

June 19, 2007

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
Jane Ellen Herron, Councilwoman
Charles Howle, Councilman
Jerry Kaynard, Councilman
Mike Perkis, Councilman
Everett Presson, Councilman

The Pledge of Allegiance was led by Mayor Smith. Before the invocation, Mayor Smith commented that two Island residents had passed away recently, Ralph Hoisington and Park Smith. He also noted the nine firefighters that lost their lives yesterday in the line of duty, and how our own firefighters can be in that situation at any moment. He noted that Administrator Benke's cousin was one of the fireman killed. Mayor Smith asked for a moment of silence in honor of these individuals. Councilwoman Herron then gave the invocation. There were twenty-five members in the audience, including three members of the media.

Mayor Smith recognized Councilwoman Jane Ellen Herron's service for the past four years, and presented her with a Resolution of Appreciation and Dedicated Service, and an engraved clock.

Mayor Smith recognized Councilwoman Hazen-Martin's service for the past sixteen years, and presented her with a Resolution of Appreciation and Dedicated Service, and an engraved clock. Councilwoman Hazen-Martin commented why she decided not to run for Council again, and how her grandfather inspired her to get involved in community service. She stated how proud she was that Sullivan's Island is more progressive in its thinking and government than any other communities in the Southeast, if not the country. This Town initiated some of the best legislation in the state: the Town won a major challenge to home rule years ago when it kept the replacement of the Ben Sawyer bridge from becoming a fixed span bridge; short-term rental ordinances that were years ahead of other communities; and preservation of valuable land. As far as the Water and Sewer Department, she saw that as an environmental issue and it was then an important time to join the mainstream and become experts to run our own system. This Town started the first regional use of surface water in the Lowcountry.

Mayor Smith duly administered the Oath of Office to Councilman Buddy Howle and Councilman Jerry Kaynard.

The floor was opened for comments from the citizens. Deborah Loftin, 1510 Thompson, requested that Council have the dock removed at Station 16, as it is a safety hazard. Red Wood, 1454 Thompson, presented Councilman Howle and Councilman Kaynard with his story about 58 years on the island. Norman Khoury, 1728 I'on, representing the Islanders for Conservation, thanked Council for proceeding with the RFQ for the land management plan. Karen Coste, 322 Station 19, stated she believed Councilman Kayard's membership on the Real Estate Committee was a conflict of interest. Geri England, 2014 Middle, stated she is in support of the ordinance regarding 60 year old houses, and also supported Karen Coste's comment. Bill Lynch, 1814A Ion Avenue, stated Councilman Kaynard should recuse himself on real estate and business items before Council, as necessary; and agreed with Mr. Khoury's comment regarding the land management plan. Larry Middaugh, 2420 Raven, also supported Mr. Khoury's comment, and the preservation of historic homes. He applauded Council's efforts on requesting input from an expert for the plan, to hopefully include a geophysicist.

Mike Arthur, 2850 Middle, wanted to remind Council that the residents on Goldbug are interested in minimizing the impact of paving the full Raven Drive and believe that a cul-de-sac would minimize the damage to the large trees. Kelly Heath, 2618 Goldbug, would like minimization of damage to the area, although she agrees Mr. Boehm should have access to the property. Ms. Heath, 2608 Raven, inquired about the road for herself and her mother, who lives at 2608 Goldbug. She inquired if this road will grant them access to the property, and if the agreement would be binding to future Town Councils. Mayor Smith noted it would be a dedicated road. Attorney Dodds added that once the road is dedicated and access is given to anyone on that street, the road is not going to be closed. Council asked Paul Boehm to go ahead and present his plans. He presented the cul-de-sac request with one change on it – the water & sewer access would run down the 2614 Goldbug property which eliminates the need to take any unnecessary trees out along the right of way. Water and Sewer Manager Greg Gress has not yet reviewed this plan. Councilman Howle stated that for the record, every neighbor near this property needs to respond in writing or otherwise to Town Council regarding their opinion concerning Mr. Boehm's request. Mr. Boehm stated that DHEC approval is still needed for the road surface and the drainage system. Fire Chief Stith recommended the road surface be the pervious concrete as used on the Hagerty Point property.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to give conditional approval to the cul-de-sac plan off of Raven Drive presented tonight with the accompanying easements for water and sewer; this conditional approval is subject to clearances by the Water & Sewer and Fire departments, approval by the Town of an acceptable surface of the road, approval by the Town of an acceptable maintenance agreement of the road, demonstration that all necessary easements have been obtained both for the road, water and sewer; and it is subject to legal approval, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to approve the minutes of May 15, 2007 regular meeting and the June 18, 2007 special meeting, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Howle, to approve the Committees of Council as written and discussed at the June 4, 2007 Committee meeting, carried unanimously. The Committees are:

Ways & Means – Mike Perkis, Chair; Buddy Howle, Co-Chair; all Council members as Committee members

Personnel – Jerry Kaynard, Chair. Members – Mary Jane Watson and Buddy Howle.

Water & Sewer – Mike Perkis, Chair. Members – Jerry Kaynard and Everett Presson.

Building & Construction – Buddy Howle, Chair. Members – Pat O’Neil and Carl Smith.

Fire – Carl Smith, Chair. Members – Mary Jane Watson and Pat O’Neil.

Recreation – Mary Jane Watson, Chair. Members – Jerry Kaynard and Buddy Howle.

Real Estate – Pat O’Neil, Chair. Members – Jerry Kaynard and Mike Perkis.

Police – Carl Smith, Chair. Members – Everett Presson and Pat O’Neil.

Streets & Maintenance – Everett Presson, Chair. Members – Mary Jane Watson and Buddy Howle.

Mayor Smith noted that Councilwoman Watson was unavailable for the meeting tonight as she was out of the country on a prior obligation, and she will be sworn-in upon her return.

Mayor Smith also noted that if residents have concerns regarding the membership of Committees, that decisions are made by the entire Council, whether or not they are on the Committee.

Motion was made by Councilman Presson, seconded by Councilman Howle, to nominate Councilman O’Neil as Mayor Pro-Tem, carried by a vote of five, with Councilman O’Neil abstaining.

Motion was made by Councilman Kaynard, seconded by Councilman Howle, to amend the agenda to move the executive session after committee reports, and to add a personnel item to the executive session, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to approve the Resolution to Establish Water/Sewer Service Rates, carried unanimously.

General and New Correspondence – Administrator Benke stated correspondence was received from Laurie Arthur regarding the website; from Ann Moore regarding the preservation of old island homes; from Rich Roberson from the State Budget and Control Board regarding the auction of 1602 Thompson Avenue; from Ellison Smith to the Planning Commission regarding Section 21-17 Resolution (review of houses that are 60 years or older); and from Parrish Smith and her parents thanking the Police Department and the Town for their help.

Attorney’s Report – There was no attorney’s report.

Board and Commission Reports

- A. Planning Commission – no items to report.
- B. Board of Zoning Appeals – no items to report.
- C. Design Review Board – no items to report.
- D. Tree Commission – no items to report.
- E. Municipal Elections Commission – no items to report.

Administrator's Report, Administrator Benke.

The Accreted Land RFQ has been advertised in various locations. Applicant questions are due before July 16, 2007 and Statement of Qualifications are due by 10 a.m. on August 31, 2007. Town Hall will close on Wednesday, July 4, 2007 in observance of Independence Day. All essential services will be staffed. The Council Committee meeting of July 2, 2007 will remain as scheduled. South Carolina DHEC has forwarded the water quality samples from June 4 through June 6, 2007.

Ways and Means Committee, Councilman Perkis.

Financial Report for May 2007 rendered. Based on eleven months, it appears revenues will exceed the budgeted amount, and operating expenses (excluding purchase of radios) will be under budget for the fiscal year. The Water and Sewer Department will be at a loss of approximately \$45,000 this fiscal year. The purchase order for 2007-2008 vehicle purchases has been completed for the Fire and Maintenance Departments. The Police Department purchase order will be done in August or September.

Personnel Committee, Councilman Kaynard

Appointments to the following Boards and Commissions will expire in September: Planning Commission (4), Board of Zoning Appeals (2), and Design Review Board (3). Administrator Benke is revising the questionnaires for applicants, and an advertisement will be placed in the newspaper and posted on the website. Officer Charles McCraw has submitted his resignation from the Police Department. Administrator Benke met with MASC officials to review Workmen's Compensation claims through April 30, 2007.

Water and Sewer Committee, Councilman Perkis.

