

September 16, 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
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 55 private citizens present, and two members of the media.

Motion was made by Councilman Smith, seconded by Councilman Wood, to amend the agenda to change the agenda order to have appointments before the public comments, carried unanimously.

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

The floor was opened for comments from the citizens. Carl Hubbard of 2530 Myrtle Avenue introduced Steve Fordham, the new principal of Sullivan's Island Elementary School.

Bobby Cummings of 2014 Gull Drive represented The Pier Group. He stated that there is a piece of pending business on the agenda of the Town's Planning and Zoning Commission. In August 1989, Town Council instructed the Planning and Zoning Commission to follow the proper procedure to change the ordinance 21-40A as it relates to dock length. In August 1989 the Planning and Zoning Commission met and discussed the topic, and generally was in favor of meeting Town Council's request. However, they did not have a quorum to vote on the topic. They informed Town Council that they did not have a quorum but assured them they would vote on it at the next meeting to be held in September 1989. In September 1989 Hurricane Hugo devastated the island, and all attention was diverted to rebuilding the island. As it stands now, that issue has still not been addressed. Mr. Cummings requested that at the proper time at tonight's meeting, a motion be made to readdress and resolve the issue. Mayor Stith stated that it would be addressed under the Real Estate Committee.

Bill Anderson of 2514 Raven Drive has lived on Sullivan's Island for 19 years and is against the proposal to extend the dock length. He is concerned about views of the island and appreciation of property value. He stated the Town of Beaufort has been able to legally fight off efforts to extend the dock lengths, so it can be defended legally. Councilman O'Neil questioned about how many more docks would be allowed under an ordinance change of this nature. Mr. Cummings said that he personally counted and measured every dock that exists on the island. He has counted every lot that could have a dock under the state ordinance, and there would only be thirty five additional docks across the entire back of the island. The average length of those docks is 660'. There are currently 128 lots that exist on the back of the island.

Bill Regan of 1557 Old Colony Drive, James Island spoke in behalf of Ed Sellers who was out of town regarding access to the Thee Street property. Mr. Sellers would like to delay

a decision on the access to his property until the next meeting, so he can meet with the neighbors and representatives of the Town. Mr. Sellers prefers to use Station 19, and turn right on Thee Street. If Station 18-1/2 is chosen he would prefer to turn left on Thee and decide where to turn onto property. If the entrance has to be on the first 20' abutting Station 18-1/2, people may choose to walk in his grassy yard rather than the sand. Wherever Council agrees he should access the property, Mr. Sellers would like to be able to walk all the way down back and forth Thee Street. Mayor Stith stated that this topic would be addressed in the Real Estate Committee.

Anna Anderegg of 1730 Thompson expressed that docks should be allowed for those who live on the marsh. They should have the same right as others who have a dock.

Nelson Ploch of 1660 Poe expressed that he was concerned about the lot coverage issue, as it affects his property at 1502 Thompson. He stated that when the ordinance to limit lot coverage was passed in April 2002, it was also said that small lots of irregular size would be dealt with by the Variance Board. There is disparity in the numbers in the ordinance, for instance 1/3 acre can have 1,960 heated sq ft; .29 acre can have 2,526 heated sq ft. Also, the ordinance was passed to try to prevent someone from building a house that was out of character to the neighborhood. There are twenty houses near his property on 1502 Thompson. Twelve of the lots are irregular, small lots. Of the twenty houses, fourteen of them have already been reconstructed based on old zoning restrictions which leaves six, including Dr. Ploch's. He is surrounded on each side by homes that are allowed to have more lot coverage than he is which puts him at a disadvantage and also depreciates his property more than someone else. Councilman O'Neil stated that the consultants will present their recommendations as to the Zoning Code revision on September 30. The odd result that Dr. Ploch referred to with having two different bases for lot coverage is something they are looking at. The BZA is set up to review requests for variances according to very specific criteria that have to be met according to the current ordinances. The Board can only give variances when the stipulated conditions that are in the ordinance are met. Dr. Ploch stated that the zoning administrator was adamant that this was not the intent of the Board to give increased lot coverage on hardship cases. Dr. Ploch said the BZA granted him the setback variances he requested, but not the lot coverage. Dr. Ploch presented drawings of the house they would like to build, and what they would have to build based on current regulations. Attorney Larry Dodds stated that any appeal from the Board of Zoning Appeals would go to the Circuit Court. He could also petition Council to send the matter back to Planning and Zoning Commission for a change in the Zoning Ordinance. Mayor Stith stated that the Zoning Administrator is bound by what the Town's ordinances are, and he is to take an unbiased look at the ordinances and apply those equally and fairly. The Town Council cannot influence the BZA's decision.

Everett Presson of 1814 Middle stated he was concerned about the expansion of the sewer treatment plant. He stated he doesn't think the Town should be spending \$1.5 million on the sewer plant when he thinks Council has not discussed the option of sending untreated water to Mt. Pleasant Waterworks for about ten years. He understood that all the Town would need is a pumping station. Councilman Smith stated he had a conversation with the Manger at Mount Pleasant Waterworks before the improvements began, and Councilman Smith was told that the Town was expected to do the improvements to the plant, and we would send the effluent to Mt. Pleasant, for which they would charge the Town a fee. Council did not believe that made sense to make the improvements and then pay a fee to send the effluent to Mt. Pleasant. We were under a consent order of DHEC at that time to do what we did. As for the water, we had problems with the well and DHEC finally said we could not use the shallow wells any longer. That made FEMA funds available so we could go to CPW for water at no cost to us. Councilwoman Wiedeke stated that this expansion phase is the last of the project

and we are under consent order of DHEC to complete the project. We are literally at the end of a project that was already funded; the money was appropriated at the start of the project. Mayor Stith stated that Mt. Pleasant at that time was rapidly expanding their water and sewer system due to rapid city growth. They were having difficulty and many costs at the time the Town initially looked into both of the projects. There was concern with this Council about the growth factor on Sullivan's Island, and that we keep our own treatment plant and limit our capacity to some extent, which helps keep the density of Sullivan's Island at a steady pace rather than if you open it up to unlimited capacity. This can also be controlled in some ways by zoning, but it could possibly open the door to larger buildings in the commercial area or larger homes.

Lynn Rutledge of 2014 Central stated she spoke to an engineer at DHEC. They wanted us to be compliant and they didn't think it would take that long to build. She stated we were fined last year for not being in compliance. Councilwoman Wiedeke stated the Consent Order comes with penalties, and if the Town is not in compliance, the penalties are \$10,000 a day.

Tim Reese of 305 Station 20 spoke on behalf of himself and his mother-in-law, Barbara Baker of 2301 Atlantic, whose house has been in the family since the 1930's. An Ordinance proposal was discussed last week by the Planning and Zoning Board to lower the cutting of the myrtles and other trees allowed in the ordinance from 7' to 5' starting this year for the November-February cutting period. The discussion went from the tree ordinance to talking about a tree management program. There is no doubt, based on the conversation that evening, that there needs to be a concerted effort to look at the maritime forest and the issues with front beach owners and their views. If you look at the way it was set up in the 1970's, one of the issues was for the landowners to maintain their view. Mr. Reese thinks the Tree Commission has proposed the ordinance as a short term fix to the landowners right now. From what we understand based on the current regulations to do the cutting, they are down to two contractors. A homeowner has to use a designated company based on what the Tree Commission has authorized. Because of the cost and danger involved in going from 7' to 5', there are issues and concerns about what it's going to cost this year and the following years to come. Mr. Reese stated the other disheartening thing was that no one from the Tree Commission actually got up and spoke that night to give their side of why they came up with this ordinance. A lot of the residents felt during that meeting (the vote was 4-2 against the ordinance; one member absent) that they had already decided against it before it was even brought to the Board. Mr. Reese also wanted to know if there is any recourse for the citizens to get the ordinance back on the agenda before the cutting season starts. He expressed concerns about the Tree management program also. Councilman O'Neil stated that if someone locates a potential contractor, the Town tree consultant can evaluate, determine their qualifications, and approve them. Councilwoman Wiedeke stated that Council has not received the Planning and Zoning minutes yet, and procedurally they need to be received before comments can be made. Councilman Smith stated that procedurally the Planning and Zoning Commission holds the public hearing, then it comes back to Council, so the next recourse is Council. Lynn Wiedeke stated that he is on the Tree Commission. He said Tree Commission member Amy Pruitt spoke at the Planning and Zoning meeting. She stated the reasons why the ordinance was designed. The belief was that lowering the cut from 7' to 5' would not impact the resource that heavily, it would make it safer to cut, possibly reduce the cost, and it was a reasonable height. Mayor Stith stated that Council will get the report from the Planning and Zoning Commission.

