

## CITY COUNCIL

7:00 p.m., Tuesday, May 19, 2009

The City Council of the City of Isle of Palms held its regular meeting at 7:00 p.m. on Tuesday, May 19, 2009 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening and Taylor, Mayor Cronin, City Administrator Tucker, City Attorney Sottile, Assistant to the Administrator Dziuban, and City Clerk Copeland. Councilwoman Rice had a business conflict; her absence was excused. There was a quorum present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and the public had been duly notified of the meeting in accordance with the Freedom of Information Act. He offered the invocation and led the Pledge of Allegiance.

Mayor Cronin noted that the videographer had not arrived; he, therefore, requested a change in the *Agenda* whereby the swearing in of Councilwoman Bergwerf would not occur until the videographer has arrived to capture it. He also chose to postpone the roll call until after the swearing in ceremony.

### 3. Reading of the Journal of Previous Meetings

**MOTION: Councilman Bettelli moved to approve the minutes of the regular meeting of April 28, 2009 as submitted; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.**

### 4. Citizens' Comments

Jim Raih, 40 Forty-first Avenue, expressed his opinion that the City should review the structure of ordinances and how they are done; he stated that, to hear comments from the public and to vote on second reading and ratification of that ordinance thirty (30) minutes later, did not provide Council members sufficient time to digest what had been said before being asked to vote. He was aware that it would take an ordinance to change the ordinance, but he suggested that the Council take his comments under advisement.

### 5. Reports from Standing Committees

#### A. Ways and Means

1. **Approval of Change Order #10 to Mashburn Construction in the amount of \$17,312 and the addition of nineteen (19) days to the contract making June 16 the date of substantial completion June 13, 2009.**
2. **Approval of Change Order #11 to Mashburn Construction in an amount not to exceed of \$27,288 for the addition of motorized air dampers top the 3<sup>rd</sup> Floor (\$19,560), the addition of cooling equipment to the elevator machinery (\$7,728), and the addition of three (3) days to the contract making the date of substantial completion June 16, 2009.**

**MOTION:** Councilman Taylor moved to approve Change Order #10 to Mashburn Construction in the amount of \$17,312 and Change Order #11 to Mashburn Construction in an amount not to exceed \$27,288 and adding a total of twenty-two (22) days to the contract; Councilman Loftus seconded and the motion **PASSED UNANIMOUSLY.**

3. **Award of Contract to Motorola in the amount of \$5,396.77 for the purchase and installation of two (2) eight (8) port control station combiners and two (2) omni antennae.**

Councilman Taylor explained that the cost had been revised down to reflect a credit from Motorola for the antennae purchased in the initial radio purchase in 2008.

**MOTION:** Councilman Taylor moved to award a contract to Motorola in the amount of \$5,396.77 for the purchase of two (2) eight (8) port control station combiners and two (2) omni antennae; Councilman Loftus seconded and the motion **PASSED UNANIMOUSLY.**

4. **Authorization for the Police Department to apply for grants through the United States Department of Justice, Office of Justice Programs for two (2) automated license plate recognition systems and twenty-two (22) security cameras.**

**MOTION:** Councilman Taylor moved to authorize the Police Department to apply for grants as described above; Councilman Bettelli seconded.

Councilman Buckhannon re-stated that he has no issues with security cameras being placed on City property, but he did not think to be the City's business to know his comings and goings from the island.

Councilman Loftus explained that the purpose of license plate recognition systems was to allow the police to understand who is on the island with stolen vehicles, thus providing another layer of security for the island's residents. He noted that the license plate recognition system represents cutting edge technology that is being used successfully in other communities; he added that he thought it would be a great way to upgrade security on the island.

Councilman Bettelli pointed out to the Committee that this grant did not require any kind of matching funds from the City. He stated that it was important that the island continue to be secure, and he sees the cameras as a means of augmenting the Police Department; therefore, keeping the island a great place to live.

**Call for the Question:** The motion passed on a vote of 6 to 2; Councilmen Buckhannon and Piening cast the "nay" votes.

5. **Authorization to sell the tent which houses the Fire Department vehicles to Surfside Beach in the amount of \$3,000.**

**MOTION: Councilman Taylor moved to authorize the tent sale to Surfside Beach in the amount of \$3,000; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Councilman Taylor concluded his report stating that the budget for FY 2009-2010 was passed at the Ways and Means Committee earlier in the evening. He stated that this had been a particularly difficult year to budget; he thanked the City Administrator and Treasurer for the hours that they spent in study and preparation of the budget.

#### **B. Public Safety Committee**

Councilman Buckhannon stated that there had been a report and discussion of the progress on the Public Safety Building. Dave Johnson, the project engineer with Cole+Russell, attended the meeting and detailed the events that led to Change Order #10; Councilman Buckhannon noted that Mr. Johnson is going the extra mile to serve the City's interests. Councilman Buckhannon informed the Committee that, despite having approved twenty-two (22) days added to the contract and \$17,312, the original Mashburn claim had been for eighty-one (81) days and approximately ninety thousand dollars (\$90,000). He stated that there had been a slowdown in the work at the Public Safety Building as they were waiting for the delivery of the roof panels, but the panels have arrived and installation is beginning. There was discussion about asking Charleston County patrol officers to augment the City's Police Department on the weekends during the tourist season. Lively discussion centered on the Police Department's grant request.

Mayor Cronin stated that the City now has a contractual completion date for the Public Safety Building of June 16, but he asked the Administrator whether the building would be complete by that date; Administrator Tucker stated that she did not think Mashburn could meet the June 16 date.

Councilman Buckhannon informed the Committee that there was to be a motorcycle ride on Saturday, June 20, 2009; the motorcycles will ride through the island, but will not stop.

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

Councilman Bettelli initiated his report stating that the highlights of the April departmental report were that the installation of the nine-inch (9") street signs and the beginning of the twice a week garbage pickup. He stated that Sandy Stone and the employees of Keller-Williams Realty provided a great service to the City by volunteering to paint the exterior and handrails of the public restroom on Front Beach; Councilman Bettelli voiced the City's thanks for their work. He related that there had been four (4) late bids for the Disaster Debris Removal RFP, and, after discussion, the Committee agreed to allow these bids to be opened, because the reason for the lateness of the bids was that the carrier had experienced plane problems. The Committee submitted the following three projects to the Charleston Transportation Committee (CTC) for possible funding: 1) 54<sup>th</sup> – 57<sup>th</sup> Avenue Drainage Project, 2) improvements to the curve at 21<sup>st</sup> Avenue, and 3) paving of 18<sup>th</sup> Avenue.

**D. Recreation Committee**

In Councilwoman Rice's absence, Vice-Chair Duffy provided the Committee with the report; he stated that April had been a very busy month for the Recreation Department. The Easter Egg Hunt was a huge success, as was Spring Break week, and the Bike Rodeo was May 2. There are two (2) new programs being offered, i.e. line dancing and Saturday yoga. The Committee also reviewed the history of surf camp on the island. Piccolo Spoleto comes to the Beach on Saturday, May 23 with the sand sculpting contest that begins at 9 a.m. Everyone is encouraged to attend "The Wizard of Oz" at the Recreation Center that will run from Wednesday, June 3 through Saturday, June 6.

**E. Personnel Committee**

The Personnel Committee did not meet in the month of May 2009. Councilman Piening read aloud the winners of the Safety Sweepstakes for April as Lillian Hill of the Fire Department, Dawn Caldwell of the Police Department, Joseph Ancrum of the Public Works Department and Nick Bako of the Recreation Department.

**F. Real Property Committee**

Mayor Cronin stated that twenty-five (25) engineering cadets from the Citadel had spent their semester studying the layout and gathering information to provide the City with several options to improve parking at the marina; they gave their preliminary findings at the Real Property Committee meeting, took comments from the Committee, will gather additional information over the summer and present their proposals to the City in September.

The marina manager informed the Committee that SCE&G had replaced the transformer, and he is in the process of replacing the fuel lines. The 10<sup>th</sup> Anniversary of the City's ownership of the marina was a tremendous success with approximately four hundred (400) people celebrating, and in excess of nine hundred dollars (\$900) was collected for the MUSC Children's Hospital.

The Beach Restoration Project continues as the sand fencing has been placed and the vegetation planting is to follow.

A special meeting was held on May 7, 2009 where the Committee reviewed the questions and concerns submitted by Council members and the staff's responses to them to determine what, if any, changes should be made to the Marina Management RFP. Changes were made to the RFP concerning insurance coverage and preparation of primary infrastructure items that would be the City's responsibility should repair and/or replacement be necessary. Also, the Committee decided to evaluate bidders' qualifications separately from pricing. The staff is making the changes to the RFP to have it published early in June 2009; bids are requested in two forms, both lease and management agreement.

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

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

**7. Reports from Special of Joint Committees**

**Accommodations Tax Advisory Committee**

Administrator Tucker stated that she had committed to the Chairman that she would report to City Council on the meeting. The meeting was called to review the most recent version of the FY 2009-2010 budget; Chairman Ward made several recommendations for cuts to the budget that were not supported by the balance of the Committee. Among the suggested cuts were a reduction in the amount spent for t-shirts and website maintenance, postponement of purchasing a police vehicle and a Fire Department jet ski, elimination of the pooper scooper stations and reducing the contracted services for cleaning the beach by one-half.

Mayor Cronin indicated that he was aware of the Chairman's concern that the City will be using fund balance to support the items normally attributed to the Accommodations Tax fund. Mayor Cronin also reported that the fund balance was in excess of nine hundred thousand dollars (\$900,000) and the amount to be used in FY 2009-2010 was approximately fifteen percent (15%).

**8. Petitions Received, Referred or Disposed of - None**

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

- A. Second Reading of Ordinance 2009-02 – An Ordinance Amending Section 5-4-58 of the City of Isle of Palms Code of Ordinances Relating to the Granting of Zoning Variances.**

**MOTION:** Councilman Loftus moved to approve for Second Reading and Ratification Ordinance 2009-02 and to waive the reading of said Ordinance; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

- B. Second Reading of Ordinance 2009-07 – An Ordinance to Raise Revenue and Adopt a Budget for the City of Isle of Palms, South Carolina, for the Fiscal Year Beginning July 1, 2009 and Ending on June 30, 2010.**

**MOTION:** Councilman Bettelli moved to approve for Second Reading and Ratification Ordinance 2009-07 and to waive the reading of said Ordinance; Councilman Taylor seconded.

Mayor Cronin stated that the budget had been well developed and complimented the staff for their hard work and for pointing out to Council cost-saving measures, and City Council for their efforts to reduce everything that was possible, yet maintain the level of services that the

residents have come to expect from the City. The Mayor expressed particular thanks to Councilman Taylor who led City Council through this difficult budget year.

Councilman Taylor asked to correct the statements made in *Citizens' Comments* about the savings to the City of the Council's green initiative, going paperless; Councilman Taylor stated that the savings to the City would amount to some three thousand dollars (\$3,000) per year in the cost of paper and that the City would get payback in two to three (2-3) months despite purchase two (2) laptops or other electronic devices.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

- C. Second Reading of Ordinance 2009-08 – SERIES 2009 Bond Ordinance Authorizing the Issuance of not Exceeding \$6,000,000 Water and Sewer System Revenue Refunding Bonds, Series 2009, of the City of Isle of Palms, South Carolina; to Provide for the Use of the Proceeds; to Provide for the Terms and Conditions upon Which the Series 2009 Bonds will be issued; to Provide for the Repayment Thereof and Security Therefor; and to Provide for Other Matters in Connection Therewith.**

City Attorney Sottile noted that technical amendments had been made to this Ordinance since first reading; therefore, Council needed to approve the amendments, then have Second Reading on the amended Ordinance. John Rosen, of the McNair Firm and the Water and Sewer Commission's bond attorney, agreed that the changes had been superficial in nature.

**MOTION: Councilman Taylor moved to approve the amendments to Ordinance 2009-08; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

**MOTION: Councilman Taylor moved to approve for Second Reading and Ratification of Ordinance 2009-08 as amended, and to waive the reading of the Ordinance; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Mr. Rosen congratulated the Water and Sewer Commission for achieving an A1 credit rating.

- D. Second Reading of Ordinance 2009-09 – An Ordinance Amending Ordinance 2008-09 to Provide for a Savings Provision in the Adoption and Enactment of the new City Code for the City of Isle of Palms.**

**MOTION: Councilman Bettelli moved to approve for Second Reading and Ratification of Ordinance 2009-09 and to waive the reading of said Ordinance; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

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

**First Reading, by title only, Ordinance 2009-10 – An Ordinance Amending Title 7, Chapter 3 of the City of Isle of Palms Code of Ordinances to Create a Swimming Zone and Establish Certain Regulations Therefor.**

Mayor Cronin stated that this was a draft that has been in process between the City Attorney and staff to define the responsibilities of the County's lifeguards on City property; he indicated that, after First Reading, the Ordinance would go to the Public Safety Committee to make a recommendation about Second Reading.

Attorney Sottile noted that he has gotten feedback from Charleston County Parks and Recreation and the City's public safety staff, so Council needs to approve the red-lined, amended version of the Ordinance. The red-lined version incorporates the input from the County and City's staff.

**MOTION: Councilman Bettelli moved to approve the amendments to Ordinance 2009-10; Councilman Taylor seconded.**

Councilman Buckhannon asked for confirmation that the ordinance would be in effect only when lifeguards were on duty; Mayor Cronin stated that was the correct interpretation. Attorney Sottile added that the prohibition for surfing, for example, was only when the lifeguards were on duty between 10 a.m. and 6 p.m. in that area.

Councilman Duffy asked if the County was in agreement with the content this ordinance and had provided feedback to it; Attorney Sottile said that they had provided input.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

**MOTION: Councilman Bettelli moved to approve for First Reading, by title only, the amended Ordinance 2009-10; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.**

**2. Swearing in Ceremony of Council member-elect Bergwerf**

Since the videographer had arrived and set up, Mayor Cronin asked that Council member-elect Bergwerf come forward to be sworn in. Ms. Bergwerf had asked Catherine Malloy to hold the Bible for her ceremony, and Mayor Cronin administered the oath of office.

Before proceeding with the meeting, Mayor Cronin called for a roll call.

**11. Miscellaneous Business**

**MOTION: Councilman Bettelli moved for Councilwoman Bergwerf to replace Mayor Cronin on the Public Works Committee; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

12. **Executive Session – No**
13. **Conclusion/Adjournment**

**MOTION: Councilwoman Bergwerf moved to adjourn the meeting at 7:58 p.m.; Councilman Duffy seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk