

April 20, 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  
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 36 private citizens present, and two members of the media.

Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to amend the agenda to move up the swearing-in of Ms. Graham to the administrative staff to the start, before any other items, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman O'Neil, to amend the agenda and go into executive session after the swearing-in, carried unanimously.

Motion was made by Councilwoman Wiedeke, seconded by Councilwoman Hazen-Martin, to appoint Arlene Graham to administrative staff, carried unanimously. Mayor Stith duly administered the oath of office to Ms. Graham.

Motion was made by Councilman Smith, seconded by Councilman Wood, to go into executive session for legal advice, carried unanimously.

Mayor Stith called the meeting back to order after the executive session. Mayor Stith stated that the attorney discussed with Council some information in regards to Cooper Consulting's recommendations given to the Town and soon to be given to the Planning Commission for public review and input. There are some ongoing legal concerns that the Town's attorney has based on some of those recommendations that have been presented. It is a work in progress. One facet that we have to be concerned with is the legality of the fabric of the document. That is the reason we went into executive session.

The floor was opened for comments from the citizens. Mr. Blaine Ewing of 2514 I'on spoke representing the Planning Commission. They met last week with the Council of Governments staff regarding the Comprehensive Plan. The Planning Commission needs to review the comprehensive plan separately and not in conjunction with the Cooper Consulting recommendations. Before the Planning Commission gets into Cooper's recommendations, they will look at the Comprehensive Plan Land Use. That will drive some of the other things the Planning Commission will be looking at in Cooper Consulting's recommendations. There will be a special meeting on April 29<sup>th</sup> to go over land use with Council of Governments staff. At the public hearing concerning the Cooper plan, the Planning Commission will look at 1)historic homes and districts; 2)design and review committee; 3)zoning and all other information. After the public hearing the Planning Commission wants to put this on the fast track and meet every week to every-other week. Alice O'Dell, also of the Planning

Commission, said that there was an informal but unanimous feeling among the Commission that we need to move now. She stated that public comment has been received and we need to revise now, and that the public will have another opportunity to speak at the Public Hearing. Skippy Weil of 2917 Marshall stated he wanted everyone to know that there is a severe erosion problem at Station 29/30. The high tide now comes under his house. Rick Graham of 2101 P'on stated that he read through the commercial section of the proposed zoning changes and some items had changed, were missing, or were completely new, and there needs to be some support for those changes. Mayor Stith stated that this plan is a work in progress. Councilman O'Neil stated that an addendum is being sent from Cooper Consulting to the Planning Commission. Pat Ilderton of 2507 Atlantic requested a curb-cut to the African-American cemetery. A 20' driveway is drawn on the plans; a 10' driveway is the limitation in the residential district. A deviation from that would require a variance. Mr. Prause stated it would be a better idea to amend the ordinance to exclude the driveway issue for non-residential in the residential district. Council will work on that issue. For now, Mr. Ilderton will apply for the 10' curb-cut. Mr. Brooks Jenkins from Agent-Owned Realty spoke to have a bocce-ball tournament on the beach. Mayor Stith said that would be discussed tonight under the Recreation Committee.

The minutes of the March 16, 2004 meeting were approved as written.

Reports and Communications – Motion was made by Councilman O'Neil, seconded by Councilwoman Hazen-Martin, to approve the resolution which is in our packets which has to do with sending the draft ordinance to the Planning Commission with the exception that where it says Planning and Zoning Commission, that we change that to Planning Commission to reflect the correct name. Mayor Stith read the resolution. Motion was carried unanimously.

Motion was made by Councilman Smith, seconded Councilwoman Wiedeke, to approve the Resolution for Contract Renewal with Suburban Disposal Service, carried unanimously.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilwoman Wiedeke, to approve the Resolution to Increase Water and Sewer Fees, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Smith, to approve the Resolution on the Development of Morris Island, carried unanimously.

Proclamation of May as International REACT Month was approved.

There was no new correspondence or attorney's report.

Administrator's Report, Administrator Benke. The S.C. Forestry Commission Urban and Community Forestry Grant is due April 23. Will Post has offered to prepare the grant. This grant money would help us map out the accreted area and ID tree and animal species. The Low Country Open Land Trust Board will meet the first week of May and will discuss the three major tax plats along the back of the island.

