

CITY COUNCIL

7:00 p.m., Tuesday, October 26, 2010

The regular meeting of City Council was scheduled for 7:00 p.m. on Tuesday, October 26, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending 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 at 7:30 p.m. and acknowledged that the press and public had been duly notified in accordance with the Freedom of Information Act. The Mayor offered a brief invocation that was followed by the Pledge of Allegiance to the Flag. Clerk Copeland called the roll.

2. Approval of Previous Meetings' Minutes

Mayor Cronin chose to postpone approval of the minutes for the Joint Meeting with the Planning Commission of October 19, 2010 until the next meeting.

MOTION: Councilmember Bettelli moved to approve the minutes of the regular meeting of September 28, 2010 as submitted; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Presentation by Lt. Col. David Schimsa

Lt. Col. Schimsa stated that he was from Columbia and was the older brother of City Treasurer Debbie Suggs. He said that, over the summer, he and his unit had come to the island for a training exercise; he explained that his unit rebuilds infrastructure. He announced that his unit has been mobilized; they will go to Fort Dix on Monday and on to Iraq before the holidays. Lt. Col. Schimsa stated that the training they had gotten in May while on the island would be very helpful, especially for those members of the unit who will be deployed for the first time.

As an expression of the unit's appreciation for the cooperation they received from the Police and Fire Departments while they were on the island, Lt. Col. Schimsa presented the Chiefs with certificates of appreciation that read as follows:

360th Civil Affairs Brigade (Airborne)
Fort Jackson, South Carolina

City of Isle of Palms Police Department/Fire Department
is presented this Certificate of Appreciation for exceptional support during the 360th Civil Affairs Brigade (1) Civil Liaison Team One's Annual Training. Thanks to your support, the team was able to successfully accomplish their training objectives and mission. Your patriotism and support is much appreciated and reflects great credit upon yourselves, the City of Isle of Palms and the United State Army Airborne.

17th-21st May 2010

Lt. Col. Schimsa also presented a plaque to Mayor Cronin that reads

HHC 360th Civil Affairs Brigade
Presented to the City of Isle of Palms, South Carolina
In Appreciation of Your Support May 2010

Presentation of FY2010 Financial Audit by David Phillips and Genia Kornegay of Greene, Finney and Horton

Mr. Phillips gave a PowerPoint presentation covering the highlights of the annual audit; a copy of the presentation is attached to the historical record of the meeting.

Mr. Phillips reported that, despite a tough economy, the City had increased its General Fund balance by fifty-two thousand dollars (\$52,000) inclusive of a transfer to the Capital Projects Fund of three hundred seventy-eight thousand dollars (\$378,000). In the opinion of the accounting firm, the City's year-end financial position was very good, and the City received an "unqualified" opinion, the best possible, from Greene, Finney and Horton.

Mr. Phillips explained SAS 115, Communicating Internal Control-Related Matters Identified in an Audit which is in effect for the FY10 audit year and requires more communication between auditors and municipal officials. GASB #54, Fund Balance Reporting and Governmental Fund Type Definitions, will be effective for FY2011; this accounting principle fundamentally changes the way that Fund Balance is reported in the governmental fund financial statements.

Councilmember Loftus complimented Mr. Phillips and his associates for their work on the audit and was especially complimentary of Treasurer Suggs and Administrator Tucker for "taking care of the City." He pointed out that Mr. Phillips had neglected to mention that the City had not increased taxes, but had succeeded in controlling expenses.

Responding to Councilmember Loftus' query, Administrator Tucker stated that Greene, Finney and Horton had been auditing the City for four (4) years. Based on that, Councilmember Loftus asked Mr. Phillips how FY10 compared to previous years in terms of stability; Mr. Phillips said that the Isle of Palms had "weathered the storm better than most." He added that the degree of detail Treasurer Suggs provides supporting the financial transactions give him confidence that the City Council is being given good information throughout the year.

Mayor Cronin announced that the City has been informed by the Federal Emergency Management Agency (FEMA) that the City will retain its Community Rating System Class 7 status which means that residents will receive a fifteen percent (15%) discount on flood insurance.

John Palms, 49 Waterway Island and a member of the board for Spoleto USA, related that Spoleto has a very exciting program planned for 2011. He stated that the festival has made some very sophisticated marketing advances using data from various sources. He stated that he frequently follows a long line of vehicles coming onto the island from the various Spoleto events he attends. He encouraged the City to continue its partnership with the festival that will host three (3) operas in 2011. Dr. Palms stated that Spoleto is the only festival in the United

States that not only presents but also produces; in 2011, over seventeen hundred (1,700) articles were written about the Spoleto Festival in the United States and abroad. In addition, he reported that approximately fifty percent (50%) of the attendees are from the state of South Carolina.

