

September 18, 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 27 members in the audience, including two members of the media.

The floor was opened for comments from the citizens. Clay Duffie of Mount Pleasant stated that he wanted to express his appreciation for the Town's public services to the citizens of Sullivan's Island and the surrounding areas. Rorie Corr of Mount Pleasant stated he wanted to thank the Fire Department for their quick response when he was recently bitten by a shark. Lewis Duffie of Mount Pleasant also thanked the Fire Department for their help while he was trying to take care of Rorie Corr. Rick Graham, 2201 I'on Avenue, stated that a better arrangement needs to be made for executive session. Councilman Presson commented that although he did not like to send the audience out of Council chambers during the last executive session, Council did have about two hours of items to discuss, and it is difficult to discuss business when Council moves to the adjacent offices because there is not seating capacity/desk space for all Council members to sit to adequately discuss the agenda items. He added that moving the audience out of Council Chambers was not meant to be disrespectful in any way, and he appreciated the audience members' patience who stayed at Town Hall during the long executive session. Larry Middaugh, 2420 Raven, read a letter distributed to Council regarding the BZA decision on Lots 242 and 243 on Jasper Blvd., and asked Council to appeal this decision. Norman Khoury, 1728 I'on Avenue, stated he would like the residents of the island to be able to participate as much as possible in the decision of the management plan of the accreted land. Jackie Shedrow, 2214 Jasper Blvd., agreed with Mr. Middaugh's comments, and added the decision affects the quality of life on Sullivan's Island, and asked Council to take action to reverse this decision. Mayor Smith stated that Council is aware of this decision and its impact.

Motion was made by Councilman Howle, seconded by Councilman Perkis, to approve the minutes of the August 21, 2007 regular meeting, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to amend the agenda to add a third item to Executive Session for discussion of the property of 1602 Thompson Avenue, carried unanimously.

General and New Correspondence – Four letters were received regarding the recent Board of Zoning Appeals decision for Lots 242 and 243 Jasper Boulevard, and for Council to consider appealing this decision.

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

Board and Commission Reports - no items to report.

**Administrator's Report**, Administrator Benke. A special meeting of Town Council was held on September 11, 2007 to discuss the matter of contractual offers for 1602 Thompson Avenue in Executive Session. Michele Sinkler of the East Cooper Planning Commission has presented a conceptual streetscape design for the commercial district. The National Weather Service has asked to insert the agency's radio broadcast as background audio for government access programming (Channel 60), and Comcast has requested the Town's approval. Administrator Benke will meet with Comcast this week. The Mayor and Mayor Pro Tem completed National Incident Management training, and Island resident Leo Fetter has completed similar training as a volunteer to serve as point of contact at the Command Center. The RFP for the comprehensive plan for the Commercial District has been published and submittals are due by October 1, 2007. The beach monitoring results for August 2007 were acceptable for enterococcus bacteria.

**Ways and Means Committee**, Councilman Perkis. The August monthly financial statement shows that salary was over budget for the month, due to there being three pay periods in August. Gas and oil is over budget, and will be researched before the Committee meeting. The Water & Sewer department revenue is \$50,000 over budget, due to seasonal income. The RFP for the auditor search is being reviewed by an accounting firm for content.

**Personnel Committee**, Councilman Kaynard. Jason Blanton has accepted the Comptroller position and will report on October 1, 2007. Tommy Bean of the Water and Sewer department has transitioned from part-time/seasonal to full time operator trainee; and the Chief Operator position remains open. There is one opening in the Police department. The Administrator has requested annual leave for next month. Councilman Kaynard brought up for discussion the selection panel criteria for the accreted land management plan. After a lengthy discussion, motion was made by Councilman Kaynard, seconded by Councilman Howle, to amend the Request for Qualifications for the Accreted Land Management Plan with the following Resolution, carried by a vote of 6-1, with Councilman O'Neil casting the opposing vote.

## ACCRETED LAND MANAGEMENT PLAN

### SELECTION PANEL/PROCEDURE

The Selection Panel will be composed of all members of Town Council, plus at least one member of the Planning Commission, plus Andy Benke, Town Administrator, plus one additional staff representative designated by the Town Administrator.

The Selection Panel will review the Statements of Qualifications and will determine whether to interview all or some of the qualified applicants. The Selection Panel shall consider other qualifications in addition to the Evaluation Criteria contained in the Request for Qualifications.

The Selection Panel will submit its recommendations to the full membership of Town Council. It may rank the applicants individually or it may group the applicants without individual rankings.

Town Council will request the applicants selected to respond to a Request for Proposals for the Accreted Land Management Plan.

Town Council will review the responses to a Request for Proposals and will select an applicant with whom could negotiate an agreement. If the Town cannot reach an agreement with the selected applicant, the Town, at its option, may negotiate an agreement with another applicant responding to the Request for Proposals.

These modifications to the procedures in the Request for Qualifications shall be transmitted to all responding applicants for the Accreted Land Management Plan. In case of conflict with the initial Request for Qualifications, the procedures in this Resolution will prevail and all other terms not inconsistent herewith shall remain in full force and effect. If the applicants want to supplement their Request for Qualifications, submissions are due within fourteen (14) days.

**Water and Sewer Committee**, Councilman Perkis. The warning letter from DHEC regarding the June 2007 discharge monitoring report has been rescinded by DHEC. Councilman Howle complimented Water & Sewer Manager on the informative Sewer brochure.

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

**Fire Committee**, Mayor Smith. Monthly report rendered.

**Recreation Committee**, Councilwoman Watson. Councilwoman Watson thanked residents Tita Massie and Eleanor Washburn for their efforts to secure one of the

turtles statues auctioned by the Aquarium. The “M Turtle Moon” statue will be placed at the Marshall Stith Park. The statue was secured through private donations.

**Real Estate Committee**, Councilman O’Neil. David Schneider with Schneider Historic Preservation LLC has reviewed the structures sixty years or older and structures on the “altered list” of the 2003 survey. A preliminary report could be presented this week. Councilman O’Neil commented that all but two property owners gave permission for Mr. Schneider to have access to their property. Councilman Presson inquired if discrepancies between the map and the list could be corrected. Administrator Benke stated that a graduate student is reconciling the list and map at no charge to the Town. Councilman Kaynard inquired how information regarding whether a property is historic is given out to inquiries. After discussion, it was agreed that requests for whether a property is historic should be made to the Building Official in writing; with a written response from the Building Official. Mayor Smith, Mayor Pro-Tem O’Neil, Councilman Perkis and Administrator Benke met with State Treasurer Chellis, Rich Roberson of the State Budget and Control Board and Representative Hagood to discuss the 1602 Thompson Avenue property. It will be discussed in Executive Session tonight. The Real Estate Committee previously met with Winslow Hastie of the Historic Charleston to discuss providing assistance to the Town in the area of historic preservation. At this time, however, the Town does not have a particular project for which their help is needed. Seven RFQ documents were received for the Accreted Land Management Plan. After the addendum as discussed earlier is mailed to the applicants, a date will be set for Council to review the documents. A list of firms requesting RFP information for the Community Commercial District has been supplied to Council. The deadline is October 1, 2007. Councilman O’Neil reported that the Secretary of Interior has listed the four Sullivan’s Island Districts in the National Register.

**Police Committee**, Mayor Smith. Monthly report rendered.

**Streets and Maintenance Committee**, Councilman Presson. Household garbage will return to Tuesday only collection beginning September 11, 2007. Administrator Benke met with the S.C. Department of Transportation on September 6<sup>th</sup> to discuss the restriping on Jasper Boulevard to prohibit passing, a schedule to repair potholes, and streetscape enhancement (sidewalks, underground utilities) in the commercial district. Tony Fallow of the SCDOT was not available to come to this meeting to update Council on the Ben Sawyer Bridge project, however, he will be at the October 1<sup>st</sup> Committee meeting.

## **Ordinances**

Mayor Smith duly ratified An Ordinance to Amend Chapter 21, Zoning, Article 21, Definition of Terms, Section 21-203, Regarding the Definition of a Lot, Lot of Record.

Mayor Smith duly ratified 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.

Mayor Smith duly ratified An Ordinance to Amend Chapter 5 Buildings, Article III Building Permits Generally, Section 9 Required; to Require Stormwater Management Plan.

Mayor Smith duly ratified 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.

Mayor Smith duly ratified 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.

Mayor Smith duly ratified Ordinance 2007 Chapter 25 Sections 18-55, An Ordinance Establishing a Stormwater Management Plan ("SWMP") for the Town of Sullivan's Island.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to defer Third 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 Kaynard, seconded by Councilman O'Neil, 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 Watson to go into Executive Session for legal advice concerning the Board of Zoning Appeals Decision regarding Lots 242 and 243 Jasper Boulevard; a personnel item; and discussion of the 1602 Thompson Avenue property, carried unanimously.

Upon returning from Executive Session, Mayor Smith stated that no votes or action was taken.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, that Council authorize the retention of attorney Brady Hair to represent the Zoning Administrator in an appeal of the Board of Zoning Appeals Order regarding property TMS# 529-08-00-049 which was issued on September 17, 2007, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilwoman Watson, to approve Administrator Benke's request for vacation on October 4 and 5, 2007, carried unanimously.

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

Respectfully submitted,

Ellen McQueeney