

March 15, 2011

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

The floor was opened for comments from the citizens. Jonathan Yates of Verizon Wireless stated the non-functional backhaul dish was to be mounted on the stealth pole for a trial period of two weeks. Mr. Yates stated the dish will greatly aid Verizon and other carriers with traffic. There is no anticipation of a larger or additional dish. If there are no objections to the dish, the Town Attorney may begin negotiations with American Tower for the addition. Scott Parker, 1702 I'on Avenue, presented information regarding the median plantings on Middle Street. He distributed a memo to Council from Tim Stone, the new director of Ft. Moultrie. Mr. Stone likes the idea of the medians; however, he does have concerns about the turn radius and safety. Chief Stith needs to discuss the actual location of the medians, the funding from the Confederate Memorial Fund needs to be clarified, the Town needs to approve the plan, and a meeting needs to be held with the SC Department of Transportation to discuss. The goal is to make the decision within a few weeks, before the paving of Middle Street begins. Susan Middaugh, 2420 Raven, inquired about the plans for a new or renovated Town Hall. Mayor Smith stated that Council has not made a decision on whether the current building will be renovated or if a new Town Hall will be built. Administrator Benke added that an environmental engineer had assessed the building and found mold and bacteria, so the damage needs to be mitigated. Jules Burgevin of Trumansburg, New York (a visitor staying on the Isle of Palms) wished Council a happy St. Patrick's Day and thanked Council for the great work they have done concerning the beaches and land. It was his first trip to Sullivan's Island, and expressed that Council was doing a wonderful job.

Motion was made by Councilman Kaynard, seconded by Councilman Perkis, to approve minutes from the regular meeting on February 15, 2011 and the special meeting on March 7, 2011. Councilwoman McGee stated she would like to amend the minutes of February 15, 2011 to clarify her comments on the financing of the Island Club improvements. **Motion was made by Councilman Perkis, seconded by**

Councilwoman Watson to approve the amendment to the February 15, 2011 Minutes, carried unanimously. Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to approve the February 15, 2011 minutes as amended, and March 7, 2011 Minutes, carried unanimously.

Reports and Communications

Mayor Smith read the Proclamation of March 2011 as American Red Cross Month, and presented the plaque to Louise Welch Williams, Chief Executive Officer, and Paul Heinauer, Board Member and Sullivan's Island resident.

General and New Correspondence – No new correspondence.

Attorney Report – no report.

Board and Commission Reports – no report.

Administrator's Report, Administrator Benke.

Civil action litigation - There are no new expenses; and nothing new to report regarding the civil action against the Town of Sullivan's Island and Sullivan's Island Town Council.

Commercial activity on Town property and RC-1 area - There has been no additional activity regarding commercial activity on Town property and the RC-1 Area.

Town Hall Repairs - During the Committee meeting, staff recommended the relocation to trailers while the required repairs are made to Town Hall. The lease of the property to place the trailers has been delivered to the Town Attorney for review.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis to move forward with the relocation plan into the trailers, carried unanimously.

Sullivan's Island Elementary School - The lease discussed by Council has been forwarded to the Superintendent, but a response has not been received. Councilwoman Watson stated that she informed Principal Susan King that a communication structure between the school and the Town administrator had been established.

St. Patrick's Day Celebration – The March 12th event has occurred and Chief Howard will report later in the meeting. The March 17th event will take place this week.

Sesquicentennial Firing on Fort Sumter – The Waccawaw Light Artillery has submitted a special event request to have a living history demonstration on April 12, 2011. The event will occur at Breach Inlet and another location that has not been determined. The Calvery is aware that horses are not allowed on the beach.

Earthquake Engineering Research – S&ME, Inc., on behalf of the Network for Earthquake Engineering Simulation requested use of the old baseball field for seismic research. Scientists would use a truck mounted instrument to test ground conditions under a seismic event. The instruments would vibrate the soil underneath the truck. The engineering firm has been advised that vibrations present a great risk to the VCP clay pipe on the Island and within the Wastewater Treatment Plant; therefore, the Town will not grant permission for testing.

Special Event Request Application – Poe’s Tavern has submitted a request to close the sidewalk in front of the restaurant and two parking spaces for outside service and staging area on the day of the Cooper River Bridge Run, Saturday April 2, 2011. Rusty Bennett, an owner of the restaurant, was in the audience. Mr. Bennett stated that the Bridge Run is their busiest day of operation, even without advertising. He added that this permit was not to have a party on the street; but to provide a safe area for patrons. The request is to fence off the sidewalk area in front of the restaurant, as well as use the two parking spaces in front of the restaurant, placing either a fence or cones in this area. Mr. Bennett added that it seemed unfair for the restaurants on the other side of Middle Street to be able to close off their parking area, but he wouldn’t be allowed to close his two spaces. Councilwoman McGee stated that the property line for Poe’s Restaurant ends at the fence, and the sidewalk and parking spaces are public property. However, the parking in front of the restaurants across the street is private property through most of the parking spaces. Chief Howard added that he did not have a problem with the sidewalk being closed; however, he did have concerns with the parking spaces being closed. Councilman O’Neil stated that although he appreciated Mr. Bennett planning ahead for the event, it would be safer and he would have more room if he placed the staging area in his parking lot. Councilman Kaynard stated he did not have a problem with the request; because it would be inconsistent for Council to allow St. Patrick’s Day to close an entire block and all parking on the ocean side of the street, and not close only two parking spaces for Mr. Bennett’s request. A barricade could be put up for those two spaces. After further discussion to allow the special request, Councilwoman McGee noted this requested closure is being tried this year; there is no commitment or approval for following years. **Motion was made by Councilman Kaynard, seconded by Councilwoman Watson to approve the request as modified so that Poe’s Restaurant can serve alcohol and provide seating on the sidewalk in front of the restaurant, and cones would be used in the two parking spaces; and to allow them the opportunity to use their parking lot as well for seating, if they decide to expand to the parking lot, and this is based on approval by SC Department of Transportation to do so, carried by a vote of 5-1, with Councilwoman McGee casting the opposing vote.**

Mayor Smith read a card received from Leo Fetter thanking Council and the staff for their concern at the death of his cousin, Monica Maguire Wood.

Ways and Means Committee, Councilman Perkis. Monthly report rendered. The Town has received approximately \$1,100,000 in property taxes at the end of February for FY 2011. The total general fund and water & sewer fund revenues are as projected. The expenses such as salaries, supplies, etc. are in line with the budget. \$35,000 was paid to SCLGAG during February: the accreted land lawsuit expenditures total approximately \$103,000 as of February. The six month CD’s in the CDARS account will mature in March and will be reinvested for 26 weeks.

Personnel Committee, Councilman Kaynard. Monthly report rendered. The Water and Sewer department has filled all the open positions. The Fire Department and Maintenance Department both have one full-time opening. Chief Stith had nothing new to report regarding the audible alert system. Council has approved the Personnel

Committee drafted criteria for selection of a quarterly and annual outstanding employee. Administrator Benke reported that three employees were submitted for the award, and the recipient will be presented with a resolution and monetary gift at a staff safety meeting or the next Council meeting.

Water and Sewer Committee, Councilman Perkis. Second reading for two ordinances is on the agenda: (1) Section 20-14.1 Drought Response and (2) Section 21-12 Contracting Party Responsible for Water Beyond Meter. Water and Sewer Manager Greg Gress reported that according to Richard Turner with Charleston County, the SC Department of Transportation has a database to rate all streets in the state system. If a road does not get resurfaced, then that condition usually moves up the ladder of priority. I'on Avenue is a priority for this year. Mr. Turner assured Mr. Gress that if the Town deferred paving I'on Avenue for infrastructure replacement, I'on Avenue would come up as a higher priority next year. Mr. Gress has the plans for the water line replacement; however, he needs to develop a plan for the sewer system and determine the best fit for the Town and the Department of Transportation to accomplish the work.

Building and Construction Committee, Mayor Smith for Councilman Howle. Monthly report rendered. The Planning Commission is continuing discussion on the Community Commercial Overlay District, Station 20 to 22. The Board of Zoning Appeals denied a variance request for a duplex on Myrtle Avenue.

Fire Committee, Mayor Smith. Monthly report rendered.

Recreation Committee, Councilwoman Watson. Councilwoman Watson reported that the Park Foundation's "No Show Gala" invitations will be mailed this month. Ward Lasso will transfer duties of the Bicycle Advisory Committee Chair to Carlsen Huey. Their next meeting will be April 11, 2011 in Town Hall at 6:00 p.m.

Real Estate Committee, Councilman O'Neil.

Open Space Protection for Town Parcels – The Town is waiting on the revised document from the Mt. Pleasant Land Conservancy.

Accreted Land Management Plan – Council met on March 11, 2011 for a guided tour of accreted land Zones One and Three by Richard Porcher. Council met on March 12, 2011 to develop main elements appropriate for the management of those two areas. Councilman O'Neil suggested the notes from the meeting be reviewed at the next Committee meeting; however, if it is possible to edit the notes into the actual plan, he will make those proposed changes. It was agreed that Council will tour Zones Two and Four on Thursday, May 5, 2011 beginning at 6:15 pm at Town Hall. Council will hold a workshop at Town Hall on Friday, May 6, 2011 beginning at 12:00 noon to begin discussion of Zones Two and Four.

Island Club Structural Improvements – The Town is waiting on construction drawings from the Island Club.

Planning Commission – The Planning Commission continues to work toward recommendations for the CC District Zoning Overlay District and related topics. The Law Offices of Brady Hair have begun work on a CC District Zoning Overlay ordinance.

BellSouth Telecommunications, Inc. Switch Gear – BellSouth/AT&T is requesting an easement to place a 10' x 10' switch gear box on Town property in front of the Fire Station, with a 20' x 20' concrete pad for it to sit on. Staff will review alternate locations for the equipment.

Police Committee, Mayor Smith. Monthly report rendered. Chief Howard reported that there were very few incidents during St. Patrick's Day activities thus far. He said the fencing worked well; however, he did have one request to have an opening in the middle for a walkway to cross the street to another restaurant. Chief Howard said the request will be considered, but the purpose of the fence was to keep people off the street, and pedestrians should use the provided crosswalk. Mayor Smith reported that the Victims' Advocate Training had been approved.

Streets and Maintenance Committee, Councilwoman McGee.

Stormwater Pump Station 18 Street – A meeting was held on September 9, 2010 with residents of Station 18 Street to review the drainage options. Mr. Joe Blanchard is reviewing SCE&G construction drawings and is discussing a pump design with Thomas and Hutton.

Managed Parking Public Meeting – A meeting was held on February 15, and Councilwoman McGee will provide information from the meeting at the next Committee meeting.

Bike Lane At Jasper Boulevard and Izlar Street – Council awaits comment from the Community Bicycle Committee.

Middle Street Resurfacing and Stormwater Pipe Project – Administrator Benke reported that the SC Department of Transportation is two weeks behind schedule on Middle Street. He stated the curb and gutter repairs will be made at the park, followed by sidewalk repairs. The curb at the corner of Dunleavy's will be revised to put in a handicap ramp. An in-take box will be placed between the dentist office and the former Seel's on Sullivan's for stormwater drainage.

Ben Sawyer- Administrator Benke reported that the hydroseeding was completed today; the striping will take place within the next two nights. The striping will not be down the causeway. Highway 703 is slated for federal resurfacing funds within the next two years. The Town does not have a schedule on the final sign removal, placement of new signs, or a punch list for the tender house; however, SC Department of Transportation expects final delivery to be at the end of the month.

Fort Moultrie Entrance Enhancements - Scott Parker and staff will meet with the SC Department of Transportation to discuss planted medians between Station12 Street and Palmetto Street. A portion of funds from one of the Confederate Memorial Fund accounts will be used for the medians.

The Greenbelt meeting has been scheduled for May 6, 2011. Councilwoman McGee, Councilman O'Neil, and Administrator Benke will attend.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to have Second Reading of Ordinance No. 2011-1, An Ordinance to Amend

Chapter 20 Water Supply Section 20-12, to Add Language for Customer Appeal Process for Denied Leak Adjustments, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to suspend the rules to have Second Reading of Ordinance No. 2011-1, An Ordinance to Amend Chapter 20 Water Supply Section 20-12, to Add Language for Customer Appeal Process for Denied Leak Adjustments, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to have Third Reading of Ordinance No. 2011-1, An Ordinance to Amend Chapter 20 Water Supply Section 20-12, to Add Language for Customer Appeal Process for Denied Leak Adjustments, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to have Second Reading of Ordinance No. 2011-2, An Ordinance to Amend Chapter 20 Water Supply Section 20-14-1, to Allow Water Rates to be Amended and Implemented During a Drought as Recommended from the 2009 Rate Study, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to suspend the rules to have Third Reading of Ordinance No. 2011-2, An Ordinance to Amend Chapter 20 Water Supply Section 20-14-1, to Allow Water Rates to be Amended and Implemented During a Drought as Recommended from the 2009 Rate Study, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to have Third Reading of Ordinance No. 2011-2, An Ordinance to Amend Chapter 20 Water Supply Section 20-14-1, to Allow Water Rates to be Amended and Implemented During a Drought as Recommended from the 2009 Rate Study, carried unanimously.

Administrator Benke stated there was no update on the lease agreement with Charleston County School District. Council agreed there was no need to have the Executive Session on the agenda.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to adjourn at 8:20 p.m., carried unanimously.

Respectfully submitted,

Ellen Miller
Town Clerk