

May 16, 2006

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
Patrick O'Neil, Mayor Pro Tem
Jane Ellen Herron, Councilwoman
Charles Howle, Councilman
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 55 private citizens and three members of the media present.

Mayor Smith stated that Mayor Pro Tem O'Neil had attended a Knights of Columbus breakfast, honoring East Cooper firefighters and police officers. Mayor Pro Tem O'Neil stated that the East Cooper chapter of the Knights of Columbus annually honors a police officer and fire fighter of the East Cooper municipalities. Chief Stith recognized volunteer firefighter Jeff Woodard with the Firefighter of the Year award; Chief Howard recognized Tom McLellan with the Police Officer of the Year award.

The floor was opened for comments from the citizens. Attorney Cotton Harness presented information and a slide presentation regarding an erosion problem at Ms. Avinger's property at 2867 Marshall. He asked that Council approve an emergency order for beach-compatible sand to be brought in to save the pool and home. He stated the sand has been pre-approved by OCRM. The emergency order is to allow the owners of the property between the Self lot at 29-1/2 Marshall to the Lankford lot at 2863 Marshall Blvd. to engage the services of a contractor to undertake minor renourishment by placing upland beach compatible sand at the scarp line along the ocean side of the lot using pre-approved access and using pre-approved methods. Motion was made by Councilman Howle, seconded by Councilman O'Neil, to approve the emergency order as submitted, carried unanimously.

Lorcan Lucey of 2201 Myrtle Avenue, spoke in behalf of residents wishing to start a citizens advisory committee concerning noise and traffic in the commercial area. The group will attend the June committee meeting.

The following residents spoke opposing the smoking ordinance: Tim Holbrook, 1902 I'on – promotes voluntary participation of restaurants and bars; Bobby Thompson, 2917 I'on – believes there should be a compromise without legislation; Tim Runyan of Bert's Bar; Pat Votava, 2214 Jasper - believes each institution should decide. The following residents and property owners spoke in favor of the smoking ordinance: Steve Steinert, 1301 Cove; Joel Timmons, 1413 Middle St.; Bill Dunleavy, 2314 Jasper; Mary Gatch, 1814 Central; Nelson Ploch, 1502 Thompson; Loren Ziff, 1412 Thompson; Fred Pittman, 2313 I'on; William Grossman, 2423 Atlantic; Henry Fishburne, 2902 Middle. Other supporters included Dan Kerrigan and Lane Hudson of Charleston.

Susan Middaugh, 2420 Raven, stated she wants the Open Land Trust to move forward concerning the marsh. Mary Shahid of McNair Law firm, representing Joe Gentry of 6 Conquest Avenue, spoke regarding the boatlift ordinance amendment for first reading tonight. She stated Mr. Gentry's boatlift should be grandfathered under the existing ordinance.

Julia Khoury of 1728 I'on spoke regarding seawalls. She stated that land erodes to the south side of hard seawalls, and requests that Council and the Planning Commission keep that in mind if a

hard seawall is considered in the area of Station 29. Fred Pittman, 2313 Iron, stated the parking problem at the Post Office had been resolved.

Motion was made by Councilman Presson, seconded by Councilman Howle, to amend the agenda to change the order: the Macmurphy Cultural Center Resolution would be next, followed by Second Reading of An Ordinance to Amend the Code of the Town of Sullivan's Island, Chapter 14, by Adding a New Section 29 Therein, Establishing Regulations and Requirements Relating to Smoking of Tobacco Products in the Town of Sullivan's Island, carried unanimously.

Mayor Smith read the Resolution proclaiming the Battery Gadsden Cultural Center to be named the Mayme W. "Make" Macmurphy Cultural Center at Battery Gadsden. Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to approve the resolution, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Howle, to have Second Reading of An Ordinance to Amend the Code of the Town of Sullivan's Island, Chapter 14, by Adding a New Section 29 Therein, Establishing Regulations and Requirements Relating to Smoking of Tobacco Products in the Town of Sullivan's Island.

Motion was made by Councilman Presson, seconded by Councilman Howle, to amend the ordinance by deleting Sections C 11 and F 4, carried unanimously.

There was discussion of the main motion. Councilman O'Neil stated that this should be encouraged without a mandate. Councilwoman Herron stated that although she has lost friends to cancer, it was not Council's place to mandate this. Councilman Perkis stated that Council needs to take the leadership role and support this ordinance.

Motion was made by Councilman Presson, seconded by Councilman Howle, to have Second Reading of An Ordinance to Amend the Code of the Town of Sullivan's Island, Chapter 14, by Adding a New Section 29 Therein, Establishing Regulations and Requirements Relating to Smoking of Tobacco Products in the Town of Sullivan's Island, as amended, carried by a vote of 4-2, with Councilwoman Herron and Councilman O'Neil casting the nay votes.

Motion was made by Councilman Presson, seconded by Councilman Howle, to suspend the rules and have Third Reading of An Ordinance to Amend the Code of the Town of Sullivan's Island, Chapter 14, by Adding a New Section 29 Therein, Establishing Regulations and Requirements Relating to Smoking of Tobacco Products in the Town of Sullivan's Island, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Howle, to have Third Reading of An Ordinance to Amend the Code of the Town of Sullivan's Island, Chapter 14, by Adding a New Section 29 Therein, Establishing Regulations and Requirements Relating to Smoking of Tobacco Products in the Town of Sullivan's Island, carried by a vote of 4-2, with Councilwoman Herron and Councilman O'Neil casting the nay votes.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to approve the minutes of the April 18, 2006 meeting, carried unanimously.

General and New Correspondence – Correspondence was received from Tony and Anna Gentile of 5 Conquest regarding the ordinance amendment to Code 21-75 (B) for first reading tonight. Correspondence was also received from Mary Shahid, who also spoke tonight, regarding Mr. Gentry's boatlift being grandfathered under the existing ordinance.

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

Administrator's Report, Administrator Benke. The Army Corps of Engineers has replied to the Town's questions regarding the Sullivan's Island Confined Disposal Facility (Spoil Area). After review of the information, motion was made by Councilman Perkis, seconded by Councilman O'Neil, for the Administrator to arrange a commercial agreement, for Council's approval, with Tidewater Environmental Services, Inc. on behalf of Toler's Cove Marina, carried unanimously. The 2005 audit has been presented by Schleeter, Monsen & Debacker, LLP. The Town has been awarded a mini-grant for \$2,000 by the S.C. Coastal Community Initiative for use in the accreted land. The Director of the Charleston County Board of Elections will attend the June committee meeting to discuss with Council the possibility of the Town participating in the county-wide election date. The National Park Service has announced that Bob Dodson has been selected as the new superintendent of Fort Sumter National Monument and Charleston Pinckney National Historic Site.

Ways and Means Committee, Councilman Perkis. According to the April financial report, revenue continues to be on track, while expenses are 5-12% below budget. Total figures forecast for this fiscal year are in line with the projected FY07 budget. The second and third readings of the FY07 budget will be at a special meeting before the committee meeting on June 5, 2006.

Personnel Committee, Councilwoman Herron for Councilwoman Hazen-Martin. As presented earlier this evening, the Knights of Columbus honored Tom McLellan as Police Officer of the Year, and volunteer Jeff Woodard as Firefighter of the Year.

Water and Sewer, Councilman Presson for Councilwoman Hazen-Martin. Water and Sewer Manager Greg Gress stated that the final punch list items are being completed on the water line project; final payment has not yet been paid to the contractor.

Building and Construction Committee, Councilman Howle. The fire repairs to Town Hall have been completed. The Building Inspector met with the Police Department to review Town ordinances related to construction hours, permits, the tree ordinance, right of way issues, and business licenses. The Building Inspector attended the annual hazard mitigation conference and training.

Fire Committee, Councilwoman Herron. Monthly report rendered. Correspondence was received from John Marino to thank Chief Stith and the Fire Department for the professional and knowledgeable presentation during his daughter's birthday party tour.

Recreation Committee, Councilwoman Herron. The Sand Dunes Club pool will be open to Island residents beginning May 31, 2006. Hours of operation for residents are Wednesday through Friday, 12 – 8 pm. Identification cards are now available at Town Hall. The Mayfest parade was held on Saturday, May 13, 2006.

Real Estate Committee, Councilman O'Neil. Mayor Smith and Administrator Benke attended the Budget and Control Board Directors' meeting in Columbia this morning regarding the D.H.E.C. Property at 1602 Thompson Avenue. The Town will be allowed time to get an appraisal of the property. Motion was made by Councilman Howle, seconded by Councilman Presson, for the Town Administrator to contact an appraiser for 1602 Thompson Avenue, carried unanimously. Dr. Norm Levine has presented a draft of the baseline study of the accreted land. This will be discussed at the June Committee meeting. The Planning Commission held a public hearing on the matters of boat lifts, driveways, HVAC stands and fences. These ordinances are scheduled for first

reading tonight. Council directed the Town Administrator to send a request to the Planning Commission to hold a public hearing on a possible amendment to Section 21-20 (d) (2) concerning hard erosion control structures. Administrator Benke and Attorney Dodds will draft the request.

Police Committee, Mayor Smith. Monthly report rendered.

Streets and Maintenance, Councilman Presson. The Streets and Maintenance Committee, along with Administrator Benke, met with SCDOT regarding traffic and parking issues. Councilman Presson stated that they had a good meeting with Highway Department Engineer Mark Nesbitt, and will meet again next week to walk some of the areas. SCDOT is preparing three lights to put up in the commercial area that the Police Department can turn on when the area is congested, to flash that the speed limit is 15 mph. SCDOT will be restriping the crosswalks at Station 22-1/2 and at the Post Office. SCDOT also gave the Town permission to try “no parking” or “resident only parking 6pm-6am” signs. These might be tried at Jasper between Station 22-1/2 and Station 22; and along Station 22. SCDOT is also looking into the turning lane on Jasper Blvd.

Motion was made by Councilman O’Neil, seconded by Councilman Perkis, to have First Reading, by title only, of An Ordinance to Amend Section 21-75 B (10) of the Zoning Code of the Town of Sullivan’s Island Code or Ordinances Pertaining to Boatlifts, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Howle, to have First Reading, by title only, of An Ordinance to Amend Section 21-15 A (1) (b) of the Zoning Code of the Town of Sullivan’s Island Code of Ordinances Pertaining to Driveway Width, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O’Neil, to have First Reading, by title only, of An Ordinance to Amend Section 21-22 (1) (c) of the Zoning Code of the Town of Sullivan’s Island Code of Ordinances Pertaining to HVAC stands, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman Presson, to have First Reading, by title only, of An Ordinance to Amend Section 21-137 B (2) of the Zoning Code of the Town of Sullivan’s Island Code of Ordinances Pertaining to Fences, carried unanimously.

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

Motion was made by Councilman Presson, seconded by Councilman Howle, to go into executive session for legal advice concerning the implementation of certain sections of the Zoning Ordinance including 21-97 A (2), 21-07 C (5) (a thru j), and other related sections; and for special exceptions in the community commercial district Section 21-50 C (1) (a), carried unanimously. There were no votes or action taken in executive session.

Motion was made by Councilman Presson, seconded by Councilwoman Herron, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney
Town Clerk

