

September 20, 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
Hartley Cooper, Councilwoman
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 Town Hall was full of citizens, and there were no members of the media present.

Mayor Smith presented Resolutions of Appreciation to Betty Harmon and Fred Reinhard for their contributions serving as members of the Design Review Board.

Larry Finney of Greene, Finney & Horton presented the Fiscal Year 2010 audit of the Town. He stated the Town received an unqualified opinion, which is the best that can be received. From the overall perspective of the Town, the general fund balance is \$3.2 million. Of that amount, about \$2.9 million is unassigned which is available for general operations. The general fund is a healthy fund. The general fund expenditures were up due to three major reasons: the Town changed its health insurance carrier resulting in about \$110,000 in claims that had to be paid to the old plan; Town Hall was relocated at a cost of about \$150,000; and the Town had about \$100,000 in capital outlay expenditures. Revenues were about \$87,000 higher than budgeted; almost all of that was due to the reimbursements from the Town's insurance policy. In the utility fund, it is important to have good cash flow and cash reserve because it is never known when maintenance issues with line breaks or lift stations will occur. The audit did show one recommendation to ensure the policy and procedure for vacation and sick pay is coordinated. In conclusion, the main points were the Town was in healthy financial condition; it should continue to increase reserves, the emergency reserve especially; and continue to work on utility reserves.

The floor was opened for comments from the citizens. David Tompkins, 2630 Goldbug Avenue, inquired about the Raven Drive status. Attorney Dodds stated Mr. Tompkins would need to speak with attorney Clay McCullough, who is the attorney representing the Town for this matter, and the developer is discussing this with Mr. McCullough. Mr. Tompkins stated one concern he had was in the 1970's

the Town considered the lots on Goldbug as one lot, although it doesn't appear the lots were ever deeded that way, and he has not been able to determine why that happened that way, or why it stopped. Councilman Perkis stated that it is the objective of Town Council to do the infrastructure together. Skip Scarpa, 2102 Atlantic Avenue, commented on the petition of signatures for the school, which is a petition signed by 266 residents in agreement that we want Council to take action that is what they think is the will of the residents of Sullivan's Island. Barbara Spell, 1702 Atlantic, stated she was representing a large diverse group of residents desiring a school for Sullivan's Island, but a school that is physically smaller than what is stated in the lease. She stated the 266 signatures of Sullivan's Island residents on the petition represent 18% of the 1,512 registered voters on Sullivan's Island. If there are 15% signatures, a referendum can be held to vote on the size and scope of the school. That is not the choice of the group she represents; however, what they want is for the Town Council, the residents, and Charleston County School District to come up with a school that is the size and scope that is keeping with the small town character of Sullivan's Island. Wayne Stelljes, 3104 I'on Avenue, commented about the petitions for and against the school. He stated that all students, not just Sullivan's Island and Isle of Palms school children, should be able to attend the school because it is a Charleston County school, and Sullivan's Island and Isle of Palms students go to high school in Mt. Pleasant. He also commented that if the school size is reduced to accommodate 350 students, it will not decrease in size that much because only classrooms will be deleted, not the required common spaces. Rick Reed, 1851 Flag Street, presented Council with questions he had regarding the presentation given by Town Council at the school board meeting this past week. Eddie Fava, 2424 Myrtle Avenue, stated he thinks there should be a public legally binding review board that reviews this. This is strictly about the size of the building. Wayne Guckenberger, 2105 Pettigrew, stated that he has heard quite frequently the term "in the interest of transparency" and stated the Town website could be a great tool for the residents if it were more interconnected and interactive in the future.

Motion was made by Councilman O'Neil, seconded by Councilwoman Watson, to approve minutes from the regular meeting on August 16, 2011 and the Special Meeting on September 12, 2011, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to amend the agenda to have Item IV, Ordinances, moved up before reports and communications, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to have Third Reading, An Ordinance to Amend the Ordinances of the Town of Sullivan's Island, South Carolina, Chapter 14, By Adding a New Section 34, Regarding Lease of Property to Charleston County School District.

Councilwoman McGee stated that many people signed the petition, but did not contact Council members with their concerns. Council wants as much public input

as possible, and then it decides what is in the best interest of the Town. She stated she has heard the concerns about the size and design of the building. She believes that the lease allows opportunity to adjust the design, and believes that we have to respect the school board's policy of an economically feasible school because the School Board spent years writing the policy. As a Charleston County taxpayer, she stated she respects those policies. She thanked everyone for caring and communicating, and stated she will continue to listen to the residents' ideas.

Councilman O'Neil stated he is in support of the Ordinance passing Third Reading, and has commented why several times. He stated that we are a community that is part of a larger community; and we are not a gated community. He continued that it may be that the State of South Carolina permits schools for fewer than 500 students; however, Council has been told that the School Board of Charleston County will not approve a smaller school. He believes that the number of students is becoming less of an issue than the size of the building, and there is a lot that can be done at the design meetings.

Councilman Kaynard stated that he is in favor of the school, and he listens to the residents' concerns. He continued that Council members do take into consideration the residents' suggestions and comments, because Council this year reversed its own decision as to where to place the temporary Town Hall due to residents' comments. He stated that the design process has yet to be completed, and the residents can have an impact on the design. Also, there are 42 years remaining on the existing lease on the property, without any requirement that the Town has authority to review the building size or scope. One of the important aspects of the new lease agreement is the three public meetings they are required to have to inform the public before a final decision is made. This helps give authority and protection to the Town to protect the Town's best interest. Councilman Kaynard thanked everyone for coming and encouraged their participation at the future meetings.

Councilman Perkis stated that the County runs the Charleston County School District and it was very clear at the past School Board meeting that they believe they made the right decision. The School Board reaffirmed the Sullivan's Island School, and that they would not build a school for less than 500 students. The reality is the school will be built for 500 students, or it will not be built at all. The Town has evaluated the impact of water and sewer for the additional 150 students and it is statistically irrelevant. There have been many opportunities for public input. Councilman Perkis concluded that at this point he believes Council has all the information needed to make a decision.

Councilwoman Watson stated that she agreed with what the other Council members stated; she doesn't think there is anything else she can add.

Councilwoman Cooper stated that at the meeting this Thursday night there will be forums at each station staffed by professionals for civil engineering, traffic,

archeological research, architecture and educational programming. This will be an opportunity for everyone to voice their opinion, and she encouraged everyone to attend. If residents do not make their comments known, they will never know if they made a difference. There are also meetings scheduled for this winter and spring.

Mayor Smith stated he hoped to see a different design at the meeting on Thursday night. He stated he believed a smaller school can be built. A smaller Montessori school was built in I'on, and McClellanville has a 115 student charter school. At the first meeting concerning the school, the figures of 500 students and a 75 year lease were talked about, but there was no discussion of square footage. He stated he signed the early resolutions in the hope that something better would evolve. Once the 500 student and 74,000 square feet numbers were in the lease, those were the major drivers for the design. He disagreed with Councilman Kaynard's statement that the school district could build anything it wanted under the current lease, because it cannot change a non-conforming use. Also, it would be a problem for them to build on the existing lease because it had to be a 75 year lease or they could not get the funding. Also, in response to comments regarding students attending elementary school here, and then going to middle school or high school in another municipality, he stated that is what traditionally happens. Elementary schools are meant to be community schools, and the middle and high schools are larger schools that take students from all over. In addition, the efficient use of funds requires a 500 student school; however for example, the Town was told the efficient use of funds was a fixed span bridge, not a swing span bridge. But, the Town eventually was able to get a swing span bridge. Also, the Town is leasing land that is worth millions of dollars for \$10 to Charleston County School District. The school building is not really a \$26 or \$28 million project; but more a \$50 or \$60 million project. Mayor Smith also stated he does not trust the School Board. The School Board was told trailers could not be placed at the original school because it was in the V Zone. They did it anyway, and the Building Official had to work to get them to meet the tie-down requirements. He concluded that there are a lot of reasons he was voting against this tonight; however, he would sign the lease if Council voted for it because he is still the Mayor of the Town.

Councilman O'Neil called for the question. **Motion passed with a vote of 6-1, with Mayor Smith opposed.** Mayor Smith stated the ordinance would be ratified at the next regular meeting on Tuesday, October 18, 2011.

Reports and Communications

General and New Correspondence – Administrator Benke stated several letters were received praising the staff of the Town: an Indiana family for help by the Fire Department when their son was stung by a jelly fish; the Rephans for help by the Police department; an Arizona resident with property on the Island concerning the Water & Sewer department's messages concerning possible erosion during Hurricane Irene; and from Mt. Pleasant Fire Chief regarding attending to a

tennis player who had a massive heart attack on the Island tennis court. Mr. Benke also stated a petition was received at 4:30 pm today regarding the school, and there was not time to put it in Council's agenda.

Attorney Report – no report.

Board and Commission Reports – Susan Middaugh of the Board of Zoning Appeals reported that there was no meeting in September; however, she questioned the item on the executive session this evening regarding a BZA decision. Attorney Dodds stated it was concerning the BZA's decision on the Atlanticville application in August. Hal Currey, Chairman of the Planning Commission, stated a public hearing was held regarding the CC District Overlay.

Administrator's Report, Administrator Benke. The Town participated in the September 17, 2011 American Heart Association Heart Walk. As of September 19, \$1,130.00 was raised by Island participants. The Charleston County Board of Elections and Voter Registration has forwarded a request to the Department of Justice which would change the Sullivan's Island polling place from the elementary school at 2015 I'on Avenue to 3222 Middle Street at Sunrise Presbyterian Church. Mary Pringle of the Island Turtle Team has reported that the two nests on Sullivan's Island were destroyed by Hurricane Irene; however, an undetected nest at Station 10 Street did successfully hatch. The Palmetto 200 Race has asked for permission to transit through Sullivan's Island on April 14, 2012 for the fourth consecutive annual race. No Town staff will be required for the event. They have clearance from the SC Department of Transportation and there will be a hand-off in front of Battery Gadsden.

Ways and Means Committee, Councilman Perkis. Monthly financial report rendered. First Federal of Charleston has offered a new banking solution for the town's investments. **Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to utilize the First Federal IDC Money Market Account for the Town's investments, carried unanimously.** CARTA staff has offered a 5 year projection of expenses and revenue to maintain existing service along with a 5 year strategic plan.

Personnel Committee, Councilman Kaynard. Monthly report rendered. Dayne Yates resigned from the Water & Sewer department. John Potter was hired as a full-time temporary employee in that department. Manager Greg Gress has recommended a regular full-time status and appropriate salary increase to John White, who completed his six month new-hire probation on September 10, 2011. **Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to approve the regular full-time status and appropriate salary increase for John White, carried unanimously.** Boards and Commissions open seats will be discussed during executive session tonight. Fred Reinhardt and Betty Harmon were recognized tonight for their service to the Design Review Board. Resolutions for Nicky Bluestein for service on the Planning Commission, and Margaret Skinner for

service on the Tree Commission will be presented next month. Randy Robinson is the Employee of the Second Quarter 2011 based on his performance and assistance to transition Town Hall from 1610 Middle Street to 2050 Middle Street. The issue of vacation and paid absences will be considered at the next Personnel Committee meeting; and the Committee will report back to Council.

Water and Sewer Committee, Councilman Perkis. Monthly reports rendered. Manager Greg Gress asked officials with Greenwood to visit and make a CMOM (Capacity Man Operation Maintenance) Peer Review which our department began in 2004. The department participated in asbestos training with the Isle of Palms Water and Sewer department on Tuesday, September 20, 2011.

Building and Construction Committee, Councilwoman Cooper. Monthly report rendered. The process of evaluating options for Town Hall continues. The Personnel Committee will continue to discuss the zoning administrator position. The Building Official has been working with the Island Club to complete building upgrade plans. Mr. Robinson presented an updated plan, but there are revisions to make to the plan, as it was just received today. There was discussion whether the school district would be subject to our business license and permits. Attorney Dodds will review and confirm what is needed.

Fire Committee, Mayor Smith. Monthly report rendered. A summary of water mission activity was also provided.

Recreation Committee, Councilwoman Watson. The Park Foundation held its meeting last night. The park clean-up day is scheduled for Sunday, October 23, 2011 from 1-4 pm. The dollhouse at the park will be relocated after concrete is poured for its base. The Bike committee is moving forward with the bike friendly application, and Councilwoman Watson will receive an update from the chairman. The deadline for the engineering and design proposals on the tennis court was on Friday and the Administrator is reviewing four proposals. The next event at the Island Club is the Bike Scavenger Hunt.

Real Estate Committee, Councilman O'Neil.

Battery Gadsden Lease – The lease agreement expired on June 30, 2011 and the lease terms have been month to month. It will be discussed in executive session this evening.

Consideration for a Permanent Town Hall – The Administrator will meet on Friday, September 23, 2011 for a second time to transform the scope of work into a series of tasks.

Charleston County School District Property Lease – This is on the agenda tonight for Third Reading. The Town needs to vote to accept the extra 220 feet of road from the State system. **Motion was made by Councilman Kaynard, seconded by Councilwoman Cooper, to take ownership of 220 feet of Atlantic Avenue from the eastern boundary of the school of the Town's property to Station 21, carried unanimously.**

Urban Greenbelt Grant Project – A draft of the RFP was submitted for Council review. This will be discussed in executive session tonight.

Open Space Protection for Town Parcels – Attorney Dodds has reviewed the latest draft of the deed restriction contract from the Mt. Pleasant Land Conservancy, and Councilman O’Neil spoke with the Director, and the contract is going back to them with a variety of comments.

Planning Commission – Chairman Hal Currey presented information earlier in the meeting tonight regarding the CC District Overlay district.

Accreted Land Management Plan – Councilman O’Neil is completing the document and would like to set a special meeting of Council to review the document. A Council workshop was set for October 28, 2011 at 2:30 pm at Town Hall.

Police Committee, Mayor Smith. Monthly report rendered.

Streets and Maintenance Committee, Councilwoman McGee.

Middle Street Crosswalks - The ladder crosswalks on Middle Street were put in on Monday, September 19, 2011.

Managed Parking - The staff and Committee are preparing for implementation of managed parking in summer 2012. The Administrator is responsible for hiring a consultant and bringing a plan for evaluating merits of paid parking.

Encroachment Permits - Chief Howard stated that the encroachment permit for the “knock-down” signs was approved, and they will be installed at the expense of the Town at an agreed time. They will first be tried on Halloween.

Greenbelt Application - The Greenbelt Grant application was discussed earlier.

Sidewalk Repair - Council had decided earlier to hold the previously approved \$45,000 for sidewalk repair to see how the crosswalks work.

Traffic Study for Station 22-1/2 and Middle Streets Intersection – Councilwoman McGee, Mayor Smith and Administrator Benke met with the SC Department of Transportation’s regional representative concerning the traffic study this past June. The results of that traffic study are: consider removing the through-lane going past Dunleavy’s toward of Isle of Palms; and consider putting in a three-way stop at Station 22 and Middle Streets. The DOT is open to an initial trial period of these considerations. The DOT has proposed for the trial period to be mid-January 2012 through Memorial Day.

After much discussion, **motion was made by Councilwoman McGee, seconded by Councilman O’Neil, to write a letter to the S.C. Department of Transportation, asking for the January-May 2012 test, and included in the letter ask for clarification of what the yardsticks for success will be and what would happen if it is not successful; ask for agreement that they help us to address consequences of its installation on other parts of the island, and ask for public outreach and communication to residents to notify them, as well as a vehicle for communicating such as a survey instrument.**

Motion was made by Councilwoman Kaynard to amend the motion to include there will be another traffic count done during the study and it should take place before the end of May. Motion was seconded by Councilman O’Neil with the addition that we stipulate the Department of Transportation stated to

the Town Council that they want an all-way stop at Station 22 and Middle Streets. Councilman Kaynard accepted Councilman O'Neil's addition. The amendment to the motion passed unanimously. Main motion carried unanimously.

Motion was made by Councilwoman Watson, seconded by Councilwoman Cooper, to go into Executive Session at 9:20 pm, to discuss Legal Advice-Circuit Court Order Re: FOIA; Contractual – Greenbelt Grant Contract; Legal Advice – BZA Decision; Personnel - Boards and Commissions; and Contractual – Battery Gadsden Lease, carried unanimously. Councilwoman Watson left during executive session due to illness.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to come out of Executive Session at 10:34 p.m., carried unanimously by a vote of 6-0. Mayor Smith stated no action or votes were taken during Executive Session.

Motion was made by Councilman Kaynard, seconded by Councilwoman McGee, to advertise for the Tree Commission and Design Review Board vacancies.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to amend Councilman Kaynard's motion to advertise for the Design Review Board vacancy only. Councilman Perkis called for the question. The amendment to the motion failed with a vote of 3 in favor (Councilmembers O'Neil, Perkis, Smith) and 3 opposed (Councilmembers McGee, Cooper and Kaynard). Councilman Kaynard called for the question of original motion to advertise for the Tree Commission and the Design Review Board vacancies. Original motion fails by a vote of 1 in favor (Councilman Kaynard), 4 opposed (Councilmembers Perkis, Smith, Cooper, O'Neil), and one abstain (Councilwoman McGee).

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to appoint Rick Reed to the Tree Commission, carried by a vote of 5-1, with Councilman Kaynard casting the opposing vote.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to re-advertise the Design Review Board vacancy, carried by a vote of 5-0-1, with Councilman Kaynard abstaining.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to adjourn at 10:55 p.m., carried unanimously by a vote of 6-0.

Respectfully submitted,

Ellen Miller