

**FINANCE
COUNCIL WORKSHOP**

July 7, 2014

**Chairman Mike Perkis; Co-Chairman Jerry Kaynard
All Members of Council**

All matters connected with Town finances, taxes and licenses. The Committee shall prepare and submit an annual operating budget and capital improvement program to Council.

I. Matters for Action by Council

No Action Items at this time.

II. Matters for Discussion by Council

1. Second Reading, An Ordinance amending Section 14-25 of the Code of Ordinances for the Town to revise Franchise Fees for filming, video-taping, and still photography for commercial purposes; and, to add language prohibiting such activity within the RC-1/RC-2 Zoning Districts or on the beach.
2. Special Meeting of Council and Finance Committee – The Finance Committee will meet on July 10, 2014 to discuss debt structure and cash flow for capital purchases.

III. New Matters Presented to Council

No new matters presented to Council at this time.

IV. Matters Pending By Council

No pending items at this time.

PUBLIC SAFETY COUNCIL WORKSHOP

July 7, 2014

**Chairman Chauncey Clark
Members Pat O'Neil and Mary Jane Watson**

All matters relating to the Police and Fire Departments, and other matters regarding emergency preparedness.

Monthly Report by Chiefs Howard and Stith

I. Matters for Action by Council

1. Ladder Truck RFP – Recommendation by Public Safety Committee regarding vendor RFP submittals. Committee recommends Executive Session of contractual issues prior to Council action.

II. Matters for Discussion by Council

Nothing at this time.

III. New Matters Presented to Council

1. Independence Day and Holiday Weekend – General review by Public Safety officials of holiday weekend.

IV. Matters Pending Further Action By Council

1. Parking - Managed parking summer 2015

Type of Incident	Total Incidents
Structure Fire	1
Alarm Malfunction	3
Unintentional Alarm	1
Emergency Medical	24
Water Rescue	7
Citizen Assist	7
Hazardous Condition	2
Automobile Fire	1
Trash, Rubbish, or Grass Fire	
Smoke Scare	
Other Misc.	4
Total Responses	50

Beach Calls
11
Contacts
19

Incidents Where Aid was Given	
Mutual Aid	1
Automatic Aid	

Fire Department Activities:

Fire Department performed 3 prefire plan updates

Tours given to 75 adults and 154 children.

Fish Fry held on July 28th great turnout.

Training:

Volunteer drill held on 6/11 and 6/25.

SULLIVAN'S ISLAND POLICE DEPARTMENT
MONTHLY REPORT SUMMARY
JUNE 2014

06/01/14 – Officers responded to a report of a subject who threatening suicide after he and his girlfriend had been involved in an argument, officer arrives and spoke to the subject had EMS check the subject. EMS determined that the subject was not suicidal and the subject was placed on trespass notice and released at the scene.

06/04/14 – Officers responded to a report of a physical altercation between two siblings, on arrival the officers learned that both parties assaulted each other but neither wished to press charges, the parents agreed to have the two separated for the evening.

06/07/14 – While patrolling Stith Park an officer located a subject who refused to show the officers his hands, when the officer did get the subject to show his hands the subject was holding drug paraphilia and when questions further it was learned that the subject also had marijuana. The subject was detained and released to his mother pending family court charges.

06/07/14 – A complainant reported that there was a vehicle parked in the middle of the road on Jasper Blvd. in the 2200 block; officers arrived and attempted to locate the owner with negative results, the vehicle was towed.

06/10/14 – A fort employee reported that several of the forts signs were vandalized by someone placing sticker and graffiti on them. This graffiti has been observed several places throughout the island.

06/11/14 – Officers responded to a verbal dispute between a home owner and a cleaning lady in which the home owner was firing the cleaning lady and she would not return the house keys, while speaking to the cleaning lady she fell to the floor and began to complain of chest pains. First responders and EMS were summoned and she was transported to the hospital. The home owner was advised to change the locks.

06/12/13 – A complainant reported that he received a phone call from a subject who identified himself as a Charleston County Deputy and advised the complainant that he had a warrant for the complainant for not paying a traffic ticket. The subject requested that the complainant get \$1500 of pre-paid cards and give him the validation numbers. The complainant was advised that the call was a scam and to ignore the call.

06/13/14 – Officers responded to Dunleavy's due to a report of a subject who had been denied service and had made threats towards the police officers and the police station, when officers arrived the subject was identified by pub management to the officers, the officer confronted the subject and while checking the subject it was learned that the subject had a number of outstanding tickets, the subject was arrested and lodged in the county jail.

06/16/14 – A complainant reported that he had found an owner's manual from a vehicle in his front yard, the officer located a number and contacted that owner of the vehicle

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**SULLIVAN'S ISLAND POLICE DEPARTMENT
MONTHLY REPORT SUMMARY
JUNE 2014**

who check her vehicle and advised that it appeared that someone had gone through her vehicle and had removed the manual.

06/18/14 – A complainant reported that she believes that a relative with a key to the house may have entered the house and removed several items.

06/19/14 – Officer along with the SIFD responded to a golf cart engulfed in flames while it was parked on the side of the road. The cart was completely destroyed along with a pickup truck and a fence and yard of the adjacent residence.

06/21/14 – A complainant reported that someone removed her front license plate of her vehicle registered in Colorado.

06/23/14 – A complainant reported that a woman approached her residence (that is for sale) and told the house keeper that she was there to see the house and the house keeper let her in; the woman looked around the house to include inside drawers, bags on the bed and a few other places not normally looked at by potential buyers. The complainant felt this was strange and want it reported.

06/25/14 – A complainant reported that she placed a planter with plant near the roadway and someone removed it.

06/27/14 – A complainant reported that he left his kiteboarding equipment on the side of the roadway and when he returned it was gone.

06/28/14 – An officer observed a vehicle parked in the roadway blocking the cross walk, the officer tried to locate the owner but was unsuccessful. The vehicle was towed for safety reasons.

06/29/14 – A complainant reported that someone had gone on her porch and moved and damaged several things, the subject also left several clothing items along with some personal items.

06/30/14 – While patrolling an officer observed a vehicle parked on the side of the road, the subject inside the vehicle appeared to be hiding as the officer went by, the officer stopped to check on the subject and while speaking the subject the officer observed paraphernalia in the open console. After further investigation, drugs and alcohol were found inside the vehicle; the subject was arrested and lodged in the county jail.

SLED Inhouse Code / Description			Last Year	This Year
ALCOHOL CRIMES				
90D	90D	DRIVING UNDER THE INFLUENCE	1	1
90E	90E	DRUNKENNESS	1	
90G	90G	LIQUOR LAW VIOLATIONS	4	2
Total for Category:			6	3
ARSON/SUSPICIOUS FIRE				
200	200	ARSON		
978	978	SUSPICIOUS FIRE		1
Total for Category:			0	1
ASSAULTS				
100	100	KIDNAPING / ABDUCTION		
11A	11A	RAPE - FORCIBLE		1
11B	11B	SODOMY - FORCIBLE		
11C	11C	SEXUAL ASSAULT WITH AN OBJECT		
11D	11D	FONDLING - FORCIBLE		
13A	13A	ASSAULT - AGGRAVATED	2	
13A	CDA	CDV - AGG ASSAULT		
13B	13B	ASSAULT - SIMPLE	6	4
13B	CDV	CDV - SIMPLE ASSAULT	3	
13C	13C	ASSAULT - INTIMIDATION		
36A	36A	INCEST		
36B	36B	RAPE - STATUTORY		
36C	36C	INDECENT EXPOSURE (SEXUAL NATURE)	1	
753	753	TELEPHONE CALLS - OBSCENE, HARASSING	1	
Total for Category:			13	5
DRUG CRIMES				
35A	35A	DRUG / NARCOTIC VIOLATIONS	9	8
35B	35B	DRUG EQUIPMENT VIOLATIONS	8	6
Total for Category:			17	14
HOMICIDE CRIMES				
09A	09A	MANSLAUGHTER		
09B	09B	NEGLIGENT MANSLAUGHTER		
09C	09C	JUSTIFIABLE HOMICIDE		
Total for Category:			0	0
INFORMATION ONLY REPORTS - NRP				
NRP	90T	ALL TRAFFIC EXCEPT DUI & FAILURE TO STOP	8	10
NRP	NRP	INCIDENT NOT REPORTED	45	33
Total for Category:			53	43
LARCENY CRIMES				
120	120	ROBBERY		
210	210	EXTORTION / BLACKMAIL		
220	220	BURGLARY / BREAKING & ENTERING	7	1
23A	23A	POCKET-PICKING		
23B	23B	PURSE-SNATCHING		
23C	23C	SHOPLIFTING	1	
23D	23D	THEFT FROM BUILDING		
23E	23E	THEFT FROM COIN OPERATED MACHINE		
23F	23F	THEFT FROM MOTOR VEHICLE	8	6
23G	23G	THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES		1
23H	23H	LARCENY - ALL OTHER	13	7

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SLED	Inhouse Code / Description	Last Year	This Year
LARCENY CRIMES			
240	240 MOTOR VEHICLE THEFT	2	
250	250 COUNTERFEITING / FORGERY		
26A	26A FRAUD / CONFIDENCE GAME / BREACH OF TRUST		
26B	26B TELLER MACHINE FRAUD	2	
26C	26C IMPERSONATION	1	1
26D	26D WELFARE FRAUD		
26E	26E WIRE FRAUD		
270	270 EMBEZZLEMENT		
280	280 STOLEN PROPERTY OFFENSES		
756	756 USING MOTOR VEHICLE WITHOUT CONSENT		
90A	90A BAD CHECKS		
Total for Category:		34	16
OTHER CRIMES			
370	370 PORNOGRAPHY / OBSCENE MATERIAL		
520	520 WEAPON LAW VIOLATIONS	1	1
90B	90B CURFEW / LOITERING / VAGRANCY VIOLATIONS		
90C	90C DISORDERLY CONDUCT	4	5
90F	90F FAMILY OFFENSES, NONVIOLENT	5	2
90H	90H PEEPING TOM		
90I	90I RUNAWAY	2	
90J	90J TRESPASS OF REAL PROPERTY	2	4
90K	90K INCORRIGIBLE		
90L	90L TRUANCY		
90N	90N RESISTING ARREST		2
90P	90P CONTRIBUTING TO DELINQUENCY OF A MINOR		
90Z	90Z ALL OTHER OFFENSES	12	7
979	979 MISSING PERSONS	1	1
980	980 SUICIDES		1
992	992 PROWLER		
Total for Category:		27	23
OTHER MONEY CRIMES			
39A	39A BETTING / WAGERING		
39B	39B ASSISTING GAMBLING		
39C	39C GAMBLING EQUIPMENT VIOLATIONS		
39D	39D SPORTS TAMPERING		
510	510 BRIBERY		
Total for Category:		0	0
PROSTITUTION			
40A	40A PROSTITUTION		
40B	40B ASSISTING OR PROMOTING PROSTITUTION		
Total for Category:		0	0
VANDALISM/DAMAGE			
290	290 VANDALISM OF PROPERTY	6	7
Total for Category:		6	7
Total for Reporting Period:		156	112

Monthly Report for June 2014
OFFENSES REPORTED

07/02/2014

Inhouse Code	Current		Previous	
	Monthly Total	Year To Date	Monthly Total	Year To Date
11A RAPE - FORCIBLE	0	1	0	0
13A ASSAULT - AGGRAVATED	0	0	1	2
13B ASSAULT - SIMPLE	1	4	1	6
220 BURGLARY / BREAKING & ENTERING	0	1	1	7
23C SHOPLIFTING	0	0	1	1
23F THEFT FROM MOTOR VEHICLE	1	6	1	8
23G THEFT OF MOTOR VEHICLE PARTS OR ACCESSORIES	1	1	0	0
23H LARCENY - ALL OTHER	2	7	3	13
240 MOTOR VEHICLE THEFT	0	0	1	2
26B TELLER MACHINE FRAUD	0	0	0	2
26C IMPERSONATION	1	1	0	1
290 VANDALISM OF PROPERTY	2	7	0	6
35A DRUG / NARCOTIC VIOLATIONS	2	8	2	9
35B DRUG EQUIPMENT VIOLATIONS	2	6	1	8
36C INDECENT EXPOSURE (SEXUAL NATURE)	0	0	1	1
520 WEAPON LAW VIOLATIONS	0	1	0	1
753 TELEPHONE CALLS - OBSCENE, HARASSING	0	0	0	1
90C DISORDERLY CONDUCT	0	5	1	4
90D DRIVING UNDER THE INFLUENCE	0	1	1	1
90E DRUNKENNESS	0	0	1	1
90F FAMILY OFFENSES, NONVIOLENT	0	2	0	5
90G LIQUOR LAW VIOLATIONS	1	2	2	4
90I RUNAWAY	0	0	0	2
90J TRESPASS OF REAL PROPERTY	2	4	1	2
90N RESISTING ARREST	0	2	0	0
90T ALL TRAFFIC EXCEPT DUI & FAILURE TO STOP	2	10	3	8
90Z ALL OTHER OFFENSES	0	7	3	12
978 SUSPICIOUS FIRE	0	1	0	0
979 MISSING PERSONS	0	1	0	1
980 SUICIDES	1	1	0	0
CDV CDV - SIMPLE ASSAULT	0	0	0	3
NRP INCIDENT NOT REPORTED	8	33	14	45
TOTALS	26	112	39	156

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**NRP Breakdown
For Period 6/2014**

Case Number	Date	Description
14-00090	06/01/2014	AGENCY ASSIST (WARRANT)
14-00096	06/07/2014	TOWED VEHICLE
14-00099	06/11/2014	VERBAL DISPUTE
14-00107	06/19/2014	VEHICLE FIRE
14-00110	06/22/2014	INFORMATION
14-00114	06/28/2014	VEHICLE TOWED
14-00115	06/27/2014	INFORMATIONAL REPORT
14-00116	06/29/2014	AGENCY ASSIST

VICTIMS REPORTED

07/02/2014

Inhouse Code	Current		Previous		
	Monthly Total	Year To Date	Monthly Total	Year To Date	
11A Rape - Forcible	0	1	0	0	
13A Assault - Aggravated	0	0	1	2	
13B Assault - Simple	3	7	1	7	
220 Burglary / Breaking & Entering	0	1	1	8	
23C Shoplifting	0	0	1	1	
23F Theft from Motor Vehicle	1	6	1	8	
23G Theft of Motor Vehicle Parts or Accessories	1	1	0	0	
23H Larceny - All Other	2	7	5	15	
240 Motor Vehicle Theft	0	0	1	2	
26B Teller Machine Fraud	0	0	0	2	
26C Impersonation	1	1	0	1	
290 Vandalism Of Property	2	7	0	6	
35A Drug / Narcotic Violations	2	8	2	10	
35B Drug Equipment Violations	2	6	1	8	
36C Indecent Exposure (Sexual Nature)	0	0	1	1	
520 Weapon Law Violations	0	1	0	1	
90C Disorderly Conduct	0	5	1	4	
90D Driving Under the Influence	0	1	1	1	
90E Drunkenness	0	0	1	1	
90F Family Offenses, Nonviolent	0	3	0	7	
90G Liquor Law Violations	1	2	2	4	
90I Runaway	0	0	0	2	
90J Trespass of Real Property	2	4	1	3	
90N Resisting Arrest	0	2	0	0	
90T ALL TRAFFIC EXCEPT DUI & FAILURE TO STOP	2	9	3	9	
90Z All Other Offenses	0	6	3	10	
978 Suspicious Fire	0	1	0	0	
979 Missing Persons	0	0	0	2	
980 Suicides	1	1	0	0	
CDV CDV - SIMPLE ASSAULT	0	0	0	4	
NRP Incident Not Reported	5	24	14	30	
TOTALS		25	104	41	149

