

April 17, 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
Everett Presson, Councilman

The Pledge of Allegiance was led by Mayor Smith, followed by the invocation by Councilwoman Herron. There were sixteen members in the audience, including one member of the media.

The floor was opened for comments from the citizens. Ellison Smith of 1908 Flag Street expressed his concern that the Ordinance to amend Section 21-17 on the agenda for third reading is ill-advised, as it casts a broad net to cover every structure over 50 years old. Jason Fabrizio, 2214 I'on Avenue, inquired what sets the 50 year time frame on the ordinance. Councilwoman Hazen-Martin explained that it is 50 years from the construction of the principal building. Mayor Smith stated that when the Town had the architectural survey done in 1987, they established 50 years as criteria because it was established as 50 years in the National Trust. Councilman O'Neil added that it triggers the review in junction with a desire to demolish or remove a substantial structure; that does not mean it is declared as historic. John Winchester, 2720 Brook Street, stated that his main objection to this ordinance was in the general approach. He supports the concept, however, he believes it should be more of a stop-gap measure until an island-wide survey of the properties can be done.

Motion was made by Councilman O'Neil, seconded by Councilman Howle to amend the agenda to add an executive session for the discussion of the following matters: legal advice regarding Meyer Property Boundary; Dawsey Property Boundary; Noise Ordinance; DHEC/OCRM Infrastructure Protection Limits; Town Ordinance Section 6-3 and 6-4; and a personnel matter regarding firefighter physical report; carried unanimously.

The minutes of the March 20, 2007 meeting were unanimously approved.

Reports and Communications – Motion was made by Councilman Howle, seconded by Councilwoman Hazen-Martin, to approve the Resolution of Clergy Appreciation Week, carried unanimously.

General and New Correspondence – Administrator Benke received a letter from Kathleen Harris who has offered to serve on the Municipal Election Commission; a

survey authenticating the critical line on the lots along the opened portion of Raven Drive between Station 26 and Station 26-1/2 that Paul Boehm will discuss tonight; and a letter from Hal Currey, Chairman of the Planning Commission.

Mr. Paul Boehm made a presentation and presented a DHEC approved survey. There was discussion of whether to make this area a cul-de-sac, or for the street to go straight through. Fire Chief Stith expressed that a straight through would be more accessible and easier for the fire trucks than a cul-de-sac. Mr. Tompkins, 2630 Goldbug, stated there are beautiful old huge oak trees; and he would prefer a cul-de-sac because a straight through would take the trees out. Water and Sewer Manager Greg Gress stated the installation of water lines would take those trees out, even if there was a cul-de-sac. The right-of-way will be clearly marked with spray paint for Council to observe and discuss at the next Committee meeting. Councilwoman Hazen-Martin noted that Mr. Tompkins and Mr. Mike Arthur present tonight are the only ones who would not be affected as long as the road was made a cul-de-sac; but the people who would be affected the most are not here at the meeting, such as the Robinsons. Administrator Benke stated the Robinsons do not want a road at all. Mr. Boehm will bring a letter in from the other owners he is representing who he does not have a letter from. Mr. Boehm will let the Administrator know when the right-of-way is marked for Council to view.

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

Board and Commission Reports

A. Planning Commission – Chairman Hal Currey presented a letter stating the Commission agreed that an outside company should be hired to study the community commercial district because there are parties with extremely varied points of view.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, requesting the Planning Commission to present Council with a draft request for proposals for consultants to help with a master plan for the commercial district, carried unanimously.

Mr. Currey stated that cost would probably be approximately \$50,000 or more. It will need to be included in next year's budget.

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 Mayor, Police Chief and Administrator met with business owners to discuss the St. Patrick's Day event, and to discuss future events. The Town will lose the FY2001 non Standard Service Fund contribution of \$9,760.77 by SCE&G in June 2007. Council agreed these funds could be allocated to the residents in the Station 20 Street/Gull Drive area who are paying to place lines underground. The Island Eye News and The Sandpiper Gallery are soliciting pledges to purchase a turtle for Sullivan's Island, and possibly placing the turtle on display at a Town property. In keeping with policy, the Town could not contribute to the purchase; however, would consider displaying it on Town property.

Ways and Means Committee, Mayor Smith for Councilman Perkis.

Mayor Smith stated there was a budget workshop last night, and First Reading of the budget will take place tonight. There was discussion of the Design Review Board application fee, with a recommendation by staff of \$200 per applicant to cover court reporter and administrative costs.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman O'Neil, to direct the Planning Commission to hold a public hearing to amend the Zoning Ordinance to charge a designated application fee for the Design Review Board. Motion was made by Councilman O'Neil, seconded by Councilman Howle, to amend the motion to include application fees to the Planning Commission and Board of Zoning Appeals, carried unanimously. Main motion carried unanimously.

Personnel Committee, Councilwoman Hazen-Martin.

Interviews have been conducted for the Clerk of Court position. Judge Duffy has requested that Municipal Court be changed from Tuesday evening to Tuesday morning beginning in July 2007.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman Howle, to amend the agenda to add a second personnel item to executive session, to discuss appointment to the Election Commission, carried unanimously.

Water and Sewer Committee, Councilwoman Hazen-Martin.

Monthly reports rendered. DHEC-OCRM has requested the Town to comment on the concern of erosion relative to water and sewer infrastructure in the area of Station 29 and Station 30 along Marshall Boulevard. It is on the agenda to discuss in executive session.

Building and Construction Committee, Councilman Howle.

Monthly report rendered. Permits are increasing slightly. We have not received the final FEMA report, but we have provided them more information to finish the report. The Station 16 beach path will be marked off for clearing. Clearing paths will need to be discussed at future meetings. Fire Chief Stith commented that the five foot wide beach path near Station 26 helped stop the brush fire from spreading. Chief Stith recommends clearing the paths for maintenance and fire control reasons. Building Official Robinson stated he is asking for twenty feet clearing at Station 16 because this was the recommendation by tree consultant Jeff Jackson. He recommended taking out the woody, heavy material right next to the path and then the branches and other vegetation

grows back in; so you do not end up with twenty feet of clearing, but it is much easier to trim and maintain.

Fire Committee, Councilwoman Herron.

Monthly report rendered. Vacation rental inspections continue. The Boy Scout troop visited the station and took part in first aid requirements to earn their badge. The Mayfest Bike Parade is on May 12th. An osprey is making a nest at the boat landing. The Fire Department collected \$7,989 for children's charity.

Recreation Committee, Councilwoman Herron.

The Town will fund Creative Spark programs in the amount of \$5,000 this summer. The Station 12 War Veteran Memorial Park has been upgraded.

Real Estate Committee, Councilman O'Neil.

The Design Review Board application form, concerning content and requirements, was discussed at the Committee meeting. Building Official Robinson will meet with DRB Secretary Duke Wright tomorrow to discuss, and Mr. Wright will present ideas to the DRB. An ordinance to amend Sections 21-19D et seq. regarding building allowances for split-zoned lots is on the agenda for Second Reading tonight. An Ordinance to Amend Section 21-20 C (2) (b) et al, as amended last month, regarding size of historic structures as accessory dwelling units, is on the agenda for Third Reading tonight. Modifications granted for new home construction was discussed at Committee. Councilman O'Neil asked the Building Official to gather information on new structures built, or significant additions built, for one year before and after the adoption of the new Zoning Code. The Land Management Baseline Report was received at the Committee meeting. The Administrator will draft an RFQ for the land management plan. Mayor Smith and Councilman O'Neil attended a meeting of the National Register Review Board of the State Department of Archives and History, and the application has been approved. This will allow owners of those properties that were identified as contributing to these districts to potentially qualify for certain benefits including state tax credits, on renovations that are approved by the State Department of Archives and History, and potential relief from the FEMA flood elevation requirements.

Police Committee, Mayor Smith.

Monthly report rendered. A letter of appreciation was received from a visitor thanking Officer Calvert for his care and concern for her daughter who was a passenger during a traffic stop.

Streets and Maintenance Committee, Councilman Presson.

Administrator Benke reported that he is scheduling a meeting with SCDOT in order to get the keys to the flashing signs. We will also talk about the availability of a "knock-down" post that will mark the pedestrian crosswalks as used at 25th Avenue on Isle of Palms, and at the beginning of Folly Beach. It would be a Town expense to purchase this post. We also want to discuss the reflectors that would go on Station 22 from Jasper to Middle Street.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to have Second Reading 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, 21-59D and a Resolution to Invoke the Pending Ordinance Doctrine. After discussion, motion was made by Councilman Presson to table the motion; however, there as no second to that motion. Main motion carried by a vote of 5-1, with Councilman Presson casting the nay vote.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have Third Reading of an Ordinance to Amend Sections 21-20C.(2)(b), 21-25A.(2), 21-25C.(1), 21-27A.(2), and 21-27 A.C. (1) of the Zoning Ordinance Regarding Size, Principal Building Lot Coverage and Square Foot Limitations of Historic Structures as Accessory Dwelling Units, carried by a vote of 5, with Councilwoman Hazen-Martin abstaining.

Motion was made by Councilman O'Neil, seconded by Councilwoman Hazen-Martin, to have Third Reading of An Ordinance to Amend the Zoning Ordinance as Contained in Section 21-17 regarding demolition, removal, or relocation of principal or accessory use buildings or structures over fifty (50) years old. Motion failed with a vote of 3-3. (In favor of motion – Council members Hazen-Martin, Herron and O'Neil; opposed – Council members Howle, Presson and Smith).

Motion was made by Councilman Presson, seconded by Councilman Howle, to have Third Reading of An Ordinance to Amend Section 14-29 1(C) (8) and Section 14-29 1(F) (3) to delete the definition of Retail Tobacco Store and the exception for Retail Tobacco Stores, carried unanimously.

Motion was made by Councilman Howle, 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 Councilwoman Hazen-Martin, to have First Reading, by title only, of An Ordinance to Adopt Budget for July 1, 2007 through June 30, 2008.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to go into executive session for legal advice on the Meyer Property Boundary, the Dawsey Property Boundary, the Noise Ordinance, DHEC/OCRM Infrastructure Protection Limits, and Personnel matters regarding firefighter physical report and discussion for appointment to Election Commission, carried unanimously.

Upon returning from executive session, Mayor Smith stated no votes or action was taken.

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

Respectfully submitted,

Ellen McQueeney