

March 16, 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
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 37 private citizens present, and two members of the media.

The floor was opened for comments from the citizens. Chip Campsen introduced himself as a candidate for the State Senate. Dr. Norman Khoury of 1728 Ion spoke for a newly established group called the Islanders for Conservation. He stated their goal is to assist Council with conservation of the natural protected and unprotected green space areas of the island. Mary Ellen Rogers of 1754 Atlantic expressed concern for the turtles this season since the wax myrtles were cut lower and lights might confuse the turtles. Billy O'Dell of 1722 Middle stated that he believes all cutting should be stopped; he stated he made a mistake by agreeing to cut the myrtles to five feet. Bobby Thompson informed Council that he went to a meeting with the Army Corps of Engineers working on the State Ports Authority approach to expansion on the Cooper River. He asked Council to put us on record before the April 15 deadline of being a party to the mailing list and maybe include a copy of the letter the Town wrote concerning the global port on Daniel Island. Herbert MacMurphy of 1820 Ion stated he supports the dock ordinance as proposed, but is upset concerning the tree cuttings, how easy it was to change the whole nature of a hard-fought Town-wide agreement, and that one tree cutter used heavy equipment in the land. John Roitzsch of 1602 Poe wanted no compromise on the docks. William Short of 2408 Ion stated that the cut trees looked ugly and thinks Council should look at them. Blaine Ewing of 2514 Ion hopes Council will get an easement to the marsh property. Annie Mithoefer of 1650 Poe stated she hopes the marsh will be placed into a trust, and the cut trees look terrible. Howard Holl of 1807 Ion stated he is against the cutting. Everett Presson of 1814 Middle commended Town Council on their work and reminded the citizens of the hard work this Council and previous Councils have done to get the accreted land and to fight the bridge. There may be decisions people are not happy with, but the Town is going in the right direction. Perhaps the trees should have been kept to seven feet, but in six months' time you won't know that the bushes have been cut. Meg Howle of 2523 Goldbug stated she was on Council when the accreted land was placed in trust and stated our values have to be greater than the dollar. Barbara Julian of 2914 Brownell stated her disapproval with the dock ordinance. Michael Mithoefer of 1650 Poe stated he was personally ok with the dock compromise and appreciates Council's work; however he was concerned why the executive session concerning the dock ordinance at last council's meeting couldn't be in the open. Mayor Stith stated that Council heard from the citizens quite loudly concerning the dock issue, and Council asked for Planning and Zoning to look at it again and perhaps strike a compromise, which they did. Then there was a question of the language. We had the discussion in Council chambers giving us two different versions of what the compromise actually was. The language in the compromise, some say after the fact, some say that it was in the compromise version, was concerning the TMS numbers. We were advised

at that meeting by our attorney that the language was inappropriate. That was at the first reading. Because of that and other factors involved, we put the language in that said no docks are allowed from Station 18 to Station 27. The cross-over language was put in to give the folks in that area that are opposed to docks, if a dock were to be built, the opportunity to have a much shorter and environmentally sensitive dock to 400 feet, to an area where there are existing docks versus an up to 800 foot long dock that would be more visible straight out to the marsh. The Council voted 5-0 because we thought both things were good acts on Council's part in securing the compromise. Mayor Stith said we were getting legal advice and that it is customarily the manner to do that in executive session because we don't know what the attorney is necessarily going to tell us.

Councilwoman Hazen-Martin stated she would like the opportunity to comment because she could not reschedule an out of town meeting, and regrets missing the meeting. She stated she was not in favor of any change in the dock ordinance originally because she thought then and still believes that leaving it alone was the strongest most defensible position. However, there was a spirit of compromise and effort by different groups, and she was propelled to consider a compromise. She stated the process occurred correctly until the very end. First of all, during the committee meeting prior to second reading it was discussed in detail every point of the ordinance and it was determined that Council would keep in the language about the plots and would omit language related to crossing over property lines. There is no vote at Committee, but there was certainly consensus and even verbal agreement that it was going to go to Council for vote at second reading with all the issues ironed out. At second reading the minutes reflect that there was absolutely no discussion of this issue, and second reading is the time that you have a discussion before the entire public on any matter. There was a motion to go into executive session. She questioned with all the months we have been working on this why we didn't have a legal briefing sometime prior to 20 minutes before the vote. When Council came out of executive session, the ordinance that was passed did not reflect the consensus arrived at the Committee meeting. The public didn't ever have the benefit of an explanation from this Council as to how or why it changed. She apologized that she was not at the meeting, because she believes that process was poor government.

Councilman Smith stated that he ran the Committee meeting that night because Mayor Stith was not present, and the Town Attorney was not there. Councilman Smith stated he recalls the attorney had advised them to leave the tax map numbers out, and the other Council members didn't seem to follow-up on it, so he accepted as information what was heard from the audience and what was heard in Council, knowing that it was a Committee meeting and there would be no vote taken. He stated he apologized if he led Council astray thinking what they discussed that night was official, because it is not official until it's a Town Council meeting.

Billy O'Dell stated that as a citizen, he went to every meeting of the Planning Commission and every meeting of Town Council that had to do with the docks, and the crossover property line never came until the last reading after they went into executive session. It seems suspicious to him and he was very disappointed. Larry Middaugh stated that Council came out of executive session, and the ordinance was changed in executive session; then two council members spoke about the ordinance, but did not address how the version was legally superior than the one before.

Councilman Wood commented that he has been on the Council for a long time, and he has stayed on the Council for one reason: to preserve the island, to do what is best for the entire Island, and try to keep it low-density, single-family. He stated that he thinks Council does a good job, and it's hard to please everybody, and that he doesn't need to apologize.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Smith, to amend the agenda to move third reading of the An Ordinance to Amend Sections 21-40 (a), (c), (d), (e) and (g) of Chapter 21, Zoning Code of the Town of Sullivan's Island Code of Ordinances Pertaining to Dock Regulations, carried unanimously.

Motion was made by Councilman Smith, seconded by Councilman Wood, to have third reading of the dock ordinance to Amend Sections 21-40 (a), (c), (d), (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 5-1, with Councilwoman Hazen-Martin casting the negative vote.

The minutes of the February 17, 2004 meeting were approved as written.

A Proclamation Celebrating the Week of the Young Child from April 18-24, 2004 was approved.

New Correspondence – A letter was received from Larry Middaugh.

Attorney's report – There was no attorney's report.

Administrator's Report, Administrator Benke. SCDHEC has received the request from the Town to investigate the use of 1602 Thompson Avenue for storage. Charleston County is considering the privatization of the 800 MHz radio system. Transferring to this system could result in an additional communications expense to the Town of over \$30,000. The Charleston Fire Chiefs Association will be discussing the matter tomorrow. The leash law goes into effect today on the beach. All dogs must be on a leash from 8:00 am to 8:00 pm through October 31st.

Ways and Means Committee, Mayor Stith. The financial audit was received from Schleeter Monson and Debacker at special meeting of Council tonight. Comcast Cable has announced a rate increase effective April 1, 2004. There are five vehicles scheduled for replacement in the 2004/2005 budget. One truck for the Fire Department; three cars/trucks for the Police Department; and one truck for the Maintenance Department. Council approved these scheduled replacements; as state purchase contract agreements must be tendered by April 1, 2004. First payments will not be due until fiscal year 04-05.

Personnel Committee, Councilwoman Wiedeke. Interviews are complete for the Accounts Payable/General Office Clerical position. This will be discussed in executive session. Chief Stith has requested full-time employee status and appropriate salary for Amanda Hawver, as she has completed the six-month new hire probation period. Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to accept Chief Stith's recommendation and that Amanda Hawver be granted full time status along with the appropriate salary, carried unanimously. Chief Stith has requested Chad German be granted full-time employee status, as he has proved to be an asset to the Town while serving as a part-time employee. Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, that Chad German be granted full-time employee status, carried unanimously. Paul Fouchcourt of the Water & Sewer Department has completed his Class B Water Distribution exam. Motion was made by Councilwoman Wiedeke, seconded by Councilwoman Hazen-

Martin, that Paul Fouchcourt be given the appropriate salary increase for completing this certification, carried unanimously.

Water and Sewer, Councilwoman Hazen-Martin. A draft of rate increases for the upcoming fiscal year and a draft of updated fees were distributed. Councilwoman Hazen-Martin stated the fees would be discussed at the next committee meeting, and proposes that these fees be passed by resolution at the next Council meeting. The fees are a slightly modified version of the proposed fees given to Council a few months ago. These fees would put us in line with neighboring communities; they are fees for service other than just water and sewer, for instance, a lot of this relates to damage assessing due to contractors and unusual requests for service. These fees would allow us to collect revenue from those who are causing us to have increased service, and lift the burden off of the normal water-using residents. Because we don't assess these fees currently, these sorts of repairs are things that make our overall operating costs increase, and at present that is translated into general rate increases for everyone. Trees will be removed around the water lines at the African American cemetery. The Water & Sewer Department is seeking engineering assistance for the EPA voluntary "Capacity, Management, Operation, and Maintenance Assessment plan (EPA CMOM Plan), and the deadline is in May. Motion was made by Councilwoman Hazen-Martin, seconded by Councilwoman Wiedeke, to contract with B.P. Barbour for assistance with this project, not to exceed \$8,000, carried unanimously. Tree Commission members and volunteers noted all trees that were in the right-of-way for the Waterline project. HDR has been tagging every tree that was identified as needing to be looked at. Councilwoman Hazen-Martin stated that we were unaware HDR would be tagging at this stage; we thought they would be tagging trees only after determining if they were in the way of waterline placement. Headworks repair is scheduled for March 17-18, 2004. Council was given estimated costs of the line survey at 1312 Poe Avenue and will discuss at the next Water & Sewer working meeting. The Town is concerned that Republic Contracting is lagging behind on the Wastewater Treatment Plant work. HDR is also concerned and has written Republic Contracting, and will stay on top of the situation. There have been reports of red water on Atlantic Avenue, but flushing is showing positive results. Councilwoman Hazen-Martin wants the approval of Council to allow Greg Gress to identify property with utility easements and forward to the Town Attorney for his review. Motion was made by Councilwoman Hazen-Martin, seconded by Councilwoman Wiedeke, to give Greg Gress permission to give to the Town Attorney a property list with easement issues to help us determine how we can clarify easements, carried unanimously. The next Water and Sewer Committee Work session will be Friday, April 2 at three o'clock.

Building and Construction Committee, Councilman Wood. There were three new homes permitted and two certificates of occupancy issued last month. There were 40 cutting applications in the accreted land this year, compared to 28 last year. Tree Consultant Jeff Jackson stated that there were a few problems in the accreted cuttings this year. He and Randy Robinson have walked the land and taken photographs to compare when the myrtles grow back. There was some damage caused not by the actual pruning, but by the large amount of material being removed. Dr. Chris Marsh will be visiting. Building Inspector Randy Robinson went to the Hazard Mitigation meeting. We will be receiving a letter stating Sullivan's Island will receive a 10% reduction in flood insurance rates next year. Sullivan's Island has received extra points because we treat A Zones like V Zones, so with a few changes, we will be eligible for another 5% reduction in the future. Mr. Robinson is preparing amendments to Section 5 of the Town Ordinance related to hours of construction and house moving.

Fire Committee, Councilman Wood. The Fire Department raised more than \$5,500 for Carolina Children's Charity during the weekend of March 12-13. Chief Stith will attend the Charleston County Fire Chiefs' Association meeting on March 17. An important topic of discussion is the possibility of Charleston County privatizing the 800 MHz radio system.

Recreation Committee, Councilwoman Herron. Weddings on May 22, 2004 at Station 18 at 4:00 and 6:00 were approved; weddings on July 31st on Station 26 at 9:00 am and August 28th at Station 22 at 4:00 p.m. were approved. The Sullivan's Island PTA is planning to hold the Sea Spot Run Fishing Tournament fund raising event on 9-18-04 (10-02-04 rain date) from 8:00 am to 12:00 noon. The Police and Fire departments will assist as in previous events.

Real Estate Committee, Mayor Stith for Councilman O'Neil. The report from Cooper Consulting will not arrive until March 31, 2004. Councilman Smith stated he would like Council to ask the Administrator to contact the Lowcountry Land Trust to investigate the possibility of their being involved in the marsh property from Stations 18-27.

Police Committee, Mayor Stith. Fuel purchase agreement for Sullivan's Island Police Department has been approved by the Isle of Palms Town Council. The dog kennel will be relocated from the Water & Sewer plant to the storage area behind the Police Department. Construction bids are being requested; the first bid received was \$1,600.00. The Police Department is offering free firearm safety kits to resident through a partnership with Project ChildSafe. The locks will fit most handguns, rifles, and shotguns. Approximately 600 gunlocks are available.

Streets and Maintenance Committee, Councilman Smith. Sunrise Presbyterian Church has requested the re-placement of a streetlight at the intersection of Jasper Boulevard and Middle Street. Research has found that the previous light was a "flood light" paid for by the Church. Placement of a street light under SCE&G Municipal Lighting plan would be for the account of the Town. A representative from the Church will attend the April Council Committee meeting. The contract with Suburban Disposal Service is due to expire in June 2004. The proposed new contract shows no increase in commodity rate, but there may be a fuel surcharge fee. Councilman Smith stated that there was a nice ceremony for the groundbreaking of the African-American Cemetery on March 11, 2004. He thanked the Fire, Police and Maintenance departments for their help, and also Monsignor McInerny and Mayor Stith for their participation in the ceremony. Mayor Stith stated that SCE&G is currently in the second phase of putting underground wiring on the island, and transformer boxes are being placed on residents' property. There are a couple of property owners who do not want the box on their property, which could hold up the process. Councilwoman Hazen-Martin stated she is concerned because the drawing plans for the electrical lines have not taken into account our new water plans. Communication will need to take place with SCE&G to ensure both their project and the Town water line project will not be interrupted.

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

Respectfully submitted,

Ellen McQueeney
Town Clerk