Julia Forster, Director of Development for Spoleto USA, added that the music director for the festival had spent ten (10) days at the Isle of Palms following the 2010 festival and that a conductor for one (1) of the 2011 operas has requested a beach front house for six weeks in 2011; therefore, the ATAX funds requested will flow back to the City. She confirmed that Spoleto artists and visitors do stay on the island and encouraged the City Council to continue its support for the festival.

Administrator Tucker noted that staff had found a couple of grammatical errors in the audit; therefore, she asked that the bound volumes be returned to her for correction and redistribution.

4. Reports from Standing Committees

A. Ways and Means Committee

Mayor Cronin reported that Treasurer Suggs had made some formatting changes to the cover page of the financial statement; one (1) of the changes compares General Fund revenues to those of the prior year. He stated that expenses are trending well in that they were at twenty-one percent (21%) of budget through September 30 when the target for that period is twenty-five percent (25%). Municipal Accommodations Fees have increased nineteen percent (19%) year-to-date over the same period last year; Hospitality Taxes are also strong, having increased twelve percent (12%) year-to-date over the same period last year.

Mayor Cronin reported that he and Administrator Tucker had testified before the TRAC Subcommittee in Columbia regarding proposals for changes to the distribution of state accommodations taxes. The results are that the sub-committee will not be recommending a change in the use of funds, but will recommend that the local municipalities continue to collect hospitality and municipal accommodations fees and send those collections to Columbia; the state would keep one percent (1%) and return the balance to the local municipality.

The Ways and Means Committee approved the recommendation from the Accommodations Tax Advisory Committee for fifteen thousand dollars (\$15,000) to support Spoleto.

MOTION: Mayor Cronin moved to approve \$15,000 for Spoleto Festival USA 2011; Councilmember Piening seconded the motion.

Mayor Cronin noted that this was the same level of support that the City provided in 2010 and stated that he believes that Spoleto increases the number of "heads in beds" on the island.

Councilmember Loftus stated that he believes this is money well-spent because there is a return on investment for the City; he stated that he sees this as a way of making people aware of the island - they attend the festival, learn of the Isle of Palms and return for a vacation here.

Councilmember Bettelli agreed that Spoleto is a wonderful event, but that the level of participation was too great considering the budget constraints on the City this year, and he would not be supporting the motion.

VOTE: The motion PASSED on a vote of 8 to 1; Councilmember Bettelli cast the dissenting vote.

The next Ways and Means meeting will be at 5:45 p.m. on Tuesday, November 16, 2010.

B. Public Safety Committee

Councilmember Bettelli reported that the Committee had received a request from the VFW for a turkey shoot using BB guns. According to the City Code, a BB gun is considered a firearm; therefore the VFW was asked to rescind their request, to research how Mount Pleasant addresses the issue and to work with Chiefs Buckhannon and Graham for a request next year. The residents of Cross Lane presented a request to close their street from 1 to 7 p.m. on Saturday, October 30 for a block party/fund raiser for East Cooper Community Outreach that was approved. In addition, the Charleston Running Club submitted a written request for a Prediction Run to be held next fall; the Committee agreed that the event conflicted with the City's beach run. The request was denied, but the suggestion was made to the running club that they coordinate with the Recreation Director for a combined event.

In an update on the digital radio tower, Councilmember Bettelli thanked Administrator Tucker for the letter she had sent to Charleston County asking for an alternative to constructing a tower on the island.

The mechanical contractor continues to seek resolution to the HVAC issues in the Public Safety Building; another "fix" is in the works that will be covered through next summer's heat should additional adjustments be needed.

The discussion on abandoned vessels on the beach will be continued later in this meeting.

The Committee also heard from citizens and discussed the speed limit between 41st Avenue and the back gate to Wild Dunes; the Committee asked Chief Buckhannon to contact SCDOT for a recommendation on the appropriate speed limit for that stretch of road.

From the department reports, Councilmember Bettelli related that the Fire Inspector had conducted one hundred twenty (120) inspections in September and found two hundred seventy-one (271) violations. Chief Graham has arranged EMS support from Mount Pleasant should Charleston County EMS not have a vehicle available to respond. From the Police report, Councilmember Bettelli related that, as predicted by IOP detectives, the person who stole a bicycle valued at twenty-three hundred dollars (\$2,300) advertised it for sale on Craig's List. After telephone contact was made with the seller, he was apprehended and charged with petit larceny, and the bike was returned to the owner. During the month of September, IOP telecommunications received thirty-four hundred eighty-nine (3,489) calls; twenty-five hundred five (2,505) were for the Police Department and one thousand twenty-five (1,025) were service calls. One hundred fifty-seven (157) traffic stops produced seventy-one (71) tickets.

The next Public Safety Committee meeting will be at 5:30 p.m., Tuesday, November 9.

On the subject of the radio tower, Mayor Cronin stated that the City has communicated with Charleston County representatives that the IOP City Council would like them to attend a meeting to make a presentation and respond to concerns about the tower. Administrator Tucker added that she had spoken with Allen O'Neal, County Administrator, earlier in the day to establish a meeting between Mr. O'Neal, Walt Smalls, Bill Tunick, Chiefs Buckhannon and Graham and herself in the first week of November for staff-level discussions. The Administrator added that she had stressed to Mr. O'Neal that she did not think that the IOP representatives would learn anything that would eliminate the desire of City Council to query the County team directly for radio communications.

C. Public Works Committee

Councilmember Duffy reported that the volume of garbage continued its downward trend in September. Toby VanBuren, a commercial shell fisherman, attended the meeting and reported that the state has been closing shell fishing grounds behind the island; he will attend the November City Council meeting to share his findings. A discussion of increasing recycling throughout the island continued as the island attempts to meet the County's goal of forty percent (40%); Councilmember Duffy suggested that the island could become a test site for single-stream recycling that would entail weekly collections and not segregating types of recyclables. The drainage project remains on hold because the City has yet not received the easement from Lowe Wild Dunes; hopes are still high that the project can be completed as planned.

The next Public Works Committee meeting is scheduled for 3 p.m., Wednesday, November 3.

Councilmember Bettelli asked whether the County had statistics on what percentage of total trash is recycled by each community; Mayor Cronin said that these statistics are not available.

D. Recreation Committee did not meet in October.

Councilmember Buckhannon reminded those present that the Halloween Carnival will be held from 5 to 7 p.m. on Saturday, October 30 and basketball registration is in progress.

The next Recreation Committee meeting will be at 4 p.m., Wednesday, November 3.

E. Personnel Committee

Councilmember Piening reported that the Committee has begun compiling its recommendations for appointments to boards and commissions. The interview process will be completed tomorrow evening, and the Committee will meet at 5:45 p.m., Tuesday, November 2 in the Public Safety Building to complete its recommendations.

Safety Sweepstakes winners for September were announced as follows:

Laura McLellan, General Government	Eric Bolen, Fire Department
Kim Tapply, Public Works	Frank Fitzpatrick, Police Department

F. Real Property Committee

Councilmember Loftus related that Jim Raih had spoken to the Committee and suggested that the City take advantage of work the IOP Water and Sewer Commission will be doing along 41st Avenue to create a gateway to the marina; the expense could be included in the budget for the next fiscal year. The marina reported that business has turned around and is near capacity for tenants. The marina manager reported that a laundry is being added for marina tenants; the Committee approved the installation of an aluminum gate at the dock behind the restaurant at no expense to the City. In addition, quotes are being taken to replace the electrical lines going to the docks behind the restaurant. The permit application for the focused erosion project was submitted to OCRM on October 6. The RFP for the Front Beach lighting project has been issued, and the bid opening is scheduled for Thursday, October 28, 2010; a portion of the expense is coming from a federal energy grant. The Committee voted to proceed with an RFP for engineering and permitting for dredging for the City's marina. A draft of a lease amendment has been provided to TidalWave Water Sports for their consideration that contains a provision for the longer lease term that they are seeking.

Councilmember Loftus noted that Diane Oltorik has suggested that the City sponsor a farmers' market, and the Committee decided that the full Council should decide if it will be pursued.

Mayor Cronin directed attention to the color photo of the property the City owns next to the post office that had been proposed location in Mrs. Oltorik's suggestion because it is in the middle of the City and readily accessible. The Mayor was seeking input from Council on whether they wanted to proceed and, if so, how they wanted to proceed; he suggested forming a citizens' group to assist the City in researching the myriad of details, rules and logistics that would need to be resolved before anything was decided. The Mayor speculated that a pool of interested people existed in those who have applied to service on the City's boards and commissions.

The Committee had considered using the large City lot or the grounds of the Recreation Center; both of these sites would have ample parking for attendees.

Councilmember Bettelli said that he and his wife frequented the Mount Pleasant market, but he related that Hanahan had opened a farmers' market, but it had failed. He suggested that the group investigating the feasibility of a market on the island speak with prospective vendors to determine their interest in participating in another market.

Mayor Cronin added that he wants to businesses on the island to be queried about their feelings toward a farmers' market, because he did not want to be in competition with local businesses.

Councilmember Buckhannon expressed support for the concept, but he did think the space beside the post office was very limited and parking would require permission from the post office. He commented that the farmers' market attempt at Daniel Island had also failed because it did not get sufficient support from the residents to sustain it.

With general agreement from Council that the idea was worth further investigation, Mayor Cronin asked Councilmember Piening to forward names to him from the pool of candidates for boards and commissions; a citizens' committee would be appointed from the list.

