

## CITY COUNCIL

7:00 p.m., Tuesday, March 22, 2011

The regular meeting of City Council for the City of Isle of Palms was held at 7:00 p.m., Tuesday, March 22, 2011 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, Administrator Tucker, Attorney Halversen, Assistant to the Administrator Dziuban 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 had been duly notified of the meeting in accordance with the Freedom of Information Act. Following a brief invocation, the Mayor led the Pledge of Allegiance to the Flag.

### 2. Appointment and Administration of Oath to New Employees

**MOTION: Councilmember Bettelli moved to appoint Barbara Goodyear and Robert Russell to the Police Department; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

The Mayor administered the Employee Oath to each new employee and welcomed them to the City.

Mayor Cronin asked Clerk Copeland to call the roll; all Councilmembers were present.

### 3. Approval of Previous Meeting's Minutes

**MOTION: Councilmember Bergwerf moved to approve the minutes of the regular meeting of February 22, 2011 as submitted; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.**

### 4. Citizens' Comments

Mayor Cronin reminded those present that the annual Hazardous Materials Collection and Shred Event will take place in the parking lot on Front Beach between the hours of 9 a.m. and noon on Saturday, March 26. The Mayor announced that five (5) miles of City roads will be re-surfaced in the coming weeks; Waterway Boulevard, 41<sup>st</sup> Avenue and Forest Trail are among the streets included. The Mayor described the project as "a temporary inconvenience for a long-term improvement."

Arnold Karig, 5102 Palm Boulevard, commented that the residents included in the 53<sup>rd</sup> to 57<sup>th</sup> Avenue Drainage Project were pleased to see the project moving forward. In addition, he addressed Ordinance 2011-04; Mr. Karig stated that he had proposed a change to section 7-4-5(a) {a section not addressed in Ordinance 2011-04}, which states the following:

No person or entity shall install or use an alarm system within the City without first applying for and receiving an alarm permit in accordance with the provisions of this chapter. Each system and each location shall require a permit. The alarm user is responsible for obtaining the permit and insuring full compliance with this section.

Mr. Karig has suggested that the alarm company that installs the alarm should be the party responsible for reporting the installation of the system rather than the property owner. He noted that he hires a plumber or electrician not only because of their expertise, but also because of their knowledge of what permits are required to accomplish the job. Mr. Karig thought that the process would be very simple for the company to report the installation and for the City to then mail out the permit application to the homeowner.

### **Presentation by Marina Manager Brian Berrigan**

Mr. Berrigan took the podium and thanked the Council for the opportunity to present the conceptual plan he has developed with the assistance of John Tarkany of JTA, a design firm; he emphasized that the plan is conceptual and designed to stimulate Council's imagination to what the IOP Marina can become. Mr. Berrigan stated that he and Mr. Tarkany generated their plan based on an empty parcel of approximately five and a half (5½) acres with nearly two thousand (2,000) feet of waterfront, but also mindful that the marina will always be publicly owned by the City of Isle of Palms, that access must be provided to City residents and visitors, and that the end-product should be a leader in energy-efficient and environmentally friendly design. After establishing the basis for the project, Mr. Berrigan and Mr. Tarkany held several charettes, focus groups, that included a wide variety of people before Mr. Tarkany presented Mr. Berrigan with a sketch. As the design concepts progressed, the project included 41<sup>st</sup> Avenue to become a welcoming gateway to the marina.

Mr. Berrigan turned the presentation over to Mr. Tarkany to provide the dialogue to the visual presentation to follow. Mr. Tarkany stated that, through the charettes, they learned about the worries and concerns of the users, as well as the opportunities available to them.

One (1) key feature to be included was dry-stack storage for residents as well as visitors to the area; the construction of dry-stack storage is the initial goal for the marina. Mr. Berrigan and Mr. Tarkany were also interested in making the marina easily accessible via walking, bicycle, golf cart, etc., to make the marina more a part of the community.

During the presentation, Mr. Tarkany described several ways that the marina could be made energy efficient and environmentally friendly from collecting rain water to use for washing boats to solar panels to charge electric vehicles and/or golf carts. The design presented included a park, a playground, an inn and possibly a yacht club and store.

Mr. Tarkany concluded his presentation saying, "The ultimate goal is to bring this great place back to the town and make it a part of the community, a great place in the community, a destination for families and people to enjoy and improve the quality of life."

Mayor Cronin thanked Mr. Berrigan and Mr. Tarkany for their presentation and commented that they had originally made their presentation to the Real Property Committee in November 2010.

Mayor Cronin suggested that the agenda be re-ordered to allow the proclamation to be addressed at this point in the meeting.

**MOTION: Mayor Cronin moved to re-order the agenda to move Item 10 to the next position on the Agenda; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

## **10. Introduction of New Bills, Resolutions and Proclamations**

### **Proclamation for Red Cross Month**

At Mayor Cronin's request, Administrator Tucker read the proclamation into the record; a copy is attached to the historical record of the meeting as Exhibit A.

**MOTION: Mayor Cronin moved to support the proclamation as read; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

The Mayor then presented a copy of the proclamation to Louise Kohlheim and Katherine Bibee who were present to represent the local Red Cross office.

## **5. Reports from Standing Committees**

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

From the meeting of March 15, Mayor Cronin reported that, through the end of February, General Fund revenues were at sixty-five percent (65%) of budget and General Fund expenditures were at fifty-seven percent (57%) of budget; the target through eight (8) months of the fiscal year was sixty-seven percent (67%). The Mayor thanked the City Administrator and City staff for their diligence in keeping expenditures to a minimum. Treasurer Suggs distributed a schedule of the City's debt obligations for members to review because the annual Budget Workshop has been scheduled to follow the Ways and Means Committee meeting of April 19, 2011. All tourism revenues are running ahead of FY10; Mayor Cronin reported that, responding to pressure from the beach communities, Charleston County has returned the distribution of funds to the levels of FY09, and the City has received a check for approximately one hundred fifty-three thousand dollars (\$153,000). The 53<sup>rd</sup> to 57<sup>th</sup> Avenue Drainage Project has begun, and punch-list items are being accumulated for the City Hall renovations. The Real Property Committee has been assigned the task of working with staff to advertise and find a suitable tenant for the building that housed the Building Department prior to City Hall renovations.

- 1. Award of a contract to Smith Turf and Irrigation in the amount of \$11,270.32 for one (1) Workman DX Ball Field Groomer**

**MOTION: Mayor Cronin moved to award a contract to Smith Turf and Irrigation as stated above; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

- 2. Award of a contract to Carolina Sport Surfaces, Inc. in the amount of \$16,000 to resurface the tennis courts/basketball courts**

**MOTION: Mayor Cronin moved to award a contract to Carolina Sport Surfaces, Inc. as stated; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Stone commented that these were both budgeted items.

**3. Award of a contract to Transworld Electrical Contractors, Inc. in the amount of \$2,750 to install a power source for EMS vehicles.**

**MOTION: Mayor Cronin moved to award the contract to Transworld Electrical Contractors, Inc. as stated; Councilmember Bettelli seconded.**

The Mayor stated that this expenditure would be funded from the Public Safety Building project fund; the work will provide power for EMS trucks eliminating the need for their engines to run continuously when they are on the island. The hope is that having this power source will encourage EMS to be in the island more as the City enters the tourist season.

**VOTE: The motion PASSED UNANIMOUSLY.**

**4. Approval of Change Order to Eadie's Construction in the amount of \$4,464.12 for a change in materials.**

Mayor Cronin commented that the City now has before it two (2) Change Orders totaling \$14,464.12 relative to the 53<sup>rd</sup> to 57<sup>th</sup> Avenue Drainage Project.

**MOTION: Mayor Cronin moved to approve Change Orders 1 and 2 to Eadie's Construction totaling \$14,464.12; Councilmember Duffy seconded.**

Councilmember Duffy indicated that the change orders should be referred to as Change Order 1, which was discussed at Ways and Means and is a materials replacement, and Change Order 2 that is being introduced at this meeting. Councilmember Duffy explained that Change Order 2 in the amount of ten thousand dollars (\$10,000) is for a force main that did not appear on the "as-builts" the engineers have been following that must be relocated.

Dave Stevens of Civil Site Environmental had a drawing and photographs of the work area for Councilmembers to see. (The photographs are attached to the historical record of the meeting as Exhibit B.) Administrator Tucker explained that the force main had not been turned over by the developer to the Isle of Palms Water and Sewer Commission because issues exist that caused the force main not to be accepted. Since it is not owned by a public utility, the "as-builts" are not available, only design drawings; those drawings show the force main in a different location.

Councilmember Duffy commented that the water supply to Wild Dunes that is being fully supplied by their tank which only holds a three-days (3 days) supply, giving the contractor a three (3) day window and making the approval of Change Order 2 of critical importance. Mr. Stevens added that the goal is to have the hole filled by Friday when tourists begin to arrive.

**VOTE: The motion PASSED UNANIMOUSLY.**

- 5. Approval of up to \$5,000 from the Municipal Accommodations Tax Fund for transport and counting services related to existing Front Beach parking meters**

**MOTION: Mayor Cronin moved to approve up to \$5,000 from Municipal Accommodations Tax Funds as indicated above; Councilmember Bettelli seconded.**

The Mayor explained that the action would relieve City personnel of the responsibility of counting and transporting funds collected from the parking meters on Front Beach, which is expected to exceed two hundred to two hundred fifty thousand dollars (\$200,000- 250,000) this year. The City is looking for a bonded security firm to assume those responsibilities.

Councilmember Buckhannon asked for confirmation that the expense would cover one (1) season, and the Mayor indicated that would be the case.

**VOTE: The motion PASSED UNANIMOUSLY.**

The next meeting of Ways and Means will be 5:45 p.m., Tuesday, April 19, 2011 and will be followed by the budget workshop.

## **B. Public Safety Committee**

At the meeting of March 2, the Committee discussed the 3<sup>rd</sup> Avenue and Charleston Boulevard intersection for which Chief Buckhannon is getting additional signage for "NO PARKING HERE TO CORNER" similar to others installed on the island. Additional discussions were related to the sign ordinance that is on the agenda for Second Reading and the need for the additional power source in the bay of Fire Station 1. Over the first two (2) weekends in March, members of the Fire Department were collecting funds for Children's Charities. The Committee reviewed the requests made by the Public Works Committee for CTC and Transportation Sales Tax funds; the Committee agreed with Public Works to request funds for the next phase of the City's drainage project, the paving of Cassina Avenue and upgrading the bike path between 41<sup>st</sup> and 47<sup>th</sup> Avenues into a multi-use path. The Public Safety Committee reviewed the operating budgets for the Fire and Police Departments. From the departmental monthly reports, Councilmember Bettelli commented that members of the IOP Fire Department retrieved a cat from a tree in Wild Dunes in February and removed a different tree that had fallen due to a storm at the corner of 19<sup>th</sup> Avenue and Myrtle Boulevard. In February, City dispatchers received and dispatched twenty-nine hundred thirty-seven (2,937) calls, nineteen hundred thirty-eight (1,938) of which were for the Police Department. In addition, patrol officers made two hundred seventy (270) traffic stops and issued one hundred five (105) citations.

The next Public Safety Committee meeting will be at 5:30 p.m. on Monday, April 4.

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

From the meeting of March 2, Councilmember Duffy reported that the Caterpillar scoop used to pickup yard debris is out of order so the Public Works' personnel are removing debris by hand. At the meeting, the 53<sup>rd</sup> to 57<sup>th</sup> Avenue Drainage Project had just been awarded, but the work is underway as everyone is now aware with the approval of two (2) change orders earlier. Eadie's is also continuing with the removal of vegetation from the island's drainage ditches. The Committee heard a presentation from SCE&G relative to increasing the reliability of two (2) major circuits on the island by replacing the existing switch boxes with newer, more high-tech switch boxes. The new boxes will provide SCE&G with the ability to isolate failures quicker and reduce the time that residents must be without power. SCE&G is expected to do this work in the coming months. As Councilmember Bettelli reported, the Public Works Committee generated the requests for CTC and Transportation Sales Tax funds that was supported by the Public Safety Committee. The Committee also reviewed the proposed FY12 operating budget for Public Works. Councilmember Duffy noted that Director Pitts runs a "tight ship" financially and is always looking for ways to save money, and he thanked the Director for his efforts in that regard.

Councilmember Duffy repeated the Mayor's reminder of the hazardous materials collection on Saturday, March 26 in the Front Beach parking lot between 9 a.m. and noon.

The Public Works Committee will meet next at 4 p.m. on Wednesday, April 6.

### **D. Recreation Committee**

Councilmember Bergwerf remarked that activities do not slow down in the Recreation Department; typically one sport is winding down as another is registering. At the March 1 meeting, Jim Owens addressed the Committee about the wonderful time that he had at "Doggie Day at the Rec" and complimented the Recreation Department staff for the excellent event. Auditions for "Peter Pan" are taking place this evening. Two hundred forty (240) young people attended the February Middle School Dance, and five hundred (500) people enjoyed the Lowcountry Blues Bash. As in the past, "Doggie Day at the Rec" was a huge success; pictures are posted on the City's website. Upcoming events include the Annual Yard Sale on April 16<sup>th</sup> and the Easter Egg Hunt on April 23<sup>rd</sup>. The last item of business was a review of the FY12 operating budget.

The next Recreation Committee meeting will be at 4 p.m. on Tuesday, April 5.

### **E. Personnel Committee**

Councilmember Thomas reported that, at the meeting of March 1, the Personnel Committee had reviewed the FY12 operating budgets for General Government and the Building Department; as presented, the General Government budget decreases by eight tenths of one percent (0.8%) and the Building Department budget increases by two and nine tenths percent (2.9%). On the subject of the Administrator's evaluation for 2011, the Committee agreed to reduce the subjective portion by fifteen percent (15%); that fifteen percent (15%) was added to Personal Goals for a total of twenty percent (20%). The meeting ended with a brief Executive Session to present the Administrator with her 2010 evaluation.

Safety Sweepstakes Winners for February were as follows:

Recreation Department – Shelia Redmon      Fire Department – David Micalizzi  
Public Works – Willie Powell                      Police Department – Gary Erickson

The Personnel Committee will meet next at 5:45 p.m. on Wednesday, April 13.

#### **F. Real Property Committee**

Councilmember Loftus reported that, at the meeting of March 3, Jon Regan Walters reported on the findings of the Farmers Market Ad Hoc Committee: such an event was not feasible for the City due to the cost, the competition it would represent to established island businesses and problems with any location suggested. Councilmember Loftus stated that, in his opinion, this ad hoc committee was the epitome of democracy. The Committee was told that the City is reviewing public comments made regarding the permit application for the focused erosion project of the Beach Restoration Project. Due to level of work generated by the annual budget process, staff has not made any significant progress on the subject of using engraved bricks to recognize service to the City. The Real Property Committee reviewed the marina budget. A request to plant palm trees along the Sea Oats' fence was one the City could not move forward on because that is private property, and the suggestion of planting palms in the median in front of the Methodist church was determined to impair the line of sight for drivers as they round the curve. Councilmember Stone noted that residents had approached him about a NO WAKE ZONE from the Connector to the end of Waterway Island; Administrator Tucker commented that the subject was a very controversial. Councilmember Loftus agreed that much more study should be done before any action is taken.

The next meeting of the Real Property Committee will be at 8:30 a.m., Thursday, April 7.

#### **6. Reports from City Officers, Boards and Commissions**

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

Mayor Cronin recalled that the suggestion was made last year to chalk a line four (4) feet from the pavement along Palm Boulevard on the oceanside as a reference point for beach-goers as they park. This is a test by the City to determine whether a line will assist drivers to adhere to the state regulation prohibiting parking within four (4) feet of a road; if the test is unsuccessful, the chalk will disappear quickly enough. While SCDOT is not involved, they did approve the test.

- 7. Reports from Special or Joint Committees** – None
- 8. Petitions Received, Referred or Disposed of** – None
- 9. Bills Already in Possession of Council**

**Second Reading of Ordinance 2011-01** – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 7, Signs, of the City of Isle of Palms Code of Ordinances to Provide for Regulations Pertaining to Sandwich Board Signs.

**MOTION: Councilmember Stone moved to approve Ordinance 2011-01 for Second Reading and to waive the reading.**

Councilmember Bergwerf expressed concern that this ordinance presented a certain unintended consequences as it is written. She indicated that the property lines of the two (2) shopping centers at the foot of the Connector extend to Palm Boulevard; therefore, the approximately eighteen (18) businesses could place sandwich boards along Palm toward the church. Councilmember Bergwerf expressed the opinion that this could create a safety issue. She stated that she does not think that this was the intent of the Planning Commission.

**MOTION: Councilmember Bergwerf moved to send Ordinance 2011-01 back to the Planning Commission for further review; Councilmember Duffy seconded.**

Councilmember Stone asked for clarification in the way of a solution to the problems described. Councilmember Bergwerf commented that the businesses at Front Beach and the businesses along Palm Boulevard present different situations that should be addressed differently; this is the basis for sending the ordinance back to the Planning Commission.

Mayor Cronin asked that businesses in the community relate their opinions on the ordinance to members of City Council or the Planning Commission.

Councilmember Buckhannon recounted that the business owner who had requested a change to the sign ordinance had specifically asked for banners to be approved; he had not mentioned sandwich boards. In this Councilmember's opinion, allowing sandwich board signs was the Planning Commission's way of giving this business owner "a bone."

The Mayor added that, if the island's business owners do not want sandwich board signs, Ordinance 2011-01 is not needed.

Councilmember Loftus recounted that no one had spoken in favor of this ordinance at the Public Hearing held earlier in the evening; he also stated that he has not been contacted by any business owners on the island commenting for or against on this ordinance. He, therefore, has concluded that sandwich board signs are not important to the IOP business community.

Councilmember Loftus agreed with Councilmember Bergwerf that the signs could be a safety issue; he is concerned about their being blown around and creating liability issues for the City. He noted that the FY12 budget includes several thousand dollars of upgrades to Front Beach; in his opinion, sandwich board signs would negatively affect those changes.

Councilmember Stone withdrew his motion for Second Reading.

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



**Second Reading of Ordinance 2011-02** – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-20, Communication Tower and Antennae Regulations of the City of Isle of Palms Code of Ordinances to Provide an Exception and Certain Additional Requirements for Communications Towers and/or Antennae Modified or Constructed for Public Service Uses by Governmental Agencies.

Administrator Tucker respectfully requested that a motion be offered on this ordinance to defer Second Reading to allow staff and the City Attorney present City Council with an ordinance that staff believes will work for the intended purpose.

**MOTION: Councilmember Bettelli moved to defer Second Reading of Ordinance 2011-02; Mayor Cronin seconded.**

Councilmember Stone wants to see an ordinance that will reflect only this specific tower for this purpose to enhance only the City's public safety.

**VOTE: The motion PASSED UNANIMOUSLY.**

**Second Reading of Ordinance 2011-03** – An Ordinance Amending Title 3, Public Works, Chapter 2, Solid Waste, Section 3-2-5, Trash Collection, of the City of Isle of Palms Code of Ordinances to Prohibit Use of Plastic Bags for the Disposal of Certain Materials.

**MOTION: Mayor Cronin moved to approve Ordinance 2011-03 for Second Reading and to waive the reading; Councilmember Loftus seconded.**

The Mayor noted that this ordinance mirrors actions taken by Charleston County since they will not accept plastic bags at the Bees Ferry Landfill; the materials should now be placed in bio-degradable paper bags or plastic containers to be emptied. Councilmember Duffy pointed out that this ordinance refers specifically to the bagging of yard debris.

Councilmember Loftus asked how residents would be notified of the change so that no one is penalized for being uninformed.

Administrator Tucker stated that Charleston County will stop accepting plastic bags as of July 1, but the City's ordinance will take effect immediately upon ratification.

Director Pitts reiterated that residents will have two (2) ways in which to dispose of yard debris, i.e. the bio-degradable paper bags or plastic containers that can be dumped into packer trucks. During the transition period, Public Works' personnel will split any plastic bags and dump the materials into the trucks; as time passes and residents continue to use plastic bags, the Director will personally contact them to explain the change and the fact that they are in violation. Should these residents persist, tickets will be written. Director Pitts said he "would not have . . . residents with bags left on the street is the bottom line."

Director Pitts added that Charleston County, at the request of the local governments, will have a communications blitz to get the information to all residents. Councilmember Duffy suggested that the City ask that the information be included on water bills from IOP Water and Sewer in coming weeks.

Councilmember Buckhannon commented that the existing ordinance does not specifically mention plastic bags; he suggested that the City could simply educate residents about the use of containers or bio-degradable paper bags rather than passing more legislation. Councilmember Bergwerf expressed the need for the City to have a means of enforcing the regulations to which it must adhere as a result of County legislation.

**VOTE: The motion PASSED on a vote of 8 to 1; Councilmember Buckhannon did not support the motion.**

**Second Reading of Ordinance 2011-04** – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 4, Regulation of Alarm Systems and businesses, of the City of Isle of Palms Code of Ordinances to Provide for New Definitions, Regulations and Penalties.

**MOTION: Mayor Cronin moved to approve Ordinance 2011-04 for Second Reading and to waive the reading; Councilmember Bettelli seconded.**

Councilmember Loftus suggested that the ordinance be sent back to the Planning Commission for consideration of the issues raised by Mr. Karig earlier in the meeting.

**MOTION: Councilmember Loftus moved to send Ordinance 2011-04 back to the Planning Commission for further review; Councilmember Bergwerf seconded.**

Mayor Cronin withdrew his motion for Second Reading, and Councilmember Bettelli withdrew his second.

Councilmember Stone commented that, when a residence is sold, the responsibility for transferring the ownership of the alarm systems falls to the new owner. He agreed that the contractor should be responsible for informing the property owner of the need to register the alarm system.

**VOTE: The motion PASSED UNANIMOUSLY.**

## **11. Miscellaneous Business**

Mayor Cronin commented that a representative of the State Health Plan will be on the island soon for the one and only informational meeting for employees; at this time, the date has not been established, but everyone will be notified. Councilmember Duffy suggested that the meeting be taped for those who are not able to attend the meeting; the Mayor noted that an educational CD is available for viewing.

**Next meeting date: 7 p.m., Tuesday, April 26, 2011.**

12. **Executive Session** – not necessary

13. **Conclusion/Adjourn**

**MOTION: Councilmember Loftus moved to adjourn the meeting at 8:30 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk