

August 21, 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
Charles Howle, Councilman
Jerry Kaynard, Councilman
Mike Perkis, Councilman
Everett Presson, Councilman
Mary Jane Watson, Councilwoman

The Pledge of Allegiance was led by Mayor Smith, followed by the invocation by Councilman Howle. There were 25 members in the audience, including one member of the media.

The floor was opened for comments from the citizens. Karen Coste, 322 Station 19, stated she wanted the discussions regarding the Board and Commission appointments to be public. Jackie Shedrow, 2214 Jasper Blvd., asked Council to move the discussion of Boards and Commission to earlier on the agenda. Howard Hall, 1817 I'on Ave., commented on the recent voting on the failed ordinance concerning 60 year old structures, and urged Council to avoid conflicts of interest. Mayor Smith commented that although he voted in favor of the ordinance, he did not believe any Council member voting against the ordinance had an ulterior motive. In his 22 years on Council, he has never seen a Council member motivated by his own personal gain. Joan Pittman, 2313 I'on Avenue, urged Council to appeal the decision by the Board of Zoning Appeals regarding subdivision of a lot, as there is no hardship for the variance, and two members of the Board appear to have had a conflict of interest. Fred Pittman, 2313 I'on Avenue, added that the subdivision of lots in general may set a precedent. Tim Holbook, 1902 I'on Avenue, commented on how the community came together when Mrs. Rocco, a 42-year old resident recently passed away. He commented that Council should consider reviewing the police officer rate of pay to attract officers, because he believes the pay rate is less than standard. He also commented that Council should consider an ad hoc committee to look at island-wide parking.

Mayor Smith recognized Corporal Chris Griffin, and presented him with a pin honoring his ten years of service to the Town's Police Department.

Motion was made by Councilman O'Neil, seconded by Jerry Kaynard, to amend the agenda to move the first item of executive session (legal advice regarding lots 242 and 243 Jasper Boulevard) to currently, along with moving Item #3 under Real Estate (regarding 1602 Thompson Avenue) to executive session, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to amend the agenda to add the Intergovernmental Agreement on Stormwater Management

between Charleston County and the Town of Sullivan's Island after Committee Reports, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to move Item #2 of Executive Session (discussion of Boards and Commissions candidates) to occur immediately after discussion regarding Lots 242 and 243 Jasper Blvd. in Executive Session, carried by a vote of 6-1, with Councilman Perkis casting the nay vote.

Motion was made by Councilman Howle, seconded by Councilman Kaynard to go into Executive Session to discuss legal advice regarding the Board of Zoning Appeals Decision regarding Lots 242 and 243 Jasper Boulevard; discussion of 1602 Thompson Avenue; and discussion of Boards and Commissions Candidates, 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 Howle, seconded by Councilwoman Watson, to nominate Nicky Bluestein, Hal Currey, Elaine Fowler, and Anne Kilpatrick to the Planning Commission, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to nominate Betsy Richardson and Alice Paylor to the Board of Zoning Appeals, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to nominate Pat Ilderton, Duke Wright, and Billy Craver to the Design Review Board, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Kaynard, to nominate Roy Morris to the Election Commission, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman Kaynard, to approve the minutes of the July 17, 2007 regular meeting and the August 6, 2007 special meeting, carried unanimously.

Mayor Smith duly proclaimed September 15, 2007 as Beach Sweep/River Sweep Day.

General and New Correspondence – Mayor Smith read a letter received from A. L. Lofton and Deborah Lofton regarding the lots at 242 and 243 Jasper Boulevard, and the dock at 1602 Thompson Avenue. Mayor Smith stated that Council discussed both of these issues during Executive Session, and has not made any decisions at this time. Mayor Smith also read a letter from Fred and Judy Reinhard regarding the subdivision of lots at 242 and 243 Jasper Boulevard. Mayor Smith stated that the Final Order has not yet been issued by the Board of Zoning Appeals. Until the Final Order is issued, the Town Council can not take any action. Letters were also received from Cammie and

Billy Camp regarding opposition to the variance at lots 242 and 243 Jasper Boulevard, and from Fred Pittman regarding shark warnings.

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

Board and Commission Reports - no items to report.

Administrator's Report, Mayor Smith for Administrator Benke. Motion was made by Councilman Kaynard to defer the Administrator's report until his return; there was no second to the motion. Mayor Smith reported for Mr. Benke. Mayor Smith, Councilman O'Neil, and Administrator Benke attended the National Incident Management System Training. The Isle of Palms hosted the Hurricane Preparedness Expo for 2007 on July 27, 2007. The RFP for the comprehensive plan for the Community Commercial District has been published and submittals are due by October 1, 2007. The RFQ for the accreted land management plan has been published and submittals are due by August 31, 2007.

Ways and Means Committee, Councilman Perkis. Financial report rendered. Revenue and expenditures for July are on target, although seasonal maintenance expenses are over budget but will even out through the year.

Personnel Committee, Councilman Kaynard. Police Officer Danny Calvert has resigned effective August 30, 2007. Rochelle Gibbs of the Maintenance Department resigned as of August 8, 2007. Sonny Smeltzer, Water & Sewer Department, submitted his resignation effective August 30, 2007. Volunteer Police Officer Tim Mast has accepted permanent employment in the Police Department effective August 13, 2007. As recognized earlier, Corporal Chris Griffin has worked for the Police Department for ten years.

Water and Sewer Committee, Councilman Perkis. The Water and Sewer Committee will initiate a study and assessment on the current and alternative means to treat wastewater on Sullivan's Island. The S.C. Water and Wastewater Agency Response Network has presented a new Mutual Aid and Assistance Agreement. The document has been reviewed by legal and staff recommends adoption. For utility easements for "split lots," Attorney Dodds stated the Town's only obligation is to bring water and sewer to the property line, as it is considered one lot.

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

Fire Committee, Mayor Smith. Monthly report rendered.

Recreation Committee, Councilwoman Watson. I9 Sports, Inc., who previously discussed the possibility of offering flag football for Sullivan's Island, will not be able to offer it this Fall, as there is not sufficient time to market the league. Councilwoman

Watson is coordinating with the Park Foundation with treatment of wood surfaces in the Park by Wood Re New, and the company will submit signage ideas to the Town.

Real Estate Committee, Councilman O'Neil. David Schneider of Schneider Historic Preservation LLC has advised a tentative schedule of mid-September for a review of the resources identified in the Tax Records as being 60 years old or older. The Design Review Board has requested Council to consider the review of altered properties by David Schneider as well. Councilman O'Neil stated he did mention this to Mr. Schneider, and he will look at the altered properties and advise Council of his findings. Mr. Schneider believes there will be a very limited number from the altered list that may qualify. An ad will be placed in the newspaper, and property owners will receive a letter regarding this review. The Real Estate Committee met with Winslow Hastie of the Historic Charleston Foundation on August 7th to discuss Foundation services which may be available to the Town. Specifics of this meeting will be discussed at the September Committee meeting.

Police Committee, Mayor Smith. Monthly report rendered.

Streets and Maintenance Committee, Councilman Presson. Charleston County Public Works Administration hosted a Stormwater Public Information meeting on August 20, 2007 to explain the stormwater management utility and associated fee to Sullivan's Island and Isle of Palms residents. The Island appears to have drained well following the heavy rain events of July 21, 2007 and July 30, 2007.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to authorize Mayor Smith to execute the Agreement Between Charleston County and the Town of Sullivan's Island for Stormwater Management, carried unanimously.

Ordinances

Mayor Smith duly ratified An Ordinance to Amend Sections 5-67 and 5-69 of the Building Ordinance in Support of Floodplain Management Regulations.

Mayor Smith duly ratified An Ordinance to Amend Section 14 of the Ordinances for the Town of Sullivan's Island by Adding Section 14-32 to Enter into a Lease Agreement with American Tower.

Motion was made by Councilman Howle, seconded by Councilwoman Watson, to have Third Reading of 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 unanimously.

Motion was made by Councilman Howle, seconded by Councilman Kaynard, to have Third Reading of 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.

Motion was made by Councilwoman Watson, seconded by Councilman O'Neil, to have Second Reading of An Ordinance to Amend Chapter 21, Zoning, Article XV, Sections 21-138(A) and 21-138(B) Regarding Accessory Structures, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to have Second Reading of An Ordinance to Amend Chapter 5 Buildings, Article III Building Permits Generally, Section 9 Required; to Require Stormwater Management Plan, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to suspend the rules to have Third Reading of An Ordinance to Amend Chapter 5 Buildings, Article III Building Permits Generally, Section 9 Required; to Require Stormwater Management Plan, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to have Third Reading of An Ordinance to Amend Chapter 5 Buildings, Article III Building Permits Generally, Section 9 Required; to Require Stormwater Management Plan, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Presson, to have Second Reading of Ordinance 2007 Chapter 25 Sections 1-12, An Ordinance Establishing a Stormwater Management Utility for the Purpose of Planning, Designing, Funding, Constructing and Maintaining Stormwater Management, Sediment and Erosion Control, and Flood and Stormwater Discharge Programs, Projects and Facilities, and Reviewing and Approving Stormwater Management and Sediment Control Plans for Land Disturbing Activities, and Providing for the Administration and Enforcement thereof, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have Second Reading of Ordinance 2007 Chapter 25 Sections 13-17, An Ordinance Establishing Stormwater Management Utility Fees, Providing For the Classification of Real Property Subject to Such Fees, Establishing the Amount of Interim Stormwater Management Utility Fees and Providing For the Use of Such Fees By the Stormwater Management Utility of the Town of Sullivan's Island as written which shows the amendment concerning Section 25-17 stating that the fee is billed annually, commencing in the 2007 calendar year, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have Second Reading of Ordinance 2007 Chapter 25 Sections 18-55, An Ordinance Establishing a Stormwater Management Plan ("SWMP") for the Town of Sullivan's Island as written showing changes to Section 21-51 which state that the Board of Zoning Appeals will hear any appeals of the decision of the chief building inspector which states again in Section (B) that they shall hear the petition to determine if the building inspector's decision was correct; that is also reflected in changes in Section (C) and in

Section (D) that the Board of Zoning Appeals' decision can be appealed within 30 days after the day of the decision of the Board of Zoning Appeals is delivered to the petitioner, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to suspend the rules to have Third Reading on the Ordinances just given Second Reading which are shown as numbers 7, 8 and 9 on the agenda, all concerning the stormwater management utility, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to have Third Reading of Ordinance 2007 Chapter 25 Sections 1-12, An Ordinance Establishing a Stormwater Management Utility for the Purpose of Planning, Designing, Funding, Constructing and Maintaining Stormwater Management, Sediment and Erosion Control, and Flood and Stormwater Discharge Programs, Projects and Facilities, and Reviewing and Approving Stormwater Management and Sediment Control Plans for Land Disturbing Activities, and Providing for the Administration and Enforcement thereof, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have Third Reading of Ordinance 2007 Chapter 25 Sections 13-17, An Ordinance Establishing Stormwater Management Utility Fees, Providing For the Classification of Real Property Subject to Such Fees, Establishing the Amount of Interim Stormwater Management Utility Fees and Providing For the Use of Such Fees By the Stormwater Management Utility of the Town of Sullivan's Island as just given Second Reading, which includes the amendment, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have Second Reading of Ordinance 2007 Chapter 25 Sections 18-55, An Ordinance Establishing a Stormwater Management Plan ("SWMP") for the Town of Sullivan's Island as just given Second Reading, which includes the amendment, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilwoman Watson, 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 adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney