

## CITY COUNCIL

7:00 p.m., Tuesday, September 27, 2011

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, September 27, 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, City Administrator Tucker, City Attorney Halversen, Assistant to the City 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 and the Pledge of Allegiance, the Clerk called the roll.

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

**MOTION: Councilmember Loftus moved to approve the minutes of the regular meeting of August 23, 2011 as submitted; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

### 3. Citizens' Comments

Melinda Mitchell, 702 Ocean Boulevard, addressed City Council about the use of Greenbelt funds to purchase 3206 Palm Boulevard and the statements made that no City funds would be used to acquire this property. She voiced her opinion that, once funds are granted to the City, they become City funds. She stated that she has spoken with approximately sixty (60) island residents, the majority of whom were unaware of the City's intention to purchase the property and were against the purchase when told about it. Ms. Mitchell related that the residents did not think this acquisition was a bad idea, but they thought there were better uses for the money. She suggested that City Council may have misunderstood how the funds could be used or looked at a limited number of projects. She indicated that a primary reason that the Charleston County Parks and Recreation Committee (CCPRC) had voted not to recommend the purchase to County Council was that the amount of money available from this source would be insufficient to make the purchase. In Ms. Mitchell's opinion, the funds would have a greater impact toward purchasing conservation easements; for the island communities, an allowable use of the Greenbelt funds would be to make minor improvements to land that the City already owns. At the CCPRC meeting, they had suggested using the funds to improve public access to the beach, and the purchase of 3206 Palm would do little to improve public access in Ms. Mitchell's view. Ms. Mitchell reported that she had spoken with three (3) Councilmembers who stated that they had voted to support the purchase because they understood that the money had to be used to buy land. Agreeing with the CCPRC, Ms. Mitchell suggested turning the nine (9) holes of the Wild Dunes golf course outside of the gates into a conservation easement, preventing the land from being developed in the future, possibly, buying a strip along the Intracoastal Waterway to prevent the construction of additional docks, placing a public beach access path between 46<sup>th</sup> and 49<sup>th</sup> Avenues, or improving handicap access to the beach. Ms. Mitchell concluded her remarks by asking that City Council consider other uses for the Greenbelt Funds.

Diane Oltorik, 15 Ocean Park Court, thanked City Council for their support of her efforts to establish a medical equipment loan closet on the island and to the administration for their efforts to make the loan closet a reality. In addition, she thanked Councilmember Bettelli for including

the loan closet on the Public Safety Committee's October agenda; she stated that she would be present to address any questions or concerns the Committee may have.

Jimmy Carroll, 11 Tabby Lane, voiced his agreement with Ms. Mitchell's comments and stated that he would like to see the City hold a referendum, thereby putting the onus on the people, before making a decision to spend such a large sum of money to buy property on Palm Boulevard "to be used as a passive park."

Mayor Cronin clarified that the golf course holes outside of the gates of Wild Dunes are already restricted by their deeds and cannot be developed; independent of that, the Mayor indicated that the original owner, the Beach Company, placed restrictions on the property that do not expire for another fifteen (15) years.

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

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

From the regular meeting of September 20, Mayor Cronin reported that the financial data through the second month of the fiscal year indicate that revenues are greater than expected and expenditures less than expected. Tourism revenues reported were from Hospitality Taxes which were lower than budgeted because a major taxpayer was two (2) months behind in payment and from Municipal Accommodations Taxes which were fourteen percent (14%) higher year-to-date than in FY11.

Reporting on the City's major projects, the Mayor stated that the City has received the OCRM permit for the focused erosion project and that the comments period for the permit ended on September 14; the Corps of Engineers permit is still pending. The 54<sup>th</sup> to 57<sup>th</sup> Avenue drainage project has been completed; the City will seek permission from Charleston County to use the balance of one hundred forty-five thousand dollars (\$145,000) to begin work on the next phase. The balance in the City Hall Renovations project will be used for the activities related to the demolition of 1301 Palm.

In Old Business, the Committee discussed the draft Request for Qualifications developed by staff related to beach access parking and decided to return it to the Planning Commission for more consideration. In addition, Council will coordinate with the Planning Commission for workshops/hearings with citizens from different sections of the island before hiring a consultant.

##### **1. Approval of up to \$30,000, if necessary, from the Marina Fund for GEL sampling and analysis plan and initial sampling with subsequent testing.**

Mayor Cronin explained that, because this dredging project will turn the corner from Morgan Creek into the Intracoastal Waterway, the Corps of Engineers is requiring testing of the spoil material to determine its size and chemical composition.

**MOTION: Councilmember Loftus moved to approve up to \$30,000, if needed, from the Marina Fund for the sampling and analysis plan and initial sampling with subsequent testing; Councilmember Bergwerf seconded.**

Mayor Cronin explained that, if eighty-five percent (85%) of the spoil material is as large as a grain of sand, the City will be exempt from further testing, because material of that size is not as absorbent; the development of the plan and initial size determination will cost approximately ten thousand dollars (\$10,000). If less than eighty-five percent (84%) of the spoil material is smaller than the size of sand, additional testing will be required to determine what chemicals it might have absorbed; this testing would add another twenty thousand dollars (\$20,000) to the cost. In an effort to keep the dredging project on target for this year, Council is being asked to approve up to thirty thousand dollars (\$30,000).

**VOTE: The motion PASSED UNNIMOUSLY.**

**2. Approval to make repairs to 21<sup>st</sup> Avenue storm drain and to seek reimbursement from Charleston County Stormwater Fees.**

As a point of information, Mayor Cronin explained that the Public Works Committee has authorized the repairs to the drainage pipe on 21<sup>st</sup> Avenue and to seek reimbursement from the stormwater fees collected from island residents and administered by Charleston County.

**3. Discussion of FY11 Year-end Gain**

Mayor Cronin announced that the City had a gain in the General Fund for FY11; the gain of five hundred seventy-one thousand dollars (\$571,000) can be attributed to revenues being fifteen percent (15%) greater than expected and expenditures being reduced to eight-five percent (85%).

The Mayor took a moment to thank the City Administrator, department managers and all employees for their diligence in monitoring expenses as they did in FY11.

Mayor Cronin stated that he recommended transferring the FY11 gain to the Capital Projects fund while maintaining the General Fund cash balance at thirty percent (30%) of annual budgeted expenditures.

**MOTION: Mayor Cronin moved to transfer the FY11 General Fund gain to the Capital Projects Fund as unassigned; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

**4. Update of Status of Acquisition of Property for Open Space**

Administrator Tucker took the podium to guide the audience through a brief PowerPoint presentation related to the City's activity to-date to acquire 3206 Palm Boulevard; a copy of the presentation is attached to the historical record of the meeting.

The Administrator started her presentation program by quoting from the City's Comprehensive Plan that Goal 3.4 is to "promote the maintenance of green space throughout the island."

Administrator Tucker proceeded to give the history behind the City's attempt acquire the lot located at 3206 Palm Boulevard; the lot is centrally located on the island, remains untouched by developers and has been owned by one (1) family since 1945. The acquisition of this property is the City's third (3<sup>rd</sup>) attempt at using the Greenspace Funds allocated by Charleston County; the other attempts were the purchase of property at 45<sup>th</sup> and Palm and the property known as the "7<sup>th</sup> Avenue triangle."

When the property was appraised in 2011, it appraised at approximately one million three hundred thousand dollars (\$1,300,000). In April of this year, City Council passed a resolution authorizing the submittal of a grant application to the Greenbelt Fund which has a sum of approximately four hundred seventy-four thousand dollars (\$474,000) earmarked for the acquisition of open space on the Isle of Palms. Subsequently the application was submitted, and Charleston County Council approved the funding application in its August 2011 meeting.

The vision for the property is to trim the vegetation, provide a pedestrian pathway and to provide a virtually untouched space for quiet enjoyment. As is the case along Palm Boulevard, parking would continue to be allowed in the right-of-way; the lot will not be turned into a parking lot or a playground, and no City funds will be used in the acquisition.

Future steps are to continue to seek funds to purchase the property. The City plans to submit a Land and Water Conservation Fund application; the letter of intent will be issued in November 2011. The City has a successful track record with the source of funds; in the past, the City received funds to help with the purchase of the Front Beach parking lots. A second source is the South Carolina Conservation Bank, and the deadline for application is January 31, 2012. In addition, the City is seeking donations from the community, and one (1) has been received.

At some point, the City hopes to amass sufficient funds to enter into negotiations with the owner in hopes that they will accept less than the appraised value for the property.

The Administrator took time to discuss the allowable uses of Greenbelt Funds by coastal communities, other than the acquisition of property for open space, such as improvements to boardwalks, foot bridges, unpaved trails and roadways and unpaved small parking lots. Some residents have questioned the use of Greenbelt Funds to acquire this property rather than improvements to beach access path; Administrator Tucker pointed out that other sources of money are available for access path improvements, such as Community Development Block Grant Funds used for 21<sup>st</sup> Avenue improvements. However, fewer funding sources exist to acquire property. In addition, improvements to beach access paths that the City owns would be subject to the same Greenbelt deed restrictions that will be placed on the 3206 Palm lot.

## **B. Public Safety Committee**

Vice Chair Loftus reported from the regular meeting of September 13 in which the focus of the discussion had been the safety of the City's public safety personnel when surfers are drawn to the waves when Hurricane Irene approached the shoreline. The Vice Chair referenced the

Mayor's announcement during the event that surfers who entered the water would do so at their own risk and the fact that the warning had gone unheeded by some. The Committee brainstormed ways to deal surfers in the future. The Committee agreed that an announcement from Charleston County representing all of the beach communities might be more effective, and the City Administrator was tasked with communicating the Committee's request to County officials.

In department reports, the Fire Department reported that it had responded to one hundred forty-four (144) incidents in August, and, of that number, seventy-eight (78) had been EMS calls. The Police Department dispatchers received forty-four hundred sixty (4,460) calls in August, and thirty-four hundred three (3,403) were for the Police Department.

The meeting ended with a brief discussion about the laws regarding kite boarders and swimmers; Chief Buckhannon stated that kite boarders should keep a distance of 100 hundred (100) feet from swimmers. Citizens were encouraged to notify the police when they witness infractions.

The Public Safety Committee will hold its next meeting at 5:30 p.m. on Thursday, October 6<sup>th</sup> at the Public Safety Building.

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

Chair Duffy related that Chuck Jarman of Charleston County had attended the meeting and provided the Committee information relative to the stormwater program that Charleston County administers for the City. The Committee unanimously voted to obtain bids to have the drainage repaired on 21<sup>st</sup> Avenue and to seek reimbursement for the expense from the stormwater fees being held by Charleston County for drainage maintenance on the island. The bids for drainage repairs to Sparrow Drive were to go before Charleston County Council for award at their meeting today; the notice to proceed should be issued within the month. The Chair remarked that Director Pitts had managed to replace the lawnmower referenced in the FY12 budget for five thousand dollars (\$5,000) less than was budgeted. Chair Duffy noted that the Water and Sewer Commission would be replacing water mains between 30<sup>th</sup> and 41<sup>st</sup> Avenue on Cameron Boulevard, from Palm to Cameron along 32<sup>nd</sup>, 33<sup>rd</sup>, 35<sup>th</sup>, 36<sup>th</sup>, 37<sup>th</sup> and 39<sup>th</sup> Avenues, along 30<sup>th</sup> Avenue and Wills Way; residents will receive communication from the Water and Sewer Commission before the work begins.

Chair Duffy reported that Charleston County has decided to expand its single-stream recycling program.

**MOTION: Chair Duffy moved to request involvement in the Charleston County's single-stream recycling initiative; Councilmember Bergwerf seconded.**

Chair Duffy explained that single-stream recycling is not separating paper from plastic from cans when recycling materials.

Councilmember Loftus commented that a side benefit of the City's recycling efforts had been the reduction in the garbage tonnage being taken to the landfill – a reduction in the number of

trips saving gas and personnel time. He added that residents could get more information at the County's website.

**Vote: The motion PASSED UNANIMOUSLY.**

The Public Works Committee will hold its next meeting at 4 p.m., Tuesday, October 4 in Council Chambers.

#### **D. Recreation Committee**

From the regular meeting of the Recreation Committee held September 6, Chair Bergwerf noted that the Committee had not met over the summer months to allow the Recreation Department staff to concentrate on the many programs that were being offered. The Chair held up a copy of the Department's fall activity guide to encourage residents to get one; she expressed confidence that everyone could find an activity to join, and described the Recreation Center as "the center and the heart of the island." Chair Bergwerf read off a list of the activities offered at the Recreation Center as babysitting, ballet, guitar lessons, volleyball, Barre fitness, dog obedience, yoga, hip hop, etc. The recent Middle School Dance drew two hundred fifty (250) young people on a Friday night, and the senior exercise class keeps a waiting list for participants. The annual Connector Run will be held Saturday, October 1, and Chair Bergwerf reminded island residents that the Connector would be closed between 7 am and 10 am. The Halloween Carnival is scheduled to begin at 5 p.m. on Monday, October 1.

The Chair stated, "A good example of the impact of the Recreation Department on the community . . . the Camp Summershine campers, the summer programs, 5-7 year olds, we had one hundred eighty (180) take part; 8 to 12 year olds, one hundred eighty-one (181); Wee Camp, ninety-seven (97). An overwhelming number, probably ninety to ninety-five percent (90-95%) were Isle of Palms residents. So this is a residential program and well-taken care of."

The next meeting of the Recreation Committee will be at 4 p.m., Wednesday, November 2 in City Hall.

Chair Loftus interjected that the City Council election will be in a couple of months and the message board at the foot of the Connector reads:

City Council Meeting 7 p.m.  
Auditions at the Rec

Everyone enjoyed a good laugh.

**E. Personnel Committee** did not meet in September.

Chair Thomas announced the August Safety Sweepstakes winners as:

Recreation Department – Nick Bako  
Police Department – Frank Fitzpatrick

Fire Department – Lynn Golden  
Public Works – Joseph Washington

The Personnel Committee will meet at 5:45 p.m., Wednesday, October 5 in Council Chambers.

**F. Real Property Committee**

From the meeting of September 8, Chair Loftus reported that the island did sustain some beach erosion from Hurricane Irene, but less than anticipated; Wild Dunes, on the other hand, was issued a permit to bring in sand to repair damage from the storm. In addition, City has received the OCRM permit for focused erosion, and the comment period ended on September 14<sup>th</sup>. The Consent Agreement for use of the disposal site, and the OCRM fee for in-kind service has been established at thirty-three thousand dollars (\$33,000), and the money will be used for mosquito abatement at a disposal site closer to an urban area, not the marsh behind the Isle of Palms. The Committee discussed the Intracoastal sampling and analysis that the Corps of Engineers is requiring, which was voted on earlier in this meeting. Assistant Dziuban updated the Committee on 1301 Palm reporting that the asbestos/hazardous materials testing has been contracted and quotes are being gotten for the boring and pulling of wires for the computers and electronic gates.

The next meeting of the Real Property Committee will be at 8:30 a.m., Wednesday, October 12 in Council Chambers.

**5. 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

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

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

**Petition from Residents of 54<sup>th</sup> Avenue for Restoration of the Entrance to 54<sup>th</sup> Ave**

Mayor Cronin stated that the residents had asked the City to remove the stain created from the ground water pumped during the drainage project; the matter has been referred to the Public Works Committee.

**8. Bills Already in Possession of Council** – None

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

**Joint Proclamation in Support of Local National Guard Unit**

Mayor Cronin asked Administrator Tucker to read the proclamation into the record; a copy is attached to the historical record of the meeting.

**MOTION: Councilmember Bettelli moved to approve the proclamation; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

**10. Miscellaneous Business**

**Next Meeting: 7:00 p.m., Tuesday, October 25, 2011**

**11. Executive Session**, not needed

**12. Conclusion/Adjourn**

**MOTION: Councilmember Loftus moved to adjourn the meeting at 7:53 p.m.;**  
**Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk