

May 15, 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
Mike Perkis, Councilman
Everett Presson, Councilman

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

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to amend the agenda to place Reports and Communications – Resolutions and Proclamations – prior to citizen comments, carried unanimously.

Mayor Smith presented recognition plaques to Chad Bugg, Master Mark Dunn, and the Sullivan's Island Fire and Police Departments, for their assistance and diligence concerning an attack on a visitor to the beach. Ms. Parrish Smith thanked all those involved, especially Mr. Bugg, who provided their help and support.

A Resolution of Appreciation to the Municipal Election Commission was approved.

Mayor Smith duly proclaimed May 2007 as Mental Health Month.

Mayor Smith duly proclaimed June 28, 2007 as Carolina Day.

The floor was opened for comments from the citizens. Alice Paylor, 1765 Atlantic Avenue, stated asked that the RFP for the accreted land on the agenda be deferred until the two new members of Council are inducted. She stated she and her neighbors have already been waiting fifteen years for a management plan. Skippy Weil of 2917 Atlantic, Bobby Hood of 2519 Atlantic, Carl Novak of 1615 Atlantic, and Rusty Bennett of 3124 Marshall expressed their agreement with Ms. Paylor. Mr. Novak added that he wanted Council to recognize that the condition of the accreted property invites violence to become less random. Mr. Bennett added that he would like to see input from the business district concerning the RFP for the commercial district. Billy O'Dell, 1722 Middle, agreed with other residents that the accreted land is a fire hazard where some vegetation had died; however, he did not believe it is responsible for violence, as in the recent attack at Station 16 access path.

Mayor Smith clarified that when the Town asked the College of Charleston to study the accreted land, the “extra information” provided was not what the Town was expecting. Councilman O’Neil added that the emphasis was to be a baseline study, and the RFQ currently under consideration is not predicated on the College of Charleston report’s “extra information.” Bachman Smith, 2307 Atlantic, asked Council to defer consideration of the RFQ on the accreted land until after the election. Ettaleah Bluestein, 2513 Atlantic stated the accreted land study is not a scientific study; it is editorialized. The entire island should be included in the Town’s concern for the qualifications we give to the consultant. Norman Khoury, 1728 I’On, stated the Town should proceed with the consideration of the management plan. Dan Nixon, 1611 Atlantic stated that he hoped Council would delay the accreted land RFQ until after the election. Nicki Bluestein, 2513 Atlantic, requested Council delay the RFQ until the new Council members are inducted. He stated Dr. Levine is a geologist and failed to mention anything in the report about the negative aspects about rats, mosquitos, spiders. He stated young kids are having parties in the accreted land; building fires and smoking, which could start a fire. Mayor Smith responded that a fire permit needs to be approved by the Fire Chief to have a fire on the beach, and if that activity is seen on the beach to please call the Police Department. Tim Holbrook, 1902 I’on, noted the process of the election has been a great victory, as a record number of residents voted. This community involvement is the future of the island. Jerry Kaynard, 2501 Atlantic, stated it was a hard fought election, and very issue-oriented. The issues of the island are more well-known, and through these discussions residents will feel more vested in the decisions. He thanked Councilwomen Hazen-Martin and Herron for their excellent service to the community.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilwoman Herron, to approve the minutes of the April 17, 2007 and April 25, 2007 meetings, carried unanimously.

General and New Correspondence – Administrator Benke stated a letter was received from Richard Rosen on behalf of Mr. and Mrs. Childress, and it will be discussed in executive session.

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

Board and Commission Reports

A. Planning Commission – Chairman Hal Currey stated the Planning Commission has submitted a draft for Council’s consideration regarding the commercial district RFP. He noted that members of the Planning Commission support the Town recouping its costs incurred by the Board.

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 Town has received notice of Summons and Complaint as defendant in a property line dispute regarding the estate of Nellie Dawsey. The Southeast Rural Community Assistance Project, Inc. can offer to elected officials a two hour training course on best management practices for water delivery providers. The next budget workshop will be Thursday, May 17th at 6:00 p.m.

Ways and Means Committee, Councilman Perkis.

April financial report rendered. Revenues for licenses and permits is under budget; however, this deficit is made up by interest, fines, and property tax revenues. Salary expenses are under budget due to vacant position in Administration; fuel and diesel expenses are above budget. It appears the Water and Sewer department revenue is forecast to be \$30-\$40,000 below budget; however, this could be offset by unspent line items.

Personnel Committee, Councilwoman Hazen-Martin.

Maria LoRusso has been hired as Clerk of Court effective April 30, 2007; the comptroller position remains open. A letter of appreciation was received from Ms. Anna Anderegg for the helpful service provided by Darrell Noisette in the Water and Sewer Department.

Water and Sewer Committee, Councilwoman Hazen-Martin.

Monthly report rendered. Correspondence written to Bill Eiser of DHEC/OCRM regarding water and sewer infrastructure compromised by erosion in the Marshall Reservation area. The erosion brings the ocean waters within 105 feet of the sewer main.

Building and Construction Committee, Councilman Howle.

Monthly report rendered. Building Official Robinson had provided a new construction square footage report of residences built under the new and old ordinances. The floodplain ordinance will have First Reading tonight.

Fire Committee, Councilwoman Herron.

Monthly report rendered. The Fish Fry will be held on Saturday, June 30, 2007.

Recreation Committee, Councilwoman Herron.

Brett Carlson has requested to designate Sullivan's Island as part of the third annual Barrier Island Eco-Thon on October 28, 2007. Bicyclists will transit Sullivan's Island from Breach Inlet to Fort Moultrie and back to Isle of Palms. He is estimating 100 participants.

Real Estate Committee, Councilman O'Neil.

Minor revisions are being made to the Island Club lease. General discussion concerning the Raven Drive Extension was postponed until the June meeting at Mr. Boehm's

request. Councilman Perkis presented a resolution instructing the Planning Commission to hold a public hearing to amend Section 21-17 requiring structures over 60 years old and not under protected status to be reviewed by the Design Review Board prior to demolition, removal or relocation. He stated this is a stop-gap measure, and will act as a safety net. It does not mean every home with the trigger date is historic, and it is not intended to trigger the pending ordinance doctrine. After discussion, motion was made by Councilman Perkis, seconded by Councilwoman Hazen-Martin, to resolve that the Town Council direct the Planning Commission to hold a Public Hearing to make recommendations as to whether to amend Section 21-17 as follows:

Section 21-17. Demolition, Partial Demolition, Removal, Alteration, or Relocation of Principal or Accessory Use Buildings or Structures over Sixty (60) Years Old. Notwithstanding the provisions of Section 21-94.E. regarding owner notification, no principal or accessory use building or structure over sixty (60) years old, excluding structures consisting of driveways, fences, swimming pools, not already identified as historic pursuant to Sections 21-94.A. or 21-95.A. shall be demolished, partially demolished, removed, altered, or relocated on a lot until the same shall have been reviewed by the Design Review Board to determine if the building or structure shall be designated as an historic property pursuant to the provisions of Section 21-94.D. (1) – (8).

Resolution carried by a vote of 6-1, with Councilman Presson casting the opposing vote.

Councilman O'Neil stated that the draft RFQ for the accreted land is on the agenda for review. He noted that the RFQ is seeking applications from potential consultants to devise a management plan for the accreted land; and he gave a brief overview of the draft. After a lengthy discussion of whether to defer this decision until new Council members are inducted and whether to exclude references to the College of Charleston study, motion was made by Councilman O'Neil, seconded by Councilwoman Herron, to issue a Request for Qualifications for the Accreted Land Management Plan after removing all references to the base study performed by Dr. Levine and colleagues, including but not limited to page 2; to be issued immediately with a timely response deadline of August 31, 2007, carried by a vote of 5-2, with Council members Howle and Presson casting the opposing votes.

An Ordinance to Amend Section 21-19D will be discussed in executive session. Motion was made by Councilman Presson, seconded by Councilman Howle, to amend the agenda to add An Ordinance to Amend Section 21-19D to executive session for legal advice, and to vote after this advice, carried unanimously. Councilmember Perkis presented information regarding allowances for mass and scale in new construction based on neighborhood compatibility. The mechanics of the information are still being developed.

Mayor Smith stated that there was no new information on the DHEC property located at 1602 Thompson Avenue. The latest information he had from DHEC was if funds were not paid, the property would go to auction.

The Planning Commission has submitted language for a draft RFP for Council's consideration concerning the Master Plan for the Commercial District. It will be reviewed at the next Committee meeting.

Councilman O'Neil reported that he received an e-mail from Winslow Hastie with the Historic Charleston Foundation stating he is interested in helping with the preservation efforts.

Police Committee, Mayor Smith.

Monthly report rendered. A potential weekend duty officer, working to keep his certification, has submitted his interest to the Town.

Streets and Maintenance Committee, Councilman Presson.

The County Transportation Committee anticipates \$1 million in "C" funds for FY2008. The CTC requests the Town to submit a new construction project list by June 29, 2007. The Mayor and Administrator have been invited to attend a press conference announcing evacuation pick-up points and sign placement to be used for residents without transportation during a disaster.

Motion was made by Councilman Howle, seconded by Councilwoman Herron, to go into executive session for legal advice regarding the estate of Nellie Dawsey v. Town of Sullivan's Island et al; Section 21-19D et al of the Zoning Ordinance; and disposition of Town Property at Station 12 Street, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to come out of executive session, carried unanimously. Upon returning to regular session, Mayor Smith stated no votes or action were taken during executive session.

Ordinances

Mayor Smith duly ratified 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.

Mayor Smith duly ratified An 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.

Motion was made by Councilwoman Hazen-Martin, seconded by Councilman O'Neil, to have Third 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 carried by a vote of 4-2; with Council members Perkis and Presson opposing, and Councilman Howle abstaining.

Motion was made by Councilman Perkis, 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 Councilwoman Hazen-Martin, seconded by Councilman Howle, to defer Second Reading of An Ordinance to Adopt Budget for July 1, 2007 through June 30, 2008, carried unanimously.

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

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

Respectfully submitted,

Ellen McQueeney