Monthly report rendered. DHEC has offered to settle Case 06-ALJ-07-0023-00 related to the wastewater discharge permit.

Building and Construction Committee, Councilman Howle.

Monthly report rendered. At the request of FEMA/DNR, sections of the Building Code (Section 5-67/69) has been amended. Second reading is scheduled for tonight.

Fire Committee, Mayor Smith.

The Sullivan's Island Volunteer Fire and Rescue Fish Fry will be held on June 30, 2007, with the proceeds being donated to the Fallen Firefighters Fund.

Recreation Committee, Councilman Howle for Councilwoman Watson.

Administrator Benke will obtain preliminary estimates to remove old tennis courts and build a newer modern structure. Councilman Kaynard reported that the Park Foundation has requested to appear before Council at future meetings.

Real Estate Committee, Councilman O'Neil.

The lease for the Island Club is completed and will be placed on the next agenda. The Planning Commission has held a public hearing on the definition of "lot or lot of record" and offered an amendment based on staff recommendation. First Reading will be held tonight. The Planning Commission has held a public hearing on the matter of fees for application to Boards and Commissions of the Town. The amendment will allow Council to set the application fee by Resolution. A Public Hearing was held on June 13, 2007 concerning an amendment to Zoning Code Section 21-17. Council is waiting on approved minutes from the meeting. Councilman Perkis reported that due to information received from Building Official Robinson, the discussion concerning modifications granted for new home construction is no longer an issue. The RFP for Master Plan of the Commercial District as proposed by the Planning Commission and discussed by Council will be advertised on June 21, 2007.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to approve the Request for Proposal for consultants to help devise a master plan for the commercial district using the RFP that was reviewed at the last Committee meeting with the submission deadline as agreed upon to be October 1, 2007, carried unanimously.

Councilman O'Neil reported that the Design Review Board will meet next month to continue to review their application process to include the possibility of electronic submission of applications and drawings. The Raven Drive Extension topic was discussed earlier in the meeting.

Police Committee, Mayor Smith.

Correspondence was received from Chief Gregory Mullen regarding the dilemma of training capacity deficit has created for local law enforcement. Chief Howard reported that Chief Mullen wants to get a regional training facility.

Streets and Maintenance Committee, Councilman Presson.

Only minor damage in the form of down limbs occurred from Tropical Storm Barry, and isolated sections of the Island reported power outages. The stormwater drainage effectively removed rainwater from the streets. Administrator Benke reported that some pot holes had been filled recently. Mayor Smith reported that the SCDOT public hearing regarding the Ben Sawyer bridge was well attended.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to go into executive session for legal advice regarding: Weil vs. Town of Sullivan's Island, Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management and the State of South Carolina 2007-CP-10-1758; and, Burdell vs. Town of

Sullivan's Island, Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management and the State of South Carolina 2007-CP-10-1759; and Personnel item, carried unanimously.

Upon returning to regular session, Mayor Smith stated that no votes or action were taken during executive session.

Ordinances

Mayor Smith duly ratified 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, 21-59D and a Resolution to Invoke the Pending Ordinance Doctrine.

Mayor Smith duly ratified An Ordinance to Adopt Budget for July 1, 2007 through June 30, 2008.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to defer Second Reading of An Ordinance to Convey Battery Logan Property to Federal Government, carried unanimously. Councilman O'Neil noted the reason Council has been unable to act on this ordinance is because it is awaiting introduction of a Bill by Congressman Brown or another member of the House of Representatives to allow the Park Service to receive this donation.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have Second Reading, An Ordinance to Amend Sections 5-67 and 5-69 of the Building Ordinance in Support of Floodplain Management Regulations, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to have First Reading, by title only, An Ordinance to Amend Chapter 21, Zoning, Article 21, Definition of Terms, Section 21-203, Regarding the Definition of a Lot, Lot of Record, carried by a vote of five, with Councilman Kaynard abstaining.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have First Reading, by title only, An Ordinance to Amend Chapter 17, Planning Commission, Section 17-6, Staff and Expenditures, Chapter 21, Zoning, Article XII, Design Review Board, Section 21-109(A), Application and Fees, and Article XVII, Tree Commission, Section 21-163(B)(1), Fees, carried unanimously.

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

Respectfully submitted,

Ellen McQueeney