

December 20, 2005

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: Carl J. Smith, Mayor
Debra Hazen-Martin, Councilwoman
Jane Ellen Herron, Councilwoman
Buddy Howle, Councilman
Patrick M. O'Neil, Mayor Pro Tem
Michael Perkis, Councilman
Everett Presson, Councilman

The Pledge of Allegiance was led by Mayor Smith, followed by the invocation given by Councilwoman Herron. There were five private citizens present and one member of the media.

The floor was opened for comments from the citizens. Rick Graham of 2201 I'on inquired if Council would consider angled parking on Middle Street. Mayor Smith stated that it has been considered, but the S.C. Department of Transportation stated that it was unsafe. He asked for Mr. Graham to sketch out a drawing for Council to consider.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman O'Neil, to approve the minutes of the November 15, 2005 meeting, carried unanimously.

Motion was made by Councilwoman Herron, seconded by Councilman Howle, to approve a Proclamation designating December 30, 2005 as John Tucker Day, carried unanimously.

General and New Correspondence – Mayor Smith stated that he will respond to a letter received from Mr. McCutchen regarding the inability to trim vegetation, and high property taxes.

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

Administrator's Report, Administrator Benke. Royall Ace Hardware and HDR Engineering of the Carolinas have made charitable donations in the name of the Town.

Ways and Means Committee, Councilman Perkis. The voice platform was placed in service on December 1, 2005. Data, e-mail and web page will follow before December 31, 2005.

Personnel Committee, Councilwoman Hazen-Martin. Town Hall will be closed on December 23, December 26, and January 2, 2006 for the holidays. The Council Committee meeting has been rescheduled for January 9, 2006 at 6:30 p.m.

Water and Sewer, Councilwoman Hazen-Martin. There was discussion regarding the sewer line at Poe Avenue from Station 13 to Station 15. Councilwoman Hazen-Martin stated that there is a line servicing all of the residents in that area that does not need to be replaced,

and the initial engineering did not indicate it was one of the major problem areas that the Town needed to target. Looking at the options, some of the municipal utilities surveyed stated the property owner could come up with a plan for re-routing the line, and bear the burden of that expense. In return, the Town could possibly relieve the property owner of the easement through the center of their lot, and recreate the easement at the street side, preferably. Councilman Perkis questioned about the ability to access the utility by vehicle. Greg Gress stated that is currently a problem. As with the Hopkins property, he does not know how the utility would be assessed in that area. He stated there are porches, trees, and bushes in the sewer easement, so personnel can not ride down the easement to reach areas to be repaired. Town Attorney Dodds stated the Town does not have the right to cross personal property to get to the easement. Councilwoman Hazen-Martin stated that the Town's water contract with residents states that the applicant agrees that the town's representative shall have free access to the premises at all reasonable hours for the purpose of inspecting, repairing or removing the water meter. She questioned whether the Town has reasonable access to all of the utility lines when they sign the contract for water and sewer services. Attorney Dodds stated the Town has reasonable access to the easements. Attorney Dodds will draw up paperwork concerning the easement of Mr. Hopkins and present to Council at the next meeting.

Administrator Benke stated that the contractor at the water line progress meeting has requested that the Town reduce the retainer from 10% to 5%. Greg stated that out of 40,000 feet of pipe that is in the ground, about 25,000 feet of it just was put into service today. Councilwoman Hazen-Martin stated the contractor has agreed not to do work during the holidays; and Greg Gress stated that the contractor was given eleven extra days from the original timeframe, moving the deadline to January 21st for substantial completion. Councilwoman Hazen-Martin suggested the reduction of retainer could be reconsidered after that date. The consensus of Council was to keep the retainer at 10% at the present time.

Building and Construction Committee, Councilman Howle. Monthly report rendered.

Fire Committee, Councilwoman Herron. Monthly report rendered.

Recreation Committee, Councilwoman Herron. The Town of Sullivan's Island will be participating in the East Cooper Triathlon on April 23, 2006. Mayor Smith stated that Battery Gadsden is currently on a monthly lease, and asked Administrator Benke to draw up a five-year lease agreement, with verification of liability policy, and present to Council.

