

August 17, 2004

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
Debra Hazen-Martin, Councilwoman
Jane Ellen Herron, Councilwoman
Patrick M. O'Neil, Councilman
Carl J. Smith, Mayor ProTem
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 sixteen private citizens present.

The floor was opened for comments from the citizens. Eddie Fava of 2424 Myrtle stated he wants Council to consider establishing morning and evening times for dogs to be off the leash on the beach. He also wants Council to look at the housing and construction rules of the proposed zoning ordinance, and not be too restrictive and specific, for example, stating where the doors need to be in a house. Councilman O'Neil stated that the Planning Commission is reviewing the proposed ordinance, and it is now starting to review the residential section. He encouraged Mr. Fava to attend the meetings. Councilman Smith noted that the restriction of color was removed from the historical portion of the ordinance. Mike Perkis of 2871 Brownell stated the information-working group considering changes to the dog ordinance has submitted their recommendations to Council, and asks for their examination and serious consideration. Council will discuss the issue at the next committee meeting. Julia Hall, representing a family who owns 2320 Jasper, stated that she wanted to address the economic impact to owners on the historic property list. Their house is 650 square feet and they are prevented from doing anything with it. She was concerned that the district boundaries were arbitrarily set. In the preamble to the zoning ordinance it stated there was a consensus document to the historic properties, and she said they were never consulted. She believes that the property value of the home will diminish if they can not build a larger home on the property. Bill Smith of 950 Middle Street stated he shared Ms. Hall's concern. He has owned his home for three years and lives in Columbia. His intentions when the house was purchased was to demolish or remove it. Councilman O'Neil stated that there are other incentives proposed that will be discussed by the Planning Commission, and encouraged Mr. Smith to review. Councilman O'Neil stated that perhaps the capacity to build another structure on the lot, and relief of lot coverage limitations are possibilities. The Board will review applications from property owners who want to be put on or to be removed from the historic property list.

The minutes of the July 20, 2004 regular meeting and public hearing were approved as written.

Reports and Communications – Motion was made by Councilman Smith, seconded by Councilman Wood, to approve a Resolution for Financing Terms for Three Police Department Vehicles, carried unanimously. Mayor Stith proclaimed September 18, 2004 as Beach Sweep River Sweep Day. Mayor Stith proclaimed the month of September as Palmetto Health Hospice 25th Anniversary.

Attorney's Report, Larry Dodds. We have received a request for a fee simple title from W. Michael and Claire M. Walsh to Lot 70. Motion was made by Councilman Wood, seconded by Councilwoman Wiedeke, to grant the fee simple title, carried unanimously.

Administrator's Report, Administrator Benke. The SCDOT and representatives from Sullivan's Island, Mt. Pleasant and Isle of Palms will interview design engineer candidates for the Ben Sawyer Bridge Project on August 26. The three candidates are Parsons Brinkerhoff, HNTB, and HDR Engineering, Inc. The Town Hall will be closed for Labor Day on Monday, September 6. The Council Committee meeting was rescheduled for Tuesday, September 7th at the Fire Station.

Ways and Means Committee, Mayor Stith. The funds required to move, position, and upgrade the donated structure to be used for the Water and Sewer Administration Building will be drawn from Special Revenue. The funds will be repaid if possible using surplus money from existing projects or water sales. Carolina Location has requested permission for a business license for a photo session on the beach near Station 21. Mayor Stith stated to make sure it does not interfere with property owners. Councilman O'Neil recommended that it not be during the Labor Day weekend, and that all residents in the immediate area should be notified by Carolina Location.

Personnel Committee, Councilwoman Wiedeke. An advertisement has been placed in the local newspaper calling for letters of interest and qualification from residents interested in serving on the Board of Zoning Appeals, Planning Commission, and Election Commission. An advertisement has been placed for the Water and Sewer position. The Town has received a FOIA request for information from a personnel file, and an attorney comment is forthcoming.

Water and Sewer, Councilwoman Hazen-Martin. For the Wastewater Treatment Plant Phase III, the contractor has given the deadlines he can meet which are past the original deadlines, so penalties will be assessed. We had another situation with putting the sheeting down in anticipation of putting the new clarifier in, and believe an existing sewer line has been damaged. Councilwoman Hazen-Martin would like to discuss with the Town attorney in executive session concerning liability. Because of the break, we temporarily brought in a pump and it is noisy. We have received one complaint about the noise. The second clarifier can be used as a reserve now until it is finished. DHEC has approved the plans for the waterline project and will discuss in the near future. We lost power during the Charley storm. There were no operational problems; the generator and pump station worked fine.

Building and Construction Committee, Councilman Wood. The Building Official has proposed several changes to the existing Section 5 of the Town Ordinance. The draft amendment is prepared for first reading tonight. The Federal Emergency Management Agency has approved the Charleston Regional Hazard Mitigation Plan. Sullivan's Island is now compliant with the requirements of the Disaster Mitigation Act of 2000.

Fire Committee, Councilman Wood. Dr. Ray Greenberg of 910 Middle Street has requested to use the parking area of the Volunteer Fire Department Boat Landing on August 25 and November 17 for MUSC events he is hosting.

Recreation Committee, Councilwoman Herron. Several beach weddings were approved: August 27, 2004 at 8:00 p.m. at Station 28-1/2; August 28, 2004 at 5:00 p.m. in front of Sand Dunes Club; September 25, 2004 at 6:00 p.m. at Station 18; September 11, 2004 at 3:30 p.m. at Station 12. The Charleston Kiteboarding Association has requested to publish information regarding watercraft areas. The Association has requested a meeting with the Administrator to review the ordinance. The La Leche League has requested use of the bandstand and picnic area in the park on September 25 from 10:30 a.m. to 1:30 p.m., and has provided proof of liability insurance.

Real Estate Committee, Councilman O'Neil. Applications and qualifications for persons interested in serving on the newly created Design Review Board will be accepted through August 27, 2004. Correspondence has been received regarding 1026 Middle Street. Two requests have been received for property to be removed from the Historic Structure Designation List. This decision would be made by the Design Review Board, after they are appointed.

Police Committee, Mayor Stith. The Police department has received applications for a vacant position. One employee is out until the end of August on military duty. The Town agreed to renew the Mutual Aid Agreement between law enforcement agencies with the National Park Service. The automobiles for budget year 2004/2005 should arrive in August. BB&T has presented favorable rates for vehicle purchase.

Streets and Maintenance Committee, Councilman Smith. Councilman Smith asked Mayor Stith to comment on the meetings concerning the Ben Sawyer Bridge. Mayor Stith said that SCDOT has federal funds committed to the project. It appears it can be rehabilitated, although it is not DOT's desire. There can be a problem using federal funds to rehabilitate; federal money cannot be used again for the project for ten years. There are three options: 1) Rehabilitate as is; 2) build swing span off-site and bring on-site; 3) Move 300 ft. north of Ben Sawyer and construct new swing-span bridge there. That bridge would be 10 feet higher than current bridge. SCDOT would have to acquire property and the causeway would be altered.

Mayor Stith thanked all the departments for their hard work during the storm. Councilwoman Hazen-Martin stated we need to look at the Old Emergency Plan.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to revise the agenda to reverse the order of ratification of items one and two under section four, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, for the executive session to include not only legal discussion, but also a personnel matter, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to ratify an Ordinance Amending Section 21-4, 21-5 and 21-26 of Chapter 21, Zoning Code of the Sullivan's Island Code of Ordinances by Establishing an HP, Historic Preservation Overlay District Zoning Classification, Identifying its Location, Amending the Official Zoning Map to Reflect the same and Including provisions Regarding the Removal and Demolition of Certain Buildings, carried unanimously. Mayor Stith duly ratified the Ordinance.

Mayor Stith duly ratified an Ordinance to amend Chapter 21, Zoning Code of the Sullivan's Island Code of Ordinances, to add Historic Overlay District and Design Review Board.

Motion was made by Councilman Wood, seconded by Councilwoman Wiedeke, to have First Reading, by title only, of An Ordinance to amend Section 5-12, Paragraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M) and (N) of Chapter 5 of the Building Ordinance of the Town of Sullivan's Island Code of Ordinances Pertaining to Requirements for New Construction and Improvements, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to have First Reading, by title only, of an Ordinance No. 10-22 Amending the Business License Ordinance Levying a Business License Tax on Retail Telecommunications Services, carried unanimously.

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 Councilwoman Wiedeke, 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 Councilwoman Wiedeke, seconded by Councilman Wood, to go into executive session for legal and personnel matters, carried unanimously.

Respectfully submitted,

Ellen McQueeney
Town Clerk