

## CITY COUNCIL

7:00 p.m., Tuesday, July 27, 2010

The regular meeting of City Council was held at 7:00 p.m. on Tuesday, July 27, 2010 in Council Chambers of City Hall located at 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, Attorney McCullough, 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 of the meeting in accordance with the Freedom of Information Act. Clerk Copeland called the roll after the Mayor offered the invocation and led the Pledge of Allegiance.

### 2. Approval of the Journal of Previous Meetings

**MOTION: Councilmember Loftus moved to approve the minutes of the Public Hearing and regular meeting of June 22, 2010 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

### 3. Citizens' Comments

Mayor Cronin asked for a motion to amend the agenda to consider a request to film on the beach.

**MOTION: Councilmember Bettelli moved to amend the agenda to consider a request for filming on the beach; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin acknowledged that Sue Redman was present to speak to the request to film on the beach in front of 3014 Palm Boulevard on Wednesday, July 28, 2010.

Ms. Redman explained that the film, entitled "The Wise Kids," was a very low budget film that was filming in Charleston presently; she described the film as a coming-of-age story. The production company is Cone Arts out of Chicago; the writer/director of the film is a native of Charleston.

Mayor Cronin stated that Council was concerned with the impact on the City, the beach and the possible demands made on the public safety personnel. According to Ms. Redman, the scene to be filmed on the beach depicts a family visit to the beach just before the oldest son leaves for college. They expect to have a minimal presence on the beach and to take between six and eight (6-8) hours to complete the task; she indicated that they would get the work done as quickly as was feasible because they were most unaccustomed to South Carolina heat.

**MOTION: Councilmember Bergwerf moved to approve the filming on the beach of "The Wise Kids" as a City-sponsored event; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Tom Oltorik, 15 Ocean Park Court, stated that he and his wife had recently celebrated their fiftieth (50<sup>th</sup>) wedding anniversary with their children and grandchildren and all of the activities were centered exclusively on the Isle of Palms. He stated that he wanted

“to praise, in particular, our City Administration and Council for your foresight and vision in developing the marina complex. We had a wonderful pre-arranged breakfast at the Morgan Creek Grill. We used the marina to embark and disembark a ninety-foot (90 ft) chartered vintage vessel for a cruise down the Intracoastal Waterway. (The owner, by the way, lives on the island.) We also rented jet skis for our family members at the marina complex. What a great venue the whole marina area has become! We are fortunate to have outstanding management in those facilities at the marina. In addition, we rented two (2) houses near our own and planned a number of events on other parts of the island. We had a pre-arranged family lunch at Huck’s restaurant, which has a wonderful location on our Front Beach and a very nice view of the ocean. Diane and I appreciate the outstanding services provided to us by all of the people involved and that gave us services. Everyone was exceptionally pleasant and accommodating enabling us to have a great celebration. We want to thank all of you for the work you do to make our island such a wonderful place for, not only tourists, but for our residents as well.”

Juanita Casey, 811 Palm Boulevard, spoke in opposition to Ordinance 2010-04 that was on the agenda for Second Reading later in the meeting. Her comments are attached to the historical record of the meeting.

Before closing the comments portion of the meeting, Mayor Cronin thanked all of the residents who had responded to the City’s call for volunteers to cleanup the beach after July 4<sup>th</sup>. According to the Mayor, “We had a great recovery.” He thanked Director Pitts and his team for ensuring that there was a place to put the garbage until it could be hauled away on Tuesday.

#### **4. Reports from Standing Committees**

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

Mayor Cronin reported that two persons had attended the meeting to make comments to the Committee. Mr. Wuycik suggested that the City consider eliminating the July 4<sup>th</sup> fireworks displays and brought along a bag of fireworks debris collected from his residence; Jim Raih noted that the axle had broken on the jet ski he had purchased from the City and urged the City to continue with its vehicle replacement schedule. The Treasurer reported that, in preliminary calculations on the June 30, 2010 year-end, the City was on target to meet the budgeted revenues and had “under spent” the budgeted expenditures; indications are that the City will have a surplus to budget of three hundred to four hundred thousand dollars (\$300,000-400,000). The Mayor reminded Council that the FY10 budget had estimated that tourism-related revenues at fifteen percent (15%) below revenues of FY09, but collections in all areas have proven to be better than expected – State Accommodations Taxes are expected to be down only two percent (2%) from FY09, Municipal Accommodations Fees are actually two percent above FY09 and Hospitality Taxes should end the year near FY09 collections.

