

November 21, 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
Debra Hazen-Martin, Councilwoman
Charles Howle, Councilman
Michael Perkis, Councilman
Everett Presson, Councilman

The Pledge of Allegiance was led by Mayor Smith, followed by the invocation by Councilman Howle. There were twelve citizens and no members of the news media present.

The floor was opened for comments from the citizens. Vince Graham presented new building plans that show the wall facing a little more than eight feet from the sewer line at the closest place. Town Council agreed for the plans to be submitted to Greg Gress for approval, and then Mr. Graham, Greg Gress, and Attorney Larry Dodds can prepare a legal agreement for Council's review. Andrew Crow of 2908 I'on and Ruth Baldwin of 904 Middle Street spoke, representing the Park Foundation. Mr. Crow showed plans the Foundation is planning at the Citadel-Poe-Artillery Streets Park. He stated there is a palmetto tree in line where a hedge border will be planted, and would like to move/remove it. Council stated the tree should be kept as it is a protected tree. Loren Ziff of 1412 Thompson stated he is in favor of the proposed split zone lot ordinance. He made a presentation regarding the commercial building he is planning to build. Rusty Bennett of 3124 Marshall stated he is in favor of the split-zone lot, however he has concerns over setting precedents and one size does not fit all.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to amend the agenda to move the executive session for legal advice pertaining to the ordinances prior to the ordinance readings, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman Presson, to approve the minutes of October 17, 2006 regular and special meetings, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman Perkis, to amend the agenda to recognize Fire Chief Anthony Stith and the firefighters, carried unanimously.

Chief Stith stated the Fire Department had received the Richard S. Campbell Award by the S.C. State Association of Fire Chiefs for the effort of fire prevention work

in the community. In addition to recognition to the department and volunteers, firefighter Mandy Hawver is credited for writing the award application.

Reports and Communications – Motion was made by Councilman Howle, seconded by Councilman Perkis, to approve the Resolution for Planning Staff to Proceed with Process to Amend the Zoning Ordinance to Prohibit New Bars and Restaurants within 300 feet of Any Existing Bar or Restaurant, carried unanimously.

There was no general or new correspondence.

Attorney's Report - Attorney Dodds stated he had a request for a fee simple title for 412 Station 14 Street. Motion was made by Councilman Presson, seconded by Councilman Howle, to approve the request for the fee simple title for 412 Station 14 Street, carried unanimously.

Administrator's Report, Administrator Benke. A meeting is scheduled for next Monday to review the cell tower agreement again. At the same time, American Towers is working with Archives & History to excavate its sight and will do what is necessary to obtain FCC permission to start construction.

Ways and Means Committee, Councilman Perkis. The October financial statement shows that account interest has increased. Diesel fuel is still an issue and may be a problem at year-end. The draft document of the audit is expected in early December from Schleeter, Monson & Debacker LLC. Councilman Perkis is making minor changes to the investment policy; it will be sent to Schleeter, Monson & Debacker LLC for their review after the audit is completed. For the Charleston County grant which was presented last month by Betty McZorn of Charleston County Grants Administration, 51% of residents have to be lower-moderate income. Only 15% of residents on Sullivan's Island fit into that category. Councilman Presson stated that former Councilman Bob Smith, who served on the Ways & Means Committee for years, passed away. Mayor Smith stated that Bob Smith was instrumental in the formulation of the ordinances that the Town has today.

Personnel Committee, Councilwoman Hazen-Martin. The Board and Commission vacancies will be discussed in executive session. Town Hall will be closed on November 23 and 24, 2006 for the Thanksgiving holidays. Councilwoman Hazen-Martin will try to have the Personnel Manual ready for review at the January Committee meeting.

Water and Sewer Committee, Councilwoman Hazen-Martin. The request to relocate the sewer line at 1401 Middle Street was discussed in public forum. Related to the Interconnect Agreement previously discussed at Committee, it was only a few days after that discussion that the Town had a water interruption and boil water advisory. Councilwoman Hazen-Martin stated that the newspaper articles concerning the recent loss of water on the Island were somewhat misleading, in part because the Charleston Water Authority took responsibility for issuing the boil water, but the reason that our

water was interrupted is that one of their employees came to make a repair on the main, and we were completely unaware that they were making that repair. In this instance, we did not have advance notice that work was going to be done, or that there was a possibility that service would be interrupted.

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

Fire Committee, Mayor Smith for Councilwoman Herron. As presented earlier, the Fire Department was awarded the Richard S. Campbell award for fire prevention work in the community. The Fire Station Holiday Lighting will be December 1st around 5:30 p.m.

Recreation Committee, Councilwoman Hazen-Martin for Councilwoman Herron. Work on the bandstand and tennis court is planned for the playground in 2007. The water fountain has been repaired. The Charleston Running Club has requested to hold the Charlie Post Classic on January 27, 2007 from 8 am to noon on the Island.

Real Estate Committee, Councilman O'Neil. David Schneider has sent the multiple property and district nominations to the S.C. Department of Archives and History for review. The nominations will be reviewed by the Board in March 2007. Mr. Schneider is currently on the Island doing gratis reassessments of the designation study list and map. The developer who requested access to 2614 Raven has been notified it is his responsibility to build the road and install the infrastructure. Administrator Benke has directed him to the standards of the County regarding this. Councilwoman Hazen-Martin stated the Town needs written confirmation from the owner of the property that the developer can make these decisions on the owner's behalf. Letters have been received from neighbors of 2614 Raven requesting to not open the road due to the trees; they believe access can be obtained another way. The Planning Commission has held the required public hearing with regard to amendments to Sections 21-20.C(2)(b), 21-25A.(2), 21-25C.(1), 21-27A.(2), and 21-27A.C.(1). The draft minutes of the Planning Commission have been submitted to Council; the final minutes will be available for the December Committee meeting. More than a year ago, Council tried to start the process of getting help from our Congressmen to introduce legislation which would allow the Town to convey one of the Battery Logan parcels to Fort Moultrie and which would also establish their ownership of the lighthouse and promote their status to a national park or monument. Recently the Congressmen submitted questions regarding this, and Administrator Benke will forward our response to Washington upon Council's approval. Mayor Smith asked the Council to delay mailing the response, as he is scheduling a meeting with Congressman Brown to discuss this as well as Federal bridge money coming to the State.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Howle, to pass a Resolution to ask the staff, including Building Official Robinson and Water & Sewer Manager Gress, to review the plans that have been submitted to Council related to the structure of 1401 Middle Street; to revise and define the easements involved and contingent upon approval by all of those parties along with legal advice and

confirmation that the legal language is involved to cover damage that might occur if the line was accessed; and based on if that can be satisfied, for Council to accept the changes, carried unanimously.

Police Committee, Mayor Smith. Monthly report rendered.

Streets and Maintenance Committee, Councilman Presson. The SCDOT has approved the Town request for street closures on December 1st for the Holiday Lighting and January 1, 2007 for the Polar Swim. A request for additional information has been sent to the SCDOT regarding the announcement that the Ben Sawyer Bridge project would be delayed. The SCDOT has requested four weeks to compile the information for a response. The stop sign has been placed on Pettigrew. Administrator Benke stated that SCDOT has put off discussing the restriping of Jasper Blvd. until Spring.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to go into executive session to discuss the ordinances on the agenda, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to come out of executive session. Mayor Smith stated that no votes were taken during executive session.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to have First Reading by title only of An Ordinance to Amend Sections 12-12A and 12-21 of the Zoning Ordinance to Allow the Subdivision of Split-Zoned Lots, carried by a vote of 4-2, with Councilmen Howle and Presson casting the nay votes. Councilman O'Neil stated that for second reading he would like to request some version of the language that was in the previous draft of this ordinance regarding reductions in building size and height be restored to a draft to consider at Committee. Councilwoman Hazen-Martin stated she is trying to cooperate to get this on the table for further discussion; however, it does not necessarily mean she approves of it in its present form.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Perkis, to have First Reading by title only of An Ordinance to Amend the Zoning Ordinance as Contained in Sections 21-19D; 21-24F; 21-27D; 21-31D; 21-49D; 21-52C; 21-54F and 21-59D and a Resolution to Invoke the Pending Ordinance Doctrine, carried unanimously. The Pending Ordinance Doctrine is in effect.

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.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to go into executive session for review of Board of Zoning Appeals applicants and an employee matter, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to come out of executive session, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to appoint Brian Hellman to a three year term on the Board of Zoning Appeals, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Howle, to appoint Bachman Smith, III to a three year term on the Board of Zoning Appeals, carried by a vote of 5-1, with Councilman Perkis casting the nay vote.

Motion was made by Councilwoman Hazen-Martin, seconded by Patrick O'Neil, to appoint Betsy Richardson to fill the unexpired term of Thomas Hiers ending in September 2007 on the Board of Zoning Appeals, carried by a vote of 5-1, with Councilman Howle casting the nay vote.

For the record, Billy O'Dell withdrew his application to the Board of Zoning Appeals.

Mayor Carl Smith stated the Mt. Pleasant Parade was open to anyone who wanted to participate.

Motion was made by Councilman Howle, seconded by Councilman Perkis, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney