's comments, Mayor Cronin asked for a motion to move the Personnel Committee report to this part of the agenda.

**MOTION: Councilmember Bettelli moved to reorder the agenda to hear the Personnel Committee report first; Councilmember Duffy seconded, and the motion PASSED UNANIMOUSLY.**

### **E. Personnel Committee**

Councilmember Piening reported that the Personnel Committee had met December 1, 2009 and discussed reclassifying a position in the Fire Department. Since those minutes have not been distributed, the Council will discuss this change at the Special Meeting on February 1, 2010.

At the January meeting, the primary pieces of business had been election of Councilmember Piening as Chair and Councilmember Thomas as Vice-Chair and approval of the employees' floating holiday for 2010 as Thursday, December 23, 2010.

Recognizing Sergeant Robert Jimenez as Employee of the month, Councilmember Piening read into the record a letter signed by Claire Eads, Jane McMackin and Milton Eblen expressing their gratitude and appreciation for Sergeant Jimenez's efforts; the letter is Exhibit C attached to the historical record of the meeting.

#### December Safety Sweepstakes Winners:

Fire Department – Shaun Gadsden

Public Works – Charleston Williams

Police Department – Tracey Marks

Recreation Department – Carol Keller

### **A. Ways and Means Committee**

Mayor Cronin reported that he had been elected Chair of Ways and Means and that Councilmember Duffy had been elected Vice-Chair. Treasurer Suggs had reported that, half way through the City's fiscal year, all departments were at or below fifty percent (50%) of General Fund expenditures; overall, the City was at forty-six percent (46%) of General Fund expenditures.

- 1. MOTION: Mayor Cronin moved to finance the expense of \$1,350 for equipment upgrades from Municipal Accommodations Fee to facilitate increasing Front Beach parking meter hourly rates from \$.75 to \$1.00; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

- 2. MOTION: Mayor Cronin moved to increase the dog license fee to \$10 for residents/property owners and renters who provide proof of residency and to \$25 for visitors/non-residents to become effective May 1, 2010; Councilmember Loftus seconded.**

The Mayor commented that this would affect all dogs and represented an effort to ensure that all dogs on the island are properly vaccinated. The revenue would provide a return on the City's efforts provided by the Animal Control Officer and the pooper-scooper expenses. The City will institute the brightly colored collar and tag system that is used by Sullivan's Island; this system will facilitate enforcement of the City's code since the collars will be visible from a distance.

Councilmember Bergwerf questioned that the collars and tags could be obtained in time to be distributed at "Doggie Day at the Rec" scheduled for February 27, 2010; Chief Buckhannon assured the Council that the supplies could be available by that date.

**Amendment: Councilmember Bergwerf moved to amend the primary motion for the new system to become effective on March 1, 2010; Councilmember Loftus seconded and the amendment PASSED UNANIMOUSLY.**

Councilmember Stone asked if those persons who have purchased dog licenses for 2010 at the two dollar (\$2) fee would be grandfathered, and Mayor Cronin confirmed that they would be.

**Call for the Question: The motion as amended PASSED UNANIMOUSLY.**

- 3. MOTION: Mayor Cronin moved to award a contract in an amount not to exceed \$2,500 for 7,000 3x5 refrigerator magnets to advertise the Livability Hotline number; Councilmember Bergwerf seconded.**

The Mayor noted that the City had received a revised quote from Allegra Printing and Imaging for the quantity of magnets including set-up fee of \$2,425.20; therefore, he added that the contract be awarded thusly. Administrator Tucker noted that the magnets would contain basically the same information as the emblem on the City's website; Councilmember Bettelli added that the magnet is intended to be a quick reference for residents, not a resource for extensive information.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

- 4. MOTION: Mayor Cronin moved to award a contract to Technology Solutions in an amount not to exceed \$3,200 for wireless accessibility to the Front Beach surveillance cameras to be fund from the Public Safety Building Contingency Fund; Councilmember Buckhannon seconded.**

The Mayor explained that, with the construction of the Public Safety Building and the Police Department's move into the new building, the Police Department had lost its line of sight to the cameras; the installation of upgraded equipment in the new building adds to the need for this expense.

Councilmember Stone repeated his opinion stated at the Ways and Means Committee meeting that this expense should come from accommodations taxes.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

**5. MOTION: Mayor Cronin moved to award a contract to Nafeco, Inc. in the amount of \$11,085 for one (1) thermal imaging camera as budgeted for the Fire Department; Councilmember Bettelli seconded.**

Mayor Cronin noted that Council approval of this budgeted expenditure was to comply with the City's procurement code stating that all contracts in excess of ten thousand dollars (\$10,000) must be approved by City Council.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

**6. MOTION: Mayor Cronin moved to award a contract to Love Chevrolet, Columbia, South Carolina, in the amount of \$19,484 (State Contract Pricing) for one (1) Chevrolet Impala police sedan, as budgeted, to be funded from Municipal Accommodations Fees; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

**7. MOTION: Mayor Cronin moved to award a contract to Love Chevrolet, Columbia, South Carolina, in the amount of \$38,180.00 (State Contract Pricing) for two (2) Chevrolet Impala police sedans, as budgeted, with one (1) to be funded through State Accommodations Taxes and one (1) to be funded from the Victim Advocate's Fund; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

## **B. Public Safety Committee**

Councilmember Bettelli reported that he had been elected Chair of the Committee and Councilmember Loftus had been elected Vice-Chair. The report on the Public Safety Building centered on the moisture problems and a meeting that was scheduled with the architect and contractor for the following Thursday. The contract for the engineering at the 41<sup>st</sup> Avenue and Palm Boulevard intersection has been signed and work has begun. Discussion took place about a crosswalk at the 46<sup>th</sup> Avenue and Palm Boulevard; since the meeting, the City has learned that this crosswalk was part of the Wild Dunes' plan when it extended its bike path in the reconfiguration of the entrance. If it has not already been completed, the crosswalk will be in the next couple of weeks. Subjects on which Council has taken action tonight that were discussed at the Committee meeting include the dog licenses, refrigerator magnets, Front Beach surveillance cameras and the contract awards for police vehicles. In addition, Chief Buckhannon had reported that Sergeant Meekins had met with the rental agencies reminding them that the Police Department was to be the first point of contact on livability issues. The Public Safety Committee also discussed the state laws that relate to bicyclists because there have been complaints from residents that the cyclists do not respect STOP signs on the island; Chief Buckhannon was asked to remind his officers to be mindful of cyclists. The Committee

gave Chief Graham approval to seek ATAX funds not to exceed seven thousand dollars (\$7,000) to purchase anti-exposure suits for water rescues.

Chief Graham informed the Committee that the problems with the digital radios continue and that the recommendation from Motorola to solve them is the placement of a two hundred fifty foot (250 ft) tower on the island; for the sake of comparison, the water tower is one hundred forty feet (140 ft) tall. Chief Graham and Councilmember Bettelli will be attending a meeting on Thursday, January 28, 2010 where they anticipate getting additional information on the tower proposal from Motorola, as well as other options available to the City. The overall Motorola proposal calls for nine (9) additional towers to the Charleston County system; the expense for the towers will be borne entirely by Charleston County.

Councilmember Duffy asked if the other proposed towers were two hundred fifty feet (250 ft) tall; Chief Graham responded that they would be between two hundred fifty and three hundred feet (250-300 ft) tall depending on environmental variables and the location.

### **C. Public Works Committee**

Councilmember Duffy reported that he had been elected Chair and Councilmember Thomas had been elected Vice-Chair of the Committee for 2010. Westy Westmoreland, representing SCE&G, had attended the meeting to explain options before the City whereby SCE&G will be able to increase the reliability of services to the north end of the island. He informed the Committee that SCE&G has not yet received the easement on three (3) properties between 8<sup>th</sup> and 10<sup>th</sup> Avenues where SCE&G wants to put the electrical lines underground; he also indicated that Phase 1 of the undergrounding of power lines on Forest Trail has been completed and will be beginning Phase 2. Dave Stevens of Civil Site Engineering reviewed the phasing of the 54<sup>th</sup>-57<sup>th</sup> Avenue Drainage Project; he indicated that he is meeting with DOT to finalize their approval for the project. Once all approvals are in place, the Committee plans to issue an RFP. With the recent rains, the Public Works Department has been pumping from 48<sup>th</sup> to 57<sup>th</sup> Avenues. The incinerator at Montenay has been closed and the City's garbage is being taken to a transfer station on Azalea Avenue in North Charleston; the change has been an advantageous one for the City as the drivers are not losing the time that they were waiting their turn in line at Montenay.

Mayor Cronin asked the Committee consider short-term solutions, including renting additional pumps, for the drainage problems at the February meeting.

### **C. Recreation Committee**

Councilmember Buckhannon reported that he had been elected Chair and Councilmember Bergwerf had been elected Vice-Chair for 2010. He stated that Director Page had covered the highlights of November and December 2009 in her report; included were the middle school dance, the production of "Our Town," and the multitude of holiday events. In addition, the new year has brought many new programs to the Recreation Department, for example, acting classes, Hatha yoga, pilates and Saturday tennis clinics. Upcoming events are Island Arcade Day on Saturday, January 30 and the Lowcountry Blues Bash with performances at the Recreation Center on Saturday, February 6 and Sunday, February 7. Councilmember

Buckhannon related that the subject of sponsorships for sports teams, the Activity Guide and department programs was discussed, and the Committee charged the City Administrator and Recreation Director to develop a policy for soliciting sponsorships and advertising that allows the Director maximum control. He concluded his comments with the announcement of the resignation of Trish Perrine, who has been a true asset to the Recreation Department staff.

**F. Real Property Committee**

Councilmember Loftus reported that he was elected Chair, and Mayor Cronin was elected Vice-Chair for 2010. Councilman Loftus related, from the Marina Manager's report, that December had been the worst month for the marina since Mr. Berrigan has been manager, but, on the other hand, business for Morgan Creek Grill for November and December had been good as they had introduced several new programs. He stated that there would be a special meeting scheduled to hear the engineering report on the beach restoration program; many of the plantings have not survived the storm tides and there are signs of erosion. City Attorney Halversen is reviewing the proposed Morgan Creek Grill lease amendment.

**8. Reports from City Officers, Boards and Commissions**

- A. **Board of Zoning Appeals** – minutes attached
- B. **Planning Commission** - minutes attached

**9. Reports from Special or Joint Committees**

**Accommodations Tax Advisory Committee** - minutes attached

**10. Petitions Received, Referred or Disposed of** - None

**11. Bills Already in Possession of Council** - None

**12. Introduction of New Bills, Resolutions and Proclamations**

- A. First Reading, by title only, of Ordinance 2010-01 – An Ordinance Amending Title 5, Section 5-4-44, Home Occupation, of the City of Isle of Palms Code of Ordinances to Allow for More than one Home Occupation per Dwelling Unit and to Rename “Home Occupation” as “Home Business Occupation.”

**MOTION: Councilmember Loftus moved to approve Ordinance 2010-01 for First Reading by title only; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

- B. First Reading, by title only, of Ordinance 2010-02 – An Ordinance Amending Title 7, Chapter 6, Hospitality Tax, of the City of Isle of Palms Code of Ordinances to Provide Cumulative Penalties for the Untimely Payment of Taxes and to Provide that Liability for Civil Penalties will not be Relieved by Criminal Punishment under this Chapter.

**MOTION: Mayor Cronin moved to approve Ordinance 2010-02 for First Reading by title only; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

C. Boy Scouts of America Centennial Celebration Day – Administrator Tucker read the resolution into the minutes of the meeting, and a copy is attached to the historic record of the meeting.

**MOTION: Mayor Cronin moved to approve the Resolution of Boy Scouts of America Centennial Celebration Day; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

D. A Resolution in Support of Sullivan’s Island Elementary School – Administrator Tucker read the resolution into the minutes of the meeting, and a copy is attached to the historic record of the meeting.

**MOTION: Mayor Cronin moved to approve the Resolution in Support of Sullivan’s Island Elementary School; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

## **11. Miscellaneous Business**

### Discussion of Council Meeting Video

Mayor Cronin noted that currently on the City’s website is a video of the City Council meeting of November 17, 2009, and he indicated that he had received positive feedback from citizens who have viewed this trial run. The Mayor reported the costs to provide this service to residents would be one hundred dollars (\$100.00) per meeting for file conversion and upload plus sixty dollars (\$60.00) per year for the subscription to the video website for a total of twelve hundred sixty dollars (\$1,260.00) per year for the regular City Council meetings.

Councilmember Loftus stated that he was in favor of providing Council meeting videos on the City’s website; he expressed the opinion that it was an excellent way of communicating the issues before the City government to residents and visitors. He suggested that the videos be limited to Council meetings only initially.

Mayor Cronin asked Assistant Dziuban if the City could know how many “hits” the video had gotten; she responded that the City could contact VC3 asking if they have a counter, but the video website does offer how many times the video is watched. Mayor Cronin suggested that any statistical information VC3 could provide would be useful in future decision-making.

Both Councilmembers Piening and Buckhannon offered alternative websites for viewing that had no cost associated with them; Mayor Cronin noted that one of the sites had limitations on the file size.

Assistant Dziuban commented that the video website was recommended by VC3; it is the same website that the White House uses for its weekly press releases, and the subscription fee is only

sixty dollars (\$60,00) per year. The source of the costs is the conversion of the DVD to the format that the video website prefers; she is looking for less expensive ways to convert the file.

Administrator Tucker pointed out that providing the service in this budget year would represent an unbudgeted expense, but Council could also wait to make the videos available in the new budget year beginning July 1.

Councilmember Duffy suggested preparation of a packet of information for consideration at the February Ways and Means Committee; Mayor Cronin was in agreement, and further discussions were postponed.

Mayor Cronin reminded those in attendance of the Exchange Club Oyster Roast planned for Saturday, January 30 from 4:30 to 7:30 p.m.

The Mayor voiced the need to schedule several Special Meetings and proposed the following:

1. Monday, February 1 at 5:45 p.m. for a presentation on and First Reading of an ordinance related to the Comcast franchise and consideration of a personnel reclassification in the Fire Department;
2. Wednesday, February 3 at 5:30 p.m. for a presentation of the beach monitoring results; and
3. Monday, February 8 at 6:00 p.m. for Second Reading of an ordinance on the Comcast franchise.

The Public Safety Committee meeting scheduled for Monday, February 8 changed its meeting time to 5 p.m. and its location to Council Chambers to accommodate the Special Council meeting.

#### **14. Adjourn**

**MOTION: Councilmember Bettelli moved to adjourn the meeting at 8:48 p.m.; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted;

Marie Copeland  
City Clerk