

October 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
Carl J. Smith, Mayor Pro Tem
Debra Hazen-Martin, Councilwoman
Jane Ellen Herron, Councilwoman
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 given by Councilman Wood. There were 40 private citizens present, and two members of the media.

The floor was opened for comments from the citizens. Bobby Thompson of 2917 Ion commented that almost all the marsh by Toler's Cove is actually Town property so it doesn't make sense to go by the state dock regulations. Scott Parker of the Planning and Zoning Commission stated that a public hearing was held regarding the dock issue and that the Commission voted unanimously to keep the Town regulations the same. Jackie Shedrow of 2214 Jasper thanked Council for help with the parking problems in the area and was concerned about a lack of communication in the Police department. Mayor Stith said that information regarding parking in the area did not get to all the officers in a timely manner. He said that the Police would be enforcing parking regulations in the entire commercial area. Riddick Lynch of Poe's Tavern stated that the parking and delivery problems have been corrected, and welcomes the Police department's help. Pat Votava of 2214 Jasper thanked Council for their help. She proposed that Council consider an ordinance that no food or beverage be sold outdoors or on decks after 10:30 p.m. She also commended Poe's Tavern and thanked them for their help in resolving the issues. Bruce Lydiard of 2623 Bayonne stated he attended the Planning and Zoning Commission meeting, and would like the Town to keep the valuable ambiance of the island. Billy Want of 927 Osceola stated he is against the dock ordinance, and stated the trend by OCRM is to move toward restricting docks. Bill Anderson of 2514 Raven stated if the ordinance changed he could have a dock, but he doesn't want one. His concern was the pervasive idea on Sullivan's Island of people wanting to maximize their investment for when they sell. Blaine Ewing of 2514 Ion agreed and wants to keep the current ordinance. He said some of the creeks are too small for the docks. Ben Hagood of 2424 Raven spoke on behalf of himself and Penn Hagood. He stated they are against an ordinance change. He urged Council to keep the current ordinance, as it strikes a balance for the public and private interests of Sullivan's Island. Susan and Larry Middaugh of 2420 Raven and the adjacent lot stated they could have a double benefit if the ordinance changed, but they are against it. Michael Mithoefer of 1650 Poe stated that the ordinance should not change. He found it ironic that we just hired consultants to help us preserve the island. Bobby Cummings of 2014 Gull represented the Pier Group. He stated they had submitted a proposal and request that the dock limit be changed. Henrietta Swicord of 28 Pickett stated that a dock is attractive and is a part of a coastal community. Edward Andrews of 1318 Cove stated he has a dock. If property is owned on the water, we should follow Coastal Council recommendations. Fred Pittman of Station 23 and Ion thanked Council for their work. He was a member of the first Council on Sullivan's Island. He said this Council and previous Councils have dealt with a small number of major challenges including rejecting

the Highway department's desire to have a four-lane causeway and highway bridge, rejecting multi-family dwellings near Breach Inlet, approving the accreted land, and regulating the size of houses and short-term rentals. He stressed that Council should listen to the Planning and Zoning Commission's recommendation.

Minutes of the September 16, 2003 meeting were approved as written.

Resolution – Councilwoman Hazen-Martin stated that we were invited, along with other communities, by the EPA to participate in a self-study that focuses on policies and procedures. By entering the agreement, if we have slight problems to change, we'll work with them to make the improvements. Resolution Authorizing the Staff of the Town of Sullivan's Island to Perform the Self Assessment and Participate in the U.S. Environmental Protection Agency (USEPA) Publicly Owned Treatment Works (POTW) Management, Operations, and Maintenance (MOM) Programs Project was unanimously approved.

New Correspondence – Four letters were received this afternoon concerning the dock issue.

Attorney's report. Mr. Dodds stated that he had a fee simple title request from Michael and Laurie Arthur of 2678 Middle Street. Motion was made by Councilman Smith, seconded by Councilman Wood, to grant fee simple title to Michael and Laurie Arthur, carried unanimously.

Administrator's Report. We received four responses for the vacant BZA position. Chris Marsh of the Spring Island Institute will conduct an initial survey of the accreted land on November 21. The Town's web page has been updated, and more work is in progress.

Ways and Means Committee, Mayor Stith. The financial report has been received, and the water bond funds were received.

Personnel Committee, Councilwoman Wiedeke. Firefighter Collins Corbett has completed his six month probation. Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to grant permanent employment status and an increase in salary to Collins Corbett, carried unanimously. Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to increase Drew Levay's rank to Lieutenant with commensurate salary increase, carried unanimously.

Water and Sewer, Councilwoman Hazen-Martin. A Water and Sewer Committee working meeting will be on October 31st at 3:00 at Town Hall. At the last committee meeting, right-of-way issues were presented as we get ready for the water line replacement. Many residents have landscaped or placed irrigation systems over the Town's rights-of-way. Crews are on the island plotting the existing lines, and will plot the best course for new lines. Some cases will need access to the full right-of-way. Meetings will be held with residents in each affected neighborhood to discuss these issues. The water bond interest rate will be 3.99% with Wachovia on a 15-year commitment for \$2.25 million. Other rates received were 4.22% and 4.17%. All four employees of the Water and Sewer department have participated in staff education during the past month. A judgment was made against DHEC related to our discharge permit and it indicates that DHEC cannot regulate volume for discharge permits. This will greatly affect the way that we calculate the values that we send to regulatory agencies. Greg Gress will explain in detail at the next Committee meeting. DHEC can

challenge this in appeal. If the ruling stands, we might want to go back and ask them to relieve us of the fines that we were required to pay.

Building and Construction Committee, Councilman Wood. Six new homes are pending, and 42 permits were issued. Letters went out to owners with illegal apartments.

Fire Committee, Councilman Wood. Packages to schools were delivered as part of National Fire Safety Week. Our facility at Battery Thompson will be used as a burn site.

Recreation Committee, Councilwoman Herron. The Children's Garden School request to allow their annual Bike-a-Thon at Sunrise Presbyterian Church to use our basketball court on the 28th for a fund-raising event was approved. A wedding request at the gazebo on December 27 at 1:00 was approved. We received a PARD grant from the Charleston County Legislative Delegation for parks and recreation development for \$3,000. A wedding on October 25 at noon at Station 26 was approved. A request from Dunleavy's Pub to close Station 22-1/2 for the Polar Bear swim on January 1, 2004 was received. It will be discussed at the next committee meeting, and we will request for Dunleavy's to come to the meeting. A request was received concerning handicapped beach access, and will be discussed at the next committee meeting.

Real Estate Committee, Councilman O'Neil. An e-mail was received from Connie Cooper. She reviewed many comments from citizens concerning the new recommendations. One issue is the concern that Cooper Consulting was recommending the commercial district be expanded. It was not in their recommendations to expand the commercial district. By the middle of November, Cooper Consulting will complete a simplified list of mandatory/advisory recommendations and would include exceptions to the recommendations such as the way to permit the rebuilding of existing structures if there were a disaster. We received e-mail from Scott Parker and his recommendations regarding how the process should continue. This will be reviewed in the Committee meeting. The latest invoice for Cooper Consulting was received. Motion was made by Councilman O'Neil, seconded by Councilman Smith, to pay Cooper Consulting \$21,152, carried unanimously. The Park Service wants to receive the property containing the lighthouse from the Coast Guard. Council's concern has been what level of protection would be afforded to that property from any additional development or from destroying the RC-1 area in front of the property. We received an e-mail from GSA to Mr. Tucker concerning historic covenants which would go along with the conveyance documents. Attorney Larry Dodds said that basically when the Coast Guard conveyed the property back to the Park Service, the Coast Guard would reserve an easement to maintain navigational aid. The problem is that easement is reserved for the benefit of the Coast Guard, and if they later decide they do not have a need for navigational aid, they have the right to abandon the easement. If the Coast Guard abandons the easement, there would be no restrictions on the property. Attorney Dodds stated the background of this property: The state conveyed this property to the Coast Guard many years ago. It stated that if the Coast Guard ever ceased being used for life-saving purposes, the property would go back to the Town of Sullivan's Island (the Town of Moultrieville). At some point in time, the legislature revoked the charter of the Town of Moultrieville, and the State of South Carolina reconveyed the property back to the Coast Guard and took out the clause that said it would revert back to the Town of Sullivan's Island if it ceased being used for life-saving purposes. Shortly thereafter they reinstated the charter of the Town of Moultrieville again. We will send another letter to the Park Service stating we did not get the response related to our request regarding the property. We received correspondence regarding public hearings for amendments to the

Ft. Sumter General Management Plan. The amendment of the plan is to add a second location for embarkation for the Mt. Pleasant/Cooper River area. The Sullivan's Island dock is not part of the plan and is not intended to be part of the plan.

Police Committee, Mayor Stith. The American Bikers Aimed Toward Education group will be having a Bikers Fun Run on November 30. This Fun Run is to raise money to support the Toys for Tots Program. It is estimated that as many as 2,500 motorcycles will be driving through Sullivan's Island. The Police Department will monitor the traffic. The cost of the Tele-Bond equipment, if ordered, will be split with Isle of Palms. The equipment will allow officers to attend bond hearings without leaving the area. We are waiting to hear from Isle of Palms concerning this. Signs have been ordered to be placed at the playground regarding use of golf carts inside playground.

Streets and Maintenance Committee, Councilman Smith. Lights on Middle Street have been turned around by SCE&G. Administrator Benke stated that at the CTC meeting, they asked if surplus of funds could be applied to Middle Street drainage problem. \$122,000 of surplus funds are available. Part of the funds will be used for the Middle Street project; other funds to be used for a project on Seabrook Island. The engineer will be here next week to meet about it. Councilman Smith, Chief Stith and Administrator Benke will survey the entire roadway system. Motion was made by Councilman Wood to amend Section 21-40 Area RC-2 restrictions to read as follows: no dock shall be permitted to be constructed when the length of the dock shall exceed that allowed by S.C. Department of Health and Environmental Control or the Coastal Resource Management. The motion was not seconded. Mayor Stith stated the dock issue will be discussed at next Committee meeting. It was not on the agenda tonight because the Planning Commission submitted the results of its public hearing to Council today. Because the agenda is required to be prepared and posted 24 hours in advance of the meeting, there was not adequate time to place on the agenda. Mayor Stith stated he received a letter from Councilman O'Neil stating he was recusing himself from future discussion and voting on this dock issue because his property was one of the relatively small number that was involved.

Motion was made by Councilman Smith, seconded by Councilwoman Herron, to pass First Reading, by title only, An Ordinance Amending section 21-39.1E and 21-39.1J of Chapter 21, Zoning Code of the Sullivan's Island Code of Ordinances, carried by a vote of 6-1 (Councilwoman Hazen-Martin).

Mayor Stith duly ratified an Ordinance to Amend Section 20-14 and 20-15 Zoning Code of the Sullivan's Island Code of Ordinances By Establishing a Drought Ordinance Plan.

Mayor Stith duly ratified an Ordinance to Amend Section 5-16 of the Sullivan's Island Code of Ordinances By Establishing Guidelines for Lot Fill.

Motion was made by Councilman Smith, seconded by Councilman O'Neil, 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 Councilman O'Neil, seconded by Councilman Smith, 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 to adjourn to go into Executive Session for legal advice in a personnel matter, carried unanimously.

Respectfully submitted,

Ellen McQueeney
Town Clerk