

January 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 25 private citizens present, and one member of the media.

The floor was opened for comments from the citizens. Henry Fishburne of Charleston City Council stated that his wife owns a home at 2902 Middle. He wanted to introduce himself, as he will be campaigning in the area for the District 43 State Senate. Jim Nimmich of 1816 Back Street stated that he signed a Back Street letter send to Council regarding the dock ordinance. He is concerned about the 8.9 acres section of Town-owned marsh that run in front of Back Street and down to Station 17, and hopes that docks will not be allowed in that particular section. Bill Craver, 2702 I'on stated the version of the dock ordinance that is before Council tonight has a sentence in the section dealing with extending the length of the dock. That first sentence deals with not allowing docks to go over three parcels of town owned property. That was not in what was approved by the Planning Commission and recommended to Council. The Planning Commission did discuss it but thought it was premature to include it in the ordinance; and asked Council to look into it. Anna Anderegg of 1730 Thompson asked if Council will be considering the dock ordinance with or without that first sentence, since it was not recommended by the Planning Commission. Councilwoman Hazen-Martin explained that the Planning and Zoning Commission make their recommendations to Council, however, the Town Council writes the ordinance. It is Council that forms the ordinance; then the discussion can begin following first reading. Council will seek legal advice on this issue. Tim Reese of 305 Station 20 questioned the protocol of how a member of the Planning Commission can change the submitted dock recommendation. Bobby Thompson of 2170 I'on stated they were asked in October to craft a compromise. The compromise was to let some docks go to wide creeks and protect public lands; town deeded public property. At the vote on December 10, he didn't vote. The motion carried 4-1 without specific plat numbers in it, although the specific numbers had been advertised. The recommendation passed 3-2, with his vote, in December as the Planning Commission recommended. He included the sentence when Town Council needed the ordinance in better format. Michael Mithoefer of 1650 Poe stated he is in favor of the compromise as he understands it. He went to the Planning Commission meeting and remembers them discussing recommending to Council to put that public land into Land Trust, but stopped short of that because they thought it needed more legal investigation. Bobby Cummings, 1450 Thompson, stated if the wording is in there and if a dock that already exists that is permitted to go across town-owned marsh is damaged in a natural disaster, we couldn't build back the docks that had existed. Mayor Stith said that Council will get legal opinion and advice before the second reading of the dock ordinance. Marie-Louise Ramsdale of 2115 Pettigrew asked the Police Department to look at beach access prior to summer. Motorists whip around

the corner of Stations 22 and 21-1/2, going to the beach. She spoke with Councilman Smith, and he explained that it is state-owned property. She also thanked the Recreation Committee for their time in talking with several island residents about recreation issues. Rick Graham of 2102-1/2 Ion agreed with Ms. Ramsdale. He also questioned whether the ad hoc committee for the consultants was still in service. Councilman O'Neil stated that the committee had served its purpose and one of their recommendations was to hire consultants. The committee is no longer organized. Jose Biascochea of 2030 Jasper expressed concern about the dock ordinance as written, as they have docks up and down the street from them, but this ordinance would prohibit them from having a dock.

The minutes of the December 16, 2003 meeting were approved as written.

New Correspondence – We received correspondence from Mt. Pleasant Mayor Harry Hallman to Support House Bill 3658, stating that this bill provides that a municipality or county or its employees are not held liable for damage or injury caused to a person who participates in hazardous recreational activity on municipal or county property. Motion was made by Councilman Smith, seconded by Councilwoman Wiedeke to write a letter in support of the Bill, carried unanimously. Administrator Benke will compose the letter.

Attorney's report – Mr. Dodds stated he had received a request for a fee simple title to Lot 182, Jasper Blvd. Motion was made by Councilman Wood, seconded by Councilman Smith, to grant the fee simple title, carried unanimously.

Administrator's Report, Administrator Benke. No changes are expected to the precinct this year, as the S.C. Board of Election and Voter Registration agreed that time would not permit a thorough evaluation of the list of registered voters on Sullivan's Island before the 2004 primary elections. The annual Statement of Economic interest forms were delivered to Council members. Charleston County Public Works sent material safety data sheets for products used to control mosquitoes. The Charleston Conservation District advised of a \$3,500 non-matching grant to install sand fencing along the beach. The only requirement by the Town would be to install the fence post-holes; approved by Council. The Coastal Defense Study group's 2005 conference attendees would like to visit Batteries Thompson, Logan, and Capron Butler on April 29 and 30, 2004; approved by Council.

Ways and Means Committee, Mayor Stith. Preparation of next fiscal year's budget has begun. The financial report was presented.

Personnel Committee, Councilwoman Wiedeke. The six-month probation period for Andy Benke ended December 23, 2003. Motion was made by Councilwoman Wiedeke, seconded by Councilman O'Neil, that Mr. Benke be released from probation based on outstanding performance. He has been a tremendous asset and help to the Town, Council, and citizens, and will receive the standard 5% salary increase effective January 1, 2004, carried unanimously. Mayor Stith stated that Mr. Benke has done an outstanding job. Mary Lotts tendered her resignation 01-12-04 to be effective 2-20-04 for early retirement to care for her mother. Councilwoman Wiedeke wished her well and stated we are sorry to see her go. Her position will be advertised to help with a seamless transition.

Water and Sewer, Councilwoman Hazen-Martin. DHEC sent a retraction letter concerning the bacteriological monitoring; the issues were resolved to our satisfaction. They had also stated they wanted us to be considered a water treatment plant; those issues were also

resolved. The phosphates do not make us a water treatment facility. Our obligation due to the phosphate feeds has been resolved to our satisfaction. We now have a good management plan for testing. HDR contributed to the Ronald McDonald House at Christmas time in the name of Sullivan's Island. There was a wastewater treatment plant upgrade project conference with HDR and contractors associated with Phase III of the wastewater treatment plant. HDR has taken an aggressive stand about meeting time schedules and staying on top of all of the contractors much to our satisfaction. The minutes are included in Council's notebooks. Contractors will meet tomorrow to look at grit chamber project, along with other officials and consultants. We received notice from the Charleston Commissioner of Public Works, from whom we receive our water, that they have adjusted our purchased capacity. They looked at all their operating expenses and adjusted the amount of money in retrospect that we owed them for the previous billing period. They indicated there was a shortfall, and we owe them \$4,800. In fairness, we have had other years where they have reimbursed us. Councilwoman Hazen-Martin asked Mr. Benke to review that part of our contract and become familiar with the way it is calculated. HDR submitted the water project drawings and they are 95% complete. The next step is to look at the drawing with town officials and submit to DHEC for final approval. The wastewater line at Poe Avenue between Station 13 and 15 Streets goes through lots. The recent trend has been to take down the small houses that used to be on lots and replace with larger houses, and to reposition those houses away from Middle Street and closer to the harbor side of island. As a result, we have had structures wanting to encroach on the sewer lines that run across property lines. This will be discussed at the next Water and Sewer working committee meeting, and will later be brought to the Council Committee meeting. The next working committee meeting will be Friday, January 30th at 3:00.

Building and Construction Committee, Councilman Wood. Two new homes were permitted this month, with six permits pending. The monthly report was presented.

Fire Committee, Councilman Wood. The holiday lighting in December was very successful and well attended. A thank you note from the Isle of Palms was received for the Fire Department's efforts at 17 Oyster Row on Christmas Day. The monthly report was presented.

Recreation Committee, Councilwoman Herron. The Recreation Committee met with several residents that are interested in forming an ad hoc committee to look into building a community pool and recreation center. Council agreed that an ad hoc committee was not appropriate to appoint at this time, and suggested that they go to the Park Foundation for information and input. Park Foundation President Clydie deBrux said that she will try to work with them and hear their suggestions, and return information to Council. The Park Foundation has tentatively set the dates of May 17-31, 2004 for the Sullivan's Island Tennis Tournament. Dunleavy's Pub has submitted a request to close Station 22.5 Street on Sunday, March 14 and Wednesday, March 17, 2004 for Saint Patrick's Day celebration. Council requested that they come to the next Committee meeting to discuss. The Carolina Lowcountry Girl Scouts have requested the use of the lot at Station 15 Street and Middle Street for an overnight campout for approximately 17 girls, and one parent each, from the Sullivan Island Elementary School Brownie Troop on March 5, 2004, with a rain date of March 6th; approved by Council. Weddings on 2/29/04 at 4:00pm between Stations 17 and 18; on 4/3/04 at 11:30 am on Station 29; on May 2, 2004 at 4:00 on Station 19; and on 10/9/04 at 6:00 between Station 17 & 18 were approved. More information will be requested for wedding planned for April 17th on Station 12.

Real Estate Committee, Councilman O'Neil. Cooper Consulting will present final zoning and design recommendations at the Sand Dunes Club on January 21, 2004 at 6:00 p.m. A copy of the recommendations is available at Town Hall and on the Town web page. Ms. Marie-Louise Ramsdale stated the Community Organization of Sullivan's Island would like to provide light refreshments for the meeting. Councilman O'Neil is contacting David Schneider, the historic preservation expert of the Cooper Consulting team, on how he might assist us if Council decides to proceed with the preservation recommendations that he made. Councilman Smith said we could also contact the National Trust for Historic Preservation, who has people who address those issues as well, without cost.

Police Committee, Mayor Stith. The monthly report was presented. The Police Chief was involved in a motorcycle accident off-hours, but will be back at work in a couple of days. The monthly report was presented.

Streets and Maintenance Committee, Councilman Smith. Howard Chapman has requested that all Charleston municipalities write Charleston County Council urging them to petition the governor to hold a special election that would reconsider the Infrastructure Sales Tax issue. We have written and delivered the letter. The Fire Chief and Town Administrator are investigating the location of a cell tower on the Island to improve service and reception. A flagpole tower may be an option. It requires approximately 200 square feet of ground space per antenna. This will be discussed in Committee. Councilman Smith stated that in reference to Ms. Ramsdale's request about Pettigrew Street, that he is not sure a stop sign would help the situation. Perhaps a speed hump will help, but the whole neighborhood needs to be included on it. There is a concern about fire equipment going over it. Mayor Stith stated that residents at Station 22-1/2 and Myrtle Avenue have voiced the same concern, and that Ms. Ramsdale might want to get in touch with them.

Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to have First Reading, by title only, 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, carried by a vote of 6, with Councilman O'Neil abstaining.

Motion was made by Councilman O'Neil, seconded by Councilman Smith, 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 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.

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

Respectfully submitted,

Ellen McQueeney
Town Clerk