

December 15, 2009

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
Mike Perkis, Mayor Pro Tem
Jerry Kaynard, Councilman
Madeleine McGee, Councilwoman
Patrick O'Neil, Councilman
Mary Jane Watson, Councilwoman

The Pledge of Allegiance was led by Mayor Smith, followed by the invocation by Councilwoman Watson. The Council Chambers were filled to capacity with citizens and media.

The floor was opened for comments from the citizens. Bobby Thompson, 2917 I'on, asked Council to consider the entire island when discussing the accreted land, and that public area not be set aside for the individual; and to include in the Directions to consider land subsidence. Bachman Smith, 2307 Atlantic, stated that the accreted land should be maintained but to consider the vistas of everyone – first, second, third rows, etc. Nicky Bluestein, 2513 Atlantic, commented on the Low Country Land Trust Agreement, and passed out copies of the agreement. Mason Smith, Poe & Station 16, stated it is quite proper to have the ability to maintain the views of the front beach. Andy Anderson, 2679 Bayonne, stated he was against vegetation growing without management. William Wilson, 2602 Bayonne, stated the look of Sullivan's Island must be responsible for the great success of Sullivan's Island, and urged Council to not change how Sullivan's Island looks. Alena Mpougas, 1312 Middle, asked Council not to cut in the accreted land. Susan Middaugh, 2420 Raven, stated she would like to see Council eliminate Option 4 from the Management Plan. Ettaleah Bluestein, 2513 Atlantic, stated the consultant explained to her about the slope of the dune as a proposed possibility. She stressed not to be short-sighted in eliminating an option in the plan that might be needed in the future. Steve Poletti, 1771 Atlantic and 2314 Middle, stated the public beach paths are not safe and there needs to be a vista on either side of the beach path. Cyndy Ewing, 2514 I'on, urged citizens to research on the internet, as she has found examples of what other cities have done, such as Kiawah Island. Tim Reese, 305 Station 20, stated there is actually one area near Station 22 that is deeded to the high water mark and this particular area has dunes, sea grass, and not many myrtles. He added the sand fencing placed after hurricane Hugo might have helped the myrtles grow in some areas. Heidi Brown, Station 22, stated sometimes it is very important to have a natural progression of plant material to takes it course. Aristolelis Mpougas, 1312 Middle, stated the area should not be cut and cemented and that children enjoy the accreted land, and residents should not be fearful due to one incident.

Mayor Smith recognized Corporal Chris Wallace for Ten Years Service with the Town's Police Department.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to move Item II – presentation by Vince Graham, to the January 4 Committee meeting, and that Council begin the remainder of the agenda with the Real Estate Committee which is where the accreted land management plan issue is on the agenda, and that it be preceded by a second executive session for legal advice regarding the accreted land, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to go into Executive Session for legal advice regarding the accreted land, carried unanimously. Council went into Executive Session at 6:50 p.m.

At 7:20 p.m., Council returned from Executive Session. Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to come out of Executive Session, carried unanimously. Mayor Smith stated that no action or votes were taken.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to approve the minutes from the Special Meetings on November 17, 2009 and December 7, 2009; and the Regular Meeting on November 17, 2009, carried unanimously.

Real Estate Committee, Councilman O'Neil. Councilman O'Neil stated that Council approved two documents at the December 7, 2009 meeting – Proposed Principles for Management of the Town's Accreted Land and Direction for Drafting the Sullivan's Island Accreted Land Management Plan (ALMP). These documents list principles and objectives, and give direction to the consultants as to what the proposed plan should achieve; and are not binding. Council agreed at that time that there may be changes made to the documents at this meeting. Mayor Smith stated that Councilman Howle was absent due to sickness and Councilman Howle asked to withhold any votes on amendments tonight. Councilman Kaynard stated the items could be discussed tonight; however not vote until a Special Meeting to be set up on January 4th before the Committee meeting. Council members Perkis, McGee, Watson, and Mayor Smith stated they were ready to move forward with the review of the documents.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to amend the Document named "Proposed Principles for Management of the Town's Accreted Land (ALMP) Mike Perkis V4 12-15-09 4:55pm"; (hence called "Proposed Principles V4"). Motion was made by Councilman Kaynard to sever the motion as the intent is to discuss each one separately. There was no second; motion failed. Councilman O'Neil withdrew his second to the original motion. Councilman Perkis withdrew his original motion. Motion was made by Councilman Kaynard to consider amendments by Councilman Perkis to consider all amendments paragraph by paragraph in the document Proposed Principles V4. There was no second; motion failed.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to amend the Proposed Principles V4 paragraph 2 based on suggested language in Version

4. Motion was made by Councilman Kaynard to amend the amendment to add sentence to include “The Town also recognizes the beach and ocean scenic views and ocean breezes inside and outside the accreted land are natural resources and valuable assets of Sullivan’s Island.” There was no second to that motion; motion failed. Motion was made by Councilman Perkis, seconded by Councilman O’Neil, to amend his original motion to strike the sentence in paragraph 2 to read as follows: “The Management Plan must benefit the long term maritime eco-system and its impact on wildlife and vegetation,” carried unanimously. Call for the question on original amendment to amend paragraph 2 as follows:

2. The accreted land is protected for its aesthetic, scientific, educational, and ecological and safety value for all residents, as noted in the deed restrictions placed on this land with the Lowcountry Open Land Trust and within the Town of Sullivan’s Island Codes and Ordinances. It must be recognized that this land was placed in trust for the benefit of all Sullivan’s Island residents. Motion carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman McGee, that paragraph 3 of the Proposed Principles V4 read as follows:

3. As its owner, the Town has responsibilities to be a good steward of the land and a good neighbor to the owners of properties that abut its land. The Management Plan must benefit the long term maritime eco-system and its impact on wildlife and vegetation. The Town also recognizes that scenic view and breezes inside and outside the accreted land are valuable natural resources.

Motion was made by Councilman Kaynard, seconded by Councilwoman McGee, to add “beach and ocean” before “scenic views”. Motion failed by a vote of 1-5.

The original motion carried by a unanimous vote.

Motion was made by Councilman Perkis, seconded Councilman O’Neil, to amend paragraph 4 of the Proposed Principles V4 to add:

4.a. iii. The Management Plan must recognize this land is part of a bio-diverse ecological process and must consider the natural succession of vegetation in this setting. Additionally, the accreted land provides a line of defense over which hazards of storm waves can be diminished and therefore provides an important shore protection function. Motion carried by a vote of 5-1, with Councilman Kaynard opposed.

Motion was made by Councilman Perkis, seconded by Councilwoman McGee, to amend section 4.a.ii. of the Proposed Principles V4 to read:

4.a.ii. Management plans should be based on their impact on the land as an environmental, educational and recreational resource.

Motion carried by a vote of 5-1 with Councilman Kaynard opposed.

Motion was made by Councilman Kaynard, seconded by Councilwoman McGee to delete paragraph 4 (iv) of the Proposed Principles V4. Councilman Kaynard amended his motion to change Paragraph 4 (iv) of the Proposed Principles V4 to read: Responsibility for funding the management of the land rests with the Town and management decisions must be independent of the sources of funding. Motion carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman McGee, to amend paragraph 4 (c) of Proposed Principles V4 to read: Since there is much diversity in the accreted land from one area to another which can change over time, defined zones or management units should be identified based upon their characteristics, and a long-term plan developed for each of them. As an example, the land from Station 16 westward and in front of Fort Moultrie, and that in front of the Town-owned school property, should be allowed to evolve naturally, with minimal intervention except for purposes of public safety, education, and control of invasive species. Motion carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman McGee to change paragraph 4(d) of the Proposed Principles V4 to read: Current laws governing the accreted land should remain in effect until the Town has adopted and funded the management plan to a substantial extent. Councilman Perkis amended the motion to add “and begun implementation of” so paragraph 4 (d) would read: Current laws governing the accreted land should remain in effect until the Town has adopted, funded, and begun implementation of the management plan to a substantial extent. Motion carried by a vote of 5-1, with Councilman Kaynard opposed.

Motion was made by Councilman Kaynard, seconded by Councilwoman Watson to amend the motion of paragraph 4(d) of the Proposed Principles V4 just approved to add “in all areas” to the end of the sentence. Motion failed by a vote of 1-5.

Motion was made by Councilman Perkis, seconded by Councilwoman McGee, to amend paragraph 5 (b) of the Proposed Principles V4 to read:

The Town’s management plan may include a transition or edge band that abuts privately held properties that would be managed differently from, and more aggressively than, the (usually much deeper) seaward balance of the accreted land.

- i. The transition/edge band should be managed to further the following objectives:
 1. Provision of a buffer from unwanted wildlife
 2. Minimization of potential fire hazard
 3. Enhancement of public safety
 4. Enhancement of breezes
 5. Enhancement of possible sight lines to the property seaward of the band

Motion was made by Councilman Kaynard, seconded by Councilwoman Watson, to amend the motion to change number 4 to read: Improvement of breezes and views where and when appropriate. Motion failed by a vote of 3-3.

Motion was made by Councilman O’Neil, seconded by Councilwoman McGee, to amend the original motion to add “when appropriate” at the end of 5 (i). Motion passed by a vote of 5-1, with Councilman Perkis opposed.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to amend paragraph 5 ii (2) of the Proposed Principles V4 to read: Where the seaward property is primarily myrtle fields, or currently cleared within the Town’s ordinances, or

partially cleared spaces, the band may be cleared or cut to provide an open field habitat, possibly with seeding of other grasses and /or wildflowers, with periodic mowing under the guidance of a landscape professional. Motion carried by a vote of 4-2, with Councilman O'Neil and Councilwoman McGee opposed.

Motion was made by Councilwoman McGee to consider removing the examples from Paragraph 5 (ii) of the Proposed Principles V4. There was no second; motion failed.

Council then reviewed the document Direction for Drafting the Sullivan's Island Accreted Land Management Plan (ALMP) Mike Perkis Version 4 Recd 12-15-09 4:55 pm (hence called Direction V4).

Motion was made by Councilman Perkis, seconded by Councilwoman McGee, to amend Section 2 (a) of Direction V4 to read: Achieve balance among ecological values, aesthetic concerns, recreational and quality of life factors. Council recognizes that this land was placed in trust for the benefits of all Sullivan's Island residents. Councilman Perkis amended his motion to read: Achieve balance among ecological values, aesthetic concerns, recreational and quality of life factors to benefit all Sullivan's Island residents. Motion carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to amend Section 2 (e) of Direction V4 to read: Limit the spread and establishment of non-native invasive species. Motion failed by vote of 2-4, with Mayor Smith and Councilman Perkis voting in favor of the motion.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to amend Section 2 (f) of Direction V4 to read: Examine potential for breezes and punctuated vistas. Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to amend the motion to read: Facilitate breezes and vistas where appropriate. Amendment to motion carried by a vote of 5-1, with Councilman Perkis opposed. Original motion passed by a vote of 5-1 with Councilman Perkis opposed.

Motion was made by Councilwoman McGee, seconded by Councilman Perkis, to change paragraph 2 of Direction V4 to read: The ALMP should be designed in accordance with the deed restrictions and to achieve the following management goals. Motion failed by a vote of 0-6.

Motion was made by Councilwoman McGee, seconded by Councilman O'Neil, to amend paragraph 2 (d) of Direction V4 to read: Maximize native plant and animal diversity. Motion carried unanimously.

Motion was made by Councilwoman McGee, seconded by Councilman Kaynard, to amend paragraph 2 (g) of Direction V4 to read: Manage land for future generations by providing protection from storm and erosion impact. Councilman McGee agreed to

change to: Manage land for future generations by providing protection from storm and tidal impact. Motion carried unanimously.

Motion was made by Councilwoman McGee, seconded by Councilman Kaynard, to add 2 (i) to Direction V4 to read: To maintain its island-wide economic values. Motion failed by a vote of 3-3.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to amend item 6 as written on Direction V4. Councilman Perkis amended the motion, seconded by Councilman O'Neil to include "invasive understory" and change "naturalized" to "natural". Item 6 read: For the management units covering the remainder of the Accreted Land, the ALMP should include broad guidelines for judicious vegetation management that will protect and restore the natural landscape. These guidelines should be ecologically sound and may include: methods of removing invasive understory; the type and size of any trees that might be culled, crown thinned or limbed up; appropriate methods for culling some portion of myrtles to restore natural dune ridges and the diversity of vegetation; and techniques to encourage natural dune development and wetland protection. Please review suggestions submitted by residents for appropriate guidelines to incorporate. Please advise on inclusion of additional footpaths. Motion carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to amend Item 7 of Direction V4 to include "where appropriate" at the end of the second sentence. Item 7 now reads: The ALMP would define Transition Zones within the AL where it abuts private residents (including Bayonne extension). Please recommend depths for these zones for each management unit and management guidelines to achieve the following objectives where appropriate:

- Enhancement of breezes
- Enhancement of punctuated vistas
- Provision of a buffer from unwanted wildlife
- Minimization of potential fire hazard
- Enhancement of public safety

Motion carried by a vote of 5-1, with Councilman Perkis opposed.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson to add Item 8 to the Direction V4 to read: The ALMP should not include any recommendation for construction of any dunes, berms, or levees. Councilman O'Neil amended the motion, seconded by Councilman Perkis, to include at the end of the sentence "with the exception of placement of sand fences." Motion carried by a vote of 5-1, with Councilman Kaynard opposed.

Motion was made by Councilwoman McGee, seconded by Councilman O'Neil, to amend new Item 9 of Direction V4 to include (f) Detailed and specific methods for monitoring management actions and modifying strategies as needed, carried unanimously.

Motion was made by Councilwoman McGee, seconded by Councilman O'Neil, to add Item 10 to Direction V4 to read: Consultants are asked to submit ALMP within 90 days of receiving our direction. Motion carried unanimously.

Administrator's Report. Council agreed to special request from Seel's On Sullivan's to close the parking area adjacent to the restaurant during the Polar Bear Swim. Chief Howard will contact Seel's regarding specific concerns. A request was received from Dicksie Johnson to host a memorial 5K run on April 10, 2010 beginning at Station 12 through the front side of the Island to Station 17, then back to Station 12. Ms. Johnson can contract with the sheriff for staff help, or the runners could use the beach as an option.

A special meeting will be held on January 4, 2010 at 6 p.m. before the regularly scheduled Committee meeting to discuss items not yet reviewed at this meeting.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis to go into Executive Session for legal advice regarding Republic Contracting, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to come out of Executive Session, carried unanimously. Mayor Smith stated that no action or votes were taken.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to adjourn at 10:48 pm, carried unanimously.

Respectfully submitted,

Ellen McQueeney