

January 21, 2003

The regular meeting of Town Council was held on the above date at Town Hall, all requirements of the Freedom of Information Act having been satisfied:

Present were: J. Marshall Stith, Mayor  
Penn L. Hagood, Councilwoman  
Debra Hazen-Martin, Councilwoman  
Carl J. Smith, Mayor Pro Tem  
Patrick M. O'Neil, Councilman  
Alys Anne Wiedeke, Councilwoman  
William J. Wood, Councilman

The Pledge of Allegiance was led by Mayor Stith, followed by the invocation by Councilman William J. Wood.

There were ten private citizens present.

The floor was opened for comments from the citizens. John Burn, a Board member of the Children's Garden School at Holy Cross Church, expressed concern regarding the high rate of speed of traffic on Middle Street and also about the assault incident that happened at the neighbor's house directly behind the church. Chief Howard will enforce patrolling the Middle Street area during the morning hours for speeding. The Department of Transportation controls the speed limits and signs. Councilman Smith suggested contacting the principal of Sullivan's Island Elementary School, as some might be parents rushing from the Children's Garden School to Sullivan's Island Elementary. Concerning the incident at the home behind the church, Mayor Stith said the protocol for this incident will be reviewed. Edwin Cooper of 2524 I'on expressed concern about the traffic behind his house near Holy Cross Church. He also expressed concern over the assault incident and appreciates the police department's work in bringing the criminal to justice. Sis Nunnally who works at Holy Cross, supported the comments by Mr. Burn and Mr. Cooper. She said the church staff is willing to work with the Town on this situation. Make MacMurphy of 1820 I'on expressed concern over the hazardous potholes in the area.

Motion was made by Councilman Smith, seconded by Councilman Wood, to amend the agenda for First Reading, by title only, of An Ordinance to Amend Various Sections of Chapter 21, Zoning Code, of the town of Sullivan's Island Code of Ordinances to Provide a Uniform Standard of Buildable Lot Area for the Purpose of Calculating Lot Coverage and Building/Porch Limits Theron, carried unanimously.

Minutes of the December 17, 2002 meeting were approved as written.

Motion was made by Councilman Wood, seconded by Councilwoman Wiedeke, to appoint Curt Gibbons as Firefighter, carried unanimously. Mr. Gibbons was duly administered the Oath of Office by Mayor Stith.

Mayor Stith noted new correspondence from Mark Tanenbaum in reference to the ordinance as the amended agenda item. Mr. Tanenbaum's letter will become part of the record.

There was no Attorney's report.

Ways and Means Committee, Mayor Stith. Councilman O'Neil has been named to the Charleston County Coalition of Elected Officials. The transfer of the lighthouse property is pending; the Town's concerns were expressed to Senator Hollings' office during their meeting. The Seminoles will be visiting Sullivan's Island again on January 30<sup>th</sup>, and will have a short ceremony at Fort Moultrie.

Personnel Committee, Alys Anne Wiedeke. Curt Gibbons, fully certified firefighter, has accepted the position with the Fire Department, and took the oath of office tonight. Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to compensate accordingly Paul Fouchecourt, for passing the D Water Distribution exam, carried unanimously.

Water and Sewer, Councilwoman Hazen-Martin. PER has been approved by DHEC for the final changes at the sewer plant including the second flow measurement device. Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Smith, to approve HDR proceeding with the design phase of the project, carried unanimously. Poe Avenue project is behind schedule. The Simmons driveway was successfully bored under without any damage to the driveway. Flushing began several weeks ago. Generally, red water complaints have been down. There were no December excursions. The grit chamber was completely replaced at no cost to us.

Building and Construction Committee, Councilman Wood. December permit activity has been low. Building Official Randy Robinson presented to Council that Sunrise Presbyterian Church wishes to construct a house on a trailer for Habitat for Humanity. It would take three to four months to complete, and would always be on wheels. Mr. Robinson brought before Council because the Town Ordinances do not address this situation. Council agreed that Sunrise Presbyterian Church should speak to the neighbors, there should be proper trash receptacles, and no permanent connections to the trailer. A schedule needs to be given to Council of the hours that will be worked on the project. Councilwoman Wiedeke, although very supportive of Habitat for Humanity, stated we should reserve the right to say the building needs to stop if the construction becomes a problem, mainly because it is taking place in a residential area.

Fire Committee, Councilman Wood. The Charlie Post Run is this Saturday. The race begins at 8:30 a.m., with the road closing at 7:45 a.m. The Oyster Roast will be on February 8<sup>th</sup>.

Recreation Committee, Councilwoman Hagood. The Frogmore Stew Supper for the Gadsden Cultural Center was a great success. The observation deck and the walk is

finished at the Park. The second hole at the Mound has started to be filled; the Mound is still closed to outsiders. The Park newsletter will be mailed in a few days. The birthday party at the Sand Dunes on Feb. 15 and the Memorial Service on the beach on Feb. 17 were approved.

Real Estate Committee, Councilman O'Neil. The consultants will be here the first week in February. The churches have put this information in their bulletins. Council expressed concern about the flyer that was distributed concerning the meetings. Cooper Consulting implied that they would be designing the flyer and getting it to the residents. Cooper Consulting had presented they had novel ideas to get participation at the meetings. Council stated that Cooper Consulting needs to get creative, enticing, and needs multiple lines of communication. Signs need to be posted at both entrances of Sullivan's Island, and posters and flyers should be posted in the restaurants, bars, stores, post office, on the web site and in the newspapers.

As mentioned earlier, a letter was received from Mark Tanenbaum concerning the proposed revision to the ordinance regarding lot coverage. Councilwoman Hazen-Martin stated that she is supporting this revision at this time. She said there clearly is a problem with that ordinance or we wouldn't be having the issues we are facing now, especially with this property. This ordinance revision will not resolve the issues we have with this property, however, it allows the ordinance to begin, therefore the Zoning Administrator is no longer making decisions on how this ordinance is applied. Attorney Dodds stated that if the proposal is given first reading, the Zoning Administrator would be correct in invoking the pending ordinance doctrine, and he would not issue any permits if they violated the code ordinance. Dodds rendered an opinion to the Board of Zoning Appeals Chairman that he disagrees with the Zoning Administrator's interpretation of the ordinance. Dodds believes the ordinance is clear the way it is written that marsh is included. The Board of Zoning Appeals made the decision to overrule the Zoning Administrator, thus they could overrule again if any other cases were appealed to the Board of Zoning Appeals concerning this issue. Councilwoman Wiedeke expressed concern about the time period of other plans coming in before this issue is resolved. She also expressed that we should remain focused on the national coastal mandate to retreat from the edges of all waterways. Councilman Smith stated he would vote against it, as there are issues between the Town Council and Zoning Administrator that need to be addressed. Councilman O'Neil stated he agreed with Councilman Smith, and would be happy to discuss the various issues at the next meeting. The concern is trying to reassert the proper procedure for introducing these types of changes, exploring, and reviewing them. He also stated he would like a member of the Planning Commission present for the discussion. Mayor Stith is not ready to support first reading because this is the first time the issue has been raised, and believes that the present ordinance with the existing set back and lot coverage requirements, along with the critical lines adherence, is adequate. If it can be shown that this is a serious problem with consequences for the future, he will consider supporting the proposal. Mayor Stith is also concerned that there was almost a pre-determination by the Zoning Administrator of this issue. Councilwoman Hazen-Martin expressed concern about property near Breech Inlet that is already on the market or recently sold. Mayor Stith expressed concern about the town-owned property that

might be affected in the future with a future Council. Councilman Smith stated that the ordinance we currently have in place and enforced is the 30' setback from the critical line. In the case of the property questioned, the critical line is far in-line from the property line, so there is already a great decrease in the amount of buildable property. That along with side and front setbacks, a huge house can not be built. Councilwoman Hagood stated she is against this proposed ordinance revision as it stands now because of the process and believes our current ordinance is very clear.

The Planning Commission has recommended a moratorium on the demolition or removal of old houses. The Town Attorney has recommended against passing a moratorium. This issue will be addressed again after the consultants have completed their work. This issue needs to be a high priority, as it is viewed as more important than the lot coverage issue just addressed.

Police Committee, Mayor Stith. Mayor Stith stated that Council is 100% behind making the town safer, and as mentioned earlier, Council will meet with the Police Department to review the recent incidents and to receive their suggestions and thoughts. Recently a complaint was received regarding a loud party by a group of renters. The party was dispersed; the rental company was contacted; and the renter was cited in violation of the rental ordinance.

Streets and Maintenance Committee, Councilman Smith. A resident requested a four-way stop at 703 and Middle Street. The Department of Transportation does not recommend these stop signs. The resident who requested the town to abandon a right-of-way and have it surveyed has withdrawn the request. Middle Street is getting more bumpy; DOT has observed our roads, but we do not have a schedule as to when they will be fixed. Chief Stith said that the town has purchased a dozen bags for the past couple of weeks to fill the holes, however, it doesn't hold because the road is deteriorating. Councilman Smith stated that Bank of America is loaning approximately \$3.5 million to CARTA until June; hopefully this will keep it moving until the appeals to the sales tax have been resolved. Chief Stith stated that the parking bumpers are in at the Breech Inlet parking area, and we are receiving pricing on the curbing needed. Councilwoman Hazen-Martin requested that the plans be reviewed, as it doesn't seem that the plans are exactly as Council signed.

Motion was made by Councilman Smith, seconded by Councilman Wood, to pass Third Reading of An Ordinance to Amend Sections 21-28, Paragraphs (D), (F), (K), and (L) of Chapter 21 Zoning Code of the Town of Sullivan's Island Code of Ordinances pertaining to Front and Rear Yard Setbacks; carried by a vote of six, with Mayor Stith abstaining.

Mayor Stith duly ratified An Ordinance to Amend the Sullivan's Island Code of Ordinances by Adding Chapter 23, Establishing a Local Accommodations Fee for the Town of Sullivan's Island.

Mayor Stith duly ratified An Ordinance to Amend the Sullivan's Island Code of Ordinances by Adding Chapter 24, Establishing a Hospitality Tax for the Town of Sullivan's Island.

Motion was made by Councilman O'Neil, seconded by Councilwoman Hagood, to defer Second reading on An Ordinance Amending Section 21, Zoning Code of The Sullivan's Island Code of Ordinances By Establishing An Historic Old Fort District Overlay District, Identifying Its Location, Amending The Official Zoning Map and Including Provisions Regarding the Removal and Demolition of Certain Buildings; carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Hagood, to defer Second reading of An Ordinance Amending Section 21, Zoning Code of the Sullivan's Island Code of Ordinances by Establishing an Historic District Overlay District, Identifying Its Locations, Amending the Official Zoning Map and Including Provisions Regarding the Removal and Demolition of Certain Buildings, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman O'Neil, to pass First Reading, by title only, An Ordinance to Amend Various Sections of Chapter 21, Zoning Code, of the Town of Sullivan's Island Code of Ordinances to Provide a Uniform Standard of Buildable Lot Area for the Purpose of Calculating Lot Coverage and Building/Porch Limits Thereon. Motion failed by a vote of 6-1, with Councilwoman Hazen-Martin casting the yea vote.

Motion was made by Councilwoman Wiedeke, seconded by Councilwoman Hagood, to amend the agenda to extend Executive Session for Council and the Attorney only, to discuss a personnel matter, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman O'Neil, to adjourn to Executive Session, carried unanimously. There was no action taken following Executive Session.

Respectfully submitted,

Ellen McQueeney  
Town Clerk