

January 17, 2012

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 Smith, Mayor  
Mike Perkis, Mayor Pro Tem  
Hartley Cooper, Councilwoman  
Jerry Kaynard, Councilman  
Madeleine McGee, Councilwoman  
Mary Jane Watson, Councilwoman

There were four members in the audience, and no members of the media present.

Mayor Smith led the Pledge of Allegiance, followed by a prayer by Councilwoman Watson.

**Motion was made by Councilwoman Watson, seconded by Councilman Perkis, to amend the agenda to have the Executive Session after the public comment section, and to add to the executive session legal advice for the accreted land litigation, carried unanimously.**

Mayor Smith opened the meeting for public comment.

Craig Askew, East Cooper representative for Charleston County School District, stated as a Board member he supports the rebuilding of Sullivan's Island Elementary School. It is a hard task, and he encouraged engagement of everyone to work together.

Eddie Fava, 2424 Myrtle, thanked Mr. Askew and stated he supported Mr. Askew's comments; however, he believes the issue still remains the size of the school. He also stated he, along with Kelly Messier, would like her comments from the last meeting regarding the school to be included in the minutes in their entirety. Mayor Smith stated her comments were reflected, but not the entire letter. Mr. Fava also commented that all residents should have received a copy of the survey letter recently distributed.

David Tompkins, 2630 Goldbug, inquired about the Raven Drive extension. Mr. Tompkins was also representing Michael Robinson, who could not be present. He stated he sent a letter to Council in October 2011 and a response was never received, nor was it mentioned in the November Council minutes. He continued that they object that agreements have suddenly been written, that the area of his property will be gravel when the remainder of the street is paved; and for them

having to pay for infrastructure for the entire footage of their lot if the contractor is putting in the infrastructure. He also questioned why the Town was purchasing their section now. Mary Bradley Heath stated she and her sister own a lot on Raven Street, and they do not have access to the lot. Councilman Perkis stated that the Town is required to provide access for infrastructure for water and sewer, although it is not required to pay for it. Water and Sewer Manager Greg Gress has worked with the contractor on specifications to properly provide water and sewer for all the property owners. There is no start date, but it is on the agenda to consider for approval tonight during the Administrator's Report.

David Smith, 1512 Poe Avenue, stated he is in total support of the new Sullivan's Island Elementary School.

Kathy Post, 1907 Ion Avenue, questioned the status of the referendum of the school.

Pat Votava, 2214 Jasper Blvd., thanked Chief Stith and his staff for their work on the Polar Bear Swim. She stated the traffic diversion while the block of Middle Street was closed was too much traffic into the neighborhood. She asked them to review the situation for the next event, and to please limit St. Patrick's Day celebration to one day.

Vince Graham, 1401 Middle Street, stated he read the Sullivan's Island Elementary School statement on their website, and was concerned that the school is not being done for the children but for mercenary purposes to create wealth for special interests which will profit from the supersized warehouse of a school. By advancing the mega-school Council is failing to live up to the school's vision statement. If Council does not move forward to scheduling the referendum, they are failing its citizens and the spirit of democracy.

Louis Yuhaz, 3014 Ion Avenue, agreed with Kathy Post and would like an answer regarding the status of the referendum. He stated that he is in favor of the school, but wonders why the school cannot be placed in the business district, and open up the other land to small cottages and a beautiful seaside park. Mayor Smith stated that Attorney Trenholm Walker was present for legal advice on the referendum during Executive Session, directly after public comment.

Dr. Selby, 2602 Atlantic Avenue, stated this is a very unusual island, and the school is a tremendous asset and integral part of Sullivan's Island.

Jen Smith, 2520 Raven Drive, distributed to Council a letter she received the previous Friday. She stated the petition with the logo with the small 's' for Sullivan's Island Elementary School was very misleading and inappropriate. Mayor Smith stated he agreed with and signed the letter; but did not write the letter.

Barbara Spell, 2702 Atlantic Ave., stated the issue is not about having a school, it is whether the school will fit into the island. A certified petition was presented to Council before the lease was ratified, and the residents are entitled to a referendum and wanted to know when it will be scheduled.

Skip Scarpa, 2102 Atlantic Avenue, stated if Council thinks the majority of people on this island want to build the school that has been proposed, then they should have a vote and end this.

Sara Church, 1612 Atlantic Avenue, stated she doesn't understand giving people a choice on a referendum when the school district has already said they are not willing to allow smaller school. She continued that the school and design discussion need to move forward.

Gary Lovell, 2424 Middle, inquired if residents can get temporary business licenses to charge for parking for people who park in our yards during the Polar Bear Swim; and also that food trucks not be allowed that compete with the businesses here. Mayor Smith stated that the food truck was not anticipated and should not have been there. Councilman Perkis stated he met with the owner of that business to prevent it from happening again.

Kathy Post, 1907 I'on Avenue, stated the point of only this school or no school is not true. There are other options to pursue.

Christine Hamrick, 2708 Middle St., stated she has been to CCSD school board meetings and no one has presented other options.

Barbara Spell, 2702 Atlantic, stated Section 302.1 of the Office of School Facilities (OSF) says that a district can request that a school not meet the minimums as long as they provide the plans for that. That has been a fact that has been repeated over and over. Also, OSF Section 302.1 states that the school has flexibility, and that the SC Department of Education wants districts to be able to be flexible.

Karen Coste, 322 Station 19 Street, stated that she and Barbara Spell have gone to different schools in Charleston County, and the vast majority is well under 500 students. They have spoken with both principals and Nancy McGinley. There are many options to be considered.

Wayne Stelljes, 3104 I'on Avenue, stated he is encouraged by the fact that Town Council is continuing to move forward with the school.

Vince Graham, 1401 Middle Street, added that he is not against building a school; he is against building a 74,000 square foot school.

**Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to go into Executive Session at 6:50 p.m. for legal advice on the**

**Sullivan's Island Elementary School petition, the Urban Greenbelt Grant, the American Tower, and the Accreted Land litigation, carried unanimously.**

**Motion was made by Councilwoman Watson, seconded by Councilwoman Cooper, to come out of Executive Session at 7:50 p.m., carried unanimously.** Mayor Smith stated no votes or decisions were made in executive session.

**Motion was made by Councilman Kaynard, seconded by Councilman Perkis, to move forward with a declaratory judgment to name a Smaller Sullivan's Island Elementary School group.** Mayor Smith stated that Council had already made the decision to seek a declaratory judgment on the referendum. That has been in motion, and Council has reaffirmed that decision, but also to name the Smaller Sullivan's Island Elementary School group in the judgment.

Councilman Kaynard explained that in a prior meeting, the Town Attorney raised questions as to whether the petition should go to a referendum. Town Council is basically reaffirming the decision to seek a declaratory judgment on the referendum, and Council needed to give a name to the supporters of the petition. By naming the group, anyone with the group or those who have spoken in front of Council, would have an opportunity to participate in the court proceeding to state opinions and argue what should be done, and what they want the Court to do.

Councilwoman Watson called for the question. **Motion carried unanimously.**

**Motion was made by Councilman Kaynard, seconded by Councilwoman McGee, to approve the minutes of regular meeting on December 13, 2011, as amended stating that Kelly Messier's letter will be available in the official files, carried unanimously.**

## **Reports and Communications**

**General and New Correspondence** - Correspondence was received from Judge Michael Molony thanking Council for its vote on the school; the Rover family thanking the Fire Department for their help with their house fire; from Gregory Shue regarding the school's design; from Dawson Cherry thanking Officer Botticelli regarding a motor vehicle and bicycle incident; from Michael Robinson regarding previous letters sent about Raven Drive; Gary Visser supporting the new lease for the school; Christine Hamrick supporting the Council's effort to rebuild the school; Steve Hamontree calling for a halt to construction plans of the school until a referendum is held; and Elizabeth Tezza expressing concerns about the 2012 Polar Bear Swim. Councilwoman McGee commented that a committee meeting should be held soon to begin discussion on the options for next year's Polar Bear Swim. Mayor Smith added that a permit fee should also be discussed.

Councilwoman McGee distributed a letter to Council from Rick Graham regarding motorists blocking driveways.

**Attorney Report** – no report.

### **Boards and Commissions**

**Planning Commission** – Chairman Hal Currey reported the Commission would hold a public hearing on Section 21-12 of the Zoning Code at their next meeting on January 11, 2012.

**Administrator's Report.** Administrator Benke.

Raven Drive Extension – Attorney Clay McCullough, representing the Town, and Attorney Brian Hellman, representing the Childress', were present. The settlement agreement and various documents have been circulated, and the Town is ready to move forward. Water and Sewer Manager Greg Gress reported he was comfortable with the documents; however, information will be reviewed at the pre-construction meeting. Mr. McCullough was asked by Council to address the questions previously raised during the public comment tonight. Mr. McCullough stated this project to provide water and sewer to the Raven Drive Extension has been researched, analyzed, and discussed for five years because staff and Council were trying to alleviate concerns when possible of several homeowners impacted in different ways. The Town decided to pre-pay to lessen the impact on the other property owners. There is no obligation for the owners to pay until they have applied for a tap; there is no obligation of the Town until an owner requests assess to water and sewer. The Childress' have accepted the burden to construct the infrastructure in its entirety, and are being reimbursed by the Town for two lots' portion. There is a swale on the side of the road for stormwater, which is graded to run to the middle of the lots and then onto the Childress' property to the outfall. Attorney Brian Hellman stated that the Childress' have an agreement to grant an easement to the Town so the swale can discharge across their property. The Extension will be gravel instead of pavement. It is a State road and the State will not accept any new roads. The Town has installed gravel on other roads except for the Hagerty property, and they were willing to pay for the paving and the maintenance. Mr. Hellman added that his client paid for the cost of the road. They asked other owners to contribute but they did not; therefore, gravel will be used. Asphalt is more expensive and requires more ditching and additional drainage points to come across other property.

**Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to approve the Non-Exclusive Storm Drain Easement between the Town of Sullivan's Island and Childress Investments, LLC, carried unanimously.**

**Motion was made by Councilman Perkis, seconded by Councilwoman Cooper, to approve the Settlement Agreement between the Town of Sullivan's Island and Childress Investments, LLC, subject to mandatory binding arbitration pursuant to SC Code 15-47-10, carried unanimously.**

**Motion was made by Councilman Perkis, seconded by Councilwoman Cooper, to approve the Construction Escrow Agreement between the Town of Sullivan's Island and Childress Investments, LLC, carried unanimously.**

Sullivan's Island Elementary School Design – The school district will hold its next charette for the school design on January 19, 2012 at Sunrise Presbyterian Church. Staff met with Cummings and McCrady earlier in the week to review the fire flow water line and emergency apparatus road relative to trees. The group has worked out a strategy to preserve a number of trees; however, the plan is subject to the water model.

Sullivan's Island Elementary School Petition – Trenholm Walker and Andy Gowder are confirmed as the Town attorneys to bring the Declaratory Judgment Action on the recently submitted petition for a smaller school.

2012 Council Retreat – Council Retreat Part 1 has been scheduled for January 27, 2012 from 3-5 p.m. at Town Hall to discuss managed parking. Council Retreat Part 2 is tentatively scheduled for March 10, 2012 at the Sewee Visitor Center (time to be determined).

Middle Street Drainage Program – Charleston County has CTC money remaining from the old Middle Street drainage project, and requested the Town's input. Staff will meet to discuss areas to use the \$400,000.

Myrtle Avenue Cemetery – Chief Stith reported that they have put the poles and chains down, and are trimming inside the stones. Mayor Smith and Administrator Benke met with Father McNerny this week to review progress.

**Ways and Means Committee**, Councilman Perkis. Monthly report rendered. Councilman Perkis reviewed the FY2012 projections as of December 2011. The forecast is that approximately \$115,000 would need to be taken from the general fund on the government side. Last year \$70,000 was taken from the general fund. He stated during the February workshop, Council should review what can be done to mitigate that shortfall.

**Personnel Committee**, Councilman Kaynard. Monthly report rendered. Firefighter James Howard tendered his notice of resignation effective January 6, 2012. Tyler Potter has accepted full-time status for the vacant Water and Sewer Operator position. The proposed changes in the Police Department have been sent to the Police Committee for review.

**Water and Sewer Committee**, Councilman Perkis. Monthly reports rendered. The grant has been received from the S.C. Department of Energy, less five percent until after the audit is complete.

**Building and Construction Committee**, Councilwoman Cooper. Monthly report rendered. The Committee is moving forward on the process of evaluating options for Town Hall and discussing the Zoning Administrator position. Randy Robinson continues to work with the contractor for the Island Club upgrade plans. Creech and Associates is revising the space needs analysis and will forward the report. Structural and environmental work at 1610 Middle Street and 1714 Middle Street is expected during the week of January 23, 2012.

**Fire Committee**, Mayor Smith. Chief Stith reported that the open firefighter position has been advertised. Mayor Smith stated the structure fire at 1118 Osceola Avenue was handled very well. The house is a designated landmark structure on the historic list.

**Recreation Committee**, Councilwoman Watson. The Park Foundation is working on a survey to distribute to Island residents about priorities and activities at the park. Councilwoman Watson, Administrator Benke and Chief Stith will be looking at nets to possibly be used in the park to protect children from Lacrosse balls. Councilwoman McGee inquired if Battery Logan or another field could possibly be used.

**Real Estate Committee**, Mayor Smith for Councilman O'Neil.

Consideration for a Permanent Town Hall – Administrator Benke reported that the environmental and structural engineer inspection will begin soon at both 1610 Middle Street and 1714 Middle Street. The cost for the old Town Hall at 1610 Middle Street will be about \$8,000 for environmental and 4,500 for structural. The cost for the 1714 Middle Street property will be about \$8,000 for environmental and \$5,648 for structural. There was discussion concerning the additional cost for the 1714 Middle Street property, and suggested to postpone that inspection until after the report for the 1610 Middle Street property was received. **Motion was made by Councilman Kaynard, seconded by Councilwoman McGee, that Council defer any expenditure on the 1714 option at this time, carried by a vote of 5-1, with Mayor Smith opposed.**

**Police Committee**, Mayor Smith. Monthly report rendered. The Mutual Aid Agreement with the Isle of Palms Police Department has received legal review and signed by the Administrator and Police Chief.

The changes proposed by Chief Howard in the Police Department were discussed. Councilman Kaynard stated there was the possibility of financial implications, so it should be reviewed. Chief Howard stated there is no change in the salary of the departmental budget – decreasing some/raising others. Councilwoman McGee stated if Staff had an annual plan relative to their departmental budget, Council would not need to be involved as long as they operate within those plans. She stated that when this was presented at Committee, the Committee decided there was not a significant financial implication. Councilman Kaynard added that it will sometimes be appropriate to review as changes happen after the annual budget is completed. The procedure of review and recommendation should be the same for all departments, such as the Water and Sewer department.

**Streets and Maintenance Committee**, Councilwoman McGee.

Managed Parking – A meeting is scheduled for January 27, 2012 to review the managed parking report from Tindale-Oliver and Associates.

Dept. of Transportation Items – The Station 22-1/2 Street stop sign test will begin sometime in February.

**Motion was made by Councilman Perkis, seconded by Councilwoman McGee, to defer Third Reading on Ordinance 2011-06, An Ordinance to Amend Sections 21-9, 12, 19, 21, 22, 24, 27, 31, 48, 49, 50, 51, 52, 53, 54, 59, and 143 of the Zoning Ordinances for the Town of Sullivan's Island, carried by a vote of 5, with Councilman Kaynard abstaining.**

**Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to have First Reading, by title only, of Ordinance 2012-01, An Ordinance to Amend Sections 18-6 and 20-1 of the Water and Sewer Ordinances of the Town of Sullivan's Island, carried unanimously.**

**Motion was made by Councilman Kaynard, seconded by Councilwoman Watson, to adjourn at 9:40 p.m., carried unanimously.**

Respectfully submitted,

Ellen Miller