1. Award of Financing Contract to BB&T Governmental Financing for one (1) Mack Garbage Truck GU713 at a rate of 2.61% for no more than 8 years.

**MOTION: Mayor Cronin moved to award the financing contract as stated; Councilmember Duffy seconded.**

Mayor Cronin reminded Council of the discussion at Ways and Means about whether to pay cash for this piece of equipment or to follow through with the financing as was budgeted. He reported that staff had done an extensive evaluation of the City's debts to determine which debt payoff would be the most advantageous to the City, i.e. save the City the most money. The Mayor expressed agreement with the City Administrator and Treasurer that to payoff the pumper fire truck which has a remaining balance of three hundred one thousand seven hundred seventy-two dollars (\$301,772.00); this equipment lease has the highest interest burden at 3.81%. He, therefore, suggested that the City plan to payoff the pumper truck next year since the City would see greater savings due to the higher interest rate; Mayor Cronin explained that the pumper could not be paid off this month because the fiscal year's books were not closed or audited guaranteeing the availability of cash for the payoff.

In response to Councilmember Buckhannon's question about the total interest on the garbage truck, the Mayor referred to the amortization schedule and quoted fifteen thousand three hundred eighteen dollars (\$15,318.00) over the term of the lease. By paying off the pumper next year, the Mayor noted that the City would save approximately thirty-nine thousand dollars (\$39,000.00) in interest expense.

Councilmember Loftus agreed that the sensible action was to payoff the highest debt first, but he asked if a partial payment could be made. Mayor Cronin replied that, under the terms of the lease, partial payments are not allowed and the debt can only be paid off on the anniversary of the obligation. The anniversary of this lease is August 1.

Administrator Tucker noted that, if the payoff of the pumper truck was the will of Council, the funds would be set aside to do so in August of 2011.

Councilmember Buckhannon stated that he did not like the idea of continually financing equipment purchases when the City has the ability to pay. He suggested paying for the garbage truck now and, when budgeting, to plan for paying off the pumper truck next year if the funds were available. In conclusion, he said he would not support entering into any future equipment leases.

Councilmember Stone noted that the City is "borrowing our reserves to float our budget now;" he expressed the opinion that the City could save some of its reserves "rather than digging that hole deeper." Councilmember Stone questioned the need for the City's finances to be audited before taking this action.

Treasurer Suggs explained that the anniversary of the pumper truck lease was August 1 and that the City could conceivably pay off the debt with the anticipated gain in the General Fund for FY10. The Treasurer repeated that the gain for FY10 is based on her estimates and could be in the three hundred dollar (\$300,000) range, but the City has not been audited. She cautioned

that to spend that money now without confirmation from the audit seemed unwise; she added that to wait one (1) year to pay off the pumper would only cost the City three to four thousand dollars (\$3,000-4,000) in interest.

Councilmember Stone recalled how the Council “had agonized” over several budget items that were in the one thousand dollar (\$1,000) range and had ultimately removed them from the budget; therefore, in his opinion, four thousand dollars (\$4,000) in savings was worthy of action without an audit.

Councilmember Bettelli noted that the City Council had worked for several months to whittle it to a level that the Council believed to be manageable and that budget was ratified only a month ago. The financing for this garbage truck was discussed and included in that budget. He voiced the opinion that to be fair to the taxpayers, the City Council should wait for validation of the City’s financial picture before taking any action.

**VOTE: The motion PASSED on a vote of 8 to 1; Councilmember Buckhannon voted against the motion.**

- 2. Award of a Contract to Jones Ford in the amount of \$25,140 for one (1) Ford F150 truck (State Contract Pricing).**

**MOTION: Mayor Cronin moved to award a contract to Jones Ford as stated above; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.**

- 3. Award of a Contract to Nafeco in the amount of \$11,456.63 for one (1) budgeted Thermal Imaging Camera with accessories.**

**MOTION: Mayor Cronin moved to award a contract to Nafeco as stated above; Councilmember Bettelli seconded and the motion PASSED on a vote of 8 to 1 with Councilmember Stone casting the dissenting vote.**

- 4. Award of a Contract to Zambelli in the amount of \$25,000 per year for July 4<sup>th</sup>, 2011-2013 fireworks displays.**

**MOTION: Mayor Cronin moved to award a contract to Zambelli as indicated above; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin stated that Zambelli’s has been contracted by the City to produce the fireworks display for the past ten to twelve (10-12) years and have a proven track record of safety, as well as producing an amazing show.

- 5. Award of a contract to Eadie’s Construction in the amount of \$438,200 for five years for drainage maintenance.**

**MOTION: Mayor Cronin moved to award a contract to Eadie’s Construction as stated above; Councilmember Duffy seconded.**

The Mayor reported that this motion was the result of a bid process; the other bidder quoted a figure of three million six hundred thousand dollars (\$3,600,000) over three (3) years. Eadie's has been doing the drainage maintenance for the past five (5) years and the new contract is at a rate lower than the original contract.

**VOTE:           The motion PASSED UNANIMOUSLY.**

**B.       Public Safety Committee**

Because Councilmember Bettelli was absent from the meeting, Councilmember Loftus provided the meeting report. Dave Kynoski, representing the Wild Dunes Community Association, related to the Committee the concerns of the resort and the community association about the prospect of having a tower located in Wild Dunes. Also during Citizens' Comments, Jim Owens asked the Committee for assistance in getting abandoned catamaran removed from the beach. Councilmember Loftus noted that representatives of Motorola and Charleston County were again in attendance to discuss the status of the digital radio tower being proposed for construction on the island. Having made further studies and done additional research at the request of the Committee in June, the representatives stated that, if the tower were to be constructed at the water tower site, the height could be reduced to one hundred eighty-feet (180 ft) from two hundred thirty feet (230 ft) or an alternate site for the taller tower could be on the grounds of the Recreation Center. The representatives explained that the Channel 2 tower in Mount Pleasant was the foundation for the system, and they were opposed to placing another tower closer to that primary location. The issue remains to be unresolved, but work is continuing.

Councilmember Thomas suggested that the City involved vendor other than Motorola; Administrator Tucker said that the City could hire an independent communications consultant to evaluate the problems being experienced, the digital radio system and the proposed Motorola solutions to determine their validity or to offer an alternative. This course of action is open to the Public Safety Committee, but to do so would be an expense for the City. The Administrator continued that a possible problem with the City following that course could be one of timing with the improvements to the system planned by Charleston County. The Administrator related that she had suggested that no decision be made by the City on an Isle of Palms tower until the improvements were made to the Six Mile tower for the City to realize the impact of those improvements; she was told that Charleston County would require a letter from the City relieving them of any responsibility for the communication problems should the Six Mile improvements not solve problems being experienced on the island. Administrator Tucker stated that she had interpreted that response to mean that Charleston County and Motorola are working within a specific timeframe; therefore, the City would have to act expeditiously so that Charleston County and Motorola's plan was not delayed thereby giving them the opportunity to make the City responsible for the problems with the radio system and the associated costs to resolve them.

Mayor Cronin commented that Charleston County is committed to Motorola with the digital radio system, and any action the City were to take would have to mesh with Motorola's equipment and communication system. The Mayor added that the only purpose for hiring an outside consultant would be to find another workable tower location.

Mayor Cronin remarked that Charleston County Council had hired a consultant to review the elements of the Motorola system and their recommended "fix," but he indicated that he did not know whether the consultant had reported back to Council. The Mayor asked Chief Graham to report on the status of the consultant's work.

Chief Graham stated that County Council had hired Kimball and Associates as consultants in late January 2010; at this time, Kimball has completed part of their review. Among the tasks given to Kimball were the validation of the contract that Motorola presented and ensuring that the information provided by Motorola to Charleston County has been accurate. Motorola's plan to enhance the digital radio system has three (3) phases and the City of Isle of Palms is included in Phase One. The Chief stated that her understanding is that Kimball supports what Motorola has said, and the users are trying to learn when the contract between Motorola and Charleston County will be signed.

Councilmember Loftus continued with the report on the Public Safety Committee noting that the moisture problems continue in the Public Safety Building; the problem appears to be centered in the HVAC system. On the subject of widening the IOP Connector on the Mount Pleasant side, Councilmember Loftus reported that the City was in receipt of a letter from Mount Pleasant Mayor Billy Swails, and Mayor Cronin summarized the letter stating money has been appropriated for study and design to enhance the traffic flow on the Connector. Mayor Swails' letter reported that stimulus funds had been approved for pedestrian/bike lane improvements between the IOP Connector Bridge and Rifle Range Road and that Transportation Sales Tax funds had been allocated to study the intersection of the IOP Connector and Rifle Range for improvements. Pursuant to a request from a member of City Council, the Public Safety Committee considered lowering the speed limit island-wide to twenty-five (25) miles per hour with the exception of posted areas; SCDOT has indicated that its streets should be addressed on a one-by-one basis and that excessive speeding should be addressed by stepped up law enforcement. The Committee discussed increasing golf cart specific parking on the island; this topic will be a part of the island-wide parking plan. In conclusion, Councilmember Loftus announced that a bike ride sponsored by East Cooper Community Outreach involving approximately five hundred (500) riders will cross the island in the early morning hours of Saturday, September 11.