Greg Ryberg of 1753 Atlantic spoke on behalf of himself, Guy White of 1751 Atlantic and Moultrie Burns of 1755 Atlantic. Mr. Ryberg stated that even if the myrtles are cut to a 5' level, there are areas where the ocean cannot be seen because of willow trees and other trees.

He hopes a management plan could be done in a timely fashion so they can see the ocean again. He said that over a period of time when they had a drainage problem at that end of the island, water was being pumped into the maritime forest, and the willow trees kept growing and growing. Councilman Smith stated that was SCE&G pumping their water from under the building. The drainage problem has been resolved, and the trees should grow slower now, although it has apparently created a problem in this area.

Minutes of the August 19, 2003 meeting were approved.

Motion was made by Councilman Smith, seconded by Councilwoman Wiedeke, to adopt A Resolution to Establish 2003 Millage Rate, carried unanimously.

New Correspondence – Letter was received from The Pier Group requesting look at dock ordinance. Mr. Regan presented tonight the letter from Mr. Sellers regarding access to property on Thee Street.

There was no attorney's report.

Administrator's Report. Attended Coastal Coalition for Property Tax Relief Meeting.

Ways and Means Committee, Mayor Stith. Financial report for July presented. Investment fund information for banking consolidation presented.

Personnel Committee, Councilwoman Wiedeke. Firefighter Amanda Hawver received oath of office tonight. Detective Lubert has submitted his resignation effective September 19, 2003. A vacancy will be advertised. Gail Rahn has submitted her resignation from the Board of Zoning Appeals, as she is no longer a resident of the island. An advertisement will be placed for this opening. The application received from Tim Reese was received too late for the first opening filled by Susan Middaugh; it will be considered for the current vacancy. Motion was made by Councilwoman Wiedeke, seconded by Councilman O'Neil, that a letter of commendation and appreciation be written to Ms. Rahn for her BZA service, carried unanimously. An Executive Session is on the agenda tonight to discuss a personnel issue.

Water and Sewer, Councilwoman Wiedeke reporting for Councilwoman Hazen-Martin. We received lead and copper sampling quarterly report results from DHEC which indicated that the water system did not exceed the action levels for lead or copper.

Building and Construction Committee, Councilman Wood. Last month issued three CO's, 4 new permits permitted. A letter was drafted to homeowners for illegal apartments to remove the violations. We had two court cases of people cutting in RC1 area. Randy Robinson received a permit request yesterday for a 6,000 sq. ft. spec home. Mayor Stith wanted to remind everyone that Town Hall has Sullivan's Island ID stickers for cars. We might need to think about having a hurricane committee again in the future.

Fire Committee, Councilman Wood. The parish of Stella Maris Catholic Church hosted a breakfast on September 11 to thank the police, fire fighters and emergency medical personnel of the Island communities for their effort. Captain John H. "Skipper" Weston was honored by the Church as he was recognized as one individual who represents the best qualities of first responders, based on his dedicated service, pride and enjoyment of his work,

and ability to spread good cheer to all. The fire prevention display will be at the Fire Station on October 8th.

Recreation Committee, Councilwoman Herron. Approved the Charleston Running Club's request to hold the Annual Charlie Post Memorial Run on Saturday, January 31, 2004. A request to use a golf cart for beach access was denied due to the current ordinance, but Council is seeking input from the Isle of Palms, as well as our representative. Clydie deBrux asked if we can again have the tennis tournament this spring, and thought it was a good idea to build a family community. Councilwoman Herron presented the court resurfacing issue to the Park Foundation at its meeting last night for their consideration. This Saturday is the fishing tournament on front beach to support Sullivan's Island Elementary School and the school budget's shortfall. It is a one-day surf fishing tournament. The police and fire departments will help again this year as they did last year.

Real Estate Committee, Councilman O'Neil. The consultants will be here on September 30th for a public meeting to present their almost final recommendation to the town. Later they will present a finalized, written plan. Flyers about the meeting have been mailed and signage is going up at both entries to the island. The seating capacity of the visitors' center probably will not be enough, so we will look into other possibilities such as the churches or school. Four terms of the Planning Commission are expiring this month: Alice O'Dell, Hal Curry, Nona Hastie and Billy Craver. All are willing to continue their service. Motion was made by Councilman O'Neil, seconded by Councilman Wood, to reappoint the four Planning Commission Board members, carried unanimously. Motion was made by Councilman Wood, seconded by Councilwoman Herron, to pass the dock issue relating to Section 21-40A of the Zoning Code to the Planning and Zoning Commission for their recommendations and public hearing, carried by a vote of 5, with Councilman O'Neil abstaining.

Police Committee, Mayor Stith. Monthly report received. Officer Green's recertification has been completed and sent to S.C. Criminal Justice Academy. The department was reimbursed \$1,308.57 from the Bureau of Justice Assistance Bullet Proof Vest Program to replace old vests.

Streets and Maintenance Committee, Councilman Smith. Mr. Regan has asked on behalf of Mr. Sellers for Council to defer their vote on Mr. Sellers' property access until Mr. Sellers can talk with neighbors and the Town. Mayor Stith stated that the neighbors have gotten together and presented Council with a petition and a plan that the majority of the neighborhood approved. Mr. Sellers came in and asked that Council not make a decision at that particular meeting, to delay it until this meeting. Rick Reed of 1851 Flag Street said that they have tried as a group to have consensus, but it is not possible, but they took into consideration all the different opinions and thoughts from each of the neighbors. Several efforts were made to get together with Mr. Sellers, and they all want to keep it neighborly, however, they want there to be resolution to this situation. Motion was made by Councilman O'Neil, seconded by Councilman Wood, that Council make a decision tonight regarding the Thee Street property access, carried by a vote of 5-1 (Wiedeke). Councilwoman Wiedeke said Councilwoman Hazen-Martin would like to contribute to the discussion, and is available by phone. Attorney Larry Dodds said she must be present at the meeting to contribute. Motion was made by Councilman O'Neil, seconded by Councilman Wood, that we use Station 18-1/2 access, that we use only the minimum amount of width that vehicular access requires of the 40' right of way, that the balance of that one side away from the Sellers' property be retained

as a pedestrian access to the beach; that the access to the Sellers' property be from Station 18-1/2 and that we extend the vehicular access to 40' beyond his Thee Street property line. Councilman O'Neil stated the main reason he chose Station 18-1/2 was simply that the Myatt property would be impacted only on one side, rather than two if we chose to go down Thee Street from Station 18-1/2. Attorney Dodds stated Council may want to get legal advice before voting. Councilman Wood withdrew his second to the motion. Councilman O'Neil withdrew his motion. Attorney Dodds stated that his concern was that you cannot deny people to use Thee Street; that doesn't mean that you have to improve it, though. Councilwoman Wiedeke stated there are still issues that are not clarified such as the Town's responsibility for what we do with the access, no matter where it is. Motion was made by Councilwoman Wiedeke, seconded by Councilman O'Neil, to go into Executive Session for legal advice pertaining to the access point at Thee Street and the rights of the residents as well as the rights of the Town in regard to where we grant the access, carried unanimously. Motion was made by Councilman Wood, seconded by Councilwoman Wiedeke, to come out of Executive Session, carried unanimously. Motion was made by Councilman O'Neil, seconded by Councilman Wood, that we grant access to the Sellers property along Station 18-1/2. Councilwoman Wiedeke stated that she has concerns about the historic pedestrian footpath and what the Town's obligation is going to be in the length and solid surface needed on Station 18-1/2, as well as the precedent this would set for other parts of the island and the safety issue. Motion carried with a vote of 4-2 (Herron and Wiedeke).

Motion was made by Councilman Smith, seconded by Councilman Wood, to pass Second Reading of an Ordinance to Provide for the Issuance and Sale of the General Obligation Bond of 2003 of the Town of Sullivan's Island, South Carolina, in the Principal Amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000); to Prescribe the Purposes for Which the Proceeds Shall Be Expended; to Provide for the Payment Thereof; and Other Matters Relating Thereto, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman O'Neil, to suspend the rules and have Third Reading of an Ordinance to Provide for the Issuance and Sale of the General Obligation Bond of 2003 of the Town of Sullivan's Island, South Carolina, in the Principal Amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000); to Prescribe the Purposes for Which the Proceeds Shall Be Expended; to Provide for the Payment Thereof; and Other Matters Relating Thereto, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilwoman Wiedeke, to pass Third Reading of an Ordinance to Provide for the Issuance and Sale of the General Obligation Bond of 2003 of the Town of Sullivan's Island, South Carolina, in the Principal Amount of Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000); to Prescribe the Purposes for Which the Proceeds Shall Be Expended; to Provide for the Payment Thereof; and Other Matters Relating Thereto, carried unanimously. Ordinance ordered engrossed for ratification.

Motion was made by Councilman Wood, seconded by Councilman Smith, to pass Second Reading of 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, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Wiedeke to suspend the rules to have Third Reading of 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, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to pass Third Reading of an Ordinance 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, carried unanimously. Ordinance ordered engrossed for ratification.

Motion was made by Councilwoman Wood, seconded by Councilman O'Neil, to pass Second Reading, an Ordinance to Amend Section 5-16 of the Sullivan's Island Code of Ordinances By Establishing Guidelines for Lot Fill, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to suspend the rules to have Third Reading of an Ordinance to Amend Section 5-16 of the Sullivan's Island Code of Ordinances By Establishing Guidelines for Lot Fill, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to pass Third Reading of an Ordinance to Amend Section 5-16 of the Sullivan's Island Code of Ordinances By Establishing Guidelines for Lot Fill, carried unanimously. Ordinance ordered engrossed for ratification.

Motion was made by Councilman O'Neil, seconded by Councilwoman Wiedeke, 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.

Councilman Smith inquired about what happened to the grant the Tree Commission applied for about the accreted land. Councilwoman Wiedeke stated that the grant process itself was not derailed, but some elements that were proposed to be included needed to come back before Council for approval; and that Randy Robinson was to bring it back before Council. Randy Robinson stated that it was not pursued as he thought Council directed for the grant to stop; to not proceed further. Councilwoman Wiedeke stated she does have additional information, but because it has some personnel issues, it would need to be addressed in executive session. Councilman Smith stated that if there's a matching grant and we have a resident that willing to help out also, we should pursue it immediately. Councilman O'Neil stated that he is concerned about accepting the contribution for a study of the accreted land from an individual, given that we have had inconsistent success at communicating that the accreted land belongs to the Town. Councilwoman Wiedeke stated that it was foundation funds, not individual funds. Mayor Stith stated that an individual had offered to pay to bring an expert here to start the process, and he was in no way assuming a long-term obligation. Councilman Smith stated that private funds were used to match for the historical architectural survey, and there were no problems. Donations work as long as they do not have control over the response. Councilman Wood stated that we have not fulfilled our obligation in the RC1

area. Councilwoman Wiedeke stated that came up at the Planning and Zoning Commission meeting. A Planning and Zoning Board member read the seven criteria of what the Town should do. The seven criteria are what the Town is supposed to use in making any decision on an action on the land. The criteria are not requirements to fulfill; they are standards used to make decisions.

Motion was made by Councilwoman Wiedke, seconded by Councilman Wood, to adjourn to go into Executive Session to discuss a personnel matter, carried unanimously.

Respectfully submitted,

Ellen McQueeney
Town Clerk