

October 19, 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 ten private citizens present.

Motion was made by Councilman Wood, seconded by Councilwoman Hazen-Martin, to amend the agenda to move Appointments before General Comments, carried unanimously.

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

The floor was opened for comments from the citizens. Mike Perkis of 2871 Brownell stated he would like Council to have third reading of the dog ordinance tonight, if possible. Councilman Smith stated that they can only have third reading if it is a unanimous vote of Council, so it is not an automatic third reading. Sandy Frazier of 3206 Jasper thanked Council for their work, and stated that he is in favor of the ordinance for summer hours, but the ordinance needs to change for the winter hours. Lisa Crow of 2908 I'on stated that Council might consider swapping the times for on-leash and off-leash all year, as families often take children out on the beach in the early morning hours. Peter Griem of 2913 I'on stated he thought Council established the study group to reach a compromise concerning the dogs, and the group did that. He supports that compromise. Mayor Stith clarified that the group did a good job, however, they were a volunteer group and were not appointed by Council. An unidentified woman questioned about whether the dog license fee would be the same for residents and non-residents. Attorney Dodds stated if non-residents are required to have a dog license, the fee should be the same fee for all because it is a state beach.

The minutes of the September 21, 2004 regular meeting and October 4, 2004 special meeting were approved as written.

Reports and Communications – Mayor Stith stated that he had received a call from Katherine Johnstone, a realty specialist with Charleston County. She stated that the lease with Sullivan's Island for the Poe Library had expired. Charleston County is interested in renewing again with a 20-year lease.

Attorney's Report, Larry Dodds. There was no attorney's report.

Administrator's Report, Administrator Benke. Mr. Benke is working with FEMA representatives and insurance adjustors to recover losses experienced during Hurricane

Gaston. We received information from MASC concerning insurance tax, for which our business license ordinance will need to be amended. This will be discussed at the next committee meeting.

Ways and Means Committee, Mayor Stith. Financial report was rendered.

Personnel Committee, Councilwoman Wiedeke. Katherine Kenyon, new administrative staff member, took the oath of office tonight. The new members of the Board of Zoning Appeals and Planning Commission have been advised of their appointments by Council, and they have accepted. A position on the Election Commission is still open. The Election Commission will be able to get through the November general election with this vacancy. A police officer has been called to active duty for 47 days of training beginning October 18, 2004.

Water and Sewer, Councilwoman Hazen-Martin. Contractor progress review is continuing for the Waste Water Treatment Plant. We expect the project will be substantially completed by the end of November, but after October 4 we started to assess liquidated damages so we will not be reimbursing the contractor for that amount. The old clarifier tank did not require the repairs we anticipated, so those funds can be allocated toward SCADA system that went down during the last hurricane, but we cannot prove it was caused by the hurricane. We also will apply for mitigation funds to reimburse us for the SCADA system, at which point the money can be used for rehabilitation of the water/sewer building. We have employed a landscaper to do a simple landscape plan around the sewer plant. When the plan comes in, we will contact residents adjacent to the plant to ask if they want to participate. We have three candidates to interview for the open position. The SCDOT plan review is complete. We will be asking for bids from contractors. We received bids for trees other than the palmettos. The bid was to prune the roots of 128 trees; to prune the limbs of 138 trees; to remove 8 trees; and to fertilize the 138 trees that are pruned. Motion was made by Councilman Smith, seconded by Councilman Wood, to accept the proposal from Treescapes in the amount of \$47, 800, carried unanimously. Prices were received from Palm Trees Ltd. of Johns Island for removing/moving palmetto trees. The company will be contacted for clarification of the proposal. Residents should have received letters concerning the trees. Any residents interested in having the palmetto trees should contact Town Hall by November 1st. CPW is looking into the lower chlorine level incident. They are looking into solutions to allow them to monitor chlorine levels more effectively, and for improvements on Sullivan's Island. Revenues following the rate increases are within expected range. A future planned sewer rate increase may be eliminated, if possible.

Building and Construction Committee, Councilman Wood. The foundation and block work for the Water and Sewer Administration structure is underway. Drawings for the lab design and as built are being prepared. Building Official Randy Robinson attended FEMA class.

Fire Committee, Councilman Wood. The Fire Prevention Week display held at the Fire Station on October 6 was very successful; with one of the biggest crowds ever. The Sullivan's Island Fire and Rescue will hold its annual Oyster Roast Fundraiser on November 13, 2004 beginning at 5:00 p.m.

Recreation Committee, Councilwoman Herron. Four beach weddings were approved: October 9th at 6:00 p.m. at Palmetto Drive and Ft. Moultrie; November 6th at 2:00 at Station

18; November 6 at 3:00 at the Band Stand; July 2, 2005 at 7:00 p.m. in front of Sand Dunes Club. The Bike-A-Thon fundraising event sponsored by The Children's Garden was approved to use the basketball court on November 4, 2004 from 8:30-10:00 a.m. The Lance Armstrong Foundation is planning an athletic event that includes a bike event along state roads on Sullivan's Island on October 30th. Approval was given to the Charleston Running Club to hold the annual Charlie Post Memorial Run on Saturday, January 29, 2005 beginning at 8:00 a.m. They request the assistance of the Police and Fire departments.

Real Estate Committee, Councilman O'Neil. Councilman O'Neil has sent correspondence, approved by Council, that highlighted issues with the Town and the National Park Service. Sullivan's Island Elementary School and PTA have requested the use of the field near Battery Gadsden for morning and afternoon parking by parents. The school and PTA is to coordinate parking efforts with the Battery Gadsden Cultural Center. The Design Review Board is scheduled to hold its first meeting on October 25, 2004. The Planning Commission has forwarded to Council recommendations on Articles IV and VIII of the Cooper Consulting proposed zoning ordinance.

Police Committee, Mayor Stith. Monthly report was rendered.

Streets and Maintenance Committee, Councilman Smith. The Administrator continues to work with various state agencies to resolve Island areas prone to flooding after heavy rain. The Town will meet with SCDOT maintenance officials on October 22 to discuss issues of drainage. The SCDOT will dedicate the causeway as the Louis Stith, Sr. Memorial Causeway on Thursday, October 28, 2004 at 11:00 am in honor and respect of Judge Stith. Residents have requested the Town maintain and cut the unimproved area of Bayonne west of Station 26-1/2 Street.

Mayor Stith duly ratified 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.

Mayor Stith duly ratified An Ordinance Amending Sections 6-6 and 6-7 of the Town of Sullivan's Island Code of Ordinances, Pertaining to Elections.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Wood, to have Second Reading of An Ordinance Amending Sections 3-7 and 3-8 of the Town of Sullivan's Island Code of Ordinances, Pertaining to Dogs.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to amend the Ordinance to Amend Section 3-8 A of to the Town of Sullivan's Island Code of Ordinances, so it should now read:

Section 3-8 A: Offenses by dogs or owners and penalties.

It shall be unlawful within the Town of Sullivan's Island for any dog owner/keeper or other person with custody and control of a dog to:

- A. Allow his dog to run at large off the property owned, rented or controlled by him or allow his dog to run at large in the beach area (RC-1) at any time with the following exceptions:
1. Dog owner/keeper or other person with custody and control may allow his/her dog to run at large on the beach area and RC-1 between the hours of 5:00 AM to 10:00 AM; this would not include walkways or access paths and owner/keeper or other person must have a leash in hand not to exceed **10** feet in length.
 2. No dogs may be allowed on the beach area, RC-1, adjacent waters, beach paths or access points between the hours of 10:00 AM and 6:00 PM **from April 1 through October 31 nor between the hours of 10:00 AM and 3:00 PM from November 1 through March 31.**
 3. Dog owner/keeper or other person with custody and control may allow his/her dog on the beach, beach paths, RC-1 and adjacent water attached to a leash, in the owner's hands, no longer than **10** feet at all times after the hour of 6:00 PM **from April 1 through October 31 and after the hour of 3:00 PM from November 1 through March 31.**

The remaining sections of Section 3-8 shall remain the same. Motion to amend the ordinance carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to have Second Reading as amended of An Ordinance Amending Sections 3-7 and 3-8 of the Town of Sullivan's Island Code of Ordinances Pertaining To Dogs, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to suspend the rules to have Third Reading of An Ordinance Amending Sections 3-7 and 3-8 of the Town of Sullivan's Island Code of Ordinances, Pertaining to Dogs, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to have Third Reading of An Ordinance Amending Sections 3-7 and 3-8 of the Town of Sullivan's Island Code of Ordinances, Pertaining to Dogs.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to amend An Ordinance Amending Sections 3-7 and 3-8 of the Town of Sullivan's Island Code of Ordinances, Pertaining to Dogs to which Council just gave second reading, so that material that is replaced in Section 3-7 C reads as follows:

- C. The Town Clerk shall annually provide a sufficient number of metal badges suitable for dogs to be fastened to the animal's collar, numbered from one upwards, stamped "Dog Permit" and year of issue. This badge and the written permission required in Sec. 3-7A shall be delivered to the person owning, keeping, or harboring the dog upon the payment of the sum of **\$2.00 through December 31, 2004 and \$25.00 effective January 1, 2005.**

The remainder of Section 3-7 shall remain as is. Motion to amend the ordinance carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to have Third Reading, by title only, of An Ordinance Amending Sections 3-7 and 3-8 of the Town of Sullivan's Island Code of Ordinances, as amended in Section 3-7 C, Pertaining to Dogs, carried unanimously.

Mayor Stith stated that although he respects the hard work the resident committee did regarding the suggestions to change the dog ordinance, Council's perception is that the committee was not quite as balanced as it could have been, and he suggested that the Town Council appoint a six-person Committee to discuss this issue. This will be discussed at the next Council Committee meeting. Councilwoman Hazen-Martin stated that if we appointed this committee, she would like to see a complete police report in the interim period indicating how many patrols are done on the beach, how many infractions there are, and at what hours. These records are not currently in the police report as written, and the only way Council can evaluate the ordinance in its present form or in a future form is to have that documentation.

Councilwoman Hazen-Martin stated she will look over the ordinance to recommend what changes need to be made so that we can have non-resident dog licenses as well, in order to have that passed by January 1, 2005. Councilwoman Wiedeke asked if the vehicles that go on the beach are marked with "animal control" signage. Chief Howard stated that his and Lt. Price's vehicles are not marked, the rest of them are marked. The animal control truck has a police badge on the side, and he is in the process of getting the "animal control" wording on the truck. Councilwoman Hazen-Martin stated that the wording should be on the truck so that people are fully aware that we have an animal control officer.

Motion was made by Councilwoman Wiedeke, seconded by Councilman Smith, to go into executive session to discuss a personnel issue, carried unanimously.

There being no further business to come before Council, the meeting was adjourned.

Respectfully submitted,

Ellen McQueeney
Town Clerk