

November 18, 2008

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
Pat O'Neil, Mayor Pro Tem
Buddy Howell, 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 23 members in the audience including two members of the media.

The floor was opened for comments from the citizens. Larry Middaugh and Susan Middaugh, 2420 Raven, expressed their opposition to increasing the number of members of the Planning Commission. Tim Reese, 305 Station 20, stated there is a flooding problem around 2730 Atlantic, and he also expressed opposition to increasing the number of Planning Commission members. He suggested Council consider term limits for the Commission members. Nickie Bluestein, 2513 Atlantic, spoke in favor of increasing the Planning Commission Board members, as the Board is stale and lacks vision. Drew and Michelle Harrison introduced themselves as the new owners of the Café Medley. Mr. Harrison added that the proposed delivery ordinance would hurt the business and the residents they are serving. Billy Grossman, 2324 Atlantic, expressed concern of his understanding of the zoning for the Durst office building, and expressed his support of adding new members to the Planning Commission. Councilman O'Neil asked for a clarification concerning the Durst building. Dr. Grossman stated that the Durst building has for many years been a non-conforming use; it is located in the commercial district. The Commission has considered changing it back to a residential status; or if Dr. Durst leaves his location because it is a non-conforming use, making it a residential status. Mayor Smith stated that it is his understanding that a non-conforming use remains as long as it continues to be used in the same way. Attorney Dodds stated that Council does have the right, under the Enabling Statues, to phase out non-conforming uses. However, it is currently not in the Town ordinance. Hal Currey, Chairman of the Planning Commission, stated that the Durst Office is in a land use marked residential, as are all the churches. The concern expressed on the Planning Commission was that if Dr. Durst or his successors decided to not run a private practice, to zone that property as commercial would be a mistake. The Planning Commission wanted to leave the land use residential just as it is for every church on the island. Bill Dunleavy, 2314 Jasper, stated the proposed delivery ordinance in the commercial district affects other restaurants in the area and it restricts business. The gas station opens at 6:00 a.m. and receives a large delivery once a week between 5:00-5:30 a.m. There has not

been a problem for sixteen years, and there needs to be a true problem in order to necessitate an ordinance. Rusty Bennett, 3124 Marshall, and representing the Sullivan's Island Business Association, concurred with Mr. Dunleavy, as only one person has ever complained. He also stated that the Planning Commission needs more diverse representation now. Pat Votava, 2214 Jasper, stated she wished to clarify that the noise problem was first addressed by the residents of Jasper Boulevard, and the semi-trailer delivers twice a week to the gas station at 5:30 a.m. Sonny Enloe, 2220 I'on, stated he lives behind Dunleavy's and has never had a problem with early morning deliveries. Wade Logan, 2614 Atlantic, and member of the Beach Erosion Committee, stated the Planning Commission should add two more members. Elaine Fowler, 1658 Thompson, and member of the Planning Commission, stated the Planning Commission should expand, as more diverse approaches are needed. Hal Currey stated, as he did at a previous meeting, the Island has 1200 to 1400 residents – a seven member Planning Commission is adequate for the Island. For example, Charleston County encompasses from Edisto to Georgetown, and their Planning Commission has twelve members. Billy Grossman added that 69% of the registered voters on Sullivan's Island voted, so there is a high interest in government participation. Loren Ziff, 1412 Thompson, stated he is in favor of increasing the Planning Commission Board, and commented for the Town to let him know if anything needs to be done differently regarding the streetscape plan as he gets ready to landscape his new business.

Motion was made by Councilman Howle, seconded by Councilwoman Watson, to approve the Regular Meeting minutes from October 21, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to approve A Resolution to Adjust Water and Sewer Fees, carried unanimously.

Reports and Communications

General and New Correspondence – Correspondence was received from Robert Dieter regarding recognition of Dr. George Durst, Sr.; Nancy Seagle regarding the water and sewer basic facility charge; and Julius “Skippy” Weil regarding a sea wall or sandbags to protect his house.

Motion was made by Councilman Kaynard, seconded by Councilman O’Neil, for the Town to communicate its position that it would approve the use of large sandbags to protect Mr. Weil’s home in what the Town considers to be an emergency situation, carried unanimously.

Mayor Smith stated he received two letters; one from Marshall Stith regarding the proposed delivery ordinance, and one from Larry Middaugh, who reported his concerns tonight. He noted he also received a thank you note from Tommie Moorner, regarding the Town Resolution in honor of her 100th birthday.

Attorney’s Report – No report.

Board and Commission Reports –

Planning Commission – Mr. Hal Currey reported the Planning Commission has completed the final draft of the comprehensive plan, and they will begin reviewing it this week and at the December 8th meeting. The Commission plans to have the final draft to Council by the December 16th Council meeting.

Administrator’s Report, Administrator Benke. The National Park Service celebrated the transfer of ownership of the Charleston Light from the U.S. Coast Guard to the Fort Sumter National Monument on November 9, 2008. The Sullivan’s Island precinct results for the general election on November 4, 2008 were provided to Council.

Ways and Means Committee, Councilman Perkis. Mr. Jason Blanton reported while expenses were mostly in-line, revenues are a concern. This will be discussed at the next Committee meeting. He stated that staff continued to become familiar with the new CSI software. Councilmen Perkis and Kaynard, along with Jason Blanton and Andy Benke, met on November 6, 2008 to review expenses and revenue.

Personnel Committee, Councilman Kaynard. Monthly report rendered. Town Hall will be closed for the Thanksgiving holidays on November 27 and 28, 2008. Employees and Council may receive flu shots on November 19, 2008 at the Fire Station.

Water and Sewer Committee, Councilman Perkis. Monthly reports rendered. In consideration of the next phase of the waterline project, Mr. Gress is recommending to re-hire one laborer. This position is budgeted. The consultant studying the water/sewer rates will make a presentation to Council in approximately 60 days.

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

Fire Committee, Mayor Smith. Monthly report rendered. The oyster roast on November 15, 2008 did not generate funds for needed equipment and projects; however, money was not lost on the event. The Station Lighting will be December 5, 2008 at dusk.

Recreation Committee, Councilwoman Watson. The Park Foundation meeting was cancelled. The spring dance will be April 24, 2009. The lease on the Island club was signed, and new roof will be installed soon.

Real Estate Committee, Councilman O’Neil. The next Planning Commission workshop for the Comprehensive Plan review will be November 20, 2008. A draft document of the Accreted Land Management Plan is expected to be ready for Council’s review in December. A Special Meeting will be called for Council to review the document. The consultant for the Community Commercial District Master Plan held a public meeting to review Myrtle Avenue parking considerations on November 5, 2008. The draft document should be ready for Council’s review by late December or early

January. American Tower reported that the cell tower is operational, although not all carriers' systems are currently active.

Police Committee, Mayor Smith. Monthly report rendered. Chief Howard attended the Citizens Police Academy. Councilman Presson complimented the Police on their Halloween activities by being available on the street, giving out candy, and providing friendly assistance.

Streets and Maintenance Committee, Councilman Presson. Chief Stith and Administrator Benke are reviewing a stormwater drainage concern after the large rain on October 24, 2008. Chief Stith, Administrator Benke, and Building Official Randy Robinson will investigate a resident's concern about stormwater drainage near Station 17 Street and Otis Picket Court. Councilman Presson stated he would like to discuss the ordinance concerning amplified music at the next Committee meeting.

Ordinances

Mayor Smith duly ratified an Ordinance to Amend Section 14-29 (SIC 30) of the Town Code by Amending the Provisions Relating to Violations and Penalties, Section 1, subsections (I), (1), (2), (3), and (6).

Motion was made by Councilman Perkis, seconded by Councilman Howle, to have First Reading, by title only, Ordinance No. 2008-13, an Ordinance Amending Section 10 of the Code of Ordinances for the Town of Sullivan's Island to Revise Business License Fees for All Classifications, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to have First Reading, by title only, Ordinance No. 2008-12, An Ordinance to Amend Chapter 21, Zoning, Article III, RS-Single Family Residential District, Section 21-26, Article IV, CC-Community Commercial District, Section 21-55 and Article XXI, Definitions, Section 21-203, Clarifying What Constitutes Impervious/Pervious Surfaces and Materials, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman O'Neil, to defer Second Reading, Ordinance No. 2008-11, An Ordinance to Amend Section 14, Offenses-Miscellaneous, Sections 14-16(D) and 14-16(E) Noise; Sound Producing Devices in Retail Establishments, Pertaining to Noise Generated by Deliveries to Retail Establishments, carried by a vote of six, with Councilman Kaynard abstaining.

Motion was made by Councilman Howle, seconded by Councilman O'Neil, to have Second Reading of Ordinance No. 2008-10, An Ordinance to Amend Chapter 21, Zoning, Article XVI, Nonconformities, Section 21-49 (H), Historic Buildings, Pertaining to the Non-Conforming Status of Designated Historic Buildings Providing that Conforming Status May Apply to Height, Setback, Yard, Area and Other Dimensional Requirements Only; and that Alteration or Removal of

Architectural Features and/or Historic Fabric May Result in the Loss of Historic Designation and Conforming Status, carried unanimously.

Motion was made by Councilman Presson, seconded by Councilman Howle, to have Second Reading, Ordinance No. 2008-9, An Ordinance Amending Section 21-50 to Prohibit New Bars and Restaurants Within 300 Feet of Any Existing Bars and Restaurants Between Station 22-1/2 and Station 22 Streets, carried by a vote of 6, with Councilman Kaynard abstaining.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to suspend the rules to have Third Reading of Ordinance No. 2008-9, An Ordinance Amending Section 21-50 to Prohibit New Bars and Restaurants Within 300 Feet of Any Existing Bars and Restaurants Between Station 22-1/2 and Station 22 Streets, carried by a vote of 6, with Councilman Kaynard abstaining.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to have Third Reading of Ordinance No. 2008-9, An Ordinance Amending Section 21-50 to Prohibit New Bars and Restaurants Within 300 Feet of Any Existing Bars and Restaurants Between Station 22-1/2 and Station 22 Streets, carried by a vote of 6, with Councilman Kaynard abstaining.

Motion was made by Councilman Kaynard, seconded by Councilman Howle, to have Second Reading, Ordinance No. 2008-8, An Ordinance Amending Section 17-3 Planning Commission Membership; Terms; Vacancies, to Add an Eighth and Ninth Member, carried by a vote of 4-3, with Council Members O'Neil, Perkis and Smith casting the nay votes.

Motion was made by Councilman Howle, seconded by Councilwoman Watson, to adjourn at 9:00 p.m., carried unanimously.

Respectfully submitted,

Ellen McQueeney