Mayor Cronin noted that there was a resolution being put forward by the Public Safety Committee that is the re-adoption of the City's safety policy. At the Mayor request, Administrator Tucker read the resolution into the minutes. A copy of the executed resolution is attached to the historical record of the meeting.

**MOTION: Councilmember Bettelli moved to approve the re-adoption of the City of Isle of Palms Safety Policy; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Buckhannon reminded those present that there is golf cart parking at the 25<sup>th</sup> Avenue beach access and that beach access is, likely, the widest path on the island.

**C. Public Works Committee**

Councilmember Duffy stated that, according to Public Works Director Pitts, garbage and trash debris are at five-year (5-yr) lows. As Chair of the Committee, Councilmember Duffy congratulated Director Pitts on ending the year under budget for Vehicle Maintenance, as well as the Director's plan for the new packer allowing for the elimination of one (1) position in the Public Works Department. Civil Site Engineering continues to work on the design, permitting and bid package for the 53<sup>rd</sup> to 57<sup>th</sup> Avenue Drain Project. Beach monitoring continues to be good for the Isle of Palms.

**D. Recreation Committee**

Councilmember Buckhannon reported that Joanna Harper, President of the Isle of Palms Neighborhood Association (IOPNA), spoke to the Committee during "Citizens' Comments" regarding team sponsorships. From the Director's monthly report, Councilmember Buckhannon related that the School's Out Activities have been a great success; so much so, that the program has been submitted to the South Carolina Recreation and Parks Association as a candidate for the 2010 Innovative Programming Award. Due to the high level of participation in the Zumba class, a second class has been formed. The wonderful weather brought out a large number of participants for the annual IOP Beach Run on Saturday, July 18. The Committee went into Executive Session to receive legal advice on a sponsorship policy for the Recreation Department; a copy of the policy was included in Council meeting packets.

**E. Personnel Committee**

Councilmember Piening noted that there will be openings on the City's various boards and commissions as follows:

Accommodations Tax Advisory Committee	4
Board of Zoning Appeals	2
Code Board of Appeals	2
Planning Commission	4

He encouraged residents to apply and noted that, although applications should be submitted by August 31, applications received after would be considered.

The protocol to be followed for the City Administrator's evaluation was discussed and will be on the agenda for discussion in August as well.

Councilmember Piening announced that the July Safety Sweepstakes winners were as follows:

Recreation Department – Shelia Redmon	Fire Department – Shawn Gadsden
Public Works – Bernard Gourdine	Police Department – Gerardo Chavez

In addition, the June Fitness winner is Laura McLellan; Councilmember Piening explained that employees who have a minimum of fifty (50) fitness miles in a month are eligible for this award.

## **F. Real Property Committee**

Councilmember Loftus related that Morgan Creek Grill reported that business continued to be strong. Westy Westmoreland was present to explain SCE&G's request for an easement to improve service delivery to the north end of the island. Meetings continue between the City and the other stakeholders on dredging of the marina and areas of Morgan Creek to determine who will manage the project and when it will take place. The engineers have determined that the ceiling in City Hall/floor in General Government is not structurally deficient. The request for lighting at the Tidal Wave dock is being studied and will be discussed at the next meeting. Based on a split Committee decision, Councilmember Loftus opened discussion on a proposal from Morgan Creek Grill to remove four pilings and a short pier from its docks to better accommodate the vessel carrying the dinner cruises.

Councilwoman Bergwerf expressed concern that DHEC would allow the pilings and pier to be replaced in the future should that be desired, as well as on whom the financial responsibility would fall for replacement.

Mayor Cronin explained that Morgan Creek Grill was given authority over these docks in the most recent lease amendment, as well as approval from the City to run the dinner cruises.

Councilmember Duffy commented that, in the original vision for the marina, these docks and pilings were designed for boaters' use as they enjoy dinner at the restaurant; he added that he thought that excursions were booked by the marina.

Councilmember Bettelli stated that he was against any reconfiguration to the docks and that, in his opinion, the dinner cruises were another business entity doing business at the marina. He indicated that he would like to see what the new configuration was going to be before making a final decision.

Councilmember Loftus noted that the vessel used for the dinner cruises was over sixty feet (60 ft) in length, and he was concerned for the safety of persons getting on and off the boat because the pier is narrow and has poor lighting. He expressed concern that no railing was installed on this pier for the safety of the persons taking the dinner cruises. He added that the City Administrator had suggested that the docks be widened and configured in such a way as to give the boat more space for maneuvering. Councilmember Loftus noted that, in Committee, he had voted against the change, but would be supportive of the City Administrator's concept.

Councilmember Stone stated that he had supported Morgan Creek Grill's proposal at the meeting, but had since heard Marina Manager Berrigan's arguments against the changes. He suggested that Mr. Berrigan be allowed to speak to the issue at this meeting for the benefit of Council.

Administrator Tucker re-stated her understanding of Councilmember Loftus' motion to ask that this subject be discussed as part of the City Council agenda, but that his comments had been changed to the mimic the motion made at the Committee level. In her opinion, the problem tonight was that no sketches illustrating the problem that exists for the Palmetto Breeze, the din-

ner cruise vessel, or any other vessel that might be used with the present configuration and any alternative solution to that problem. The Administrator also was of the opinion that some members of Council were interested in hearing the opinion of the Marina Manager Berrigan on the subject. Based on the discussions that have taken place, Administrator Tucker suggested that the issue be referred back to the Real Property Committee to obtain answers to all of the concerns expressed at this meeting.

**MOTION: Councilmember Duffy moved to refer back to the Real Property Committee the topic of reconfiguring the docks assigned to Morgan Creek Grill; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Returning to the Real Property Committee report, Councilmember Loftus related that discussion had taken place on the fact that the Front Beach restrooms are beginning to show wear-and-tear to the extent that the City might need to consider having a full-time maintenance person when the next budget is discussed. The Committee decided not to move forward on a request on waiving the boat ramp key fee of one hundred dollars.

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

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

**6. Reports from Special or Joint Committees – None**

**7. Petitions Received, Referred or Disposed of**

**8. Bills Already in Possession of Council**

- A. Second Reading of Ordinance 2010-04 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-12, Additional Regulations, of the City of Isle of Palms Code of Ordinances to Limit the Size of Rooftop Decks**

Mayor Cronin recounted that Ordinance 2010-04 had received First Reading, a Public Hearing was held and the ordinance had been referred back to the Planning Commission with suggestions for changes; the Planning Commission made no changes to the ordinance as submitted.

**MOTION: Mayor Cronin moved to waive the reading and to approve Ordinance 2010-04 for Second Reading; there was no second; therefore, the MOTION FAILED.**

- B. Second Reading of Ordinance 2010-06 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 9, Short-term Rentals, Section 5-4-203, Maximum Occupancy at any Time, of the City of Isle of Palms Code of Ordinances, to Reduce the Maximum Occupancy Permitted at Short-term Rental Residences at any Time.**

Mayor Cronin noted that Ordinance 2010-06 had also passed First Reading and a Public Hearing was held, but the ordinance remains open.

**MOTION: Mayor Cronin moved to waive the reading and to approve Ordinance 2010-06 for Second Reading; there was no second to the motion; therefore, the motion FAILED.**

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

**First Reading, by title only, of Ordinance 2010-11 – An Ordinance Authorizing the Leasing of One (1) Mack Garbage Truck GU713.**

Mayor Cronin explained that City leases must be approved via ordinance.

**MOTION: Mayor Cronin moved to approve for First Reading, by title only, of Ordinance 2010-11, an Ordinance Authorizing the One (1) Mack Garbage Truck GU713; Councilmember Duffy seconded; the motion PASSED on a vote of 8 to 1 with Councilmember Buckhannon casting the dissenting vote.**

**10. Miscellaneous Business**

Mayor Cronin recognized Bill Schupp, an island resident and contractor with the City, who will be inducted into The Citadel's Athletic Hall of Fame; the Mayor added that Mr. Schupp is an asset to the City and the community in which he resides.

**11. Executive Session – not needed**

**12. Adjourn**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:15 p.m.; Councilmember Betttelli seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk