

July 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
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 fifteen members in the audience, including three members of the media.

The Honorable Lawrence Duffy administered the Oath of Office to Associate Judge N. Steven Steinert.

The floor was opened for comments from the citizens. Susan Middaugh, 2420 Raven Drive, read and submitted a letter regarding a recent Board of Zoning Appeals decision of Lots 242 and 243 on Jasper Avenue. Betsy Richardson, 2678 Goldbug, agreed that the Board of Zoning Appeals made a wrong decision regarding that variance. Cyndy Ewing, 2514 I'on Avenue, spoke concerning the ordinance for first reading regarding demolition/removal of structures over sixty years old. She submitted as information to Council a list of demolition/removal requests presented to the Design Review Board since December 2006, and that the DRB had unanimously approved all the requests. She stated that it is not a hardship to apply for a demolition, because the form is very short. Roy Williams, 2513 I'on Avenue, stated in regard to the sixty-year structure ordinance, that he does not want the character of the island to change. He considered it a civic responsibility toward the preservation of Sullivan's Island ambience to make the request before the Design Review Board. Blaine Ewing, 2514 I'on Avenue, also spoke regarding the sixty-year structure ordinance. Mr. Ewing stated that when he was on the Planning Commission, many ordinances were discussed concerning historic preservation. He believed an item that did not get in the ordinance concerned old historic Sullivan's Island homes. The homes may not be historic in a national trust sense – but historic to Sullivan's Island. He stated what is proposed tonight is probably not what the Planning Commission would have proposed at that time, and urged Council to let the Design Review Board decide as to what is old and historic. Mr. Ewing also spoke regarding ethics. He asked Council to consider the ethics rules of the State of S.C. in order to prevent conflicts of interest. Kathy Curtis, 2824 I'on Avenue, stated she was raised in the Oleander Cottage, and the house next door was torn down; she would like to prevent other houses from being torn down.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to amend the agenda to add a Resolution to Approve the Agreement between Town of Sullivan's Island and Toler's Cove Yacht Club Inc. for the use of the Town spoil area; and an Executive Session item for legal advice regarding the matter of Town property at Station 12 Street. Motion to amend the motion was made by Councilman O'Neil, seconded by Councilman Howle, to add a third item of legal advice to the Executive Session regarding 1602 Thompson Avenue, carried unanimously. Main motion, as amended, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilman Howle, to approve the minutes of the June 19, 2007 regular meeting, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman Kaynard, to approve A Resolution Approving and Supporting the Fiscal Year 2008 Budget for CARTA, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to approve a Resolution to Adjust Water Fees Associates with Automated Sprinkler Systems for Fire Suppression, carried unanimously.

Motion was made by Councilman Kaynard to approve a Resolution Establishing a Committee to Assure Public Notice, Public Participation, and the Availability of Information to the Public; there was no second to the motion. Mayor Smith stated that this Committee should not be a standing committee of Council, because it does not deal with a function of the Town. However, he added that the Committee intent is good, and improvements can be made. For example, a lighted sign for the causeway is in the budget this year, and the website can be more fully utilized. Councilman Presson suggested that the Mayor appoint the same persons as mentioned in the Resolution, if willing to serve, to come up with a one-time information/public notice plan, and present it to Council. Mayor Smith appointed Councilmembers Howle, Kaynard, and Watson to review the Town's public notice/information/communication efforts and report back to Council. Councilman Kaynard noted that he initiated this idea as an Ordinance to form a standing committee, and it was revised as a Resolution to a standing committee. He stated a Mayor appointed committee will serve the same purpose.

Motion was made by Councilman Howle, seconded by Councilman Perkis, to approve a Resolution to approve the Agreement between Town of Sullivan's Island and Toler's Cove Yacht Club Inc. for the use of the Town spoil area, carried unanimously.

General and New Correspondence – Administrator Benke stated correspondence had been received from Dr. David Rogers, which was a poem about Sullivan's Island; a letter from Michael Robinson regarding proposed road construction at Raven Drive and Station 26; the DHEC Beach Monitoring results for June, a draft of the Planning Commission minutes, and David Schneider's comments/contract for services regarding structures over sixty years old that are not on the historic list. Mayor Smith added he

received correspondence from Senator Graham's office regarding an invitation to a funding summit, which he and the Administrator will try to attend.

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 resolution to approve the proposed CARTA budget was approved tonight. The NPDES II Agreement discussion will be at the August meeting. The Hurricane Preparedness Expo will be held jointly with the Isle of Palms at their Recreation Center on July 26, 2007. The September Committee meeting will be held on September 10th due to the regular meeting time falling on a holiday. The RFQ for the comprehensive plan for the Community Commercial District has been published.

Ways and Means Committee, Councilman Perkis. A summary of the Town year-end financial performance from 2000 through 2008 will be given at the August Committee meeting. Schleeter Monsen & Debacker has informed the Town that the firm will no longer perform governmental audits. The process of hiring a new auditor will begin after the new Comptroller is hired.

Personnel Committee, Councilman Kaynard. The matter regarding the Committee on Public Participation was resolved earlier in the meeting. The Personnel Committee is in the process of interviewing candidates for the Comptroller position. The Building Official's vacation leave request has been approved.

Water and Sewer Committee, Councilman Perkis. Monthly report rendered. The case regarding Peter deVito vs. SCE&G and Ertel Construction vs. Sullivan's Island will be discussed in Executive Session tonight.

Building and Construction Committee, Councilman Howle. Monthly report rendered. Third reading of the ordinance to amend Section 5-67/69 is slated for tonight.

Fire Committee, Mayor Smith. Monthly report rendered. The Annual Fish Fry fund-raising was held on June 30, and proceeds were donated by the Volunteers to the Fallen Firemen's Fund. Chief Stith reported that it was the most money ever received.

Recreation Committee, Councilwoman Watson. Councilwoman Watson will meet with the Administrator to discuss resurfacing of the tennis courts. Upcoming activities include a family square dance, a 1950's cabaret and dance, and the David Coste Memorial Marsh Sweep, followed by a spaghetti dinner.

Real Estate Committee, Councilman O'Neil. A Resolution to permit the use of the Sullivan's Island disposal area by the Yacht Club at Toler's Cove Marina during dredge operations was approved tonight. An ordinance and contract for lease of Town property to American Tower Corporation for construction of a cell tower was discussed. A representative from American Tower was present at the meeting and stated the construction time would take approximately six to eight weeks, depending on conditions.

An Ordinance to Amend Section 21-138 (A) and 21-138 (B) of the Zoning Code regarding accessory structures is scheduled for First Reading tonight. Councilman O'Neil pointed out that the existing issues and sections of the ordinance that govern this are much more liberal than the old ordinance. An Ordinance to Amend Chapter 21 of the Zoning Code to add Section 21-17 regarding structures over 60 years old prior to demolition, removal, or re-location is scheduled for First Reading tonight. This ordinance should not invoke the pending ordinance doctrine, if it were to pass. He stated the language was not expunged from the findings on the ordinance (in error) concerning the pending ordinance doctrine, although it was removed from the body of the ordinance.

Staff comments have been received regarding access to Raven Drive lots, in addition to correspondence from property owner Michael Robinson. Administrator Benke stated Mr. Boehm will be instructed to have his engineers present a plan, so the Town engineer could verify that the plan would work. The final decision of a cul-de-sac or a straight-through will be considered after the engineer plan is received. Mr. Boehm is aware of staff comments regarding the utilities, and a twenty foot wide hard pervious road surface.

David Schneider's correspondence listing the array of services he can provide to the Town has been received. Motion was made by Councilman Presson, seconded by Councilman O'Neil, to hire Schneider Historic Preservation, LLC to proceed with Product number one, as identified in the proposal, at a cost of \$4,695. Motion was amended by Councilman Kaynard, seconded by Councilman Howle, to add the Town enter into a document or legal agreement subject to review by legal counsel, carried unanimously. Main motion, as amended, carried unanimously.

Police Committee, Mayor Smith. The Chairman will reschedule the Committee meeting at the convenience of the members. Correspondence was received thanking the Police for their help with an incident on Station 16, and another letter from visitors thanking them for their kind gestures.

Streets and Maintenance Committee, Councilman Presson. Beach parking appears to have increased West of Station 20. A number of areas on Atlantic Avenue from Station 18 to Station 17 require trimming to clear the right of way for parking. The Streets and Maintenance Committee will research the use of parking meters on the island.

Signs marking beach access paths and dune regulations have been received and will be mounted.

Ordinances

Motion was made by Councilman Howle, seconded by Councilwoman Watson, to have Third Reading of 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 O'Neil, seconded by Councilwoman Watson, to have Second 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 O'Neil, seconded by Councilman Kaynard, to have Second 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 Councilman Howle, seconded by Councilman Kaynard, to defer Second Reading of An Ordinance to Convey Battery Logan Property to Federal Government, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to have First Reading, by title only, of An Ordinance to Amend Chapter 21 Regarding Demolition, Partial Demolition, Removal, Alteration or Relocation of Principal or Accessory Use Buildings or Structures Over Sixty (60) Years Old by the Addition of Section 21-17, after striking the second finding. Motion was made by Councilman Presson, seconded by Councilman Kaynard, to discuss the ordinance, carried unanimously. Main motion failed by a vote of 4-3 (favor: Councilmen O'Neil, Perkis, Smith; opposed: Councilmembers Howle, Kaynard, Presson and Watson).

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 XV, Sections 21-138(A) and 21-138(B) Regarding Accessory Structures, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilman Howle, to have First Reading, by title only, 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, carried by a vote of 6, with Councilman Presson abstaining due to a business relationship with American Tower.

Motion was made by Councilman Howle, seconded by Councilman Kaynard, to go into Executive Session to discuss legal advice concerning deVito and Ertel vs. Town

of Sullivan's Island; the Board of Zoning Appeals Decision – Bill Barr for Joseph Riley; Town Property at Station 12 Street, and property at 1602 Thompson Avenue; and personnel items regarding the Comptroller applicants and the Chief Water and Sewer Operator applicant, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilwoman Watson, to come out of executive session, carried unanimously. Mayor Smith stated that no action or votes were taken in executive session.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to adjourn, carried unanimously.

Respectfully submitted,

Ellen McQueeney