

CITY COUNCIL

7:00 p.m., Tuesday, September 22, 2009

The City Council of the City of Isle of Palms held its regular meeting at 7:00 p.m., Tuesday, September 22, 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, Rice and Taylor, Mayor Cronin, Administrator Tucker, Assistant City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. There was a quorum 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. The Pledge of Allegiance was recited after the Mayor offered an invocation that was followed by the roll call by the City Clerk.

2. Approval of the Minutes of the Previous Meeting

MOTION: Councilwoman Rice moved to approve the minutes of the regular meeting of August 25, 2009; Councilman Bettelli seconded.

Two (2) amendments were offered to the minutes; they are as follows:

- 1) Mayor Cronin directed attention to page 5, point four (4) at the top of the page where summer is indicated twice; the second reference should be winter; and
- 2) A second correction was on page 13 where the candidate forum will take place October 28th, not 25th.

Call for the Question: The minutes were UNANIMOUSLY APPROVED as amended.

3. Citizens' Comments

Mayor Cronin introduced Wayne DeWitt, Berkley County Sheriff, to present the Isle of Palms Police Department with its State Accreditation. Sheriff DeWitt recognized the fact that the City's Police Department has been also nationally accredited since 2002; the national recognition requires a re-accreditation process every three (3) years. When initially accredited, a department has a set of standards to which it must adhere; at re-accreditation, the department must have documented evidence that it has followed those standards, as well as on-site assessors who inspect the processes and procedures. Sheriff DeWitt recognized Chief Buckhannon as a national assessor and Sergeant Usry as a state assessor; the Sheriff commented that Chief Buckhannon and Sergeant Usry had reviewed Berkeley County's policies and standards and had aided in that re-accreditation.

Sheriff DeWitt stated the following as benefits to having an accredited public safety agency:

- Control of liability insurance costs;
- Stronger defense against lawsuits and citizens' complaints;
- Greater accountability within the agency;
- Staunch support from government officials;
- Increased community advocacy;
- Goals of accreditation standards strengthen crime prevention and control capabilities;

- Formalization of essential management procedures;
- Establishment of fair and non-discriminatory personnel practices, etc.

Sheriff DeWitt concluded his comments with the statement that “(the City’s) Police Department here is a premier law enforcement agency, not only in South Carolina, but in the United States of America.” At that time, he called Chief Buckhannon and Sergeant Usry to join him at the podium to present the plaque representing the Isle of Palms’ Police Department’s accomplishment.

Mayor Cronin stated that the City has always been proud of its officers, but that it was gratifying to know that the City’s Police Department is recognized in the state and the nation as being great servants for the community.

4. Reports from Standing Committees

A. Ways and Means Committee

1. Approval of 2009 millage rate of 22.2 mills (same as 2008-2009)

Councilman Taylor reported that the Committee had reviewed the financial status of the City being two (2) months into a new fiscal year. He added that, when the current budget was being prepared, City Council had taken action to increase the millage by the state’s allowed amount, but, due to the hard work of the entire team within the City, the millage rate would not be increased, but remain at 22.2 mills for the property tax year 2009. Councilman Taylor thanked the City Council and the City’s management team for their cost-saving efforts in the past year that have made this possible. He added his opinion that this was a great accomplishment for the City in the current economic climate.

2. Award of Contract to Liollo Architecture in the amount of \$19,440 for Architectural/Engineering Services for City Hall Renovation.

Included in the overall plan for the Public Safety Building were the renovation of City Hall to house both General Government and the Building Department and the demolition of the structure presently housing the Building Department. There were four (4) qualified bidders for this project, and the bids ranged from approximately thirteen thousand to sixty thousand dollars (\$13,000-60,000); the initial motion had been to accept the lowest bidder, R.J. Denton Architecture, but the vote had been five to four (5-4) to defeat the motion. Subsequently, the Ways and Means Committee had entertained the following motion:

MOTION: Councilman Taylor moved to award the architectural/engineering contract to Liollo Architecture in the amount of \$19,440 for the renovation of City Hall; Councilwoman Rice seconded.

Councilman Taylor indicated that he had not supported this motion at the Ways and Means meeting based on cost. Councilman Loftus commented that his support had come from his feeling best deal is not always the one (1) that has the lowest bid and the fact that Liollo has a great deal of experience in this type of work.

Call for the Question: The motion PASSED on a vote of 8 to 1 with Councilman Taylor casting the dissenting vote.

3. Recommendations from the Public Safety Committee
 - a. Approval of donation of temporary evidence lockers in City Hall to Sullivan's Island Police Department.
 - b. Approval of Change Order #14 to Mashburn Construction in the amount of \$43,016.
 - c. Consideration of action regarding reconfiguration of 41st Avenue and Palm Boulevard Intersection.

MOTION: Councilman Taylor moved to approve all three (3) actions listed above; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

4. Recommendation from the Personnel Committee to use \$21,000 to transition to a performance-based compensation program.

MOTION: Councilman Taylor moved to approve the recommendation from the Personnel Committee for \$21,000 to transition to a performance-based compensation program; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

5. Recommendation to fund \$18,000 from the "Aisle of Palms" fund toward the Front Beach Lighting Project

MOTION: Councilman Taylor moved to approve the recommendation for \$18,000 from the "Aisle of Palms" to fund the Front Beach Lighting Project; Councilman Bettelli seconded.

Councilman Taylor noted that this project would replace "perpetually defective or non-working lighting with something more energy efficient that will last a long time." Councilman Bettelli added that the City had received a grant in the amount of thirty-four thousand dollars (\$34,000) to bring the total of the project to fifty-two thousand dollars (\$52,000). Mayor Cronin reported that the City was the only municipality in the three (3) county area to participate in this program.

Call for the Question: The motion PASSED UNANIMOUSLY.

B. Public Safety Committee

Councilman Buckhannon reported that discussions included the ribbon cutting for the Public Safety Building scheduled for 5:30 p.m. on Friday, September 25; the change orders that were approved related, in part, to changes in codes between design and completion; the need to hire a civil engineer for the 41st Avenue intersection; and the donation of the evidence lockers. He explained that the evidence lockers have no use in the new building and would make a significant change for Sullivan's Island. Councilman Buckhannon recognized the work done by

Administrator Tucker and her staff in acquiring grants for the City, in new lighting for instance. But he acknowledged that the City had not been successful with the grants the Police Department had sought for in-car cameras and mobile data terminals.

In conclusion, Councilman Buckhannon announced that the Fire Prevention Parade would be at 4:30 p.m. on Wednesday, October 7 beginning at the Public Safety Building and making its way to Sullivan's Island.

At this time, he asked Chief Graham to provide an update on the progress being made with the digital radio issues. Chief Graham said that a Digital Radio User Group Advisory Board has been formed made up of public safety agency representatives from across the county, the Charleston County Radio Department and the vendor Motorola; several meetings have taken place. Parts of the group's charter are to help to determine the current problems and the future digital radio needs. The determinations to-date are that countywide problems exist, a definition of problem criteria is needed and the need for radio communication inside light to medium construction type structures requires improvement.

As of August 17, 2009, Charleston County was moving forward with a 2-phase project; phase 1 consists of the addition of three (3) towers to assist with areas east of the Cooper River and Folly Beach. This phase will involve elevating the new Six Mile tower, plus upgrading it to a simulcast tower, the addition of a tower at Sewee and a third tower at Folly Beach. Chief Graham noted that the most significant problems with the digital system are occurring East of the Cooper, and these towers are to address those issues. Phase 2 of the plan is to add six (6) towers throughout the county.

Currently Charleston County and Motorola are meeting to discuss contracts, pricing, and implementation. The group's goal is to ensure that the plan is executed completely.

As recommended by Motorola and Charleston County, the combiners were installed in the new dispatch center, but the Fire Department has not seen an improvement in transmissions; the Fire Department continues to experience missing transmissions primarily from the field units to the dispatch. The Chief reported that the bi-directional amplifier in the new building, which serves to boost the signal as it comes into the building to allow persons to communicate within the building, is working quite well.

Mayor Cronin asked who would fund these new towers; Chief Graham responded that she is doubtful that anyone knows what the ultimate price tag will be, but there are discussions about seeking countywide grants to offset the costs.

C. Public Works Committee

From Director Pitts' monthly report, Councilman Bettelli related that there were fewer beach sweeps during the month of August due to the extremely high tides. The Department of Transportation has been on the island paving, and there will be cleanup of the problems left in their wake. A meeting was held between officials of Lowe Wild Dunes Investors, City officials and the project engineer related to the 54th through 57th Avenue drainage project that was most productive; the City's engineer has made every effort to route the lines to avoid any re-location

whenever construction begins on planned phases of the Village. Due to the type of trees available through the Palmetto Pride Tree Grant program, the City has decided not to pursue grants. Efforts will be made for better cleanliness from the multiple entities responsible for the cleanup of the Front Beach access path near the public restrooms. Councilman Bettelli reported that beach monitoring results for August had been good; the City has experienced a perfect summer. Tree trimming was completed on 32nd Avenue today. Recycling will be tested at the Front Beach in the area of the public restrooms.

D. Recreation Committee

Councilwoman Rice announced that the Fall Program Guides were available and that there were many new programs being offered. The Wellness Program held September 17 was hugely successful; it was open to the entire City. The Connector Run will be Saturday October 3. As Committee chairwoman, she was very proud to announce that the Recreation Department for the City of Isle of Palms was selected the 2009 Agency of the Year by the South Carolina Parks and Recreation Department. Councilwoman Rice expressed how much she had enjoyed serving as Chair for the Recreation Committee and that the City's recreation facility and staff were a source of great pride for the island.

Mayor Cronin asked if information was available on how many flu shots had been given or how many people had attended the Wellness Program. Director Page responded that approximately two hundred (200) people had signed in, but she did not think that included everyone; she added that fifty (50) persons had fasting blood work. The Director stated that she had been very pleased with the turnout for the event.

E. Personnel Committee

Councilman Piening reported that there had been two (2) issues before the Committee, i.e. the up-coming vacancies on boards and commissions and the performance-based compensation program. The new applicants for boards and commissions will be interviewed in October; dates are yet to be determined. The majority of time was spend on the compensation program for the City's employees; the goal of the plan is to ensure that the best employees are compensated as well as possible. He explained that currently employees are compensated from two (2) pools of money, a merit increase at the beginning of the calendar year and a cost of living adjustment (COLA) at the beginning of the fiscal year. The Committee agreed that it would like to combine the two (2) pools of money into one (1), and the one (1) pool would be a performance-based program. The funding approved earlier in the meeting was to bring the two (2) funds into alignment fiscally.

MOTION: Councilman Piening moved to use \$21,000 to change the present employee compensation program from a combination of COLA and merit to a performance-based system; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

Councilman Piening recounted that Telecommunicator Fran Overdorf was selected to be Employee of the Month due to her off-hours efforts to assist an island visitor to regain a wedding band and engagement ring that were lost while visiting the Isle of Palms.

Councilman Piening concluded by announcing the August Safety Sweepstakes winners:

General Government – Laura McLellan
Public Works – John Graham

Fire Department – Mike Ciappa
Police Department – Diane Tarr

F. Real Property Committee

Mayor Cronin related that Marina Manager Berrigan had reported that business over the summer had generally been good, but that August had been a slow period.

Mayor Cronin interrupted his comments to ask Administrator Tucker to inquire of the construction team on the Ben Sawyer Bridge replacement about the plans for closing down the IntraCoastal Waterway for the seven-day (7-day) period so that residents and the marina personnel can be notified in a timely manner. The Administrator informed the Mayor that the City receives electronic transmissions from the contractor when actions are to occur; these actions are posted to the City's website and transmitted to the marina manager immediately.

As the marina, Morgan Creek Grill had a very good summer, but business was beginning to taper off.

Other Committee business discussed was progress the permitting process for the additional sand fencing and the grant for Front Beach lighting. In addition, County Councilman Dickie Schweers had queried the City, on behalf of a Goat Island property owner, who was surprised that the City of Isle of Palms did not provide guaranteed fire or police protection. As Goat Island is part of the unincorporated part of the County, public safety departments of the Isle of Palms only respond as part of a mutual aid agreement.

5. Reports from City Officers, Boards and Commissions

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

Mayor Cronin stated that, in the City's ordinances under the topic of "Home Occupations," there is a limit of one (1) home business per residence; Director Kerr has received several inquiries from persons who would consider two (2) home businesses. Director Kerr has contacted surrounding municipalities and found that they have no such restriction; therefore, Mayor Cronin would like to ask the Planning Commission to review that section of the code to determine if a change would be warranted assuming there is no objection from City Council

Councilman Taylor commented that to allow more than one (1) home office could be an additional source of Business License Revenues for the City. There was agreement among Council members that this topic had been brought up for discussion in the past.

6. Reports from Special of Joint Committees – None

7. Petitions Received, Referred or Disposed of

Sidewalk Replacement/Repair on 21st Avenue

Mayor Cronin reported that members of City Council had received a petition from persons who live on 21st Avenue requesting that the sidewalk be repaired; prior to the receipt of the petition, the sidewalk was identified by the City as a critical need on the island. He noted that the repair or replacement had been on the list of items for which CTC funds were requested in June. The City does not have funds for this project, but the City Administrator has made efforts to determine all of the funding sources available for roadwork.

Councilwoman Bergwerf stated that all members of Council are available by phone at any time should residents want to express concerns.

8. Bills Already in Possession of Council

Second Reading of Ordinance 2009-13 – An Ordinance Amending the Comprehensive Plan for the City of Isle of Palms, S.C. Pursuant to the 1994 State of South Carolina Comprehensive Planning Enabling Act.

MOTION: Councilman Bettelli moved to waive the reading and to approve for Second Reading Ordinance 2009-13; Councilwoman Bergwerf seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

A. First Reading, by title only, Ordinance 2009-14 – An Ordinance Amending Title 5, Chapter 4, Article 9, Section 5-4-205 of the City of Isle of Palms Code of Ordinances to Specify the Location for and Manner of Placement for the Written Notice Required to be Conspicuously Located in all Short-term Residential Rental Dwellings and to Prohibit the Removal, Destruction or Obstruction of such Notice.

MOTION: Councilwoman Bergwerf moved to approve for First Reading Ordinance 2009-14, by title only; Councilman Loftus seconded and the motion PASSED on a vote of 5 to 4. Council members Bettelli, Buckhannon, Rice and Taylor voted against the motion.

Mayor Cronin commented that there would be a Public Hearing on this ordinance before it is presented for Second Reading.

B. First Reading, by title only, Ordinance 2009-15 – An Ordinance Authorizing the Leasing of the Isle of Palms City Marina and the Front Beach Parking Lots.

MOTION: Councilman Bettelli moved to approve for First Reading Ordinance 2009-15; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

C. Resolution Authorizing Mutual Aid Actions related to Continuity of Services during a Pandemic.

Mayor Cronin asked that Administrator Tucker read the resolution into the minutes of the meeting. A copy of the executed resolution is attached to the official record of the meeting.

The Mayor commented that Administrator Tucker has been instrumental in getting the Isle of Palms, Sullivan's Island and Mount Pleasant to reach this mutual aid agreement for the continuity of services should the area become subject to a pandemic. He stated that it is a resolution between the three (3) municipalities - Sullivan's Island, Mount Pleasant and Isle of Palms – "that basically says that we all are going to be in this together and will help each other out – whether it be fire, police and any other service we can provide mutually to get our communities back on our feet and healthy again."

Since there was no further discussion, the vote to support the resolution was **UNANIMOUS**.

10. Miscellaneous Business

Discussion of Use of FY 09 General Fund Year-end Gain

Administrator Tucker initiated her comments stating that, if City Council were to agree with the proposal being presented, the one hundred fifty-five thousand dollars (\$155,000) in the current operating budget, representing the millage increase, will be eliminated. She recounted that Treasurer Suggs has foreshadowed a surplus for FY 09, and there have been discussions about possible uses for said surplus as follows:

- Increasing the General Fund balance toward a goal of thirty percent (30%) of annual General Fund expenditures;
- Increasing the Disaster Recovery Fund;
- Increasing the Capital Projects Fund;
- Setting aside funds for the Recreation ball field reconfiguration and lighting project;
- Setting aside funds for future beach restoration;
- Eliminating the millage increase;
- Dredging of the marina; or
- Paying off the beach restoration loan early.

Administrator Tucker reviewed FY 2008-2009 financial schedules identified here as Exhibits A and B, attached to the official record of this meeting. Exhibit B titled "Fund Balance Roll Forward with Proposed FY 09 Transfers Out" indicates how the highlighted General Fund revenue and expenditure figures from Schedule A to the spread of money in and out and how the fund balances will end. The staff proposal was to retain two hundred fifty thousand dollars (\$250,000) in the General Fund, moving two hundred fifty thousand dollars (\$250,00) to the Capital Projects Fund and moving thirty-nine thousand seven hundred thirty-three thousand dollars (\$39,733) into the Disaster Recovery Fund.

Acceptance of this proposal eliminates the millage increase for the General Fund; from the Ten-year Capital Plan, Council is aware of the needs that require that the Capital Projects Fund remain healthy; and it is always prudent to move funds into disaster recovery for the island.

Administrator Tucker explained that the pages from the draft audit provided to Council members were to picture that the net effect of making the proposed changes would make it appear as though the General Fund balance has decreased when the final audit is released.

MOTION: Councilman Taylor moved to acceptance staff's recommendations for the use of the FY 2009 year-end surplus; Councilman Bettelli seconded.

Councilman Taylor noted that this topic was not discussed at Ways and Means because the auditors only completed their work toward the end of the week, and the Administrator and Treasurer have been working on the proposal since.

Mayor Cronin's only comment related to the fact that he would have liked to have seen more money available for transfer into the Disaster Recovery Fund; however, pursuant to discussions with the Treasurer and Administrator, the City would have the latitude needed to use the funds for critical events by keeping the funds unallocated and unreserved in Capital Projects and the General Fund.

Councilman Loftus expressed his desire to see additional options for uses of the City's FY 09 surplus; he particularly mentioned the dredging of the marina. Mayor Cronin confirmed with Treasurer Suggs that, if the surplus were moved into an unreserved fund, there was no impediment from moving funds from an unreserved fund to more specific capital programs over the next several months.

Call for the Question: The motion PASSED UNANIMOUSLY.

MOTION: Councilman Taylor moved to set the millage rate at 22.2 for 2009; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

11. **Executive Session** – Not required

12. **Adjourn**

MOTION: Councilman Taylor moved to adjourn the meeting at 8:43 p.m.; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Before closing, Mayor Cronin complimented Administrator Tucker and the administrative staff for the Plant-a-Palm Ceremony held Monday, September 21 and the commemorative marker that has been put into place. He expressed his opinion that the marker has been perfectly placed and that the persons who had been involved in the project who had been able to attend the ceremony appeared to be most appreciative to see the City's recognition of their work. (Photographs from the ceremony have been posted to the City's website.)

Marie Copeland
City Clerk