

CITY COUNCIL Special Meeting

6:00 p.m., Tuesday, December 6, 2011
City Hall, Isle of Palms, South Carolina

A Special Meeting of City Council was held at 6:00 p.m., December 6, 2011 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Loftus, Piening, Stone and Thomas, Councilmembers-elect Carroll and Ward, City Administrator Tucker, City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. Councilmember Duffy's absence was excused. A quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Award of Dredging Contract

Administrator Tucker referred Council to the bid tabulation included in meeting packets and commented to the "huge disparity" in the three (3) bids received; they are as follows:

| | |
|-----------------------------------|----------------|
| Mobile Dredging & Pumping Company | \$1,566,084.00 |
| Orion Dredging Services LLC | \$1,251,486.90 |
| Con-Mar Ltd., dba Marcol Dredging | \$ 423,510.00 |

The low bid is well within the budget established for the project. Marcol is the company that was contracted for the last dredging project; staff sees this as an advantage because they are familiar with the challenges at the location and are familiar with the players involved.

The Administrator reminded Council that the scope of this project is different from the prior dredging project; since the bulkhead has been replaced, the contractor will be able to dredge up to the bulkhead, the dredging depth will be twelve (12) feet, and the project extends around the corner into the Intracoastal Waterway passed the open drainage ditch at the corner of the property.

All bidders were pre-qualified by the City's engineers, and the engineers have reviewed the bids for compliance and for accuracy. Having completed that process, the engineers have recommended awarding the contract to Con-Mar Ltd., dba Marcol Dredging.

MOTION: Councilmember Loftus moved to award the contract for marina dredging to Con-Mar Ltd., dba Marcol Dredging in the amount of \$423,510, contingent upon the City's receipt of all necessary permits; Councilmember Bergwerf seconded.

Mayor Cronin stated that the contractor will be notified of Council's decision, but will not receive a Notice to Proceed until the Corps of Engineers' permit is received.

Councilmember Buckhannon asked how far into Morgan Creek the dredging would extend; Jack Walker of GEL Engineering responded that an officially designated channel flows on the

opposite side of Morgan Creek that is forty to sixty (40-60) feet wide, and the City's dredging will go to the north side of that channel, essentially all the way across the creek.

Councilmember Buckhannon also asked whether any residual silting would occur from the opposite of the creek into the dredged area, and Mr. Walker conceded that it was possible.

Councilmember Loftus requested that Administrator Tucker recount the history of involvement with the Morgan Creek Harbor Association and Dewees Island relative to this dredging project.

Administrator Tucker stated that, when the City dredged before, the project included the City of Isle of Palms, the Morgan Creek Harbor Association (MCHA) and Dewees Island; in that project, the City obtained the necessary permits while the Harbor Association and Dewees financed the dredging. When the City began work on this project, the City wanted to have another joint project and contact was made with the other partners. Several issues prohibited the partners from teaming up – among them a timing issue for MCHA, which had recently painted their bulkhead and were planning to dredge in 2013, and the 26th Avenue Canal residents needed to dredge sooner rather than later.

The City had hoped to mimic the arrangement with MCHA for this dredging project, but their board would not agree; the City then asked them to draft alternate terms. In January 2010, the City was informed that the Morgan Creek Harbor Association would not be proceeding and the City needed to go forward since the project was already a year later than it should have been. Administrator Tucker stated that she hoped that, at some time in the future, when all parties are considering dredging again, all parties could come together to reach a common goal.

VOTE: The motion PASSED UNANIMOUSLY.

3. Consideration of Appointments to Standing Committees for 2012

Mayor Cronin reviewed his appointments to standing committees for 2012 as follows:

| | |
|-------------------------|--|
| Personnel Committee | Councilmembers Bettelli, Stone, Thomas |
| Public Safety Committee | Councilmembers Bettelli, Bergwerf, Cronin |
| Public Works Committee | Councilmembers Buckhannon, Carroll, Loftus |
| Real Property Committee | Councilmembers Buckhannon, Loftus, Stone |
| Recreation Committee | Councilmembers Bergwerf, Thomas, Ward |

MOTION: Councilmember Bettelli moved to approve the appointments to Standing Committees of City Council for 2012 as presented; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY

4. Report from Personnel Committee

Consideration of Appointments to Boards and Commissions

Mayor Cronin read the recommendations for appointments to the Accommodations Tax Advisory Committee (ATAX) as follows:

Reappoint Sandy Ferencz
Appoint Mary Frances Kruesi, Frances (Franny) Russell, Jim Covington

MOTION: Councilmember Bergwerf moved to approve the appointments to the ATAX Committee as read; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

The Mayor noted that members of the ATAX Committee are required to represent a facet of the tourism industry, and David Nelson was being assigned to a Lodging seat from a Hospitality seat for the remainder of his term.

Mayor Cronin read the Personnel Committee's recommendation to re-appoint Michael Layman to the Board of Zoning Appeals (BOZA).

MOTION: Councilmember Buckhannon moved to approve the appointment to the Board of Zoning Appeals as read; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

The Personnel Committee recommended the re-appointment of Mary Carter and William Mitchell to the Code Board of Appeals.

MOTION: Councilmember Bergwerf moved to approve the re-appointments to the Code Board of Appeals as read; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

The Mayor commented that the Planning Commission has three (3) openings and the Personnel Committee has recommended the re-appointment of Diane Oltorik and Noel Scott and the appointment of Patrick Harrington.

MOTION: Councilmember Bettelli moved to re-appoint Noel Scott and Ron Denton and to appoint Patrick Harrington to the Planning Commission; Councilmember Stone seconded.

Councilmember Bergwerf remarked that, for the past three or four (3 or 4) years, the Planning Commission has undertaken the monumental task of addressing the parking problems on the island; she commented that the project is controversial, but that the group has worked long hours to develop a method of dealing with parking. She voiced her opinion that the people who have put in those long hours should be allowed to see the project through to the end.

AMENDMENT: Councilmember Bergwerf moved to amend the motion to re-appoint Ron Denton, Diane Oltorik and Noel Scott to the Planning Commission; Councilmember Loftus seconded.

Councilmember Bettelli expressed his opinion that Patrick Harrington would bring more organization to the Planning Commission and possibly make the process move smoother.

Councilmember Loftus stated that, for the past twelve (12) years, no one has been removed from the Planning Commission after serving one (1) term unless the person requested to leave. Having served on the Planning Commission and followed its work on the parking initiative, the members considered for re-appointment have worked hard to come to a resolution. In his opinion, to re-appoint Denton, Oltorik and Scott was in the best interest of the residents of the island.

Councilmember Bettelli countered Councilmember Loftus' assertion that no one had been removed after serving one (1) term; he recalled an occasion where a person was appointed to the Planning Commission to complete someone's unexpired term and that person was not re-appointed to the Commission when appointment expired.

In addition, Councilmember Bettelli stated that, when he has cause to miss a Council meeting, he can do so with confidence that others on Council will do the job who have the same information he has, and the same is true of the Planning Commission. He stated that the Planning Commission is currently in an information-gathering stage, but he hopes that, once the information is gathered, it will be studied, and actions taken on the data gleaned from residents, rather than reverting to an idea from the past. He thinks the Planning Commission needs fresh blood and fresh ideas.

Councilmember Bergwerf expressed her opinion that Councilmember Bettelli was underestimating the work that the Planning Commission has done and what they have achieved over the past two (2) years. She noted that the Commission has come up with all kinds of concepts that they have tweaked and revised; she opined that the Commission is much closer to a plan having gathered more information from residents.

VOTE ON THE AMENDMENT: The amendment FAILED on a vote of 3 to 7; Councilmember Bergwerf, Loftus and Mayor Cronin supported the motion.

As discussion turned to the original motion, Councilmember Piening stated that he had served as chair of the Personnel Committee for three (3) years, and the unwritten policy was that people could serve two (2) terms. If other island residents were interested in serving, persons who had completed two (2) terms were replaced. The goal was "to get more people involved in government and excited about the island." He recalled one instance when Dick Watson completed an unexpired term and served a full two (2) year term, but was not appointed for another full term; he thought this was the situation Councilmember Bettelli was remembering. He commented that, at the Committee meeting, he had interpreted Councilmember Bettelli's statements as being strongly opposed to the re-appointment of Diane Oltorik. Councilmember Piening explained that he had not supported the re-appointment of Ron Denton because Mr. Denton has served four (4) terms on the Planning Commission. Councilmember Piening then asked Councilmember Bettelli to explain why he was opposed to the re-appointment of Mrs. Oltorik.

Councilmember Bettelli answered that he wanted to get new, fresh ideas on the Planning Commission.

Councilmember Piening then asked why Councilmember Bettelli was supporting the re-appointment of Ron Denton if he wanted someone new.

Again Councilmember Bettelli stated that he thought Patrick Harrington would “do a great job.”

Councilmember Buckhannon recalled that Lisa Safford had served a partial term but had not been appointed to a full term when the annual appointments were made.

VOTE ON MOTION: The motion PASSED ON A VOTE of 7 to 3; Councilmembers Bergwerf, Loftus and Thomas cast the “nay” votes.

5. Consideration of Appointment of City Attorney and Assistant City

MOTION: Councilmember Bettelli moved to re-appoint Stirling Halverson to the position of City Attorney and Clay McCullough to the position of Assistant City Attorney; Councilmember Bergwerf seconded.

Mayor Cronin stated that the City has been well-served by its attorneys.

At Councilmember Loftus' prompting for a speech, Attorney Halverson commented that working with the City has been a pleasure over the past year and she hoped that she would be re-appointed.

The Mayor noted that most members of Council do not know how much the City Administrator depends on the counsel of the City Attorney “to provide clear and concise advice.” He explained that not all members of Council have direct access to Attorney Halverson; Council goes through the Administrator Tucker for its communications with the City Attorney. In conclusion, he thanked the City's legal staff “for their fine work.”

VOTE: The motion PASSED UNANIMOUSLY.

6. Consideration of Appointment to CARTA Board of Directors

Mayor Cronin announced that Councilmember Bettelli had volunteered again to be the City's representative on the CARTA Board of Directors.

MOTION: Mayor Cronin moved to appoint Councilmember Bettelli to the CARTA Board of Directors; Councilmember Loftus seconded.

The Mayor noted that service on this board “is time-consuming and, in some cases, an emotionally-charged;” he added that it is difficult task to represent a barrier island and talk about the transit authority that serves the greater Charleston area.

VOTE: The motion PASSED UNANIMOUSLY.

Mayor Cronin indicated that he would continue to serve on the Council of Governments (COG) and on the Charleston Visitors Bureau.

7. Executive Session – unnecessary

8. Miscellaneous Business

Mayor Cronin reminded Council that the inauguration of the newly-elected Councilmembers would take place at 6:00 p.m. on Tuesday, January 3, 2012. The next regularly scheduled Council meeting will be at 6:00 p.m., Tuesday, January 24, 2012.

The third and final Parking Open House will be at 5:30 p.m. Tuesday, December 13th at the Exchange Club. The Mayor remarked that the first two (2) open houses have been “worthwhile” in that citizens have come out to share their insights and provide input to the Planning Commission and City Council.

9. Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 6:30 p.m.; Councilmember Bettelli seconded.

Prior to the vote to adjourn the meeting, Mayor Cronin thanked Councilmember Piening for his service to the City and commented that the City has been well-served and is better off for his efforts.

VOTE: The motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk