

October 15, 2013

The regular meeting of Town Council was held on the above date at 6:00 p.m. at Town Hall, all requirements of the Freedom of Information Act having been satisfied:

Present were: Mike Perkis, Mayor
Jerry Kaynard, Mayor Pro Tem
Chauncey Clark, Councilman
Susan Middaugh, Councilwoman
Pat O'Neil, Councilman

Mayor Perkis led the Pledge of Allegiance, followed by the prayer by Councilman Clark. There were six members in the audience, including one news media.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to amend the agenda to add Approval of Phase I of the Protected Land Active Management Projects as an action item, carried unanimously.

I. COUNCIL ACTION ITEMS – Part 1

1. Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to approve the minutes of the regular meeting on September 17, 2013, carried unanimously.

2-5. Resolutions of Appreciation were approved for outgoing Board/Commission members: Rick Reed - Tree Commission; Jon Lancto – Design Review Board; Ward Lasso – Board of Zoning Appeals; Anne Kilpatrick – Planning Commission.

6. Mayor Perkis presented Anne Kilpatrick with a Resolution of Appreciation for her service to the Planning Commission from 2006 – 2013. (The remaining recipients were unable to attend).

II. FORMAT

Mayor Perkis asked for comments from the audience.

Tim Reese, 305 Station 20, expressed his concern regarding the Biggert-Waters Act. He also suggested that the recent blocking off of parking in front of Poe's in the commercial district be permanent.

Julia Khoury, 1728 I'on Avenue, represented the Sullivan's Islanders Group for Preservation and Conservation. She attended the Land Use & Natural Resource Committee meeting this morning. She commented on the proposed transition zone as noted in the comprehensive management plan be based

on the distance from the private property line to the primary dune line or the high/low water mark on the beach. The intent appears to be based on providing a wider transition zone in areas where the forest is wider between the private property and the beach. They support the broad goals of the plan; however, do not lose sight that this is an asset and unique treasure that must be preserved and that the forest belongs to all the residents. Conservation principles should support all of the forest.

III. COUNCIL ACTION ITEMS – Part 2

7. Motion was made by Councilman O'Neil, seconded by Councilwoman Middaugh, to have First Reading of Ordinance No. 2013-09, An Ordinance Amending Section 14-25 of the Code of Ordinances for the Town of Sullivan's Island to Revise Franchise Fees for Filming, Video Taping, and Still Photography for Commercial Purposes; and, to Add Language Prohibiting Filming of Any Type within the RC-1/RC-2 Zoning Districts or on the Beach. Motion was made by Councilman Kaynard, seconded by Councilwoman Middaugh, to amend the first paragraph of the ordinance to read: The Town of Sullivan's Island imposes a permit fee of \$1,500 (one thousand five hundred dollars) or 1% (one percent) of gross expenditures, whichever is greater, per day for the filming of all, or parts thereof, of major motion pictures, made for television movies, television series, commercials, and other commercial uses. Still photography shall be subject to a permit fee of \$500.00 (five hundred dollars) per day, carried unanimously. Motion was made by Councilman O'Neil, seconded by Councilwoman Middaugh, to approve First Reading of the Ordinance as amended, carried unanimously.

8. Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to approve First Reading of Ordinance No. 2013-10, An Ordinance Amending Section 10-20 of the Code of Ordinances for the Town of Sullivan's island to Revise Business License Fees, carried unanimously.

9. Motion was made by Councilman Clark, seconded by Councilman O'Neil, to approve Second Reading and Ratification of Ordinance No. 2013-08, An Ordinance to Amend Chapter 4 by Adding Section 4-32 Clarifying Prohibition of Commercial Activity on Beaches and Repealing Sections 4-13 through 4-22 Which Apply to Sailing Regattas, carried by a vote of 4-1, with Councilman Clark casting the nay vote.

10. Motion was made by Councilman Kaynard, seconded by Councilwoman Middaugh, to approve a Resolution Approving and Supporting the Establishment of Rates and Fees for the Building and Planning Department for the Town of Sullivan's Island, carried unanimously.

11. Motion was made by Councilman O'Neil, seconded by Councilman Clark, to proclaim November 2013 as Pancreatic Cancer Awareness Month, carried unanimously.

12. Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to approve Phase I of the Protected Land Active Management Projects, carried unanimously.

III. REPORTS AND COMMUNICATIONS

General and New Correspondence – Correspondence was received from Allison and Michael Bourland, Eric Bethany, Jan Merritt, Mary English and Peter Smith, Marc and Linda Voorhees, and Nelson and Samantha Ploch regarding opposition to the proposed multi-family zoning ordinance. Rita Langley submitted a petition with 393 signatures opposed to the multi-family proposed ordinance. Also received was the Sullivan’s Islanders Group newsletter.

Attorney Report - No report.

Boards and Commissions - Planning Commission report of October 10, 2013 was rendered. Council will review information after the Land Use and Natural Resources Committee minutes have been approved.

Finance Committee – Mayor Perkis. Monthly report rendered.

Town-owned property – Council will discuss specific parcels to be marketed for capital project financing after all Council members have submitted their recommendations.

Cash Flow Requirements Capital Projects – Mayor Perkis, Councilman Kaynard, Administrator Benke and Comptroller Blanton met with Robert Danron for an educational workshop on municipal financing. That meeting, as well as the September 2013 financial report, will be discussed in detail at the November Workshop.

Public Safety Committee – Councilman Clark. Monthly reports rendered. Chief Stith is in contact with the ISO and preparing a cost analysis of previous three years repairs on Ladder One because it is out of service and the pump is not replaceable. He is also obtaining quotes and searching for used trucks. There are additional problems with the hydraulic system. Councilman Clark expressed his appreciation for the Fire Department’s prompt and efficient service during an emergency situation he experienced on the beach.

Water and Sewer Committee – Councilwoman Middaugh. Monthly reports rendered. The Wild Olive Restaurant is tied-into the system and their grease trap is installed. Statewide there has been a problem with PCBs in the sludge. The Town has tested for PCB’s, and tests were satisfactory.

Drying Shed update – The Tree Commission wants the palmetto trees transplanted that have to be cleared for the drying shed. The Commission also wants to use the tree fund for the transplanting cost. Zoning Administrator Joe Henderson stated the Tree Commission made a motion to use the funds at their last meeting.

I&I Update – The SRF 2% fund requires submission the first of the year; the Committee will discuss and present to Council. The 1% Green fund has certain criteria, as well as FEMA. For FEMA, an application needs to be submitted before October 2014, but there are engineering studies to be done that could take up to six months for the application. In January funds would be needed to pay a professional to help with the FEMA application. At the Council retreat last March, Council mentioned allowing up to \$25,000 for professional pay for a FEMA grant, but the Committee was unsure if it was in the budget. Funding will be discussed in the next Committee meeting, and a recommendation will be brought to Council.

Middle St. Project - The sewer groundwork for the Middle St. Project (CCOD #1 and CCOD #2) has been completed and Council will discuss at the Workshop.

Administration Committee – Councilman Kaynard. Monthly report rendered. Administrator Benke, Chief Stith and Chief Howard met with owners of commercial establishments, and Council has received the owners' suggestions on loading hours. Mr. Benke has distributed the suggestions to a few residents with a request to meet with the Town staff to discuss any concerns regarding these hour suggestions. They met with DOT today, and DOT is amenable to a loading zone on Middle Street and has stated no encroachment permit is needed for a loading zone on Middle Street. Personnel – Brian Jenerou was hired as Operator III in the Water & Sewer department, effective September 27, 2013. Open enrollment for insurance is the month of October. The annual Town staff and Fire Volunteer flu clinic will be held on Wednesday, October 16, 2013.

Land Use and Natural Resources Committee – Councilman O'Neil. Monthly report rendered. The Committee met this morning and will have draft minutes available for the November workshop. Phase I of the Protected Land Active Management Projects was approved earlier in the meeting. Councilman O'Neil gave an update on the Biggert-Waters Act. Senator Landrieu submitted a letter with signatures of 24 senators to the Senate leadership last week to try to delay at least some of the provisions of the Biggert-Waters bill. Congresswoman Waters, one of the co-sponsors of the act, is trying to get the provisions delayed until more study can be done regarding the affordability and the economic impact. Mayor Perkis and Councilman O'Neil met with Representative Sottile and Representative Stavrinakis at a meeting sponsored by SC Realtors, where they heard a presentation on the Biggert-Waters Act. Councilman O'Neil continued that there are two big issues: properties that were built after flood insurance went into effect according to the Flood Insurance Requirements at the time, which are grand-fathered properties, and that aspect will no longer exist. That is part of Section 207 of the Act, and is getting the most attention to try to delay. Section 205 has been receiving less attention: it concerns pre-firm properties (built before flood insurance took effect in a given neighborhood or community). Those properties have been getting what is now referred to as subsidized rates – they have been getting lower rates than their elevation would call for. Councilman O'Neil continued that Building Official Randy Robinson did a great job compiling information on the properties on Sullivan's Island, and Zoning Administrator Joe Henderson obtained an updated map of updated counties and flood zones. On Sullivan's Island, there are 853 active policies of which 42.6% are below base flood. Of those 364 policies, about 85% are pre-firm. Approximately 40 are post-firm. There are 270 historic properties of which 108 are contributory to the National Historic District. Winslow Hastie with the Historic Charleston Foundation has been communicating with Boards of Preservation Action and National Trust, as well as several other national groups, to raise awareness and concern. It is an issue for historic properties in every flood zone. Councilman Clark thanked Councilman O'Neil for his research and time spent on the subject.

Public Facilities Committee – Councilman Clark for Councilwoman Cooper. Monthly report rendered. The Public Facilities Committee will meet with Creech and Associates on October 18, 2013 at 8:30 am in Town Hall. Administrator Benke gave a review of the status of archiving old records. He stated the work is in progress. Before scanning the files, a software package to digitize and store documents, as well as create a framework for electronic filing, will be procured. The Administrator will meet with a company

next week at 1610 Middle Street to discuss creating a safe room to set up the digitizing machine. Quotes Then will be requested on digitizing all files.

Recreation Committee – Councilwoman Middaugh for Councilwoman Watson. The Committee had consensus that their first option for the tennis courts at Poe Avenue would be to demolish and rebuild the new asphalt courts at a cost of approximately \$138,000. The Park Foundation could cover their portion of the cost. Art on the Beach is Sunday, November 10th. The general community consensus is to determine if Creative Spark could use Battery Gadsden for this one-time event. With respect to Battery Gadsden, as of November 1st the old contract is void, and Kate Smith with the Park Foundation is interested in pursuing social activities at Battery Gadsden. There will be a scavenger hunt for Island youth on November 8th at the Island Club. It is a family friendly event and is open to everyone – not just Island Club members.

Motion was made by Councilman Clark, seconded by Councilman Kaynard, to go into Executive Session at 7:30 pm for legal advice – Bluestein et al. v Town of Sullivan’s Island, and legal advice – Contractual Matter CWS Water Agreement, carried unanimously.

Upon returning to the Regular Session at 8:48 pm, Mayor Perkis stated no votes or action was taken in Executive Session.

Motion was made by Councilman O’Neil, seconded by Councilman Kaynard, to adjourn at 8:52 pm, carried unanimously.

Respectfully submitted,



Ellen Miller