Real Estate Committee, Councilman O'Neil. David Schneider took representatives from the State Department of Archives and History around a tour of the historic districts for their comments regarding his application to get national register eligibility status approved by the department. Mr. Schneider thinks, not for purposes of zoning, but for purposes of the application for national register status, that shrinking the proposed boundaries to keep them tighter should be considered. He also stated he will most likely proceed with the nominations using the National Park Service's multiple property approach. While somewhat more cumbersome to prepare, the format is to provide general context information that will most efficiently document the register-eligibility of the Island's resources, and also provide a more effective method for the Town's local designation process. Council will seek clarification of this issue.

Two residents have requested permission to perform maintenance cutting of shrubs on top of Battery Gadsden. The roots are penetrating the concrete and causing leaks. Council had given them limited go-ahead on the smaller shrubs.

The Planning Commission held a public hearing on December 14, 2005 on the proposed amendment to Section 21-75 of the Zoning Ordinance which regulates docks. The proposed amendment would prohibit construction of docks from the Fire & Rescue boat landing to the first house of the marsh side of Osceola. The Planning Commission has recommended, based on Zoning Administrator Prause's input, some slight revisions more specifically defining the boundaries. An Ordinance to Amend Section 21-75 will be prepared for First Reading at the next Council meeting. Motion was made by Councilman O'Neil, seconded by Councilman Howle, to direct the Town Attorney to draw up an ordinance suitable for consideration for First Reading to modify the Zoning Ordinance to prohibit docks along the section of Osceola as indicated by the revised amendments to be provided by the Planning Commission, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Hazen-Martin, to ask the Planning Commission to hold a public hearing on an amendment to Section 21-75 (B) of the Zoning Ordinance concerning docks to clarify that only the ancillary structures currently shown as permitted to be added to a dock are permitted, and no others not indicated are permitted, carried unanimously.

Councilman O'Neil stated that Council received a letter tonight from Planning Commission representative Scott Parker to formally inform Council that in their discussion regarding commercial district parking, that they encourage Council to consider retaining a parking consultant, and also to get help to engage the citizens of the Town in a discussion of their opinion of the commercial district, particularly the issue of subdividing lots. Council could help the Planning Commission regarding publicity for a community hearing regarding the commercial district and subdivision of lots. In the past, Kelly Messier produced a streetscape plan for Town Council. Her mission was not to figure out the parking, however, she suggested to mark the parking places on the street. Town staff will try to locate Ms. Messier's plan to review, and research what information is available concerning parking, and discuss at the next Committee meeting.

Police Committee, Mayor Smith. Monthly report rendered.

Streets and Maintenance, Councilman Presson. The heavy rain of five inches in 2-1/2 hours on November 21, 2005 resulted in substantial flooding on Station 18, 18-1/2, 19, 24, 28' 1/2, and 29 Streets. Representatives from the S.C. Department of Transportation met with Mayor Smith and Administrator Benke to discuss lane and sidewalk configuration of the Ben Sawyer Bridge. A timeline for the project has been developed. Councilman O'Neil inquired if sidewalks should be sloped when replaced to meet ADA specifications. Greg Gress stated the contract is to replace the sidewalks exactly as they were. He stated the subject was raised earlier, however, the sidewalks belong to the SC Department of Transportation, and DOT did not indicate to change them. There is one slope at the Fort Moultrie sidewalk, however, that was put in at the Fort's request. Council asked Mr. Gress for a status report on the sidewalk work at the next Committee meeting.

Mayor Smith duly ratified An Ordinance to Amend Section 3-8 A(1), (2), and (3) "Dog Ordinance" of the Town of Sullivan's Island Code of Ordinances.

Mayor Smith duly ratified An Ordinance to Convey Battery Logan Property to Low Country Open Land Trust.

Motion was made by Councilman O’Neil, seconded by Councilman Howle, to have First Reading, by title only, of an Ordinance to Amend Sections 20-4, 20-7 (C), and 20-8 (C) of the Ordinances for the Town of Sullivan’s Island, carried unanimously.

Motion was made by Councilman O’Neil, seconded by Councilwoman Hazen-Martin, to defer Second Reading of An Ordinance to Convey Battery Logan Property to Federal Government, carried unanimously.

Council adjourned into Executive Session for Legal Advice concerning State Code 6-29-1510 and 6-29-1560 relative to Sullivan’s Island Zoning Ordinance 21-186F; Sullivan’s Island Ordinance Section 14-15 and 14-16; and Personnel – discussion of employment. No action or votes were taken.

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

Respectfully submitted,

Ellen McQueeney
Town Clerk