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Monthly Report for June 2014
PERSONS ARRESTED

Total Individuals Arrested for Month: 3 With 6 Counts

Total Individuals Arrested for Year: 27 With 45 Counts

**The Total Arrests Codes will probably be more than the Total Individuals Arrested.
Each Individual can have as many as Three (3) Arrest Codes Associated.**

Type	Total Arrest Codes for Month				Total Arrest Codes for Year To Date			
	Male		Female		Male		Female	
1 - Adults	Male	2	Female	0	Male	26	Female	4
2 - Juveniles	Male	0	Female	0	Male	1	Female	0
3 - Narc - Adults	Male	2	Female	0	Male	7	Female	2
4 - Narc - Juveniles	Male	2	Female	0	Male	5	Female	0
TOTALS	Male	6	Female	0	Male	39	Female	6

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**Race/Sex Breakdown for Arrested
For Period 6/2014**

	For Period	So Far This Year
White		
Male	3	22
Female	0	4
Black		
Male	0	1
Female	0	0
Other		
Male	0	0
Female	0	0

	This Month	This Year To Date
Juveniles	1	3
Adults	2	24

Monthly Report for June 2014
PROPERTY VALUES

07/02/2014

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Type	Total for Month	Total for Year
Burglary Stolen	0.00	20.00
Larceny Stolen	3106.00	9686.00
Criminal Damage	300.00	3851.00
MVT Stolen	0.00	0.00
Other Stolen	0.00	0.00
Burglary Recovered	0.00	0.00
Larceny Recovered	0.00	0.00
MVT Recovered	0.00	0.00
Other Recovered	0.00	0.00
Total Stolen	3106.00	9706.00
Total Recovered	0.00	0.00
Total Seized	52.00	186.00

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**WATER AND SEWER REPORT
COUNCIL WORKSHOP
JULY 7, 2014**

Committee Chair: Susan Middaugh

Committee Members: Jerry Kaynard, Chauncey Clark

Committee Charge: All matters relating to the Water and Sewer Department and systems.

Monthly Report from Mr. Gress:

I. Matters for Action by Council

1. Action Items:

7-07-2014 Special Council Meeting Action Item: FEMA Hazard Mitigation Grant.

II. Matters for Discussion by Council

1. Status of I&I project.

2. Draft W&S Committee minutes for 6-17-2017 (approval pending)
No further meetings scheduled at this time.

3. FEMA Hazard Mitigation Grant application:
Letter of Intent & Grant Application: Timeline and Process

III. New Matters Presented to Council

None at this time.



Town of Sullivan's Island Water & Sewer Department

Manager Greg Gress
843-883-5748

Monthly Water Report For June 2014

FLOW: Distributed 10.924 MG this month, with a daily average flow of .364 MG and a Daily Max of .476 MG

SALES: 10.376 MG billed (*all water*) with a daily average of 0.346MG. (8.273 MG billed in June last year with a daily average of 0.276 MG)

RED WATER: No operational problems.

DISTRIBUTION SYSTEM: No operational problems.

WATER LINE PROJECT: We have installed approximately 700 feet of new water pipe in June. No tie ins or testing has been done yet.

WATER PLANT: Still need to replace the roof on all buildings. Awaiting updated pricing.

WORK ORDERS: 8 check for leaks; 0 frozen pipes; 5 monthly rereads; 1 misc. customer complaint; 0 replace customer shut off; 2 turn on; 3 turn off; 72 locates; 0 install irrigation meter; 0 remove irrigation meter; 2 irrigation quote; 5 read meter; 2 meter box repairs; 6 disconnect delinquent acct; 6 reconnect delinquent acct; 0 pulled meter for demo; 0 reinstall meter from demo; 0 backflow inspection

CHEMICALS: Used 61 gallons of phosphate.

W+S-1



Town of Sullivan's Island
Water & Sewer Department
Manager Greg Gress
843-883-5748

Monthly Sewer Report
For
June 2014

COLLECTION SYSTEM: Cleaned 631 feet of sewer line. Repaired one service line causing sink hole in roadway.

SEWER LINE PROJECT: In progress. Received one proposal from Arcadis US Inc. Working with DHEC to get their approval of all documentation before award of project.

Significant Milestones: The following are the approximate expected milestone dates, subject to change:

- Invitation to Bid Mid May 2014
- Bid Receipt End June 2014
- Notice of Award / Notice to Proceed Mid/End July 2014
- Substantial Completion December 2014
- Final Acceptance March 2015

The contract construction period (Notice to Proceed to Final Acceptance) will be approximately 8 months. It is expected that the selected engineer will be prepared to start work within Fifteen (15) days of the issuance of the Notice to Proceed.

LIFT STATIONS: Loss of prime alarms continue to call out operators.

FLOW: Processed 15.250 Million Gallons this month, with a daily average of 0.508 MG and a maximum weekly average of .539 MG. Rainfall total was 3.92 inches.

W+S-2



Town of Sullivan's Island Water & Sewer Department

Manager Greg Gress
843-883-5748

SALES: 7.705 MG billed this month with a daily average of 0.257 MG. (6.310 MG billed in June last year with a daily average of 0.210 MG).

HEADWORKS: No operational problems.

OXIDATION DITCH: Visual observations did not detect any change this month. HDR review of CIP plan recommended moving forward expeditiously as possible with the replacement process (design and securing funding) and have an emergency plan of action in place if it fails in the meantime.

CLARIFIER: No operational problems

OUTFALL: Reported a high fecal sample to DHEC on 6/26/14. Entero sample was well below limits. Follow up fecal samples, one of our effluent and another at the bridge were normal.

BIOSOLIDS: 16 cu yd. dry to landfill.

CHEMICALS: 459 lbs. of chlorine and 364lbs. of sulfur dioxide used for the month.

COMPUTER SYSTEMS: No operational problems.

WORK ORDERS: 72 locates; 2 pool filling permit inspection; 0 sewer connection inspection (first time); 1 sewer connection inspection (sewer replacement); 0 sewer reconnect inspection (reconnect from a demo); 0 sewer disconnect inspection (disconnect for a demo); 0 grease trap inspection; 0 install new tap; 0 repair cleanout; 1 back up.

OTHER: Pre-Application for Hazard Mitigation Grant to flood proof WWTF has been filed.

W+S-3



Town of Sullivan's Island
Water & Sewer Department
843-883-5748
ggress@sullivanisland-sc.com



July 3, 2014

Ms. Jennifer Cox
Environmental Coordinator
Water Enforcement Section
2600 Bull Street
Columbia, SC 29201

Dear Ms. Cox,

Enclosed please accept the Disinfection report for the monitoring period from June 1, 2014 to June 30, 2014.

Should you have any questions please contact me at (843) 883-5748.

Respectfully,

A handwritten signature in cursive script, appearing to read "Greg Gress".

Greg Gress
Water & Sewer Manager
Town of Sullivan's Island



**Surface Water System Monthly Report
Distribution System Disinfection Residuals
Bureau of Drinking Water Protection**

06/14

System Name: Sullivan's Island

System Number: 1010003

For (Month/Year):

Day	No. of Sites where Disinfection Residual was measured. (a)	No. of Sites where Disinfection Residual was not measured, but TPC was measured. (b)	No. of Sites where Disinfection Residual was not detected and TPC was not measured. (c)	No. of Sites where Disinfection Residual was not detected and TPC > 500cfu. (d)	No. of Sites where Disinfection Residual was not measured and TPC > 500cfu. (e)
1					
2					
3					
4	1				
5					
6					
7					
8					
9					
10					
11	1				
12					
13					
14					
15					
16					
17					
18	1				
19					
20					
21					
22					
23					
24	1				
25					
26					
27					
28					
29					
30					
31					
32					
Total	4				

Compliance with Distribution System Disinfectant Residuals Code:

$$Y = (c+d+e)/(a+b) \times 100 = (0+0+0)/(4+0) \times 100 = 0\%$$

For Public Access: 0

Prepared by: Gray Press

Date: 7-3-14

W4S-5



Town of Sullivan's Island
Water & Sewer Department
843-883-5748
ggress@sullivanisland-sc.com



July 3, 2014

Windy Smith
Environmental Compliance Coordinator
Water Enforcement Section
2600 Bull Street
Columbia, SC 29201

Dear Ms. Smith,

Enclosed please accept the Bacteriological Analysis report for the monitoring period from June 1, 2014 to June 30, 2014.

Should you have any questions please contact (843) 883-5748.

Respectfully,

A handwritten signature in cursive script that reads "Greg Gress".

Greg Gress
Water & Sewer Manager
Town of Sullivan's Island



Bacteriological Analysis Sample Summary (Part 1)

PART 1 CAN BE USED IN ONE (1) OF TWO (2) WAYS

1. If the system has had no Total Coliform (TC) Positives samples for a compliance cycle or,
2. If the system wants to report those samples that were initial TC Absent and use Part 2 for the TC Present and all repeats.

S	C	1	0	1	0	0	0	3
06/01/2014								

System Number

DESCRIPTION

SC followed by 7 digit system number

First day of month for monthly

First day of quarter if quarterly

First day of year if annual

of Initial Total Coliform Negative

M=Month; Q=Quarter; Y=Year

Number assigned by Lab Certification

4
M
10005001

Lab State ID #

Note: This can be used for any system that does not have a total coliform positive.

DOES SYSTEM ADD DISINFECTION? YES NO

AVERAGE DISINFECTION RESIDUAL

	.		
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AND/OR

WATER AND SEWER COMMITTEE MEETING MINUTES

Tuesday, June 17, 2014, 2:00 PM

1. Call to Order

All Freedom of Information requirements having been met, the meeting was called to order at 2:00 PM.

Those present were: Committee Members Susan Middaugh (Chair) and Chauncey Clark; Administrators Greg Gress, Andy Benke and Jason Blanton; and HDR Consultant Tracy Lewis, P.E

2. Approval of minutes for: W&S Committee meeting on 5-7-2014 W&S Committee meeting on 5-14-2014

Minutes for both W&S Committee meetings were approved on a motion by Chauncey Clark, second by Susan Middaugh, carried by unanimous vote.

3. HDR Review of W&S Dept. CIP Plan; Q&A with Consultant Tracy Lewis P.E.

In November, 2013, the W&S Committee presented a motion to Council requesting approval to engage a consultant to review the W&S Department's CIP Plan. Council approved, and the Town contracted with the engineering firm HDR, to provide this review. The HDR Technical Memorandum, by Tracy Lewis, P.E., was submitted on June 9, 2014. At today's W&S Committee meeting, Tracy Lewis presented an overview of the scope of work and findings and answered questions during the planned Q&A session. The focus of many questions concerned the current status of the Oxidation Ditch, possibilities for repair and need for replacement.

Summary: Currently, the ditch is at the end of its projected life span and, due to obsolete design, heavy use due to I&I, thin walls and substantial risk of wall collapse, cannot be rehabilitated to extend its useful life. Accordingly, the recommendation is for Oxidation Ditch replacement. This is an urgent need that should be addressed without delay. Replacement will necessarily include concurrent replacement of associated components including headworks, pump, generator, interconnecting pipes and electrical wiring. All items need to be designed for flood and earthquake mitigation. Until this replacement is available there should be careful monitoring of the Oxidation Ditch to identify localized faults as they occur, with short term, localized repair of such faults as feasible.

4. FEMA Hazard Mitigation Grant for S.C. Communities

South Carolina is included in a recently announced FEMA Hazard Mitigation Grant program for South Carolina communities with a community cap of \$3 M (current cap). Funds are provided with a 25% match: FEMA provides 75% of the grant amount (with no payback requirement) and the community provides 25%. Costs associated with

W&S-8

preparation of a grant application, such as the required engineering studies, are counted as part of the 25% match. This FEMA program is an opportunity to fund replacement of the Oxidation Ditch and associated components. A letter of intent is due June 27, 2014. The grant application, with supportive engineering studies, is due October 27, 2014. Notification of FEMA decisions on funding will be in February, 2015.

Executive Session: A motion was made by Chauncey Clark, seconded by Susan Middaugh, carried by unanimous vote, to go into executive session at 3:25 pm to discuss contractual matters related to the FEMA grant application process. A motion was made by Chauncey Clark, seconded by Susan Middaugh, carried by unanimous vote, to come out of executive session at 3:40 pm.

MOTION: To request Council approval of a Letter of Intent and Application for FEMA Hazard Mitigation Grant Funds for replacement of the Oxidation Ditch and associated components and approval of the funds required to support the preparation and submission of this grant application. The motion was made by Chauncey Clark, seconded by Susan Middaugh and carried by unanimous vote.

5. W&S Rates for FY 2015

MOTION: To approve the Water and Sewer rates for FY2015 as provided by Greg Gress on 6/10/2014. Motion was made by Chauncey Clark, second by Susan Middaugh and carried by unanimous vote.

6. Adjourn

The meeting was adjourned at 3:50 PM on a motion by Chauncey Clark, second by Susan Middaugh, carried by unanimous vote.

ADMINISTRATION COUNCIL WORKSHOP

July 7, 2014

Chairman Jerry Kaynard
Members Mary Jane Watson and Susan Middaugh

All matters relating to oversight of implementation of the following Town administrative functions: personnel; licensing; Town Attorney; court; rules; solicitation for Boards and Commissions; administrative infrastructure; communications and community outreach.

I. Matters for Action by Council

No action items for Council at this time.

II. Matters for Discussion by Council

1. Staff position for Administration Department.

III. New Matters Presented to Council

1. Personnel
 - a) Personnel Report
 - b) Boards and Commissions – Terms and Recruitment.
2. Martha Smith et al. v. Town of Sullivan's Island – Plaintiffs' Attorney filed Motion to Reconsider the Court's Final Order in M. Smith et al. v. Sullivan's Island 12-CP-10-6830 on June 23, 2014.
3. Boehm v. Sullivan's Island Board of Zoning Appeals – Judge Markley Dennis has set September 2, 2014 9:30am as the date/time for a hearing in Boehm v. Sullivan's Island BZA 14-CP-10-2623.
4. Charleston County Sales Tax Program – The TST Program has confirmed funding in the amount of \$250,000 to complete the Osceola Avenue Drainage Project. Additionally, \$85,000 has been approved for I'On Avenue Drainage Improvement Project at Stations 19 and 22 Streets.
5. Lambries v. Saluda County Council, 398 S.C. 501, 728 S.E.2d 488 (Ct. App. 2012) – On Writ of Certiorari to the Court of Appeals the S.C. Supreme Court reversed creating implications on FOIA – specifically meeting agenda and meeting agenda amendments.

6. Valuation and Classification of Property - Senate Bill 437 Amending Section 12-43-220 was ratified June 5, 2014 and signed into law by the Governor on June 9, 2014. Basically, owners may rent the primary residence for seventy-two (72) days per year and retain the four (4%) percent assessment for property tax valuation.

7. Correspondence

a)

2. Matters Pending Further Action by Council

1. Archiving Old Records

Initial estimate for paper files is approximately \$82,000, construction drawings approximately \$79,000 and pictures/miscellaneous files \$4,800 (subtotal \$86,800 exclusive of construction drawings). The estimate for software, license, installation and training is \$35,000. It should be noted that staff is locating and identifying other vendors and anticipates better pricing.

2. Commercial District Operational Issues – The Town has been working with the commercial district business owners group to address and resolve various issues surfaced by nearby residents. Attached is a list of solutions proposed by the owners. To date it has not been possible to schedule a meeting with the residents. The Administrator and Chief Howard met with food and beverage operators on Thursday September 19, 2013 to further discuss operational hours. A revised delivery agreement is attached.

3. Committee Meeting Schedule – General discussion regarding committee meetings scheduled at various dates during the month.

4. Town Communications Plan – General discussion by Council regarding resident outreach and communications plan.



PERSONNEL REPORT

July 2014

Activity as of Wednesday, July 2, 2014

HIRINGS/RESIGNATIONS: N/A

CURRENT OPENINGS:

General Administration: None
Water & Sewer: None
Maintenance: One - Laborer (FT)
Police Department: None
Fire Department: None

PERSONAL DAY HOLIDAY/VACATIONS:

Department Heads: None
Town Hall Staff: Andy Benke: July 27-Aug 3, 2014 (Sun-Sun)
Lisa Darrow: July 14-21, 2014 (Mon-Mon)
Joe Henderson: July 31-Aug 6, 2014 (Thurs-Wed)

PROFESSIONAL DEVELOPMENT/TRAINING:

Staff Safety Meeting/Training: 8:00AM Thursday, July 24, 2014 (Fire conducts talk)

TOWN SERVICES/NOTES:

Town Hall offices will be closed on Friday, July 4, 2014 in observance of Independence Day. Offices will re-open at 8:00AM on Monday, July 7, 2014. Essential services will remain available and fully staffed.

Emergency: Dial 9-1-1. County Non-emergency: (843) 743-7200
Police Administration: (843) 883-3931 Fire Administration: (843) 883-9944

Holiday garbage collection schedule:

Tuesday, July 1, 2014	Household garbage
Wednesday, July 2, 2014	Bulk/Yard Debris
Saturday, July 5, 2014	Household garbage (Holiday Schedule)
Wednesday, July 9, 2014	Next Recycle Day
<u>Summer schedule:</u> Household garbage pick-up Tuesdays & Fridays	
Yard/Bulk Debris Wednesdays; Recycling alternating Wednesdays	

BOARDS & COMMISSIONS VACANCIES:

Recruitment for seats expiring September 2014 in progress [Report attached]

Application Deadline: 12Noon, Thursday, July 31, 2014

Six (6) positions: 3 Planning, 1 DRB, 1 Tree Commission & 1 Election Commission

UPCOMING VACANCIES

Terms expire September 2014 unless otherwise noted

Planning Commission: (2 year terms) – 7 Commission Members

3 upcoming vacancies

1. Rusty Bennett
2. Carlsen Huey
3. Mandy Poletti

Board of Zoning Appeals: (3 year terms) – 7 Board Members

No (-0-) upcoming vacancies

Design Review Board: (3 year terms) – 7 Board Members

1 upcoming vacancy

1. Mark Howard

Tree Commission: (3 year terms) – 5 Commission Members

1 upcoming vacancy

1. Nat Robb

Election Commission: (6 year terms) – 3 Commission Members

1 upcoming vacancy

1. Tim Reese

Other: Accommodations Tax Committee appointments (consideration)

.....

RECRUITMENT TIMELINE (Proposed):

1. Initial Application/Questionnaire Review: **June 17, 2014 Council Meeting (Tues)**
Action: Council/Personnel Committee feedback; **modifications to be made by June 25, 2014 (Wed)**
2. Advertisement/Application drop to public: (NLT) **June 30, 2014 (Mon)**
Action: To Be Posted on Town's website and E-Newsletters; print media ads (display ad in Post & Courier on 7/2/14; ads to run in Moultrie News & Island Eye News: in July, dates TBA)
3. Letters to incumbents with application/questionnaire (interest in re-applying?):
Action: Letters to incumbents with application/questionnaire **on June 30, 2014 (Mon)**
Telephone calls to incumbents (follow up on no responses) **on July 7, 2014 (Mon)**
4. Application deadline: (12Noon) **July 31, 2014 (Thurs) (One month recruitment period)**
7. Personnel Committee Report to Council: **August 4, 2014 Council Workshop/Committees (Mon)**
8. Council Deliberation & Appointments: **August 19, 2014 Council Meeting (Tues)**
Action: Staff (Darrow) telephone all candidates; mail out letters NLT **August 20, 2014 (Wed)**
9. First Meetings for Appointees: September 2014
Planning (6:30PM Wed. Sept. 10, 2014); DRB (6:00PM Wed. Sept. 17, 2014);
Tree Comm. (5:00PM Mon. Sept. 22, 2014)



TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA
APPLICATION TO SERVE ON A TOWN BOARD/COMMISSION

DEADLINE: 12Noon, Thursday, July 31, 2014

PLEASE COMPLETE ALL OF THE FOLLOWING FOR POSSIBLE PARTICIPATION

1. NAME: _____

2. MAILING ADDRESS: _____

3. TELEPHONE NUMBER(S):
Home: _____ Work: _____ Cell: _____

4. E-MAIL ADDRESS: _____

5. Are you a registered voter on Sullivan's Island? Yes _____ No _____

6. Indicate the real properties on Sullivan's Island in which you have a proprietary interest, identifying your primary residence:

7. Please disclose any circumstances which might pose a conflict of interest in executing your responsibilities as a member of any Board or Commission for which you are applying.

8. Please select Board/Commission for which you are applying. If applying to more than one, please indicate your choice priority (1st, 2nd, 3rd).

Planning Commission _____ (3 seats, terms expiring 9/2016)

Design Review Board _____ (4 seats, terms expiring 9/2017)

Tree Commission _____ (1 seat, term expiring 9/2017)

Municipal Election Commission _____ (1 seat, term expiring 9/2020)

NOTE: No member of a Town Board or Commission may hold an elected office in the Town of Sullivan's Island or within Charleston County. If appointed, you must successfully complete a minimum six (6) hours of State mandated planning and zoning training as soon as possible, plus required continued education thereafter. **You must return a completed Town questionnaire for your desired Board for consideration and a personal resume is encouraged.**

By signing herein, I have read and understand the requirements for serving as a member of the Commission &/or Board requested and attest the information provided is accurate.

Applicant signature

Date

Questions: Contact Lisa Darrow (883-5744; ldarrow@sullivanisland-sc.com) at Town Hall (2050-B Middle Street)

June 13, 2014



**TOWN OF SULLIVAN'S ISLAND,
SOUTH CAROLINA**

**PLANNING COMMISSION
QUESTIONNAIRE**

1. Why do you wish to serve on the Planning Commission?
2. The Planning Commission meets on average one evening per month. Are you able to attend meetings at this frequency?
3. What do you think should be the goals and priorities of the Planning Commission? How would you use your knowledge and/or experience to further those goals and priorities?
4. Please read the attached information regarding the role of the Planning Commission and review the Town's Code regarding this Commission (Chapter 17). Please articulate how you would apply your judgment, knowledge and experience while working within this type of structure.
5. The Commission primarily addresses issues by recommending to Town Council changes in the Zoning Ordinance. Such changes inevitably entail controlling what a property owner may do with his/her property to achieve a greater good for the community. What is your philosophy about this trade-off between individual and community goals?
6. Are there any provisions of the Zoning Ordinance with which you disagree? If so, indicate how this will affect your decisions on the Planning Commission.
7. What are your thoughts on the following ordinance topics:
 - a.) Town's Comprehensive Plan;
 - b.) Protected (Accreted) Land and Management Plan
 - c.) Historic Preservation Overlay District
 - d.) Neighborhood Compatibility
 - e.) Zoning Ordinances which restrict house size and lot size
 - f.) Community Commercial District and Overlay Districts #1 and #2
8. How would you handle having to make decisions that might be unfavorable to neighbors?
9. What would you do if a business associate, client or family member were to come before the Planning Commission with requests and with you a Commission member?
10. How would you handle making decisions and rendering decisions that might directly affect your property and its value in the present or foreseeable future?
11. Do you have any potential conflicts of interest that would keep you from making impartial decisions on the Planning Commission?

Thank you for taking the time to respond to these questions. Please submit your answers along with the application and your resume to Lisa Darrow (843-883-5744 or email at ldarrow@sullivansisland-sc.com) at Town Hall (2050-B Middle Street or mail to PO Box 427) by **12Noon on Thursday, July 31, 2014.**



**TOWN OF SULLIVAN'S ISLAND,
SOUTH CAROLINA**

DESIGN REVIEW BOARD

Special Note – Appointments

The Town ordinance establishing the Design Review Board states that

“In making appointments to the Design Review Board, the Town Council shall make an attempt to maintain a balance of interest and skills on the Board by assessing the individual qualifications of the candidates including but not limited to their knowledge and demonstrated interest in architecture, history, archeology, planning, urban or community design, landscape architecture, construction and restoration, or law. All members should have knowledge and demonstrated interest in the design and preservation of buildings and places.”

Further, South Carolina State Department of Archives and History in its requirements for designation of certified local government programs in historic preservation, states that: “Interest, competence or knowledge in historic preservation should be identified on commissioners’ resumes giving their education and volunteer background, attendance at workshops and seminars, and related activities.”



**TOWN OF SULLIVAN'S ISLAND,
SOUTH CAROLINA
DESIGN REVIEW BOARD
QUESTIONNAIRE**

1. Why do you wish to serve on the Design Review Board (DRB)?
2. DRB meets on average one evening per month. Are you able to attend meetings at this frequency?
3. What do you think should be the goals and priorities of DRB? How would you use your knowledge and/or experience to further those goals and priorities?
4. Please read the attached summary of the role of the Design Review Board and review the Town's Code regarding this Board (Chapter 21, XII). Please articulate how you would apply your judgment, knowledge and experience to your role on the DRB.
5. Beyond knowledge of the Town's Zoning Ordinance, DRB service calls for a clear understanding of its provisions and careful consideration of each application that comes before it. Describe your knowledge, expertise and/or experience which would qualify you for this position.
6. Are there any provisions of the Zoning Ordinance with which you disagree? If so, indicate how this will affect your decisions on DRB.
7. Do you see any conflicts between the DRB's decisions and property rights? If so, indicate how this will affect your decisions on the DRB.
8. What are your thoughts on the following ordinance topics/concepts:
 - a.) Town's Comprehensive Plan
 - b.) Historic Preservation Overlay District; historic preservation ordinances; and National Register of Historic Places.
 - c.) Neighborhood Compatibility
 - d.) Zoning Ordinances which restrict house size and lot size
 - e.) Community Commercial District
 - f.) Community Commercial Overlay Districts #1 and #2
9. How would you handle having to make decisions and render judgments that might be unfavorable to applicants or neighbors who come before the DRB?
10. What would you do if a business associate, client or family member were to come before the DRB with you as a member of it?
11. Do you have any potential conflicts of interest that would keep you from making impartial decisions on the DRB?

Thank you for taking the time to respond to these questions. Please submit your answers along with the application and your resume to Lisa Darrow (843-883-5744 or ldarrow@sullivanisland-sc.com) at Town Hall (2050-B Middle Street; mail PO Box 427) by 12Noon on Thursday, July 31, 2014.

Please read Special Note regarding Design Review Board appointments attached (page two)

A-6

June 13, 2014



**TOWN OF SULLIVAN'S ISLAND
SOUTH CAROLINA**

**TREE COMMISSION
QUESTIONNAIRE**

1. Why do you wish to serve on the Tree Commission?
2. The Tree Commission meets on average one evening per month. Are you able to attend meetings at this frequency?
3. Please review the Town's Code regarding this Board (Chapter 21, XVII). Please articulate how you would apply your judgment, knowledge and experience to your role on the Tree Commission.
4. Are there any provisions of the Tree Ordinance with which you disagree? If so, indicate how this will affect your decisions on the Tree Commission.
5. Do you see any conflicts between the Commission's decisions and property rights? If so, indicate how this will affect your decisions on the Tree Commission.
6. What are your thoughts on the following ordinance topics:
 - a.) Town's Comprehensive Plan
 - b.) Trimming in RC-1 District (Sections 21-71 through 21-74, Town Zoning Ordinance)
 - c.) Tree Removal
7. How would you handle having to make decisions and render judgments that might be unfavorable to applicants or neighbors that plead their cases to the Tree Commission?
8. What would you do if a business associate, client or family member were to come before the Tree Commission with you as a member of it?
9. Do you have any potential conflicts of interest that would keep you from making impartial decisions on the Tree Commission?
10. Beyond knowledge of the Town's Tree Ordinance, Commission service calls for your understanding of its provisions and careful consideration of each appeal that comes before the Tree Commission. Please describe your knowledge, expertise and/or experience that qualify you for this position.

Thank you for taking the time to respond to these questions. Please submit your answers along with the application and your resume to Lisa Darrow (843-883-5744 or ldarrow@sullivansisland-sc.com) at Town Hall (2050-B Middle Street or mail to PO Box 427) by **12Noon on Thursday, July 31, 2014.**



**TOWN OF SULLIVAN'S ISLAND,
SOUTH CAROLINA**

**MUNICIPAL ELECTION COMMISSION
QUESTIONNAIRE**

1. Why do you wish to serve on the Municipal Election Commission?
2. The Election Commission meets primarily around regular municipal election cycles (elections are held every two years in May on odd years) and any necessary special elections. Would you be prepared to serve in this cyclical capacity?
3. What do you think should be the role of the Municipal Election Commission in a municipal election? What about a general election? How would you use your knowledge and/or experience to fulfill this role?
4. Please read the attached summary information regarding an Election Commission and review the Town's Code regarding this Commission (Chapter 6, Elections). As you can see, the Election Commission operates within a well-defined framework. Please articulate how you would apply your judgment, knowledge and experience while working within this type of structure.
5. Beyond knowledge of the Town's Election Ordinance and State Election guidelines, Municipal Election Commission service calls for a clear understanding of and appreciation for the need to promote voting opportunities in a highly ethical way, to avoid voter disenfranchisement issues. Describe your knowledge, expertise and/or experience that would qualify you for this position.
6. How would you handle candidates and/or supporters of candidates who campaign in the poll location?
7. What would you do if a business associate, client or family member were to come before you and ask for your endorsement of their candidacy and/or help with the campaign?
8. Do you have any potential conflicts of interest that would keep you from impartially serving as a member of the Municipal Election Commission?

Thank you for taking the time to respond to these questions. Please submit your answers along with the application and your resume to Lisa Darrow (843-883-5744) at Town Hall (2050-B Middle Street or mail to PO Box 427) by **12Noon on Thursday, July 31, 2014.**

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 MARTHA SMITH, KATHLEEN POST,)
 AND WILLIAM POST,)
)
 Plaintiffs,)
)
 v.)
)
 TOWN OF SULLIVAN'S ISLAND,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CIVIL ACTION NO. 2012-CP-10-6830

**MOTION TO RECONSIDER
 THE COURT'S FINAL ORDER**

BY _____
 JULIE L. ARISTRONG
 CLERK OF COURT

2014 JUN 23 PM 4:18

FILED

Pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, Plaintiffs hereby move the Court to reconsider its Final Order and Judgment ("Final Order") of this matter and grant judgment in favor of Plaintiffs as to both causes of action.

PROCEDURAL HISTORY

The case arises out of a proposed ordinance initiated by a group of voters who reside on Sullivan's Island ("Initiated Ordinance"). Three issues were presented at the bench trial of this matter: 1) whether the Town of Sullivan's Island had the requisite authority to decide the validity of a citizen initiated ordinance; 2) whether the Plaintiffs' constitutional rights had been violated; and 3) whether the initiated ordinance at issue was defective on its face.

In its Final Order dated June 6, 2014, the Court denied Plaintiffs' "request for a declaration that the Town failed to comply with the law of the State of South Carolina" and entered judgment in favor of the Town as to Plaintiffs' first cause of action. See Final Order at 21. The Court further declared that "the Town did not deprive Plaintiffs of any state or federal constitutional right, including the right to . . . procedural due process . . . and that the Town is

entitled to judgment in its favor on Plaintiffs' second cause of action under 42 U.S.C. § 1983." See id. Finally, the Court declared that the Initiated Ordinance was facially defective. See id.

Plaintiffs now move the Court to reconsider its Final Order and amend its ruling to declare that the Town of Sullivan's Island had no authority to decide the validity of the Initiated Ordinance and, as a result, that the Town's conduct violated South Carolina Law. Further, Plaintiffs move that the Court amend its ruling to hold that the Town's conduct in responding to the Initiated Ordinance violated Plaintiffs' procedural due process rights.

ARGUMENT

I. The Town's conduct exceeded the scope of its authority under South Carolina law.

Plaintiffs first ask the Court to clarify its Final Order: the heading "The Court, not Council, renders the determination of whether an proposed initiated ordinance is facially defective" does not comport with the Court's ruling that "The Town's actions were in keeping with the various holdings of our state supreme court in Town of Hilton Head." Compare Final Order at 16 with Final Order at 17. This portion of the Final Order is particularly unclear in light of Plaintiffs' understanding of the Court's oral ruling on May 16, 2014 that Plaintiffs' prevailed on their declaratory judgment action.¹ Specifically, the Court indicated that the Final Order was to declare that, though the Initiated Ordinance was facially defective, the Town of Sullivan's Island did not have the authority to declare the Initiated Ordinance invalid and, in making such a determination without obtaining pre-election review, the Town exceeded its power under South

¹ Plaintiffs have ordered a copy of the Trial Transcript but had not received it at the time of the filing of this motion.

Carolina law. Thus, the Court should amend the Final Order and rule that the Town failed to comply with South Carolina law.

Section 5-17-30 of the South Carolina Code provides that “[i]f the council shall fail to pass an ordinance proposed by initiative petition or shall pass it in a form substantially different from that set forth in the petition therefore . . . , the adoption . . . of the ordinance concerned shall be submitted to the electors not less than thirty days nor more than one year from the date the council takes its final vote thereon.” In short, the Town had only two statutory options when it was presented with the Initiated Ordinance: 1) adopt the ordinance, or a substantially similar version of the ordinance, or 2) conduct a referendum and allow the electorate to vote on the citizen initiated ordinance. S.C. Code Ann. § 5-17-30.

Because the Town determined, on its own accord, that the Initiated Ordinance was facially defective, the Town had to obtain a pre-election ruling that the Court agreed with this determination before declining to conduct a referendum. This is the third and final option afforded to a municipality presented with an initiated ordinance. In Town of Hilton Head Island v. Coalition of Expressway Opponents, the Town, as opposed to the petitioners, initiated a declaratory judgment action seeking a pre-election review of the validity of a citizen initiated ordinance because the Town determined the initiated ordinance was facially invalid and did not want to hold a referendum. 307 S.C. 449, 415 S.E.2d 801(1992). Our Supreme Court specifically held:

[Whether the] . . . initiated ordinance is facially defective in its entirety. . .
. [is a] finding[] which can be made pursuant to judicial inquiry only, and
that a municipality has no power to pass on the validity of an initiated
ordinance; a declaratory judgment action is the appropriate method by

which a municipality may seek pre-election review of an initiated ordinance.

307 S.C. at 457-58, 415 S.E.2d at 806.

Here, the Town did not pursue a declaratory judgment action to ask the Court to determine the validity of the Initiated Ordinance and, as a result, never obtained the pre-election review necessary prior to refusing to put the Initiated Ordinance to a vote of the Sullivan's Island electorate. It is insufficient to file but never commence a lawsuit and improper for a municipality to maintain that doing so satisfies its requirements under the law. Thus, the Town of Sullivan's Island was not compliant with South Carolina law and the Final Order should be amended accordingly.

The import of the Court's order is significant. In effect, the Final Order holds that it is just for the Town of Sullivan's Island to receive a certified initiated ordinance and simply ignore it unless and until members of the electorate file a lawsuit to attempt to force the Town to comply with the law. The holding of Town of Hilton Head Island v. Coalition of Expressway Opponents simply does not stand for the proposition that a group of individuals who comply with all laws to have a proposed initiated ordinance either adopted or submitted to the electorate must also bear the burden of obtaining a pre-election review when the municipality takes no action beyond deciding, for itself, that the ordinance is defective. The Town's failure to comply with South Carolina law was improper and, thus, Plaintiffs move the Court clarify and/or amend the Final Order to declare that the Town's conduct exceeded the authority provided to it under the laws of this state.

II. The Town's conduct violated Plaintiffs' procedural due process rights.

Plaintiffs also move that the Court amend its order and enter judgment in favor of Plaintiffs as to their Section 1983 claim that the Town's conduct violated their constitutionally protected rights to procedural due process. Section 1983 of Title 42 of the United States Code provides, in pertinent part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, . . .

42 U.S.C. § 1983.

Municipalities, like the Town of Sullivan's Island, are "persons" as contemplated by Section 1983. As such, "[l]ocal governing bodies . . . can be sued directly under § 1983 for monetary, declaratory, or injunctive relief where, as here, the action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation or decision officially adopted and promulgated by the body's officers." Monell v. Dept. of Social Services, 436 U.S. 690 (1978). To state a Section 1983 claim against a municipality, a plaintiff must demonstrate: (1) an official policy or custom (2) that causes the plaintiff to be subjected to (3) a denial of a constitutional right. Todd v. Smith, 305 S.C. 227, 232, 407 S.E.2d 644, 647 (1991).

Plaintiffs' constitutional right to procedural due process was denied by the Town's official conduct in failing to take any of the three steps afforded by South Carolina law when it received the Initiated Ordinance. To demonstrate a violation of procedural due process,

Plaintiffs must first demonstrate the deprivation of a life, liberty or property interest. Liberty interests may be created by state law. See Wolff v. McDonnell, 418 U.S. 529, 557 (1974). In statutorily affording citizens the right to participate in local government via the right to referendum, the Legislature created a liberty interest. See S.C. Code Ann. §§ 5-17-10, et seq.

Once a right has been demonstrated, “[t]he fundamental requirements of due process under the United States Constitution and the South Carolina Constitution include notice, an opportunity to be heard in a meaningful way, and judicial review.” Harbit v. City of Charleston, 382 S.C. 383, 393, 675 S.E.2d 776, 781 (Ct. App. 2009). If the Town’s conduct in responding to the Initiated Ordinance was proper under the law, a municipality does not have to adopt an initiated ordinance, does not have to conduct a referendum and does not have to obtain a pre-election ruling that the initiated ordinance is defective. In short, the Town has all the power to reject a proposed ordinance and ignore the referendum rights provided to the electorate by our Legislature without any accountability or review of such conduct. Instead, the Town is afforded the opportunity to wait to see if members of the electorate will file suit to compel the Town to comply with the law. It is this inaction that violates procedural due process. Not only does such conduct halt the function of referendum rights, it also violates procedural due process rights. As a result, the Court should amend its Final Order and rule that the Town of Sullivan’s Island violated Plaintiffs’ constitutional procedural due process rights.

CONCLUSION

For the reasons articulated above, Plaintiffs respectfully move that the Court amend its Final Order and enter judgment in Plaintiffs' favor as to both causes of action.

Respectfully submitted,



J. Rutledge Young III
ryoung@duffyandyoung.com

Julie L. Moore
jmoore@duffyandyoung.com

DUFFY & YOUNG, LLC
96 Broad Street
Charleston, South Carolina 29401
Phone: (843) 720-2044
Fax: (843) 720-2047
ATTORNEYS FOR PLAINTIFFS

This 23 day of June, 2014.

12-6830

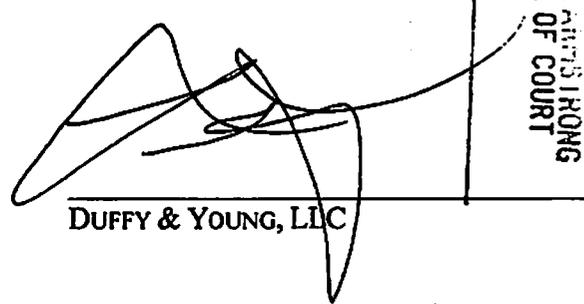
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **MOTION TO RECONSIDER THE COURT'S FINAL ORDER** has been served upon each of the parties to this action by depositing same in the United States mail, postage prepaid, in an envelope(s) addressed as follows:

John P. Linton, Jr., Esq.
Pratt-Thomas Walker
16 Charlotte Street
Charleston, SC 29403

Lawrence A. Dodds, Esq.
Dodds and Hennessy, LLP
973 Houston Northcutt Blvd., Suite 101
Mt. Pleasant, SC 29464

This 23rd day of June, 2014.

BY  JULIE S. MINGOS RONG
CLERK OF COURT

DUFFY & YOUNG, LLC

2014 JUN 23 PM 4:18

FILED

Andy Benke

From: John Linton <jpl@p-tw.com>
Sent: Wednesday, June 25, 2014 9:38 AM
To: Andy Benke; Joe Henderson; Larry Dodds (ldodds@doddsandhennessy.com)
Subject: Boehm v. TOSI- Hearing set on BZA Appeal

Joe, Andy and Larry,

The Boehm BZA appeal has been set for a hearing at 9:30 am on September 2 in courtroom 4C at the Charleston County Courthouse. Judge Dennis, who was our trial Judge in petition lawsuit will be hearing the appeal. As you know the appeal is limited to a review of the record from the BZA, so there will not be live witnesses like in the petition lawsuit. I have reviewed the record, and Trenholm and I will put together our brief over the next few weeks. We will circulate a draft for your comments in advance of sending the brief to the court.

Regards,

-John

John P. Linton, Jr., Esq.
Pratt-Thomas Walker, P.A.
16 Charlotte Street (29403)
P.O. Drawer 22247
Charleston, SC 29413-2247
e-mail: jpl@p-tw.com
Direct Tel: (843) 727-2252

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James D. Armstrong
Deputy County Administrator
Transportation Development / Public Works



843.202.6140
Fax: 843.202.6152
JDArmstrong@charlestoncounty.org
Lonnie Hamilton III Public Services Building
4045 Bridge View Drive, Suite B232
North Charleston, SC 29405

June 18, 2014

The Honorable Mike Perkis
Mayor Town of Sullivans Island
P.O. Box 427
Sullivans Island, SC 29482

Subject: Transportation Sales Tax (TST) Program – FY 2015 Annual Allocation Projects
Project Selection Notification

Dear Mayor Perkis:

Existing projects receiving additional funding and new construction projects funded under the TST FY 2015 Annual Allocations program have been approved by County Council. This letter is to notify you of the approved funding allocations for these projects.

Additionally, the County's TST resurfacing contract for FY 2015 is under development. Selection of the roads included in this contract were prioritized by utilizing our computerized Pavement Management System which is based on the technical evaluation of the overall condition of each road. Once the road list is finalized we will notify the appropriate agencies (i.e. public works departments, utility companies, etc...) to ensure there are no conflicting projects which may require deferral of resurfacing. If you should have questions regarding the County's resurfacing program or the Pavement Management System, you may contact County staff at 202-6140.

Larger projects, funded over multiple years in order to complete them within the annual allocation funding levels, are referred to as carryover projects. The TST FY 2015 annual allocations approved by County Council for carryover projects are listed as Attachment 1 to this letter. Also included as Attachment 2 are the County Council approved new construction projects. The allocated amount available for new projects was approximately \$750 thousand for Intersection Improvements, \$1 million for Local Paving (earth road improvements), \$725 thousand for Drainage Improvements, and \$425 thousand for Pedestrian/Bike Enhancement projects. New projects were evaluated by use of an

Objective Evaluation and Prioritization Process. The funding available within each Allocation Category was then applied to the highest ranked projects, with the goal of accomplishing as many projects as possible.

If you have any questions regarding details of the program please contact me at (843) 202-6140.

Sincerely,



Jim Armstrong
Deputy County Administrator
Transportation, Public Works

Cc: Eric Adams, P.E., Transportation Engineering Manager

Attachment 1: Carry-Over Projects and Funding Available dated 5/14/2014
Attachment 2: Recommended Funding for New Projects dated 5/20/2014

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**CARRY-OVER* PROJECTS
AND FUNDING AVAILABLE**

Council District	Funding Category	Project	Total Estimate	Funding to Date	FY2015 Remaining Available Funding	Total Funding	Remaining to be Funded
 Bike / Pedestrian Improvements							
9	Bike / Ped	SC 61 / Ashley Point Drive Sidewalk	125,000	50,000	75,000	125,000	0
BIKE / PED TOTAL			125,000	50,000	75,000	125,000	0
 Drainage							
2	Drainage	Edwards Park / Queen Street Drainage	401,000	201,000	200,000	401,000	0
3-4	Drainage	Monterey Street Drainage Improvements	760,000	635,000	125,000	760,000	0
1	Drainage	Phillips Community Drainage	631,249	431,249	200,000	631,249	0
2	Drainage	Osceola Avenue Drainage	335,000	85,000	250,000	335,000	0
**	Drainage	Repayment of Bond Funds (see explanation below)**	N/A	N/A	500,000	N/A	N/A
DRAINAGE TOTAL			2,127,249	1,352,249	1,275,000	2,127,249	0
 Intersection Improvements							
3	Intersection	Maybeline Road Turn Lane Extension	257,000	207,000	50,000	257,000	0
3	Intersection	Ashley Phosphate Road at I-26EB On Ramp	295,000	195,000	100,000	295,000	0
6	Intersection	Palmetto Commerce Parkway Turn Lanes at Ladson Road	384,232	284,232	100,000	384,232	0
**	Intersection	Repayment of Bond Funds (see explanation below)**	N/A	N/A	1,000,000	N/A	N/A
INTERSECTION TOTAL			936,232	686,232	1,250,000	936,232	0
 Local Paving							
**	Local Paving	Repayment of Bond Funds (see explanation below)**	N/A	N/A	1,000,000	N/A	N/A
LOCAL PAVING TOTAL			0	0	1,000,000	0	0
 County Council / Public Works Department							
All	CC / PW	Public Works Operations	N/A	N/A	700,000	N/A	N/A
Varlous	CC / PW	County Non-Standard Road Program	N/A	N/A	150,000	N/A	N/A
LOCAL PAVING TOTAL			0	0	850,000	0	0
GRAND TOTAL			3,188,481	2,088,481	4,450,000	3,188,481	0

* "Carry-over" refers to projects that were approved for and received funding in prior years but require additional funds to complete either the entire project or the designated phase of work.

** As part of the FY 2014 Allocation process, Council approved expending \$9.56mil of bond funds to complete the following four projects: IOP Connector Widening, Ashley River Bridge Retrofit, SC 61 at SC 7 Intersection and James Island Connector at Courtenay Drive. These payments represent a reimbursement of \$2.5mil in FY 15 Allocation Funding with the goal of full reimbursement by FY 18.

SUMMARY OF CARRY-OVERS and FUNDS AVAILABLE BY CATEGORY	FY2015 FUNDS AVAILABLE	FY2015 CARRY-OVER REQUEST	FUNDS REMAINING FOR NEW PROJECTS
Bike / Pedestrian Enhancements	\$500,000	\$75,000	\$425,000
Drainage Improvements	\$2,000,000	\$1,275,000	\$725,000
Intersection Improvements	\$2,000,000	\$1,250,000	\$750,000
Local Paving Projects	\$2,000,000	\$1,000,000	\$1,000,000
CC / PWD Projects	\$1,000,000	\$850,000	\$150,000
TOTAL	\$7,500,000	\$4,450,000	\$3,050,000

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**RECOMMENDED
FUNDING FOR NEW PROJECTS**

BIKE / PEDESTRIAN ENHANCEMENTS PROJECT RECOMMENDATIONS									
Approved Annual funding for this category = \$500,000.00; Available funding for this category = \$425,000.00									
Category	Council District	Requestor	Project	Total Estimate	Points	Rating	Recommended Funding	Category Rank	Countywide Rank
Bike/Ped	1	Town of Mount Pleasant	Park West Blvd- Roundabout to US 17	\$40,000	620.00	64.52	\$40,000	1	3
Bike/Ped	2	Town of Mount Pleasant	Ben Sawyer Blvd - Rifle Range to Goodyear Tire	\$115,000	760.00	147.44	\$115,000	2	4
Bike/Ped	1	Town of Mount Pleasant	Anna Knapp - Frontage Road to near Lake Hunter Circle	\$125,000	650.00	163.82	\$125,000	3	6
Bike/Ped	8	City of Charleston	Croghan Landing Drive Multi-Use Path	\$120,000	630.00	160.48	\$120,000	4	8
Bike/Ped	4	City of North Charleston	Covington Drive Sidewalk	\$150,000	560.00	267.86	\$25,000	5	12

DRAINAGE PROJECT RECOMMENDATIONS									
Approved Annual funding for this category = \$2,000,000.00; Available funding for this category = \$725,000.00									
Category	Council District	Requestor	Project	Total Estimate	Points	Rating	Recommended Funding	Category Rank	Countywide Rank
Drainage	2	Town of McClellanville	Alert Road / N. Carolina Road Drainage Canal ROW Acquisition	\$45,000	833.61	53.58	\$45,000	1	2
Drainage	2	Town of Sullivan's Island	FO on Avenue Drainage Improvements	\$85,000	554.74	153.22	\$85,000	2	5
Drainage	2	Town of McClellanville	Pinckney Street Drainage Repairs	\$90,000	489.47	153.87	\$90,000	3	7
Drainage	N/A	Charleston County Public Works	Hanahan Canal - FUNDING ONLY	\$175,000	375.26	466.34	\$175,000	4	20
Drainage	6	City of North Charleston	Brookdale Canal Drainage Canal Improvements - FUNDING ONLY	\$603,000	978.95	922.42	\$330,000	5	41

INTERSECTION IMPROVEMENT PROJECT RECOMMENDATIONS									
Approved Annual funding for this category = \$2,000,000.00; Available funding for this category = \$750,000.00									
Category	Council District	Requestor	Project	Total Estimate	Points	Rating	Recommended Funding	Category Rank	Countywide Rank
Intersection	5	City of Charleston	SC 81 @ 5th Ave Intersection Safety Improvements - FUNDING ONLY	\$20,000	1,078.26	18.55	\$20,000	1	1
Intersection	3	SCDOT	Rivers Avenue / Ashley Phosphate Road Intersection	\$300,000	1,291.67	232.26	\$300,000	2	9
Intersection	1	Town of Mount Pleasant	Park West Blvd - Left Turn Lane @ Rec Complex	\$140,000	539.13	259.68	\$140,000	3	10
Intersection	5	Park & Recreation Commission	Oceanic Street Improvements	\$100,000	359.42	278.23	\$100,000	4	13
Intersection	2	Charleston County Public Works	US 17 & SC 45	\$350,000	651.45	537.26	\$190,000	6	22

LOCAL PAVING PROJECT RECOMMENDATIONS									
Approved Annual funding for this category = \$2,000,000.00; Available funding for this category = \$1,000,000.00									
Category	Council District	Requestor	Project	Total Estimate	Points	Rating	Recommended Funding	Category Rank	Countywide Rank
Local Paving	2	Town of Awendaw	Martin George Lane Improvement	\$200,000	768.00	260.42	\$200,000	1	11
Local Paving	6	Charleston County Public Works	Alfred Road	\$280,000	810.23	345.58	\$280,000	2	16
Local Paving	6	Town of Hollywood	Trexler Avenue Improvement	\$409,000	874.00	467.96	\$409,000	3	21
Local Paving	3	City of North Charleston	Victory Lane Paving	\$626,000	944.00	662.08	\$111,000	4	31

CHARLESTON COUNTY / PUBLIC WORKS PROJECT RECOMMENDATIONS									
Approved Annual funding for this category = \$1,000,000.00; Available funding for this category = \$150,000.00									
Category	Council District	Requestor	Project	Total Estimate	Points	Rating	Recommended Funding	Category Rank	Countywide Rank
CC/PW	Various	Charleston County Public Works	Road Stabilization and Dust Control - Various County Roads	N/A	N/A	N/A	\$150,000	N/A	N/A

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Dennis N. Lambries, Respondent,

v.

Saluda County Council; T. Hardee Horne, Chairman;
William "Billie" Pugh, Councilman; Steve Teer,
Councilman; Jacob Schumpert, Councilman; and James
Frank Daniel, Sr., Councilman; Petitioners.

Appellate Case No. 2012-212790

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Saluda County
The Honorable William P. Keesley, Circuit Court Judge

Opinion No. 27400
Heard May 7, 2014 – Filed June 18, 2014

REVERSED

Christian G. Spradley, of Moore, Taylor & Thomas, P.A.,
of Saluda, and Katherine Carruth Goode, of Winnsboro,
for Petitioners.

Richard R. Gleissner, of Gleissner Law Firm, LLC, of
Columbia, for Respondent.

Robert E. Lyon, Jr., John K. DeLoache, and Alexander White Smith, all of Columbia, for Amicus Curiae South Carolina Association of Counties.

Danny C. Crowe, of Crowe LaFave, L.L.C., of Columbia, for Amicus Curiae the Municipal Association of South Carolina.

ACTING JUSTICE JAMES E. MOORE: This Court granted a petition for a writ of certiorari to review *Lambries v. Saluda County Council*, 398 S.C. 501, 728 S.E.2d 488 (Ct. App. 2012), in which the Court of Appeals held, in a matter of first impression, that Saluda County Council's practice of amending its agenda during regularly scheduled meetings violated S.C. Code Ann. § 30-4-80 (2007), the notice provision in South Carolina's Freedom of Information Act (FOIA). We reverse.

I. FACTS

On December 8, 2008, at a regularly scheduled meeting of the Saluda County Council, a motion was made and seconded to amend the posted agenda to take up a resolution. Both the motion and the resolution were voted upon and passed unanimously during the meeting, which was open to the public. The nonbinding resolution pertained to water and sewer services, although that subject was not originally listed on County Council's agenda.

Dennis N. Lambries ("Lambries") filed this action in the circuit court against the Saluda County Council and its members (collectively, "County Council"), alleging County Council's amendment of the agenda without notice and in the absence of exigent circumstances and its passage of a resolution that was not on the posted agenda violated FOIA's notice provision in section 30-4-80. Lambries brought the action as a citizen of Saluda County and noted he was also the Chairman of the Saluda County Water and Sewer Authority.

Lambries sought declaratory and/or injunctive relief. Specifically, Lambries asked the circuit court to declare that all resolutions, acts, ordinances, and statements made by County Council in violation of FOIA were null and void, and he sought injunctive relief to prevent future amendments of an agenda in the absence of "truly exigent circumstances," adopting the language contained in a

1984 South Carolina Attorney General Opinion.¹ Lambries contended the only exception in section 30-4-80 to the requirement that a public notice include an agenda, date, time, and place of meeting was for emergency meetings.

Lambries ultimately dropped his request that certain acts of County Council be declared void and sought only an interpretation of FOIA's notice provision that would prevent County Council from amending its agenda during regularly scheduled meetings. The circuit court denied Lambries's request for injunctive relief and found that under the clear terms of section 30-4-80, which referred to the publication of an "agenda, if any," an agenda was not even required for regularly scheduled meetings, and FOIA contained no prohibition on the amendment of a published agenda. The circuit court rejected Lambries's argument that a sentence in section 30-4-80 states that an agenda is required, finding it applied only to "called, special, or rescheduled meetings," not to "regularly scheduled meetings."

The circuit court noted the purpose of FOIA is for the activities of government "to be in open session and not behind closed doors." The court found that "the amendment of the agenda was performed in open session and in accordance with Saluda County Council rules of order as codified in their ordinances," and S.C. Code Ann. § 4-9-110 (1986) authorizes counties to establish their own rules and order of business. The circuit court denied Lambries's motion to alter or amend under Rule 59(e), SCRPC, reiterating that it "d[id] not agree with the plaintiff's fundamental position that a county council cannot amend agendas for regularly scheduled meetings without advance notice or exigent circumstances."

The Court of Appeals reversed in a split decision, the majority finding (1) an agenda is required for regularly scheduled meetings, and (2) County Council's amendment of an agenda less than twenty-four hours before the meeting violated the "spirit" and "purpose" of FOIA's notice requirement. *Lambries v. Saluda County Council*, 398 S.C. 501, 728 S.E.2d 488 (Ct. App. 2012) (2-1 decision).

¹ Op. No. 84-20, 1984 Op. S.C. Att'y Gen. 56, 1984 WL 159828. Lambries mischaracterizes the Attorney General's opinion as stating agendas are *required* for regularly scheduled meetings. However, the Attorney General actually stated that agendas are posted for regularly scheduled meetings "if there is an agenda[.]" *Id.* at *2. Moreover, the language referenced by Lambries, wherein the Attorney General "advise[d] that in the absence of truly exigent circumstances, [FOIA] requires a public body to give notice in the manner prescribed," was made in the context of stating FOIA's notice requirements did not apply to emergency meetings. *Id.* at *4.

This Court granted County Council's petition for a writ of certiorari. In addition, the Court has accepted briefs in support of County Council from the amici curiae, the Municipal Association of South Carolina and the South Carolina Association of Counties.

II. STANDARD OF REVIEW

As an initial matter, County Council contends "the Court of Appeals applied the wrong standard of review" when it found it could decide the issue presented in this case "with no particular deference to the circuit court." County Council contends the matter should be reviewed under an abuse of discretion standard, as indicated by the dissent.²

"Actions for injunctive relief are equitable in nature." *Denman v. City of Columbia*, 387 S.C. 131, 140, 691 S.E.2d 465, 470 (2010). "An injunction is a drastic remedy issued by the court in its discretion to prevent irreparable harm suffered by the plaintiff." *Id.* at 140-41, 691 S.E.2d at 470 (citation omitted).

"An order granting or denying an injunction is reviewed for [an] abuse of discretion." *Strategic Res. Co. v. BCS Life Ins. Co.*, 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006). "An abuse of discretion occurs when the trial court's decision is based upon an error of law or upon factual findings that are without evidentiary support." *Fields v. J. Haynes Waters Builders, Inc.*, 376 S.C. 545, 555, 658 S.E.2d 80, 85-86 (2008) (emphasis added).

"Upon review of an action in equity, this Court may make factual findings based on its own view of the preponderance of the evidence." *Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc.*, 361 S.C. 117, 120-21, 603 S.E.2d 905, 907 (2004). "Determining the proper interpretation of a statute is a question of law, and this Court reviews questions of law de novo." *Town of Summerville v. City of N. Charleston*, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008). "In a case raising a novel issue of law regarding the interpretation of a statute, the appellate court is free to decide the question with no particular deference to the lower court." *Sloan v. S.C. Bd. of Physical Therapy Exam'rs*, 370 S.C. 452, 466, 636 S.E.2d 598, 605 (2006). "The appellate court is free to decide the question based on its assessment of which interpretation and reasoning would best comport with the law and public

² The dissenting judge found, as an alternative basis for affirming, that the issuance of an injunction is within the trial court's discretion. *Lambries*, 398 S.C. at 507-08, 728 S.E.2d at 492 (Pieper, J., dissenting).

policies of this state and the Court's sense of law, justice, and right." *Id.* at 467, 636 S.E.2d at 605-06.

We find that, while an injunction is equitable and subject to the trial court's discretion, where the decision turns on statutory interpretation—here, an interpretation of section 30-4-80 in FOIA—this presents a question of law. As a result, this Court need not give deference to the trial court's interpretation. If, based on this Court's assessment, the trial court committed an error of law in its interpretation of FOIA's notice requirement, that would constitute an abuse of discretion by the trial court.

III. LAW/ANALYSIS

On appeal, County Council contends the Court of Appeals erred in interpreting FOIA as prohibiting a public body from amending its agenda at a regularly scheduled meeting. In analyzing this issue, it will be helpful to consider the relevant FOIA provisions, the applicable principles of statutory interpretation, and the reasoning of the Court of Appeals before turning to the propriety of County Council's conduct.

A. Overview of FOIA Provisions

There is no common-law right to attend the meetings of government bodies, so many jurisdictions have legislated public meeting statutes, variously referred to as, *inter alia*, "open meeting laws" or "Sunshine Acts." *See generally* 4 Eugene McQuillin, *The Law of Municipal Corporations* § 13:10 (3d ed. rev. vol. 2011); 2 Am. Jur. 2d *Administrative Law* § 84 (2004).

In South Carolina, FOIA governs the public disclosure of the activities of public bodies, and it has provisions pertaining to public meetings as well as documents. S.C. Code Ann. §§ 30-4-10 to -165 (2007 & Supp. 2013). The essential purpose of FOIA is to protect the public from secret government activity. *Wiedemann v. Town of Hilton Head Island*, 330 S.C. 532, 500 S.E.2d 783 (1998).

In declaring FOIA's purpose, the General Assembly has found "that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy." S.C. Code Ann. § 30-4-15 (2007). "Toward this end, [FOIA's] provisions . . . must be construed so as to make it possible for citizens, or their representatives,

to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings." *Id.*

FOIA's open meeting provision, section 30-4-60, provides "[e]very meeting of all public bodies shall be open to the public unless closed pursuant to [section] 30-4-70 of this chapter." *Id.* § 30-4-60. Meetings may be closed for certain enumerated reasons, including such matters as the discussion of proposed contractual arrangements and the proposed sale or purchase of property; the receipt of legal advice related to a pending, threatened, or potential claim; and the discussion of the proposed location, expansion, or provision of services. *Id.* § 30-4-70.

FOIA's notice provision is set forth in section 30-4-80 and requires "written public notice" of the meetings of public bodies as follows:

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their *regular meetings* at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, *if any*, for *regularly scheduled meetings* must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings.

All public bodies must post on such bulletin board public notice for any *called, special, or rescheduled meetings*. *Such notice* must be posted as early as is practical but not later than twenty-four hours before the meeting. *The notice* must include the agenda, date, time, and place of the meeting. *This requirement* does not apply to *emergency meetings* of public bodies.

Id. § 30-4-80(a) (emphasis added). The statutory language is set forth in one paragraph, but it is separated into two paragraphs here for readability.

"Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held." *Id.* § 30-4-80(d).

Any citizen of this state may apply to the circuit court for either or both a declaratory judgment and injunctive relief to enforce the provisions of FOIA no later than one year following the date on which the alleged violation occurs or one

year after a public vote in public session, whichever occurs later. *Id.* § 30-4-100(a). The court may award attorney's fees and other litigation costs to a prevailing plaintiff. *Id.* § 30-4-100(b). Any person or group willfully violating FOIA shall be deemed guilty of a misdemeanor. *Id.* § 30-4-110.

B. Principles of Statutory Interpretation

"The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature." *Charleston Cnty. Sch. Dist. v. State Budget & Control Bd.*, 313 S.C. 1, 5, 437 S.E.2d 6, 8 (1993). "The determination of legislative intent is a matter of law." *Media Gen. Commc'ns, Inc. v. S.C. Dep't of Revenue*, 388 S.C. 138, 148, 694 S.E.2d 525, 529 (2010) (citation omitted).

If a statute is ambiguous, the courts must construe its terms. *Sparks v. Palmetto Hardwood, Inc.*, 406 S.C. 124, 750 S.E.2d 61 (2013). "A statute as a whole must receive practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers." *Id.* at 128, 750 S.E.2d at 63 (citation omitted). "In interpreting a statute, the language of the statute must be read in a sense that harmonizes with its subject matter and accords with its general purpose." *Id.* (citation omitted).

"Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning." *Media Gen.*, 388 S.C. at 148, 694 S.E.2d at 530 (quoting *Hodges v. Rainey*, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000)). "If a statute's terms are clear and unambiguous, they must be taken and understood in their plain, ordinary and popular sense, unless it fairly appears from the context that the Legislature intended to use such terms in a technical or peculiar sense.'" *Id.* (citation omitted).

"What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will." *Id.* (quoting Norman J. Singer, *Sutherland Statutory Construction* § 46.03, at 94 (5th ed. 1992)). "Therefore, the courts are bound to give effect to the expressed intent of the legislature." *Id.* "While it is true that the purpose of an enactment will prevail over the literal import of the statute, this does not mean that this Court can completely rewrite a plain statute." *Hodges*, 341 S.C. at 87, 533 S.E.2d at 582; *cf. Lancaster Cnty. Bar Ass'n v. S.C. Comm'n on Indigent Defense*, 380 S.C. 219, 222, 670 S.E.2d 371, 373 (2008) ("In construing a statute, this Court will reject an interpretation when such an interpretation leads to an absurd result that could not have been intended by the legislature.").

C. Majority & Dissenting Opinions of the Court of Appeals

The majority of the Court of Appeals found the circuit court's interpretation of the "if any" language in section 30-4-80(a) to mean that an agenda was not required for regularly scheduled meetings "is inconsistent with the requirement that agendas be posted twenty-four hours prior to a meeting." *Lambries v. Saluda Cnty. Council*, 398 S.C. 501, 504, 728 S.E.2d 488, 490 (Ct. App. 2012). The majority found such a construction could allow County Council to "circumvent the notice requirement by simply not preparing a formal agenda and then discussing matters on an ad hoc basis at the meeting." *Id.* The majority reasoned "[s]uch conduct would not be in keeping with the purpose of FOIA, [so the court would] not construe a statute in a way that defeats the legislative intent." *Id.*

The majority noted the plain meaning of words in a statute would be rejected if it leads to an absurdity that is not in keeping with the legislative intent, and it found if no agenda is required for regularly scheduled meetings, then the publication requirement for instances when there is an agenda is "superfluous" because "[m]eetings with or without an agenda are equally open to the public." *Id.*

The majority stated, however, that if "agenda" (which is undefined in FOIA) "is not viewed narrowly as only a formally prepared piece of paper but instead as representing the impactful actions and business the paper memorializes, then the statute can be read harmoniously." *Id.* In such case, "the 'if any' language simply recognizes that regularly scheduled meetings of public bodies may occur during which *no formal action or discussion is to take place*. If so, there is no agenda and no requirement for publication of a blank piece of paper." *Id.* (emphasis added).

The majority acknowledged that the remaining issue, whether a published agenda of a regularly scheduled meeting could be amended during a meeting without violating FOIA, was "a close question[] because no provision appears to prohibit such action." *Id.* at 505, 728 S.E.2d at 490. However, the majority ultimately decided allowing an amendment "undercuts the purpose of the notice requirement in section 30-4-80." *Id.* The majority stated, "While *Lambries* does not argue Council's deeds have been done with ill intent, permitting the amendments to the agenda during a regularly scheduled meeting is a practice that could be abused and *violates the spirit of FOIA*." *Id.* at 505, 728 S.E.2d at 491 (emphasis added). The majority conceded that its "decision may be inconvenient in some instances," *id.* at 506, 728 S.E.2d at 491, and this point has been extensively argued by the amici in their briefs to this Court.

In contrast, the dissenting judge found no FOIA violation by County Council, stating: "Section 30-4-80 is completely silent as to whether an amendment to a published agenda for a regularly scheduled meeting is permitted. What is clear is that an agenda is not required for a regularly scheduled meeting as indicated by the 'if any' language in the statute." *Id.* at 507, 728 S.E.2d at 491-92 (Pieper, J., dissenting). "Because an agenda is not required for a regularly scheduled meeting, it is difficult to conclude that the statute's silence clearly demonstrates legislative intent to prohibit a public body from amending a discretionary agenda." *Id.* at 507, 728 S.E.2d at 492. "Additionally, [County] Council's amendment of the agenda did not violate FOIA's purpose of providing the public access to a public body's actions behind closed doors." *Id.* "[T]he meeting was performed in an open and public manner, and the public was advised of both the meeting and the decisions reached at the meeting." *Id.*

"Moreover, because a FOIA violation can be criminal in nature, the law should be clear as to what is proscribed; otherwise, unintended prosecutions could be threatened." *Id.* "Until the legislature resolves this issue, I would not judicially impose requirements that would have the effect of creating new and potentially unintended criminal liability." *Id.* Lastly, the dissenting judge observed, "[I]n light of the admitted lack of legislative clarity on this issue, I would alternatively affirm the trial court's denial of Lambries' temporary injunction, as the decision to grant or deny an injunction is within the discretion of the trial court." *Id.* at 507-08, 728 S.E.2d at 492.

D. Propriety of County Council's Actions

We find the reasoning of the circuit court and the dissent to be most persuasive. In reviewing FOIA's notice provision, the General Assembly appears to have identified three broad classes of meetings and set forth different notice requirements for each:

(1) Regularly scheduled meetings. "All public bodies . . . must give written public notice of their *regular meetings* at the *beginning of each calendar year*. The notice *must* include the *dates, times, and places* of such meetings. Agenda, *if any*, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body *at least twenty-four hours* prior to such meetings." S.C. Code Ann. § 30-4-80(a) (emphasis added).

(2) Called, special, or rescheduled meetings. "All public bodies must post on such bulletin board public notice for any *called, special, or rescheduled meetings*. *Such notice* must be posted as early as is practicable but not later than

twenty-four hours before the meeting. The notice *must* include the *agenda, date, time, and place* of the meeting." *Id.* (emphasis added).

(3) Emergency meetings. "*This requirement* [posting a notice including the agenda, date, time, and place not less than twenty-four hours before the meeting as required for called, special, or rescheduled meetings] does *not* apply to *emergency meetings* of public bodies." *Id.* (emphasis added).

The General Assembly did not specifically define any of the foregoing types of meetings in FOIA. However, we agree with the circuit court and the dissent that the plain language of the words "if any" can mean only that an agenda is *not* required for regularly scheduled meetings. To conclude otherwise would be to read the words "if any" completely out of the statute. In plain terms, written public notice of regularly scheduled meetings must be given at the *beginning* of each calendar year and must include the *dates, times, and places* of the meetings. An agenda, *if there is one*, must be posted at least twenty-four hours before the meeting. Thus, County Council could chose to issue no agenda at all.

To the extent the Court of Appeals found the "if any" language was meant to distinguish two types of regularly scheduled meetings, i.e., (1) those at "which no formal action or discussion is to take place," for which an agenda is not required because "publication of a blank piece of paper" serves no purpose, and (2) those involving action or discussion, which require an agenda, nothing in FOIA supports this reasoning.

To the contrary, FOIA makes it clear that meetings are not limited to instances where action is taken, as evidenced in section 30-4-20(d), which defines a "meeting" as "the convening of a quorum . . . *to discuss or act* upon a matter over which the public body has supervision, control, jurisdiction or advisory power." S.C. Code Ann. § 30-4-20(d) (2007) (emphasis added); *see also* 62 C.J.S. *Municipal Corporations* § 308 (2011) ("Under an open meetings law, a meeting is a gathering of a quorum or more members of a governing body at which members discuss, decide, or receive information as a group on issues relating to the official business of the body. . . . A meeting is not limited to gatherings at which action is taken by a governing body. Deliberative gatherings are included as well, and deliberation in this context connotes not only collective decision-making but also the collective acquisition and exchange of facts in preparation for the final decision." (footnote omitted)).

Moreover, although the specific types of meetings are not defined in FOIA itself, in light of the General Assembly's references to these different meetings in

section 30-4-80(a) and its general references in section 4-9-110 to meeting requirements, we believe the General Assembly made an intentional delineation because the terms do have commonly understood distinctions in the common parlance for procedures governing public bodies.

As other jurisdictions have long recognized, a "regular" meeting is one "convened at a stated time and place pursuant to a general order, statute or resolution." *Barile v. City Comptroller of Utica*, 288 N.Y.S.2d 191, 196 (Sup. Ct. 1968). Since notice is given at the beginning of the year, the public is well apprised of these meetings, which provide an ongoing opportunity for the public body to consider and act upon routine matters that arise throughout the year.

In contrast, a "special" meeting is a meeting called for a special purpose and at which nothing can be done beyond the objects specified for the call. *Id.*; see also *Stoddard v. Dist. Sch. Bd. for Sch. Dist. 91*, 12 P.2d 309, 312 (Or. 1932) ("A meeting called for a special purpose is a special meeting. A regular meeting is one not specially called, but one convened at a stated time and place pursuant to a general order, statute, or resolution."); 4 Eugene McQuillin, *The Law of Municipal Corporations* § 13:17 (3d ed. rev. vol. 2011) (stating regular meetings are provided for by ordinance, resolution, or motion under legal authority, while special or called meetings are convened by the chief executive officer or presiding officer of the body, or in some other definite way, upon due notice); 39B *Words and Phrases* (2006 & Supp. 2013) (citing authorities defining "special meeting" and distinguishing it from a regular meeting).

In South Carolina, statutory law governing county governments requires councils to hold at least one meeting each month in accordance with a schedule prescribed by the council, and special meetings may be called by the chairman or a majority of the members after twenty-four hours' notice. S.C. Code Ann. § 4-9-110 (1986). A council must conduct its meetings in accordance with the general state law affecting the meetings of public bodies, but it is entitled "to determine its own rules and order of business." *Id.* This statute supports the premise that there is a distinction between regularly scheduled meetings and other meetings. Since the permissible topics for a special meeting are restricted to the "objects of the call," it is reasonable to infer that our General Assembly has purposefully chosen to mandate that an agenda be prepared for this type of meeting, as compared to a regularly scheduled meeting. The consideration of the limited subject matter necessarily dictates different notice requirements.

By mandating an agenda for regularly scheduled meetings and forbidding County Council from amending its agenda, the Court of Appeals is, effectively, treating a regularly scheduled meeting as a called, special, or rescheduled meeting. As County Council asserts, "[t]he majority's decision expands the scope of [] FOIA and imposes a new agenda requirement and a new prohibition against amendment of published agenda not contained in [] FOIA itself." It has long been the law of this state that where a statute's plain language is clear, a court is not allowed to change its meaning, and a court cannot speculate on legislative intention because to do so would be an assumption of legislative power. *State v. Lewis*, 141 S.C. 207, 139 S.E. 386 (1927); *see also Hodges*, 341 S.C. at 85, 533 S.E.2d at 581 ("Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous statute.").

In sum, nowhere in FOIA is there a statement that an agenda is required for regularly scheduled meetings. Since what the General Assembly says in the text of the statute itself is the best evidence of legislative intent, *Hodges*, 341 S.C. at 85, 533 S.E.2d at 581, we believe the legislative intent evidenced in the use of the phrase "if any" is that the issuance of an agenda for regularly scheduled meetings lies within the discretion of County Council. *Cf.* 62 C.J.S. *Municipal Corporations* § 148 (2011) ("The functions of a municipal corporation may be either imperative or discretionary. Whether any particular power or duty is mandatory, permissive, or discretionary is purely a question of legislative intent." (footnote omitted)).

If the General Assembly wanted to require an agenda for regularly scheduled meetings, it could have done so with the simple use of the word "shall," which generally signals a command. *Cf. City of Midwest City v. House of Realty, Inc.*, 198 P.3d 886, 891 n.6 (Okla. 2008) ("All public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year. . . . In addition . . . , all public bodies shall, at least twenty-four (24) hours prior to such meetings, display public notice of said meeting, setting forth thereon the date, time, place and agenda for said meeting . . . ; provided, however, the posting of an agenda shall not preclude a public body from considering at its regularly scheduled meeting any new business." (quoting Okla. Stat. tit. 25, § 311 (2001)); *cf. Grapski v. City of Alachua*, 31 So. 3d 193, 199 (Fla. Dist. Ct. App. 2010) (holding while Florida courts have recognized that notice of public meetings is mandatory, the preparation of an agenda that reflects every issue that may come up at a properly noticed meeting is not, and notice need not be given of every potential deviation from a previously announced agenda; the public has the right to

attend open meetings, but no authority to interfere with the decision-making process.)

Nor is there any restriction contained in FOIA on the amendment of an agenda. We agree with the dissent that it appears the majority of the Court of Appeals engrafted this prohibition onto FOIA based on its subjective view of the "spirit" and "purpose" of FOIA. Although we understand the concerns articulated by the majority, the purpose of the notice provision in section 30-4-80 is to prevent government business from taking place in secret, as noted in our case law, *e.g.*, *Wiedemann v. Town of Hilton Head Island*, 330 S.C. 532, 500 S.E.2d 783 (1998), and in the General Assembly's statement of purpose in section 30-4-15. The public was not prevented from finding out the actions of County Council where the proposed amendment to the agenda and the resolution were both raised and voted upon in public and were recorded in the minutes of the meeting of County Council. Since County Council posted the regularly scheduled meeting at the beginning of the year and posted a discretionary agenda at least twenty-four hours prior to the meeting, it complied with the requirements of FOIA's notice requirement in section 30-4-80. *Cf. Dorsten v. Port of Skagit County*, 650 P.2d 220, 223 (Wash. Ct. App. 1982) ("The primary requirement for regularly scheduled meetings is that they be 'open to the public.' Notice of the agenda is required only for special meetings. RCW 42.30.080.").

Some jurisdictions have provisions in their open meetings laws that specifically address when and how amendments may be made. *E.g.*, *Zoning Bd. of Appeals v. Freedom of Info. Comm'n*, 784 A.2d 383, 385 n.3 (Conn. App. Ct. 2001) ("The agenda of the regular meetings of every public agency . . . shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings" (quoting Connecticut's General Statutes, revision to 1997, § 1-21(a), recodified at § 1-225(c)); *see also* 29 Del. Code Ann. tit. 29, § 10004(e)(2) (Supp. 2012) ("All public bodies shall give public notice of their regular meetings and of their intent to hold an executive session closed to the public, at least 7 days in advance thereof. The notice shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings . . . ; however, the agenda shall be subject to change to include additional items . . . or the deletion of items . . . which arise at the time of the public body's meeting.").

In the absence of such a legislative directive here, we decline to judicially impose a restriction on the amendment of an agenda for a regularly scheduled meeting, especially when it is clear that no agenda is required at all. We find this is also the better public policy in light of the fact that a violation of FOIA can carry a criminal penalty, and we note this Court has previously declined to impose restrictions that are not expressly provided by the General Assembly in FOIA. *See, e.g. Wiedemann*, 330 S.C. at 535 n.4, 500 S.E.2d at 785 n.4 (stating "[t]here is no requirement, in section 30-4-60 or elsewhere in [] FOIA, that meetings of a public body be conducted in a **public building**" and holding "[a]bsent a specific statutory restriction, [] meetings may be held in locations other than public buildings"); *Herald Publ'g Co. v. Barnwell*, 291 S.C. 4, 11, 351 S.E.2d 878, 882 (Ct. App. 1986) (citing section 30-4-80(a) and stating FOIA "requires that public bodies post a public notice of any special meeting including the agenda, date, time and place of the meeting," but finding FOIA "does not require that an agenda for an executive session be posted or that the news media be notified of the agenda of an executive session").

IV. CONCLUSION

We conclude FOIA's notice statute does not require an agenda to be issued for a regularly scheduled meeting, and FOIA contains no prohibition on the amendment of an agenda for a regularly scheduled meeting. Thus, we hold County Council did not violate FOIA in this instance. The imposition of any additional restrictions in FOIA is a matter for the General Assembly.

REVERSED.

**TOAL, C.J., KITTREDGE and HEARN, JJ., concur. PLEICONES, J.,
concurring in result only.**



MASC Home Legislation Officials

Select a different bill

S 0437 - Allows the four percent property tax rate on certain properties

[Post Your Comments](#)

Tracking Level: Passed
Sponsor: Raymond E. Cleary III (R)
Last Action: 6/13/2014 - Effective date See Act for Effective Date
Senate Committee: Senate Committee on Finance

Staff Analysis of the Legislation

05.14.2014 The House Ways and Means committee gave this bill a favorable report as amended by the subcommittee.

03.19.2013 The Senate Finance committee gave this bill a favorable report with an amendment. The amendment changes the date to tax year 2013.

03.05.2013 The Senate Finance Property Taxation subcommittee gave this bill a favorable report with an amendment. The amendment requires both state and federal tax returns.

Summary of the bill as introduced: Allows the owner-occupant of residential property to receive the four percent assessment ratio if the owner is otherwise qualified and the residence is not rented for more than 100 days a year.

Bill Summary from the State Site - [Click for the State Summary Page](#) / [Click for Current Full Text](#)



Session 120 - (2013-2014)

S*0437 (Rat #0269) General Bill, By Cleary, Reese, Rankin, Campsen, Hembree, Davis, McGill, Thurmond, Campbell, Cromer and Ford

Summary: Property tax

AN ACT TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER-OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN SEVENTY-TWO DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO THE RENTAL OF THESE RESIDENCES; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED; TO AMEND SECTION 12-36-920, AS AMENDED, RELATING TO THE SEVEN PERCENT STATE SALES TAX IMPOSED ON ACCOMMODATIONS, SO AS TO PROVIDE THAT THE TAX DOES NOT APPLY TO GROSS PROCEEDS FROM RENTALS RECEIVED BY PERSONS RENTING THEIR PERSONAL RESIDENCE FOR FEWER THAN FIFTEEN DAYS TOTAL IN A YEAR AND IF THE GROSS PROCEEDS OF THE RENTAL INCOME ARE EXCLUDED FROM FEDERAL TAXABLE INCOME PURSUANT TO THE PROVISIONS OF SECTION 280A(g) OF THE INTERNAL REVENUE CODE OF 1986; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCLUDE CERTAIN RELIGIOUS TRUSTS IN EXEMPTING PROPERTY USED FOR THE HOLDING OF ITS MEETINGS WHEN NO PROFIT OR BENEFIT INURES TO THE BENEFIT OF ANY STOCKHOLDER OR INDIVIDUAL; TO AMEND SECTION 12-24-40, RELATING TO EXEMPTIONS FROM DEED RECORDING FEES, SO AS TO EXEMPT TRANSFERS FROM A TRUST ESTABLISHED FOR THE BENEFIT OF A RELIGIOUS ORGANIZATION TO THE RELIGIOUS ORGANIZATION; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE FOUR PERCENT SPECIAL ASSESSMENT RATIO, SO AS TO PROVIDE THAT AN ELIGIBILITY PROVISION REQUIRING A CERTAIN OWNERSHIP PERCENTAGE DOES NOT APPLY IF THE PROPERTY IS HELD BY A TRUST, FAMILY LIMITED PARTNERSHIP, OR LIMITED LIABILITY COMPANY UNDER CERTAIN SITUATIONS, AND TO PROVIDE THAT IF A PERSON RESIDES IN A MOBILE HOME OR SINGLE FAMILY RESIDENCE AND

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ONLY RENTS A PORTION OF THE MOBILE HOME OR SINGLE FAMILY RESIDENCE TO ANOTHER INDIVIDUAL AS A RESIDENCE, THE PERSON MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO. - ratified title

02/27/13Senate Introduced and read first time (**Senate Journal-page 8**)
 02/27/13Senate Referred to Committee on Finance (**Senate Journal-page 8**)
 03/21/13Senate Committee report: Favorable with amendment Finance (**Senate Journal-page 19**)
 06/04/13Senate Committee Amendment Amended and Adopted (**Senate Journal-page 45**)
 06/04/13Senate Read second time (**Senate Journal-page 45**)
 06/04/13Senate Roll call **Ayes-39 Nays-0** (**Senate Journal-page 45**)
 06/05/13Senate Read third time and sent to House (**Senate Journal-page 32**)
 06/06/13House Introduced and read first time (**House Journal-page 12**)
 06/06/13House Referred to Committee on Ways and Means (**House Journal-page 12**)
 05/15/14House Committee report: Favorable with amendment Ways and Means (**House Journal-page 44**)
 05/22/14House Debate adjourned until Tues., 5-27-14 (**House Journal-page 53**)
 05/27/14House Amended (**House Journal-page 86**)
 05/27/14House Read second time (**House Journal-page 86**)
 05/27/14House Roll call **Yeas-100 Nays-0** (**House Journal-page 95**)
 05/28/14House Read third time and returned to Senate with amendments (**House Journal-page 12**)
 05/29/14Senate House amendment amended (**Senate Journal-page 109**)
 05/29/14Senate Returned to House with amendments (**Senate Journal-page 109**)
 05/30/14 Scrivener's error corrected
 06/03/14House Concurred in Senate amendment and enrolled (**House Journal-page 63**)
 06/03/14House Roll call **Yeas-94 Nays-6** (**House Journal-page 64**)
 06/05/14 Ratified R 269
 06/09/14 Signed By Governor
 06/13/14 Effective date See Act for Effective Date

Legislative Services Agency
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05/22/14 House Debate adjourned until Tues., 5-27-14
(House Journal-page 53)
 05/27/14 House Amended (House Journal-page 86)
 05/27/14 House Read second time (House Journal-page 86)
 05/27/14 House Roll call Yeas-100 Nays-0 (House Journal-page 95)
 05/28/14 House Read third time and returned to Senate with
amendments (House Journal-page 12)
 05/29/14 Senate House amendment amended (Senate Journal-page 109)
 05/29/14 Senate Returned to House with amendments
(Senate Journal-page 109)
 05/30/14 Scrivener's error corrected
 06/03/14 House Concurred in Senate amendment and enrolled
(House Journal-page 63)
 06/03/14 House Roll call Yeas-94 Nays-6 (House Journal-page 64)
 06/05/14 Ratified R 269
 06/09/14 Signed By Governor
 06/13/14 Effective date See Act for Effective Date

VERSIONS OF THIS BILL

2/27/2013
 3/21/2013
 6/4/2013
 5/15/2014
 5/27/2014
 5/29/2014
 5/30/2014

S. 437

NOTE: THIS COPY IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL PUBLISHED IN THE ADVANCE SHEETS TO THE ACTS AND JOINT RESOLUTIONS. WHEN THIS DOCUMENT IS PUBLISHED IN THE ADVANCE SHEET, THIS NOTE WILL BE REMOVED.

(R269, **S437**)

AN ACT TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER-OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN SEVENTY-TWO DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO THE RENTAL OF THESE RESIDENCES; TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED; TO AMEND SECTION 12-36-920, AS AMENDED, RELATING TO THE SEVEN PERCENT STATE SALES TAX IMPOSED ON ACCOMMODATIONS, SO AS TO PROVIDE THAT THE TAX DOES NOT APPLY TO GROSS PROCEEDS FROM RENTALS RECEIVED BY PERSONS RENTING THEIR PERSONAL RESIDENCE FOR FEWER THAN FIFTEEN DAYS TOTAL IN A YEAR AND IF THE GROSS PROCEEDS OF THE RENTAL INCOME ARE EXCLUDED FROM FEDERAL TAXABLE INCOME PURSUANT TO THE PROVISIONS OF SECTION 280A(g) OF THE INTERNAL REVENUE CODE OF 1986; TO AMEND SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCLUDE CERTAIN RELIGIOUS TRUSTS IN EXEMPTING PROPERTY USED FOR THE HOLDING OF ITS MEETINGS WHEN NO PROFIT OR BENEFIT INURES TO THE BENEFIT OF ANY STOCKHOLDER OR INDIVIDUAL; TO AMEND SECTION 12-24-40, RELATING TO EXEMPTIONS FROM DEED

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RECORDING FEES, SO AS TO EXEMPT TRANSFERS FROM A TRUST ESTABLISHED FOR THE BENEFIT OF A RELIGIOUS ORGANIZATION TO THE RELIGIOUS ORGANIZATION; AND TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO THE FOUR PERCENT SPECIAL ASSESSMENT RATIO, SO AS TO PROVIDE THAT AN ELIGIBILITY PROVISION REQUIRING A CERTAIN OWNERSHIP PERCENTAGE DOES NOT APPLY IF THE PROPERTY IS HELD BY A TRUST, FAMILY LIMITED PARTNERSHIP, OR LIMITED LIABILITY COMPANY UNDER CERTAIN SITUATIONS, AND TO PROVIDE THAT IF A PERSON RESIDES IN A MOBILE HOME OR SINGLE FAMILY RESIDENCE AND ONLY RENTS A PORTION OF THE MOBILE HOME OR SINGLE FAMILY RESIDENCE TO ANOTHER INDIVIDUAL AS A RESIDENCE, THE PERSON MAY CLAIM THE FOUR PERCENT ASSESSMENT RATIO.

Be it enacted by the General Assembly of the State of South Carolina:

Eligibility of four percent assessment ratio, rental of residence

SECTION 1. A. Section 12-43-220(c)(2)(iv) of the 1976 Code is amended by adding a new paragraph before the last undesignated paragraph to read:

"If the owner or the owner's agent has made a proper certificate as required pursuant to this subitem and the owner is otherwise eligible, the owner is deemed to have met the burden of proof and is allowed the four percent assessment ratio allowed by this item, if the residence that is the subject of the application is not rented for more than seventy-two days in a calendar year. For purposes of determining eligibility, rental income, and residency, the assessor annually may require a copy of applicable portions of the owner's federal and state tax returns, as well as the Schedule E from the applicant's federal return for the applicable tax year."

B. Section 12-43-220(c) of the 1976 Code is amended by deleting subitem (7) which reads:

"(7) Notwithstanding any other provision of law, the owner-occupant of a legal residence is not disqualified from receiving the four percent assessment ratio allowed by this item, if the taxpayer's residence meets the requirements of Internal Revenue Code Section 280A(g) as defined in Section 12-6-40(A) and the taxpayer otherwise is eligible to receive the four percent assessment ratio."

C. This SECTION takes effect upon approval by the Governor and applies to property tax years beginning after property tax year 2013.

Verification of federal Schedule E

SECTION 2. Section 12-54-240(B) of the 1976 Code, as last amended by Act 80 of 2013, is further amended by adding an appropriately numbered item at the end to read:

"() verification that the federal Schedule E filed with the department is the same as the Schedule E required by the assessor pursuant to Section 12-43-220(c)."

Disallowance of accommodations tax on certain residential rentals

SECTION 3. Section 12-36-920(A) of the 1976 Code, as last amended by Act 56 of 2005, is further amended to read:

"(A) A sales tax equal to seven percent is imposed on the gross proceeds derived from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a consideration. This tax does not apply:

(1) where the facilities consist of less than six sleeping rooms, contained on the same premises, which is used as the individual's place of abode; or

(2) to gross proceeds from rental income wholly excluded from the gross income of the taxpayer pursuant to Internal Revenue Code Section 280A(g) as that code is defined in Section 12-6-40(A).

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The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same person for a period of ninety continuous days are not considered proceeds from transients. The tax imposed by this subsection does not apply to additional guest charges as defined in subsection (B)."

Property tax exemption and deed recording fee exemption for certain trusts benefitting a religious organization

SECTION 4. A. Section 12-37-220(B)(16) of the 1976 Code is amended to read:

"(16)(a) The property of any religious, charitable, eleemosynary, educational, or literary society, corporation, trust, or other association, when the property is used by it primarily for the holding of its meetings and the conduct of the business of the society, corporation, trust, or association and no profit or benefit there from inures to the benefit of any private stockholder or individual.

(b) The property of any religious, charitable, or eleemosynary society, corporation, trust, or other association when the property is acquired for the purpose of building or renovating residential structures or it for not-for-profit sale to economically disadvantaged persons. The total properties for which the religious, charitable, or eleemosynary society, corporation, trust, or other association may claim this exemption in accordance with this paragraph may not exceed fifty acres per county within the State.

(c) The exemption allowed pursuant to subitem (a) of this item extends to real property owned by an organization described in subitem (a) and which qualifies as a tax exempt organization pursuant to Internal Revenue Code Section 501(c)(3), when the real property is held for a future use by the organization that would qualify for the exemption allowed pursuant to subitem (a) of this item or held for investment by the organization in sole pursuit of the organization's exempt purposes and while held this real property is not rented or leased for a purpose unrelated to the exempt purposes of the organization and the use of the real property does not inure to the benefit of any private stockholder or individual. Real property donated to the organization which receives the exemption allowed pursuant to this subitem is allowed the exemption for no more than three consecutive property tax years. If real property acquired by the organization by purchase receives the exemption allowed pursuant to this subitem and is subsequently sold without ever having been put to the exempt use, the exemption allowed pursuant to this subitem is deemed terminated as of December thirty-first preceding the year of sale and the property is subject to property tax for the year of sale to which must be added a recapture amount equal to the property tax that would have been due on the real property for not more than the four preceding years in which the real property received the exemption allowed pursuant to this subitem. The recapture amount is deemed property tax for all purposes for payment and collection.

(d) To qualify for the exemption allowed by this item, a trust must be a trust that is established solely for the benefit of a religious organization."

B. Section 12-24-40(8) of the 1976 Code is amended to read:

"(8) transferring realty to a corporation, a partnership, or a trust as a stockholder, partner, or trust beneficiary of the entity or so as to become a stockholder, partner, or trust beneficiary of the entity as long as no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in the stock or interest held by the grantor. However, except for transfers from one family trust to another family trust without consideration or transfers from a trust established for the benefit of a religious organization to the religious organization, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee, even if the realty is transferred to another corporation, a partnership, or trust;"

C. This SECTION takes effect upon approval by the Governor and applies to property tax years beginning after 2013.

Ownership percentage not required for four percent assessment in certain circumstances

SECTION 5. A. Section 12-43-220(c)(8) of the 1976 Code is amended to read:

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"(8)(i) For ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, when the individual claiming the special four percent assessment ratio allowed by this item has an ownership interest in the residence that is less than fifty percent ownership in fee simple, then the value of the residence allowed the special four percent assessment ratio is a percentage of that value equal to the individual's ownership interest in the residence, but not less than the amount provided pursuant to subitem (4) of this item. This subitem (8) does not apply in the case of a residence otherwise eligible for the special four percent assessment ratio when occupied jointly by a married couple or which remains occupied by a spouse legally separated from a spouse who has abandoned the residence. If the special four percent assessment ratio allowed by this item applies to only a fraction of the value of residence, then the exemption allowed pursuant to Section 12-37-220(B)(47) applies only to value attributable to the taxpayer's ownership interest.

(ii) Notwithstanding subsubitem (i), for ownership interests in residential property created by deed if the interest in the property has not already transferred by operation of law, an applicant may qualify for the four percent assessment ratio on the entire value of the property if the applicant:

- (A) owns at least a twenty-five percent interest in the subject property with immediate family members;
- (B) is not a member of a household currently receiving the four percent assessment ratio on another property; and
- (C) otherwise qualifies for the four percent assessment ratio.

(iii) This subitem (8) does not apply to property held exclusively by:

- (A) an applicant, or the applicant and the applicant's spouse;
- (B) a trust if the person claiming the special four percent assessment ratio is the grantor or settlor of the trust, and the only beneficiaries of the trust are the grantor or settlor and any parent, spouse, child, grandchild, or sibling of the grantor or settlor;
- (C) a family limited partnership if the person claiming the special four percent assessment ratio transferred the subject property to the partnership, and the only members of the partnership are the person and the person's parents, spouse, children, grandchildren, or siblings;
- (D) a limited liability company if the person claiming the special four percent assessment ratio transferred the subject property to the limited liability company, and the only members of the limited liability company are the person and the person's parents, spouse, children, grandchildren, or siblings; or
- (E) any combination thereof.

The exception contained in this subsubitem (iii) does not apply if the applicant does not otherwise qualify for the four percent assessment ratio, including the requirement that the applicant, nor any member of the applicant's household, claims the four percent assessment ratio on another residence.

For purposes of this subitem (8), 'immediate family member' means a parent, child, or sibling."

B. This SECTION takes effect upon approval by the Governor and applies to property tax years beginning after 2011. If the property tax assessor determines that a person denied the four percent special assessment ratio in property tax year 2012 or 2013 now qualifies pursuant to the provisions of this SECTION, the person must be refunded any property taxes paid in excess of the amount owed.

Eligibility of four percent assessment ratio, rental of portion of residence

SECTION 6. Section 12-43-220(c)(1) of the 1976 Code is amended to read:

"(c)(1) The legal residence and not more than five acres contiguous thereto, when owned totally or in part in fee or by life estate and occupied by the owner of the interest, and additional dwellings located on the same property and occupied by immediate family members of the owner of the interest, are taxed on an assessment equal to four percent of the fair market value of the property. If residential real property is held

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in trust and the income beneficiary of the trust occupies the property as a residence, then the assessment ratio allowed by this item applies if the trustee certifies to the assessor that the property is occupied as a residence by the income beneficiary of the trust. When the legal residence is located on leased or rented property and the residence is owned and occupied by the owner of a residence on leased property, even though at the end of the lease period the lessor becomes the owner of the residence, the assessment for the residence is at the same ratio as provided in this item. If the lessee of property upon which he has located his legal residence is liable for taxes on the leased property, then the property upon which he is liable for taxes, not to exceed five acres contiguous to his legal residence, must be assessed at the same ratio provided in this item. If this property has located on it any rented mobile homes or residences which are rented or any business for profit, this four percent value does not apply to those businesses or rental properties. However, if the person claiming the four percent assessment ratio resides in the mobile home or single family residence and only rents a portion of the mobile home or single family residence to another individual as a residence, the foregoing provision does not apply and the four percent assessment ratio must be applied to the entire mobile home or single family residence. For purposes of the assessment ratio allowed pursuant to this item, a residence does not qualify as a legal residence unless the residence is determined to be the domicile of the owner-applicant."

Time effective

SECTION 7. Except where otherwise provided, this act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2014.

Approved the 9th day of June, 2014. -- S.

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LAND USE AND NATURAL RESOURCES COUNCIL WORKSHOP

July 7, 2014

Chairman Pat O'Neil

Members Mike Perkis and Jerry Kaynard

All matters relating to the zoning and building ordinances and their implementation, and natural resources including Town-owned land.

**Monthly Zoning Report Presented by Mr. Henderson
Monthly Boards and Commission Reports Attached**

I. Matters for Action by Council

No action items for Council at this time.

II. Matters for Discussion by Council

1. Ordinance 2014-05, An Ordinance to Adopt Amendments to the 2008 Comprehensive Plan received first reading at the June 17, 2014 Council meeting.

III. New Matters Presented to Council

1. Trolley Bridge Access Trail Project – Eagle Scout Candidate and Island resident Simon Lancto has submitted a project to improve the access to the Old Bridge for consideration and approval by Town Council.
2. Community Rating System – Community volunteer to review public documentation.

IV. Matters Pending Further Action by Council

No pending matters at this time.

LAND USE AND NATURAL RESOURCES COMMITTEE
BOARD AND COMMISSION ACTION SUMMARY
JUNE 2014

Date: June 30, 2014
From: Building Department
Prepared For: Land Use and Natural Resources Committee
Regarding: Board and Commission Agenda Items

PLANNING COMMISSION: JUNE 11, 2014

A. PARCEL SUBDIVISION REQUESTS

1. Approved- Marsh Winds Executive Offices: Loren Ziff, applicant, requests approval to subdivide TMS# 529-09-00-021 (2113 Middle Street and 2114 Iron Avenue) in accordance with Zoning Ordinance Section 21-29.

B. ITEMS FOR CONSIDERATION

1. Removed from Consideration- Station 22 Access to Stith Park: Planning Commission requests to hold a discussion concerning a Town owned right-of-way located between Station 22 and Stith Park. (TMS# 529-05-00-080)

C. PUBLIC HEARING

1. Recommendation of Approval- Coffee Shops and Food Service Establishments: Public Hearing for proposed text amendments to allow coffee shop uses and define other food service establishments within the Community Commercial Zoning District. Zoning Ordinance text amendments are proposed to Section 21-203, "Definitions"; Section 21-50.A.(1)(B), "Permitted Uses"; Section 21-50.B. (1), "Conditional Uses"; Section 21-50.C. (1), "Special Exceptions"; Section 21-50.D. (1) "Prohibited Uses."

BOARD OF ZONING APPEALS: JUNE 12, 2014

D. SPECIAL EXCEPTIONS

1. Approved- 2830 Middle Street: Heather Wilson, applicant, requests approval of a Historic Preservation Special Exception for a designated Sullivan's Island Landmark located at 2830 Middle Street. (TMS# 529-07-00-071)

E. VARIANCE REQUESTS

1. Denied- 1802 Back Street: Bill Huey and Associates, applicants, request a variance from Zoning Ordinance Section 21-23 (E), reduction of the required thirty-foot RC-2 District setback. (TMS# 529-05-00-077)
2. Approved- 3005 Marshall Boulevard: Robert M. Burdell III, applicant, requests variances from Zoning Ordinance Section 21-22 (B) reduction of required front setback, and Section 21-23 (D) reduction of required RC-1 District setback. (TMS# 529-12-00-072)
3. Denied- 322 Station 19: Hal Coste, application, requests a variance from Zoning Ordinance Section 21-138 (A) (3) height requirements for accessory structures. (TMS# 529-05-00-089)

DESIGN REVIEW BOARD: JUNE 18, 2014

A. CERTIFICATES OF APPROPRIATENESS – HISTORIC PROPERTIES

1. Approved-2830 Middle Street: Heather Wilson, applicant, requests final design review and approval of a Board of Zoning Appeals issued Historic Special Exception in accordance with the Z.O. Section 21-20. (TMS# 529-07-00-071)
2. Recommended Changes- 1102 Osceola Avenue: Beau Clowney Design, applicants, request conceptual approval of a home relocation and several structure modifications for an existing Sullivan's Island Landmark. (TMS# 523-07-00-070)

CERTIFICATES OF APPROPRIATENESS – NON HISTORIC PROPERTIES

3. Approved-1802 Back Street: Bill Huey and Associates, applicants, request preliminary design review and approval for a new single-family detached home. Relief is requested from the design standards for the structure's second story side setback, principal building square footage, and principal building coverage. (TMS# 529-05-00-077)

TREE COMMISSION: JUNE 23, 2014

NO MEETING HELD

LUNR-2

To: Sullivans Island Town Council
Date: June 20, 2014
From: Simon Lancto
Re: Trolley Bridge Access Trail

Hello,

My name is Simon Lancto and I am an Eagle Scout Candidate with Boy Scout Troop #59 on Sullivans Island.

One of the last steps that I need to complete (in order to achieve Eagle rank) is to complete a Leadership Service Project. The project that I am proposing would involve Town owned property and I understand from Mr. Benke that your approval is required. The Access Trail is used for fishing as well as a quite place to gaze out at the water and enjoy the beauty of our Island. I believe that improving the usability of this area will benefit residents and visitors alike.

This Service Project would include:

- Minor pruning to improve the access trail
- The construction of a wood bench using treated lumber
- Bolting the bench (to existing asphalt) in order to insure permanency
- The construction and installation of a fishing line recycling box
- The installation of a Town provided trash barrel at the trailhead

In choosing this project the guidelines I needed to follow were:

- A project that would benefit any religious institution, any school or my community
- The project must present me with the opportunity for planning, development and leadership

The funding of this project will come from donations and the labor will be provided by members of Troop #59 and myself.

Thank you for your consideration,

Simon Crawford Lancto

LUNR-3

MEMO

June 2, 2014

To: Pat O'Neil, Chairman LUNAR

CC: Town Council

From: Randy Robinson, Building Official

The CRS program has added a credit to the public information section of the program for a resident to review the actions taken by the staff prior to implementation. This person cannot be an employee of the Town or involved in the ISO/CRS Floodplain Management. The position must be a volunteer position and would only require the person to review documents sent to the public and put on the website. This person would also be required to attend the Hazard mitigation workshop with Charleston County one time per year.

I have a couple of retired persons that I have in mind and would like permission to approach them for this help. I really do not feel this is some position that needs to be advertised as the time is very minimal (3 to 6 hrs. per year) and they are not making legal decisions concerning individuals. He/She would just be reviewing our information to the public and giving us some feedback from a layman's perspective and of course, fulfilling the requirements of the program.

Respectfully submitted,

Randy

LUNR-4

**PUBLIC FACILITIES
COUNCIL WORKSHOP**

July 7, 2014

**Chairwoman Hartley Cooper
Members Pat O'Neil and Chauncey Clark**

All matters relating to construction, maintenance and improvements of streets, beach paths and Town-owned buildings; sanitation services including trash and garbage; stormwater management; and energy and resource conservation programs.

Monthly Construction Report Presented by Mr. Robinson.

I. Matters for Action by Council

No action items at this time.

II. Matters for Discussion by Council

1. Town Hall Project – Work continues with Creech and Associates and Hill Construction on schematic design and construction pricing.

III. New Matters Presented to Council

No new matters for Council at this time.

IV. Matters Pending Further Action by Council

No pending matters for Council at this time.

BUILDING/ BUSINESS LICENSE REPORT

June 2014

				Fiscal Year to date	Previous Year to date
	June 2014	May 2014	June 2013		
TOTAL PERMITS ISSUED	32	24	25	404	355
TOTAL C.O. ISSUED	2	1	3	20	16
NEW HOME PERMITS	2	2	6	13	18
COST OF CONSTRUCTION	976,976	1,818,231	9,204,143	18,625,857	8,798,197
PERMIT FEES COLLECTED	25,690.56	8,288.73	28,872.75	282,804.94	215,051.72
Budget amount 2013/2014				245,000.00 115.43%	225,000.00 96%
DEMOLITIONS/MOVING	0	0	0	4	6
INSPECTIONS	67	53	57	871	598
OTHER SITE VISITS	32	19	26	274	253
BUSINESS LICENSE	27,840.78	10,996.19	32,121.00	940,084.55	577,881.02
Budget amount 2013/2014				1,242,500.00	494,400.00

RECREATION COUNCIL WORKSHOP

July 7, 2014

**Chairwoman Mary Jane Watson
Members Hartley Cooper and Susan Middaugh**

All matters relating to the creation, expansion or improvement of facilities and programs in the area of parks and recreation; and community wellness programs.

I. Matters for Action by Council

No action items for Council at this time.

II. Matters for Discussion by Council

1. Staff position for Administration/Recreation.
2. Engineering Study for Mound at Stith Park
3. Review of Independence Day Events.

III. New Matters Presented to Council

No new matters presented to Council at this time.

IV. Matters Pending Further Action by Council

1. Moultrie News 50th Anniversary Celebration – The Moultrie News would like to celebrate its 50th anniversary with Island residents on or about October 17, 2014 with an event in the Park.