

June 15, 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
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 over thirty private citizens present, and four members of the media.

Motion was made by Councilman Wood, seconded by Councilman O'Neil, to go into executive session to discuss legal matters regarding Article VI and XII of the proposed Zoning Ordinance, carried unanimously.

Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to come out of executive session, carried unanimously.

The floor was opened for comments from the citizens. Mike Perkis, 2871 Brownell, stated he represented a group for fair representative government. He read a statement, and asked Council to amend the ordinance before ratification or commit to making a change before the fall season. Kate Kiel Of 605 Pelzer Drive, Mt. Pleasant, supported reconsideration of new leash law during the evening hours. A resident of downtown Charleston agreed that particular consideration should be given to the dog ordinance during the winter months. She stated she doesn't feel safe at night on the beach without her dog. A resident at 1514 Middle stated he supported the change in the dog ordinance, but doesn't understand why dogs would need to be leashed during the night hours. Tim Reese, 305 Station 20, stated he was concerned that the 10 am -6 pm year round hours were chosen only to be consistent; we should change the winter hours for dogs being on the beach now, rather than wait until later. Jay Cone, 3116 Ion, stated he walks his dog in the evening and wanted to know the justification for year round ban. Wayne Stelljes of 3103 Middle wanted to know what we were trying to fix by this ordinance; he hasn't seen facts that support the ordinance with the exception of the excrement problem. Mae Millicent Peterseim, 1701 Atlantic, wants to walk her dog on beach at night. Paul Flagherty, 2208 Atlantic Ave., stated that several have questioned why the dogs must be leashed late in the evening and why during the winter months, and hopes those questions will be addressed. Ms. Osborne, 1801 Atlantic, questioned the amount of fine for dogs that get loose, as she received a \$500 ticket. Chief Howard said the fines are set by ordinance; the actual fine can go up to \$1,000 with the assessments on it; half of it goes to the State of South Carolina. Peter Greim of 2913 I'on wanted to know about the number of complaints or calls supporting the ordinance that were received at Town Hall. Councilwoman Hazen-Martin said Council receives calls both for and against the dog ordinance, or any ordinance at work, by e-mail, or at home. It is difficult to keep a complete record of all calls regarding all the different topics residents want to discuss. However, she stated she received 4-5 calls very recently from Island residents, congratulating Council for the ordinance. She did not report those to Town Hall. A resident of 914 Seagull Drive, Mt.

Pleasant, stated there needs to be a designated area for dogs to run and play on the beach. Cynthia Blalock, 3024 Middle, stated the basis of the dog ordinance was presented as an issue of spoiling or contaminating the beach because of coliform issues. As of yet, she has not seen any evidence that points to dogs as the source of the coliform. Councilwoman Hazen-Martin stated that was only one consideration. Testing can be done to determine what is actually contributing to the problem, however, we do not do that because it cost thousands of dollars. Isle of Palms had the testing done and found that both wildlife and domestic animals were contributing to the high counts they were getting. We are fortunate because we do not have sewage discharge or rainwater discharge to the front of the beach. We do other testing on a normal basis, and it will be interesting to see if the numbers decrease during the summer months, which might indicate that dog feces contribute to the problem. Arthur Schirmer, 2108 Atlantic, stated that the dog excrement issue has been over-articulated when there are no public bathroom facilities anywhere on the beach. Mayor Stith stated that the dog ordinance amendment was a compromise for all groups. The original ordinance proposal was for dogs to be leashed at all times year round. Council will review how effective the ordinance is, and reevaluate it in a few months. Tim Jenkins, 2530 Jasper, stated he didn't want to see all businesses or restaurants being affected by a change of service hours just because one restaurant is causing concerns. He is also concerned about the need for a barrier around outside tables at restaurants. Bill Dunleavy of 2314 Jasper questioned that if the noise ordinance was enforced, why would restaurants need to close down early for outside seating, as has been proposed by the Planning Commission. Councilman O'Neil stated that it was decided at the committee meeting that they would defer reviewing any of the specific recommendations until they had a complete recommendation of the commercial district from the Planning Commission. Riddick Lynch of Poe's Tavern stated that he agreed with Bill Dunleavy; that the current noise ordinance should be enforced. Secondly, he stated that almost all the complaints they have received are from residents on Jasper, behind Poe's Tavern. He stated they don't use the back deck, and they always keep the doors closed. He believes the real problems are parking along Jasper and/or noise generated when people leave either with their voices or their vehicles. Limiting serving time on the porch does not address what the real problem is.

The minutes of the May 18, 2004 meeting were approved as written.

Appointments - Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Wood, that committee assignments remain the same for the next year, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to nominate Carl Smith to serve as Mayor Pro Team for the next year, carried unanimously.

Reports and Communications – Motion was made by Councilman Wood, seconded by Councilwoman Wiedeke, to pass the Resolution to Establish 2004-2005 Water and Sewer Service Rates, carried unanimously.

Mr. Howard Chapman from CARTA presented information regarding the CARTA budget. Motion was made by Councilman O'Neil, seconded by Councilman Wood, to pass the Resolution to approve CARTA Draft Fiscal Year 2005 Budget, carried unanimously.

Mayor Stith received a letter from Mt. Pleasant Mayor Harry Hallman stating their Council votes to support Sullivan's Island position regarding the Ben Sawyer Bridge.

There was no attorney's report.

Administrator's Report, Administrator Benke. A Freedom of Information Act request has been satisfied; a new request is being addressed. We have tape/CD from DHEC on the West Nile Virus for anyone to view. Town Hall will be closed on Monday, July 5th in observance of the Independence Day holiday; therefore the Council Committee meeting will be held on Tuesday, July 6th. Carolina Day is June 28 marking the anniversary of the battle of Sullivan's Island.

Ways and Means Committee, Mayor Stith. The asset management program has been received and is being installed. Second Reading of the budget is on the agenda for tonight.

Personnel Committee, Councilwoman Wiedeke. There is a pending worker's compensation claim and Council will be updated as information is received. The Building Inspector will be on vacation for two separate weeks in June; inspection services have been arranged during his absence.

Water and Sewer, Councilwoman Hazen-Martin. Monthly report attached. Construction projects are occurring as scheduled.

Building and Construction Committee, Councilman Wood. Monthly report attached.

Fire Committee, Councilman Wood. Fish Fry will be June 26th starting at 5:00 pm. The Fire Department will not issue beach fire permits from July 2nd to July 5th.

Recreation Committee, Councilwoman Herron. We received PARD Grant from the S.C. Department of Parks, Recreation and Tourism for Phase 4 of the Mound Garden Grant. The grant allows for \$3,000 state share and \$750.00 town participation. Wedding request for June 26 at 7:30 p.m. at Station 26 was approved. The Muscular Dystrophy Association and the Charleston Harley Owners Group would like to have Fort Moultrie as a scheduled stop during the August 8th MDA Poker Run. There is a concern regarding church service traffic during this time.

Real Estate Committee, Councilman O'Neil. We are making progress with the Lowcountry Open Land Trust with respect to establishing some conservation easements on three tax map plats in the RC-2 district. Mr. Benke said the Land Trust asked us to proceed with a title history of the three properties and establish a tax ID number for the old dump, and open discussions with the Corps of Engineers regarding the spoil area. Councilman O'Neil stated the fourth hole of the Mound Project would be used for dirt excavated from the Wastewater Treatment Plan upgrade project. Council agreed to pay Cooper Consulting their invoice number seven in the amount of \$4,187.50. The Planning Commission, after studying the sections of the consultants' recommendations in their proposed ordinance, including Article VI and Article XII which deal respectively with Historic Preservation and Design Review Board, has recommended that we move forward with the adoption of the Historic Preservation component of that proposed ordinance. This will necessitate that it include those sections of Article XII which establishes a design review board; the material in that section is necessary for the enforcement of the Historic Preservation Ordinance. It was discussed at the committee meeting and the consensus was that it would allow us to be in a better position to support applications to get state and federal designation of historic districts, because a Design

Review Board has to be available. That is the part of the process that can actually provide benefits such as tax credits for approved rehabilitation to owners of property that are designated historic. We could have an ordinance proposal draft ready for the special meeting that is already scheduled for June 30th at 6:30 p.m. if Council desires. By enacting this separately, it will allow us to more quickly have a formal body established for the purpose of examining applications to be included or not be included in the historic district, or to be or not to be on the list of historic properties. This appears to be the only workable way to devise a mechanism for appeals for a property owner to make a change in the list that exists.

The Planning Commission, after hearing a number of comments on issues in the commercial district, set up several resolutions asking Council to address specific issues in the commercial district ordinance. Council decided to defer that until the Planning Commission has done a complete review of the article of the proposed ordinance. As noted, we have received requests from owners of two different properties that are currently on the list of protected properties asking for their removal. We hope that by moving forward with enacting what are currently entitled Article VI and Article XII that that will allow us to have a mechanism for accommodating such requests for review. A Public Hearing is scheduled for July 20 at 6:30 p.m. on document changes to the Comprehensive Plan that are proposed by the Planning Commission. They have recommended specific changes that would solidify the fit between the Comprehensive Plan and changes to the Zoning Ordinance, particularly for purposes of historic preservation.

Police Committee, Mayor Stith. Monthly report attached. The Chief and officers began foot patrols in the commercial area this past weekend, and will continue through the summer.

Streets and Maintenance Committee, Mayor Stith for Councilman Smith. The letter was received from Mayor Harry Hallman concerning the Ben Sawyer Bridge, as discussed earlier.

Mayor Stith duly ratified An Ordinance to Amend Section 3-8 of the Ordinances for the Town of Sullivan's Island Regarding Dogs.

Motion was made by Councilman Wood, seconded by Councilwoman Wiedeke, to have Second Reading of An Ordinance to adopt Budget for July 1, 2004 through June 30, 2005, carried unanimously.

Motion was made by Councilman Wood, seconded by Councilwoman Hazen-Martin, to suspend the rules to have Third Reading of An Ordinance to adopt Budget for July 1, 2004 through June 30, 2005, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Wiedeke, to have Third Reading of An Ordinance to adopt Budget for July 1, 2004 through June 30, 2005, carried unanimously.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Wood, to have Second Reading of An Ordinance Setting Forth the General Terms and Conditions for the Issuance and Sale of Waterworks and Sewer System Revenue Bonds of the Town of Sullivan's Island, S.C., and Other Matters Relating Thereto, carried unanimously.

Motion was made by Hazen-Martin, seconded by Councilwoman Wiedeke, to suspend the rules to have Third Reading of An Ordinance Setting Forth the General Terms and

Conditions for the Issuance and Sale of Waterworks and Sewer System Revenue Bonds of the Town of Sullivan's Island, S.C., and Other Matters Relating Thereto, carried unanimously.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilwoman Wiedeke, to have Third Reading of An Ordinance Setting Forth the General Terms and Conditions for the Issuance and Sale of Waterworks and Sewer System Revenue Bonds of the Town of Sullivan's Island, S.C., and Other Matters Relating Thereto, carried unanimously.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Wood, to suspend the rules to have Second Reading by title only of A Series Ordinance Making Provision for the Terms and Conditions of an Issue of Waterworks and Sewer System Revenue Bonds, Series 2004, of the Town of Sullivan's Island, S.C., carried unanimously.

Councilwoman Hazen-Martin briefly outlined the twenty-page document, which is a revenue bond for the Town to borrow \$800,000. It is a 15-year bond with an interest rate of 4.25% with BB&T.

Motion was made by Councilman O'Neil, seconded by Councilwoman Herron, to have Second Reading, by title only, of A Series Ordinance Making Provision for the Terms and Conditions of an Issue of Waterworks and Sewer System Revenue Bonds, Series 2004, of the Town of Sullivan's Island, S.C., carried unanimously.

Motion was made by Councilwoman Wiedeke, seconded by Councilman O'Neil, to suspend the rules to have Third Reading of A Series Ordinance Making Provision for the Terms and Conditions of an Issue of Waterworks and Sewer System Revenue Bonds, Series 2004, of the Town of Sullivan's Island, S.C., carried unanimously.

Motion was made by Councilwoman Wiedeke, seconded by Councilman Wood, to have Third Reading of A Series Ordinance Making Provision for the Terms and Conditions of an Issue of Waterworks and Sewer System Revenue Bonds, Series 2004, of the Town of Sullivan's Island, S.C., carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Hazen-Martin, to have Second Reading of 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.

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

Councilwoman Hazen-Martin stated that a decision needs to be made regarding the house offered as a donation to the Town, because it will soon be demolished for the clearance of the lot. The owner of 1709 Atlantic Avenue will donate the house to the Town, if we will pay to have it moved. It is a good option instead of building the new Water & Sewer Administration Building, as has been planned for years. An estimate for moving is about \$25,000. We will inform the owner that we will move the building and place at the Water & Sewer Plant.

Motion was made by Councilman O'Neil, seconded by Councilman Wood, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney
Town Clerk