

March 18, 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 six private citizens present and one member of the media.

The floor was opened for comments from the citizens. Patrick Dunleavy and Patty Mahr from Dunleavy's Pub expressed their appreciation to the Town, Chief Stith and Chief Howard for their help with the St. Patrick's Day celebration.

Minutes of the February 25, 2003 meeting were approved as written.

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

Mayor Stith received correspondence from the U.S. Post Office department. They are still in negotiation with the Beach Company in regard to the post office. The letter states the procedure that they follow. They are negotiating to hopefully maintain that site, and if that fails they will look for alternative solutions on Sullivan's Island. A representative of the post office will be at the Committee meeting in April to discuss. Both Senators and Congressman Brown and Representative Hagood have responded to the letters we sent to them concerning the post office.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Smith to amend the agenda to add an Executive Session for the purpose to relay communication from our attorney related to a contractual agreement, carried unanimously.

Mayor Stith received new correspondence from the director of DOT. DOT has agreed that the Ben Sawyer bridge should be rehabilitated and not replaced. With rehabilitation, it's serviceability would be 25 years. The latest cost figures are not as expensive as originally thought. We had asked the County for \$8 million to be taken from the ½ cent sales tax which will begin collection on May 1, 2003. However, the

funding source for the bridge has not yet been identified because the ½ cent sales tax issue is now before the Supreme Court.

There was no Attorney's report.

Ways and Means Committee, Mayor Stith. The annual audit review was presented at the public meeting earlier tonight. Work has begun on the 2003-2004 budget. Letters have been mailed concerning the retention of the Post Office on Sullivan's Island; the U.S. Post Office District Manager has written expressing the Postal Office's desire to work with us and keep all options open in the process.

Personnel Committee, Alys Anne Wiedeke. Firefighter Collins Corbett received Oath of Office tonight. A candidate was selected for the police officer opening, but an offer has not yet been made. Advertisements are running for the Town Administrator vacancy. The deadline is March 31st.

Water and Sewer, Councilwoman Hazen-Martin. We are working to resolve the problems related to Poe Avenue. We are still awaiting final conclusion as to how to end the project. Councilwoman Hazen-Martin and Greg Gress had a telephone meeting with HDR on March 7th, focusing data toward the problems rather than giving us raw data. The Water and Sewer Committee is meeting with HDR on March 21st.

Building and Construction Committee, Councilman Wood. The RC1 cutting tickets have been issued. The ISO will be meeting with Randy Robinson on April 1st.

Fire Committee, Councilman Wood. Collins Corbett joined the Fire Department on March 11th. The Fire Department's 55th anniversary party will be April 10th at 7:00 p.m. at the Sand Dunes Club. The Sullivan's Island boat landing was hit by a barge. The dock and about 20' of the pier were damaged. OCRM has issued us a maintenance permit letter.

Recreation Committee, Councilwoman Hagood. The Spring Dance raised approximately \$20,000 which is the average cost to run the park each year. The funds are used to cover the landscaping and equipment replacement. These funds are a big help to off-set the budget. The observation dock and pathway landscaping is very nicely done.

Real Estate Committee, Councilman O'Neil. Connie Cooper, head of the consulting team, met with Council at the committee meeting to discuss Council's concerns about the previous public meeting. She is preparing a one-page letter to mail to everyone on the Island, and more detailed information will be available on her website. Ms. Cooper will be here on March 19 and 20 to shoot additional photos, discuss FEMA elevations with Randy Robinson, and review building permits. Councilman O'Neil is meeting with her on March 20 and invited anyone interested to attend. The consulting team is planning visual preference surveys, and was receptive to Scott Parker's suggestion to use simple sketches rather than photographs of buildings. The next workshop could be April 29, depending on the availability of the Sand Dunes Club.

Other possible dates are April 28 and April 30. At the last Committee meeting Council decided to readdress the ordinance amendment regarding lot coverage. The Planning Commission recommended the ordinance amendment to Council; first reading was defeated due to procedural reasons. Councilwoman Wiedeke stated that the ordinance amendment provides value to the common public good in protecting the surrounding waterways to the island, and the greater public good can supercede the individual profit, therefore it is a valid concern for the town to address. She stated that her concern is the original ordinance had a loophole in it that could cause considerable trouble in the implementation that would be contrary to the intent of the ordinance. Councilwoman Hagood stated that there is legal justification for the town considering the greater good, but there is also legal justification for protecting personal property rights and property values for individuals. She also was concerned that the document did not address all the aspects of the different types of lots. Councilman Smith stated that there are inconsistencies in the way lots are platted that need to be addressed but perhaps it can not be done through the ordinance. The role of the Board of Zoning Appeals should not be discounted, and perhaps language could be introduced to open that door. There are some precedents already for allowing variances to this ordinance in its form now. Mayor Stith expressed concern as to whether Council should send the same exact document back to the Planning Commission. Councilman O'Neil stated that we could ask the Planning Commission to review it, but in the interim this ordinance amendment would be governing under the pending ordinance doctrine. Councilwoman Hazen-Martin stated that Council should send the ordinance back to Planning Commission with a cover letter addressing all of the concerns discussed. Motion was made by Councilwoman Wiedeke, seconded by Councilwoman Hazen-Martin, to send the Ordinance amendment in its existing form back to the Planning Commission for their consideration and review, and return to us as soon as possible, by a vote of 6-1, with Councilwoman Hagood casting the negative vote.

Police Committee, Mayor Stith. Interviews were conducted for the police officer opening. There were no problems reported at the St. Patrick's Day celebration at Dunleavy's Pub. The web-site should go live shortly; we are waiting on information. Chief Howard is gathering quotes and prices on speed trailer and will make a decision shortly.

Streets and Maintenance Committee, Councilman Smith. SCE&G has not yet put up the street light at Breach Inlet. SCDOT is not providing landscaping at the parking area next to the Breach Inlet bridge. Some funds are available in the Tree Fund that might be available for this, and a property owner near the area has offered to help with this also. The historical marker will be placed on Breach Inlet as soon as all construction is complete. Building Official Randy Robinson stated the NPDES permit application has been sent in; he also requested that we be exempt from the permit. We have not heard back yet. The County has started surveying activity around Middle Street for repaving and drainage. Much of the funding for repaving Middle Street was to come from the ½ cent sales tax; however, that issue is currently in the Supreme Court.

Motion was made by Councilman Smith, seconded by Councilman Wood, to pass First Reading, by title only, An Ordinance to Adopt Budget for July 1, 2003 through June 30, 2004.

Motion was made by Councilman Smith, seconded by Councilman Wood, to amend An Ordinance to Add Section 21-36A of Chapter 21 Zoning Code of the Town of Sullivan's Island Code of Ordinances Pertaining to Frontage of Business Activities, carried unanimously. The amendment reads:

In the Commercial District, any outdoor activities involving the public shall be on the Middle Street side of the Building. No outdoor business or activity involving sales, consumption, entertainment or other outdoor commercial endeavor involving guests, patrons, or non-employees shall be conducted outside and rearward of the plane consisting of the front of the heated portion of the building and extending to the side lot lines. Council may, at its discretion, allow up to three special events to take place on the side or front portions of the business property per year. The business owner must apply at least 45 days prior to the event.

Council will review each request as to the hours, activities, how it affects the neighborhood, parking, security, and previous complaints. Council will consider all of these factors in determining the approval of an event.

Motion was made by Councilman Smith, seconded by Councilwoman Hazen-Martin to pass Second Reading, as amended, An Ordinance to Add Section 21-36A of Chapter 21 Zoning Code of the Town of Sullivan's Island Code of Ordinances Pertaining to Frontage of Business Activities, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to defer Second reading on An Ordinance Amending Section 21, Zoning Code of The Sullivan's Island Code of Ordinances By Establishing An Old Fort Historic 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 Councilwoman Hagood, seconded by Councilman Wood, 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 Councilwoman Hazen-Martin, to go into Executive Session, carried unanimously.

Respectfully submitted,
Ellen McQueeney
Town Clerk