Ways and Means Committee, Mayor Stith. There will be a budget work session on April 26<sup>th</sup>. The insurance policy for the Sand Dunes pool liability has increased. The membership fee for Sullivan's Island residents has been increased to \$30 per season. The

Suburban Service contract has been renewed by resolution this evening. We have a year to decide on the SCANA franchise agreement.

Personnel Committee, Councilwoman Wiedeke. The oath of office was given to Arlene Graham this evening.

Water and Sewer, Councilwoman Hazen-Martin. The Water Fees Resolution was passed this evening. The trees that are growing into the water lines at the African American cemetery have been removed. The HDR Tree Assessment for the waterline project is underway. Trees that are under consideration to be evaluated have been marked. Councilwoman Hazen-Martin, Councilwoman Wiedeke, Councilman Smith, Greg Gress and Andy Benke met with two members of HDR and they drove the island to review these trees. They made decisions at each stopping point as to the significance of each tree. Those decisions are passed on to HDR so they can incorporate them into their final plans, which are then sent to DHEC for approval. They also looked at driveways, fences, and other structures and plantings that exist in the town's right-of-way. Homeowners in the areas will be notified of these decisions. An update of the Wastewater Treatment Plant was given. The new clarifier floor has been poured; the storage shed has been removed; and we are excavating the dirt storage area. Bond financing invoice has been received from Haynesworth Sinkler Boyd and will be paid from existing funds. The sewer lab is now accredited to add three or four new tests that will no longer be outsourced.

Building and Construction Committee, Councilman Wood. The Building Inspector is preparing amendments to Section 5 of the Town Ordinance relating to hours of construction and house moving. Thirteen permits for new homes are pending. Although we haven't received official notification, we should receive a 10% reduction in flood insurance in May.

Fire Committee, Councilman Wood. Monthly report was received. We educated 105 children through the Fire Station last month.

Recreation Committee, Councilwoman Herron. Mr. Jenkins and Susie Garvin from Agent-Owned Realty requested a bocce ball tournament on the beach on May 15<sup>th</sup> or June 6<sup>th</sup> to raise money for Habitat for Humanity. About 50-75 people would be attending the event from 10am – 4pm around Stations 21-23. Motion was made by Councilman O'Neil, seconded by Councilman Wood to approve this event, carried unanimously. Mr. Garvin is to confirm the exact location with Administrator Benke. Wedding on August 28, 2004 at 11:00 a.m. at Station 18 was approved.

Real Estate Committee, Councilman O'Neil. Motion was made by Councilman O'Neil, seconded by Councilwoman Wiedeke, to amend the agenda for this Committee to add an item at the end which would be considering a possible resolution regarding historic preservation, carried unanimously. The cell tower drive test is scheduled for the week of April 26, 2004. Dr. Chris Marsh presented a preliminary study of the accreted land management at the last committee meeting. Mr. Will Post has offered to prepare the grant application to the S.C. Forestry Commission. The curb cut plan at Station 22-1/2 has been resolved for the African American cemetery. Council denied the request for a donation of irrigation water to the cemetery site, as it would be expensive and there would not be a method to secure the tap. Council suggested that a shallow-well be explored. The Zoning Ordinance Draft from Cooper Consulting is on its way to the Planning Commission without the pending ordinance being invoked. Councilman O'Neil gave a brief history of the David

Schneider historic list. Mr. Schneider was part of the group that performed an original survey of historic structures on the island in 1987, and he was with the group that returned in 1990 to see what structures were left. He has now updated that inventory with surveys and creation of a database that was all part of his work with the Cooper Consulting team. Council members have heard from residents lately expressing concern at the rate at which we seem to be losing our historic buildings on this island. We have pending two ordinances that were passed to us from the Planning Commission some time ago, but only cover about 50 homes. They have been active under the pending ordinance doctrine. Motion was made by Councilman O'Neil, seconded by Councilwoman Wiedeke, that we pass a Resolution requesting the Planning Commission to hold a public hearing on an ordinance prohibiting the demolition or removal of structures currently listed on the David Schneider Inventory of Historic Structures dated September 24, 2003; and that we further direct the Town Administrator and Town Attorney to draft an ordinance in First Reading form for the next Council meeting, carried unanimously. Motion was made by Councilman O'Neil, seconded by Councilman Wood, to amend the Resolution that resources covered would be Category 1 – Sullivan's Island Landmarks and Category 2 – Traditional Island Resources of the David Schneider Inventory of Historic Structures dated September 24, 2003, carried unanimously. Attorney Dodds said that the Town staff will not be able to issue permits for items on these two lists.

Police Committee, Mayor Stith. Bids for the dog kennel construction have been received. Motion was made by Councilwoman Hazen-Martin, seconded by Councilman O'Neil, to accept the lower bid for the dog kennel construction from A.B. Evans Concrete, carried unanimously. Two letters of appreciation from residents regarding the Police Department's service were received.

Streets and Maintenance Committee, Councilman Smith. Hunley Funeral and Memorial week was held April 12-17, 2004. The National Park Service accommodated 400 reenactment campers at the War Between the States Living History Camp. Street lighting request by Sunrise Presbyterian Church for a light on pole 389224 (corner of Jasper Boulevard and Middle Street) has been resolved. Chief Howard talked with the DMV regarding registration of all golf carts. DMV asked him to send a request for that information, and they could provide information about every golf cart that is registered through DMV that belongs to Sullivan's Island. He is waiting for a response. Chief Howard prepared a sample of a handicapped card for a handicapped person to carry while they are on the beach, which can be produced in-house. He also plans to make a sticker that will be placed on the golf cart, and has developed a list of rules to be followed. Council asked that he move forward with this project. Engineers have ordered shields to go around the lighting at the Sand Dunes Club. The shields will not arrive for approximately four weeks. They have also installed on-off switches. The field on the lighthouse side is dark unless they need it. They have a control on the spotlight overlooking the pool, which is their main concern. Councilman Smith stated that we received a letter from Elizabeth Mabry of the Highway Department yesterday. The letter stated that the S.C. Department of Transportation recently completed an annual inspection of the Ben Sawyer bridge. This inspection found a significant increase in the deterioration of the structure. Based on results of the inspection, the department intends to lower the weight restriction from its current level of 30 tons GVW to 20 tons GVW. This reduced weight limit will affect some vehicles such as but not limited to fire ladder trucks, loaded tractor trailers, large material delivery trucks, concrete trucks, etc. Small to medium size fire pumpers, EMS vehicles and school buses will not be affected. The Mayor and Councilman Smith met with Elizabeth Mabry and her engineers and Representative Hagood about a year ago concerning the Ben Sawyer Bridge and the restoration of it. We made it

quite clear at that meeting that it was the Town's intent and desire to have that bridge restored. The last meeting was in Charleston with Commissioner Bobby Harrell, Elizabeth Mabry, and engineers. Again, we reiterated that the Town wanted the bridge restored. Everybody said they understood and that there were funds available and somebody was working on plans to redo the bridge. Councilman Smith stated we will write Ms. Mabry another letter concerning the Town's views. Mayor Stith stated that an almost identical bridge in Beaufort County was completely renovated a few years ago. We had pointed that out to her in past meetings and we appeared before Charleston County and asked that the Ben Sawyer rehabilitation be placed on the funding list if the ½ cents sales tax passed. Mayor Stith said he and Councilman Smith had attended two meetings in Columbia with Ms. Mabry. He stated she assured us that the bridge would be maintained for traffic flow until such time as the funding could be acquired to completely rehabilitate it. Mayor Stith stated if they had to lower the weight limit on it, it is not being maintained. If they can't do the complete rehabilitation, we will ask in our letter to at least bring the bridge up to the 30 tons standard at least. Waterline installation through residential driveways will be discussed at the next committee meeting.

Mayor Stith duly ratified An Ordinance to Amend Sections 21-40, Paragraphs (a), (c), (e), and (g) of Chapter 21, Zoning Code of the Town of Sullivan's Island Code of Ordinances Pertaining to Dock Regulations.

Motion was made by Councilman Smith, seconded by Councilman Wood, to pass First Reading, by title only, of An Ordinance to Amend Section 3-8 of the Ordinances for the Town of Sullivan's Island Regarding Dogs.

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 Councilwoman Hazen-Martin, seconded by Councilman O'Neil, 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 Wood, seconded by Councilwoman Hazen-Martin, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney  
Town Clerk