Councilmember Loftus concluded the Real Property Report stating that Bill Schupp had attended the meeting to review the season's business at the City parking lots; he was also updated on the island-wide parking management efforts by the Planning Commission.

5. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – minutes attached
- B. Board of Zoning Appeals** – minutes attached
- C. Planning Commission** – minutes attached

6. Reports from Special or Joint Committees – None

7. Petitions Received, Referred or Disposed of – None

8. Bills Already in Possession of Council – None

9. Introduction of New Bills, Resolutions and Proclamations

First Reading, by title only, of Ordinance 2010-13 – An Ordinance Amending Title 7, Chapter 3, Beach and Marine Recreation Regulations, of the City of Isle of Palms Code of Ordinances to Prohibit Abandonment of Personal Property on the Beach and Leaving the Beach in an Unsafe Condition.

First Reading, by title only, of Ordinance 2010-14 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 3, Beach and Marine Recreation Regulations, of the City of Isle of Palms Code of Ordinances to Provide for a New Article C Pertaining to Abandoned Watercraft.

Administrator Tucker explained that the City has been wrestling with the issue abandoned vessels on the beach and how City Council could take action to remedy the problem; she reported that the topic had been discussed in the Public Safety Committee and that comments had been made before the full body of City Council, as well. The ordinances before Council are companion ordinances; Ordinance 2010-13 amends the portion of the code that allows Hobie cat style vessels to be left on the beach by requiring them to be operable and in working condition. Ordinance 2010-14 will have significant amendments before it is offered for Second Reading; the ordinance that was presented to the Public Safety Committee was prepared by Assistant City Attorney McCullough and has since been reviewed by City Attorney Halversen. While being reviewed by Attorney Halversen, questions were raised by Chief Buckhannon and Director Kerr that will require that the ordinance be amended for Second Reading; the concerns raised will make dealing with the problem challenging, but the City does get closer to resolving the problem.

MOTION: Mayor Cronin moved to approve for First Reading, by title only, Ordinances 2010-13 and 2010-14; Councilmember Bettelli seconded.

Councilmember Loftus voiced the opinion that the ordinances should be approved individually, not together. The motion and second were withdrawn.

MOTION: Mayor Cronin moved to approve for First Reading, by title only, Ordinance 2010-13; Councilmember Bettelli seconded.

Councilmember Buckhannon commented that these ordinances were to deal with a problem, and he asked that the problem be stated for the record.

Administrator Tucker explained that the problem is as follows:

- The City has incidences of Hobie cat style vessels on private property in the dunes;
- The property owner and the owner of the vessel are two (2) different people;
- The City currently does not have a mechanism to remove a vessel other than to request that the owner of the vessel to remove it; and
- The owner has chosen not to do so.

Councilmember Buckhannon noted that the problem revolves around one (1) property now; the Administrator commented that the complaint started with one (1) property, but more than one (1) incident of abandoned vessels exists on the beach. Councilmember Buckhannon confirmed that these vessels have been abandoned on private property; the Administrator responded that some are on private property, but not all.

Councilmember Loftus indicated that the real issue is keeping the beach clean and free of debris.

Councilmember Buckhannon asked for clarification of the term “operable and in working condition;” Administrator Tucker stated her interpretation as one where the vessel could be moved to the water and sailed away, and the Councilmember added, “with no modifications.”

Councilmember Bettelli voiced the opinion that the Hobie cat style vessels had been intentionally placed in the dunes to retain sand; he noted that these vessels are not sitting on the sand, but are embedded in the sand. He expressed concern that the removal of these vessels would damage the sand dunes.

Councilmember Buckhannon sought verification of his understanding that Ordinance 2010-13 related to the public beach from the high tide down to the water’s edge; Attorney Halverson agreed. The City Administrator added that the current ordinance allows for Hobie cat style vessels to be left on the beach, but it does not make a distinction as to the condition of the vessels.

VOTE: The motion PASSED UNANIMOUSLY.

MOTION: Mayor Cronin moved to approve First Reading of Ordinance 2010-14, by title only; Councilmember Bettelli seconded.

Councilmember Loftus commented that, in light of the changes to the ordinance referred to by the Administrator, this ordinance should be referred back to the Public Safety Committee for review before First Reading by City Council.

Amendment: Councilmember Loftus offered an amendment to refer Ordinance 2010-14 back to the Public Safety Committee for review; Councilmember Buckhannon seconded; the amendment PASSED UNANIMOUSLY.

10. Miscellaneous Business

Mayor Cronin announced that Cross Lane would be closed between 1 and 7 p.m. on Saturday, October 30.

The Mayor reminded Councilmembers that the November City Council meeting would follow the Ways and Means Committee meeting on Tuesday, November 16.

11. Executive Session – not needed.

12. Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:44 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk