

CARL J. SMITH
MAYOR

TOWN OF SULLIVAN'S ISLAND



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RESOLUTION

A RESOLUTION BY THE TOWN OF SULLIVAN'S ISLAND REAFFIRMING OUR SUPPORT AND COMMITMENT TO THE CHARLESTON COUNTY SCHOOL DISTRICT FOR THE REBUILDING AND OPERATION OF AN ELEMENTARY SCHOOL ON SULLIVAN'S ISLAND

Whereas, in 2009, CCSD retained experts to inspect the physical structures of five elementary schools (Buist, James Simons, Charleston Progressive, Memminger and Sullivan's Island) to review the seismic protections therein and thereafter, the CCSD voted to build five new elementary schools, including SIES, since the five existing elementary school buildings were physically obsolete and lacked earthquake protection, endangering the health and safety of the students and staff (the Sullivan's Island structure was built in 1955); and

Whereas, since August 2010, SIES students have been temporarily relocated from Sullivan's Island to the old Mamie Whitesides elementary school building in Mt. Pleasant; and

Whereas, TOSI has encouraged extensive public comment on the new SIES school facility size, capacity, elevations, location, buffer zones, access and egress and all design criteria, with more than 30 public meetings held since 2010 where public comments were received; and

Whereas, the size, height, capacity, site location, buffer zones, design features, access and egress routes were thoroughly and publicly discussed over the past two years with substantial public participation and input in the final design of SIES elementary school;

Whereas, SIES elementary school was built in 1955 on TOSI owned land under a lease agreement for a 12+-acre parcel, without limitations, for a term of 99 years; and

Whereas, Town Council of Sullivan's Island approved negotiations with the Charleston County School District in March 2011 for a new lease for the land for rebuilding SIES, and over several months, Town Council negotiated a new lease agreement with CCSD for the rebuilding of SIES on a smaller six acre parcel, thereby putting six acres of accreted land under town protection, with a new term of 75 years, with 3 public meetings and 3 favorable votes on the new lease

agreement held on August 16, 2011, Sept 12, 2011 and September 20, 2011, with approval of the new lease agreement by Ordinance 2011-05 with the third and final reading and approval on September 20, 2011; and

Whereas, On October 18, 2011 the new lease agreement for SIES with the Charleston County School District (Ordinance 2011-05) was ratified and signed in the public meeting of TOSI; and

Whereas, Town Council received two legal opinions from its Town Attorney and from outside Special Counsel that the Petition for Referendum was defective and that no referendum was required under applicable South Carolina laws.

Whereas, Town Council filed a lawsuit for declaratory judgment (Case No. 2012-CP-10-1060) on February 13, 2012 against the Islanders for a Smaller School, an unincorporated association of signers of the Petition for Referendum, seeking a judicial determination of the validity of the Petition for a Referendum; and

Whereas, no person representing the Islanders for a Smaller School would accept service of the complaint for declaratory judgment filed by Town Council to allow a judicial determination on the validity of the Petition for Referendum; and

Whereas, Town Council has acted prudently based on legal advice of its Town Attorney and further based on legal advice by outside Special Counsel in response to the Petition for Referendum, by considering the Petition for Referendum and the lack of any representative of the class, Islanders for a Smaller School, willing to accept service to allow a judicial determination of the validity of the Petition for Referendum, and therefore, Town Council correctly rejected the Petition as defective; and

Whereas, the construction of new buildings for the other elementary schools vacated due to seismic deficiencies (Buist, Memminger, Charleston Progressive, and James Simons) has progressed faster than the rebuilding of SIES on Sullivan's Island; and

Whereas, the 412 enrolled students now at SIES are in temporary, physically challenged facilities at the old Mamie Whitesides elementary school building, with substantial limitations for the students and staff now in that temporary facility; and

Whereas, the Town of Sullivan's Island is committed to welcome all children from throughout the county to enjoy the educational opportunity from one of the top 10 elementary schools in the State with the lowest cost per student in CCSD, thereby enhancing the educational experience of all children and benefitting taxpayers; and

Whereas, opponents of the rebuilding of SIES (Islanders for a Smaller School) have refused to identify themselves publicly and continue to oppose SIES as a phantom "underground movement" and have prevented a judicial determination of the validity of the Petition for Referendum by refusing to participate as a group in the lawsuit for a declaratory judgment; and

Whereas, opponents of SIES have no consensus on the size, height, capacity, site location, or design features of a new Sullivan's Island elementary school ; and

Whereas, opponents of SIES have no plan for enrolled students who would be kicked out of SIES, possibly in mid-year, and who would be separated from their classmates in elementary school; and

Whereas, opponents of SIES repeatedly act to obstruct and delay the rebuilding of SIES with no positive recommendations for the improvement of the school building facility; and

Whereas, the Charleston County School Board on several occasions has reaffirmed its commitment to maintain the long-standing and uniform minimum 500 student capacity policy for new elementary schools; and

Whereas, the Town of Sullivan's Island has expressed its overwhelming support and commitment to the rebuilding of Sullivan's Island Elementary School on Sullivan's Island by Resolution of Town Council, dated January 19, 2010, adopted by unanimous vote, and by Resolution of Town Council, dated May 20, 2011, adopted by unanimous vote; and

Whereas, the overwhelming majority of the residents of Sullivan's Island support the rebuilding of Sullivan's Island Elementary School on Sullivan's Island to continue the proud tradition of excellence at Sullivan's Island Elementary School.

NOW, THEREFORE, BE IT RESOLVED that the Town of Sullivan's Island commends the Charleston County School Board for its courageous and prudent decisions to declare the old SIES building hazardous and dangerous for students and all occupants and its decision to rebuild SIES as one of five elementary schools that did not meet earthquake seismic standards; and

BE IT FURTHER RESOLVED that the Town of Sullivan's Island urges the Charleston County School Board to expedite construction for the rebuilding of SIES on Sullivan's Island in consideration of the needs of 413 enrolled students displaced from their elementary school and who now attend school in temporary, dated, and inferior facilities, with the rebuilding of a first class facility being the top priority and in the public interest and the students being denied access to the excellent public school due to space constraints at the temporary location that must remain on a waiting list.

RESOLVED THIS 5th DAY OF SEPTEMBER, 2012.

TOWN OF SULLIVAN'S ISLAND



MICHAEL PERKIS, MAYOR PRO TEM

Attest:

Ellen Miller

Ellen Miller, Town Clerk

Andy Benke

Andy Benke, Town Administrator