

CITY COUNCIL MEETING

7:00 p.m., Tuesday, February 22, 2011

The regular meeting of the City Council for the City of Isle of Palms was held at 7:00 p.m. on Tuesday, February 22, 2011 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Buckhannon, Duffy, Loftus, Piening, Stone and Thomas, Mayor Cronin, Administrator Tucker, Attorney Halversen, Assistant to the Administrator Dziuban and City Clerk Copeland. Councilmember Bettelli's absence was excused, but a quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public had been notified of the meeting in accordance with the Freedom of Information Act. The Pledge of Allegiance was followed by a brief invocation and roll call.

2. Appointment and Administration of Oath to New Employees

MOTION: Councilmember Buckhannon moved to appoint Christina Willson to the Recreation Department and Lynn Golden to the Fire Department; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Mayor Cronin administered the oath to Ms. Willson and Ms. Golden and welcomed them to the City.

3. Reading of the Journal of the Previous Meeting

MOTION: Councilmember Loftus moved to approve the minutes of the regular meeting of January 25, 2011; Councilmember Duffy seconded.

Councilmember Duffy noted that the minutes should be corrected to properly reflect the 53rd to 57th Avenue Drainage Project rather than the 52nd to 57th Project.

VOTE: The motion to approve the corrected minutes PASSED UNANIMOUSLY.

4. Citizens' Comments – Special Presentation

Mayor Cronin invited Guy Taylor to meet him in front of the dais to be recognized for the twenty-three (23) years of volunteer service to the City as a member of and Chair of the Board of Zoning Appeals. A copy of the proclamation is attached to the historical record of this meeting.

5. Reports from Standing Committees

A. Ways and Means Committee

Mayor Cronin reported that the target for expenditures through January 31, 2011 was fifty-eight percent (58%) and, overall, the City's expenditures were at fifty-two percent (52%). The City received two (2) major property tax collections in February, meaning that Property Tax Revenue collections are at ninety percent (90%) of budget and that the City will likely meet the FY11 budget. Revenues, in general, are at the same level as FY10 revenues through seven (7) months of the year. The City Treasurer is investigating the possibility of having a bonded security agency to count the cash and coins from City parking meters.

Tourism revenues to the City are running ahead of budget in all categories, except the Charleston County Pass-through for which the City has not received any collections to-date; State Accommodations Taxes are nine and a half percent (9.5%) higher than FY10 for the same period, Municipal Accommodations Fees are nineteen percent (19%) higher than FY10 and Hospitality Taxes are nine percent (9%) higher than FY10.

Mayor Cronin related that he has a meeting with County Council Representative Dickie Schweers later in the week to lobby for his support to have the County return to the computations used two (2) years ago in determining the distributions to local governments in the area.

The Mayor stated that Coastal Science and Engineering had made a presentation reviewing the monitoring results from March and September 2010 for the 2008 project area, and the results indicate the focused-erosion area has become stable over the past six (6) months included in the study. The PowerPoint presentation is available on the City's website for review.

1. Award of a contract to GEL Engineering in the amount of \$50,865, not inclusive of sediment testing or disposal fee, for the Engineering Design and Permitting for Marina Dredging.

Mayor Cronin commented that three (3) very competent and qualified companies had submitted comprehensive bids for the project; GEL was the low bidder. The bid does not include sediment testing or disposal fees, because they may not be necessary, but pricing for them was identified in the bid documents,

MOTION: Mayor Cronin moved to award a contract to GEL Engineering in the amount of \$50,865 for Engineering Design and Permitting for marina dredging; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

2. Approval of \$2,750 to Replace the Air Conditioning in the Cardio Room

MOTION: Mayor Cronin moved to approve the expenditure of \$2,750 to replace the air conditioning in the Cardio Room; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

3. Award of a Contract for the 53rd to 57th Avenue Drainage Project

Mayor Cronin reported that sixteen (16) companies had been present at the mandatory pre-bid conference and seven (7) had submitted bids.

Administrator Tucker explained that Civil Site Environmental had evaluated the bids, met with the low bidder and made the recommendation to City Council to award the contract to Eadie's in the amount of seven hundred ninety-seven thousand dollars (\$797,000). The Administrator noted that this amount was well within the City's budget for the project.

MOTION: Mayor Cronin moved to award a contract to Eadie's in the amount of \$797,000 for the 53rd to 57th Avenue Drainage Project; Councilmember Duffy seconded.

Councilmember Buckhannon congratulated City Council for setting aside reserves since 2000 for this project so that the City had funding available to pay for this project without borrowing.

VOTE: The motion PASSED UNANIMOUSLY.

Mayor Cronin concluded his reported stating that the Committee had reviewed FY11 Capital Projects budgets and long-range plans; all Committees will get a first look at operating budgets at their March meetings

The next meeting of the Ways and Means Committee will be at 5:45 p.m., Tuesday, March 15, 2011.

B. Public Safety Committee

In Councilmember Bettelli's absence, Councilmember Loftus presented the report of the Public Safety Committee. The Committee unanimously approved amendments to the City's alarm ordinance and zoning ordinance relative to the height and uses of communications towers; in addition, the Committee approved changes to the business license application for short-term rentals requiring working smoke detectors and emergency contact information. Following a brief discussion about sight limitations at Third Avenue, Chief Buckhannon was asked to study the issue and make a recommendation to the Committee at the March meeting. As all other committees, the Public Safety Committee reviewed the capital budgets and long-range plans for the Police and Fire Departments.

In the monthly Fire Department report, Chief Graham commented that the working smoke detectors at 622 Ocean Boulevard had warned the residents of the fire and provided them with sufficient time to evacuate the house safely and without injury.

Chief Buckhannon informed the Committee of an email scam whereby the recipient is notified of a relative or acquaintance in need of funds to be wired; the Chief stated that once money is sent via Western Union it is impossible to get back.

"Citizens' Comments" was re-opened to allow Jim Owens of Palm Boulevard to inquire about the Police Department's ability to monitor a residence when owners are away for an extended period of time; Chief Buckhannon explained the Department's Special Patrol Requests. Mr. Owens also expressed concern about emergency vehicles gaining access to private properties when vehicles are parked along the streets.

The Public Safety Committee will meet at 5:30 p.m. on Wednesday, March 2, 2011 in the Training Room of the Public Safety Building

C. Public Works Committee

Councilmember Duffy reported that the Committee had unanimously supported an amendment to the City's trash ordinances that disallows the use of plastic bags for yard debris; he explained that Charleston County will not accept plastic bags at the Bees Ferry Landfill beginning in June 2011. Once the amendment is adopted, yard debris must be placed in bio-degradable paper

bags or in large plastic containers. The Committee had reviewed the Capital Budget and Long-Range Capital Plan for the Public Works Department.

Mayor Cronin commented that Councilmember Duffy had reported on reduced garbage collections for several months; the Mayor asked whether that information could be put into graph form for Councilmembers. Councilmember Duffy and Director Pitts said they would provide it.

The next Public Works Committee meeting will be at 4 p.m. on Wednesday, March 2, 2011 in Council Chambers.

D. Recreation Committee

Councilmember Duffy gave the Committee report for Councilmember Bergwerf, who has been ill and has been left with a "raspy" throat. Councilmember Duffy announced that auditions for the spring performance of "Peter Pan" will be held Tuesday, March 22 at the Recreation Center. The most recent middle school dance was held on Friday, February 18, and more than two hundred (200) young people attended. "Doggie Day at the Rec" will be held on Saturday, February 26 starting at 9 a.m., and the first of two (2) half-rubber tournaments will take place on Saturday and Sunday, March 27 and 28. The Recreation Committee also reviewed the Capital Budget and Long-Range Plan for the Recreation Department.

The next Recreation Committee meeting will be at 4:00 p.m., March 1, 2011 in Council Chambers of City Hall.

E. Personnel Committee

Councilmember Thomas commented that the first order of business had been the election of Chair and Vice Chair for 2011; he was unanimously elected Chair and Councilmember Bettelli had been unanimously elected Vice Chair. The Committee had approved the membership in the *ad hoc* committee to study the water quality in Hamlin Creek and had agreed to reduce the percentage assigned to the subjective portion of the Administrator's review. Councilmember Thomas added that the Committee needed a representative from City Council and he asked for a volunteer.

MOTION: Councilmember Thomas moved to change the City Administrator's 2011 evaluation to have it be 85% objective and 15% subjective for 2011; Councilmember Piening seconded.

Councilmember Piening stated that the Administrator's evaluation for 2010 had been completed and that she will receive it soon. In addition, this proposed change is one that the Administrator supports. Councilmember Piening added that he would like to see the subjective portion of the evaluation completely eliminated from the Administrator's evaluation for 2012.

VOTE: The motion PASSED UNANIMOUSLY.

Councilmember Thomas noted that the Personnel Committee had reviewed the Capital Budgets and Long-Range Plans for the Building Department and General Government.

The Safety Sweepstakes for January 2011 are as follows:

Building Department – William Seabrook
Public Works Department – Russell Roper

Fire Department – Dana Burnette
Police Department – Tracy Mize

Councilmember Bergwerf volunteered to serve on the Ad Hoc Water Quality Committee; other volunteers for the committee are Mark Bayne, Brian Barcomb, Emory Brown, Rick and Claire Eads, Lynn Menches, Alan Schoultz, Paul Reddy, Thomas Campbell, Jon Summa, Ty Gosnell, Hunter Tucker and Toby VanBuren.

MOTION: Mayor Cronin moved to confirm the Ad Hoc Water Quality Committee members; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

City Council agreed that the ad hoc committee should report to the Public Works Department.

The next meeting of the Personnel Committee will be at 5:45 p.m., Tuesday, March 1 in Council Chambers of City Hall.

F. Real Property Committee

On the subject of beach restoration, Councilmember Loftus read the following paragraph from the presentation made by Coastal Science and Engineering made at the Ways and Means Committee:

The results of the monitorings in the project area indicate that the overall project areas have retained seventy-two percent (72%) of the volume gain and eighty-six percent (86%) of the design volume. In summary, the studies indicate that, in the period between March and September 2010, most areas north of 53th Avenue, Project area, the 2008 project area, were stable or accretional.

Other business before the Committee was the recommendation from Civil Site Environmental for GEL Engineering to do the engineering design and permitting for the marina dredging project. Councilmember Loftus indicated that a major unresolved question on the dredging project remains the location of a spoil site. Marina Manager Berrigan reported that business was very slow at the marina and had appealed the Committee and other island residents to support the marina as they do other businesses on the island. The Committee discussed recognizing past Councilmembers and long-serving members of City committee through the engraved brick program established on Front Beach; staff was charged with determining the cost of such an endeavor and suggesting a location. James Poch of PlugInCarolina gave a presentation about electric vehicles and electric charging stations. The Committee reviewed the Capital Budgets and Long-range Plans for the marina, the Front Beach and parking lots.

The next Real Property Committee meeting will be at 8:30 a.m. on Thursday, March 3, 2011.

6. 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

Mayor Cronin noted that Planning Commission will be hosting a public forum at 6:30 p.m. on Wednesday, February 23, 2011 in Council Chambers to obtain input from the public about the parking issues on the island.

- 7. Reports from Special or Joint Committees** – none
- 8. Petitions Received, Referred or Disposed of** – none
- 9. Bills Already in Possession of Council**

Second Reading of Ordinance 2011-01 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 7, Signs, of the City of Isle of Palms Code of Ordinances to Provide for Regulations Pertaining to Sandwich Board Signs.

Mayor Cronin stated that Second Reading of this ordinance will be postponed until the March meeting because zoning ordinances require a public hearing. Another ordinance on this agenda must also have a public hearing before second reading; therefore, a public hearing will be held at 6:30 p.m. before the March City Council meeting.

10. Introduction of New Bills, Resolutions and Proclamations

- A. First Reading, by title only, of Ordinance 2011-02 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-20, Communications Tower and Antennae Regulations, of the City of Isle of Palms Code of Ordinances to Provide an Exception and Certain Additional Requirements for Communication Towers and/or Antennae Modified or Constructed for Public Service Uses by Governmental Agencies.**

MOTION: Mayor Cronin moved to approve Ordinance 2011-02 for First Reading; Councilmember Duffy seconded.

Administrator Tucker explained that this amendment states that a governmental agency may modify or construct a communications tower/antennae up to two hundred feet (200 ft.) for the purpose of providing public safety. In addition, the amendment requires that a tower/antenna meet certain conditions in the City Code, must work to minimize the fall zone, allow for a minimum of four (4) commercial carriers and meet wind speed standards.

The Administrator stated that, as instructed, she had investigated the possibility of relocating the commercial antennae from the water tower to the tower at 41st Avenue and learned from

speaking with the engineers that this is not feasible because of the number of antennae on the water tower and the proximity to the existing tower.

VOTE: The motion PASSED UNANIMOUSLY.

B. First Reading, by title only, of Ordinance 2011-03 – An Ordinance Amending Title 3, Public Works, Chapter 2, Solid Waste, Section 3-2-5, Trash Collection, of the City of Isle of Palms Code of Ordinances to Prohibit Use of Plastic Bags for the Disposal of Certain Materials.

MOTION: Mayor Cronin moved to approve Ordinance 2011-03 for First Reading by title only; Councilmember Duffy seconded.

The Mayor explained that this ordinance provides for the City to conform to new requirements being established by Charleston County requiring that yard debris be disposed of in bio-degradable paper bags. Councilmember Stone clarified the fact that residents may continue to place yard debris in large containers that would be emptied into trash trucks.

VOTE: The motion PASSED UNANIMOUSLY.

C. First Reading, by title only, of Ordinance 2011-04 - An Ordinance Amending Title 7, Licensing and Regulation, Chapter 4, Regulation of Alarm Systems and Businesses, of the City of Isle of Palms Code of Ordinances to Provide for New Definitions, Regulations and Penalties.

MOTION: Mayor Cronin moved to approve Ordinance 2011-04 for First Reading, by title only; Councilmember Loftus seconded.

Having read the minutes of the Public Safety Committee, Councilmember Buckhannon asked what this ordinance was trying to accomplish. Councilmember Loftus, as Chair of the Public Safety Committee, stated that incidents of false alarms have occurred where the property owner or manager has refused to come to the location on the island to reset the alarm; in these cases, Fire Department personnel must stay at that location for an indeterminate amount of time. With this ordinance, the City is attempting to make the property owner/manager more responsive to free-up the City's personnel.

VOTE: The motion PASSED UNANIMOUSLY.

11. Miscellaneous Business

Next Meeting Date: 7:00 p.m., Tuesday, March 22, 2011.

12. Executive Session – not necessary

13. Adjourn

MOTION: Councilmember Duffy moved to adjourn the meeting at 7:50 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk