

SPECIAL MEETING OF CITY COUNCIL

6:00 p.m., Tuesday, December 8, 2009

A Special Meeting of City Council was held at 6:00 p.m., Tuesday, December 8, 2009 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Duffy, Loftus and Piening, Councilmembers-elect Stone and Thomas, Mayor Cronin, City Administrator Tucker, Assistant City Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. Absences of Councilmembers Rice and Taylor were excused. There was a quorum 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. The City Clerk was asked to call the roll.

2. Consideration of Award of Civil Engineering Contract for 41st Avenue and Palm Boulevard

Administrator Tucker noted it was important to award a contract for this project in order to have the work completed before the 2010 tourist season begins. She noted that there were five (5) bidders for the civil engineering and project oversight of the project; the bids ranged from sixteen thousand one hundred fifty dollars (\$16,150) to one hundred thirty-five thousand dollars (\$135,000). The five (5) companies that submitted proposals were highly qualified in the transportation and civil engineering fields. The Administrator explained that the high bidder had, apparently, not read the RFP in detail, and subsequently, submitted a proposal for roundabout improvements, which was not requested in the RFP. Thomas and Hutton submitted the lowest bid of sixteen thousand one hundred fifty dollars (\$16,150) plus reimbursable expenses; this firm did the design and construction oversight for the Front Beach Enhancement project giving the City a history with this firm and their work. Their references were good since that time and their proposal did not contain anything unusual that should be brought to Council's attention. Staff is recommending that the City award the contract to the low bidder Thomas and Hutton.

Administrator Tucker noted that Rick Day, a representative of Stantec, the second low bidder, was present at tonight's meeting. She stated that the proposal from Stantec was excellent in that it followed the sequence set forth in the RFP and provided everything that was requested in the RFP.

Mayor Cronin indicated that members of Council had been in possession of the RFPs responses for sufficient time to study them and that further explanation was unnecessary at this time.

MOTION: Councilmember Loftus moved to award the civil engineering contract for the 41st Avenue and Palm Boulevard intersection to Thomas and Hutton in the amount of \$16,150 plus reimbursable expenses; Councilmember Bergwerf seconded.

Councilmember Duffy stated that he had studied each of the five (5) proposals and that, in his opinion, Stantec did provide a description of the project, which he did not find easily in the proposal from Thomas and Hutton. He noted that Thomas and Hutton's proposal included "a lot

of exclusions, which indicate there is a potential for add-on work, but, for which considerations were actually made in the Stantec (proposal).” For these reasons, Councilmember Duffy asked that the Council re-consider based on his approach of throwing out the high and low bids and looking for someone in the middle; in addition, he stated that Stantec submitted the most outstanding proposal.

Mayor Cronin commented that the scope of work on this project is limited to realigning the signage, the road striping and work of that nature; therefore, he was of the opinion that Thomas and Hutton could accomplish the goals of the RFP.

Councilmember Bettelli expressed agreement with the Mayor and added that, with taxpayer dollars at stake, the City could not just throw out the low bid.

Call for the Question: The motion PASSED on a vote of 6 to 1; Councilmember Duffy voted against the motion.

Before moving to the next item; Administrator Tucker noted that these civil engineering costs were not included in the fiscal budget and recommended that it be funded fifty percent (50%) from Municipal Accommodation Fees and fifty percent (50%) from Unreserved Capital Projects.

MOTION: Councilman Loftus moved to fund the project as outlined by the Administrator; Councilmember Duffy seconded and the motion PASSED UNANIMOUSLY.

3. Award of Contract to Jack L. Slagle Fire Equipment and Supply Co., Inc. in the amount of \$12,945.23 for Extrication Equipment and Award to Nafeco, Inc. in the amount of \$21,005.50 for Air Packs with Spare Cylinders.

At the request of the Mayor, Administrator Tucker explained that the City’s Procurement Code requires that all contracts greater than ten thousand dollars (\$10,000) must be approved by Council despite the fact that they might be specifically included in the budget.

The Administrator then explained how these two (2) items had, inadvertently, missed following the protocols set in place and needed to be awarded at this meeting. She also assured Council that additional internal controls had been established to ensure that there is not repeat.

The contract awards to be approved are both budgeted items for the Fire Department, i.e., extrication equipment, commonly referred to as the jaws-of-life, and air packs and cylinders that are routinely replaced.

MOTION: Councilmember Bettelli moved to approve the Award of Contract to Jack L. Slagle Fire Equipment and Supply Co., Inc. in the amount of \$12,945.23 for Extrication Equipment and Award to Nafeco, Inc. in the amount of \$21,005.50 for Air Packs with Spare Cylinders; Councilman Duffy seconded.

Councilmember Loftus asked if these purchases were within budget, and Administrator Tucker assured Council that they were close to or within the budgeted allocation.

Call for the Question: The motion PASSED UNANIMOUSLY.

4. Consideration of Appointments to Standing Committees for 2010

The Mayor's appointments to Standing Committees are attached to the historical minutes of this meeting. Administrator Tucker confirmed that no action was required on this item. Mayor Cronin stated that his appointments were in such a way that a different Councilmember could chair each committee, except for the two (2) newly elected members if the Committee so chose when they hold elections.

Councilmember Buckhannon expressed his disappointment at not being re-appointed to the Public Safety Committee.

5. Report from Standing Committee – Personnel Committee

Consideration of Appointments to Boards and Commissions

Chair Piening stated that the Personnel Committee had met the previous week to review the applicants for Boards and Commissions for 2010, and the recommendations are as follows:

ATAX	re-appoint Margaret Miller
Board of Zoning Appeals	re-appoint Arnold Karig
	re-appoint Tom Miller
Code Board of Appeals	re-appoint Ann Sherrill
Planning Commission	re-appoint Ron Denton
	appoint Diane Oltorik
	appoint Noel Scott
	appoint Bev Ballow to complete term of Sandy Stone (1 yr)

MOTION: Chair Piening moved to approve the recommendations made by the Personnel Committee; Councilman Loftus seconded.

Councilman Bettelli asked if there had not been one (1) other woman on the Planning Commission who had served only a short time; he was told that Lisa Safford had been on the Commission and had expressed the desire to continue to serve. Chair Piening confirmed that the Personnel Committee had chosen not to re-appoint Ms. Safford.

Councilmember Buckhannon recalled how difficult it was to make the annual recommendations to fill seats on boards and commissions, but stated that he could not support the appointments as presented. He expressed the opinion that persons with high standards should be appointed and that one of those recommended "has viciously attacked a Council candidate in the open press;" he added that it did "not make sense . . . to have that caliber person on the City's books."

Mayor Cronin informed the newly-elected Councilmembers that they would be allowed to vote on the appointments for Boards and Commissions, and the vote would be re-confirmed at the January meeting.

Councilmember Bettelli asked if any of the persons recommended were members of a registered political action committee; Chair Piening stated that he was not aware of any such affiliation.

Councilmember Bettelli stated that there was an organization on the island that was a registered political action committee; Councilmember Duffy responded that the IOPNA was "a civic organization that, during a campaign, files with the State Ethics Commission in order to provide support to candidates that will protect the neighborhoods." Councilmember Bettelli confirmed that the IOPNA was a registered political action committee, and Councilmember Duffy said that the IOPNA closes down after the election to serve only as 'a civic organization in support of maintaining residential life on this island.' When asked by Councilmember Piening if someone was being accused of acting illegally, Councilmember Bettelli indicated that he was simply making a statement.

Call for the Question: The motion PASSED on a vote of 6 to 3; the "nay" votes were cast by Councilmembers Bettelli and Buckhannon and Councilmember-elect Stone.

6. Consideration of Appointments of City Judges, Assistant Judge and City Attorney

Mayor Cronin explained that Attorney Sottile has retired as City Attorney after serving the City for many years. The proposed appointments are as follows:

City Judge	Jeanette M. Harper
Livability and Assistant Judge	Michael Molony
Assistant Judge	Barry C. Holden
City Attorney	Stirling Halversen

MOTION: Councilmember Bettelli moved to appoint the judges and attorney as stated above; Councilmember Bergwerf seconded.

For the record, Councilmember Buckhannon stated that Attorney Sottile had done a "phenomenal job for the City for the fourteen (14) years that he worked with the City to keep it on the straight-and-narrow." Councilmember Bettelli joined with Councilmember Buckhannon in expressing his appreciation to Attorney Sottile for his guidance to the City through some complex times. Mayor Cronin added that he had sent Attorney Sottile a personal note to convey his thanks for the job he did for the City.

Call for the Question: The motion PASSED UNANIMOUSLY.

Mayor Cronin welcomed Attorney Halversen to the staff and announced that the new City Attorney would be welcoming a new baby in June. In turn, Attorney Halversen expressed her pleasure at the appointment and that she looked forward to continuing to work with the City.

7. **Executive Session to Discuss Personnel Matters** (pursuant to §30-4-70, South Carolina Code, 1976)

MOTION: Councilmember Buckhannon moved to go into Executive Session at 6:25 p.m. to discuss personnel matters; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

City Council returned to regular session at 6:35 p.m.; Mayor Cronin announced that no action and no votes had been taken in Executive Session.

8. **Adjournment/Conclusion**

In concluding the year, Mayor Cronin again thanked Councilmembers Rice and Taylor for their years of service to the City and recalled the wall of tribute to them for the November Council meeting. He noted that they had served the City long and well and that he looked forward to the Council seated tonight to do the same.

Mayor Cronin announced that the first meeting of the new year would be at 6 p.m., Tuesday, January 5 with the swearing-in of new Councilmembers as well as Water and Sewer Commissioners.

MOTION: Councilmember Buckhannon moved to adjourn at 6:38 p.m.; Councilmember Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk