

October 18, 2011

The regular meeting of Town Council was held on October 18, 2011 beginning with Executive Session at 5:00 p.m. 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

Mayor Smith called the meeting to order.

Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to go into Executive Session at 5:00 pm for Legal advice – Bluestein et al. vs. Town of Sullivan's Island and the Board of Zoning Appeals decision for 2063 Middle Street; and Personnel – Design Review Board applications.

Motion was made by Councilman Kaynard, seconded by Councilwoman Watson, to come out of Executive Session at 6:10 pm, carried unanimously.

Mayor Smith stated that no votes or action took place during Executive Session. The Pledge of Allegiance was then led by Mayor Smith, followed by the invocation by Councilwoman Watson. Town Hall was packed with residents, and there were two members of the media present.

Mayor Smith presented a Resolution of Appreciation to Nicky Bluestein for his four years of service to the Planning Commission.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to approve a Resolution recognizing the life saving and service efforts by Town Staff, carried unanimously. Mayor Smith read the Resolution and it will be presented to department heads at the November Council meeting.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to amend the agenda to move Section IV, No. 1, Ratification of 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, to before the approval of the September minutes, carried unanimously.

The floor was opened for comments from the citizens. Kathy Post, 1907 I'on Avenue. She stated she had received a copy of signatures supporting the building of the school. Of those signatures, 500 were from Sullivan's Island of which 265 were registered Sullivan's Island voters, and of those 265, 71 signed the more recent petition for referendum, leaving the actual number at 194. She continued that their current petition was signed after the actual size and student population was known, unlike the previous petition. She stated there have been accusations and misunderstandings, and everyone needs to talk with one another. She asked Council to remember their duty to all their constituents, and they will continue with their stand no matter what happens.

Jen Smith, 2520 Raven Drive. The school was the main reason her family moved to Sullivan's Island, and all four of their children attend Sullivan's Island Elementary. The vote for a 500 student school has already been decided by Town Council and the Charleston County School Board. These are people we have elected as citizens to make decisions based on fact. It is going to be a 500 student school, or no school at all; and Sullivan's Island needs a school.

Sara Church, 1612 Atlantic. Her daughter attends Sullivan's Island Elementary, as will her son. She addressed the issue being discussed by some that under certain circumstances it is possible to build the school rooms smaller than the recommended standard. She emphasized that the children need all of the room, and the important work going on inside the school should not be short changed by the outside of the building. She asked people to sign a petition in support of a 500 student school as in the ordinance to be executed tonight, and gathered 260 signatures in less than one week. The current school has a student population of 420 and 80 more students will not make it lose its small community feel.

Barbara Spell, 1702 Atlantic Ave. Barbara Spell stated that a petition for a special referendum to determine the future size of the school has been turned into the Town, and certified by the Election Commission. Based on this certification, the group known as Islanders for a Smaller School requested that Town Council defer the ratification of the lease until after the referendum has been held. The points they want to emphasize are the land is owned by the Town and will be leased to the school district for \$10 for 75 years; size, scope and type are the key issues; the school as proposed contradicts neighborhood compatibility and design ordinance passed by previous Town Councils.

Lisa Short, 2901 Jasper. Lisa Short stated she is a member of the Charleston County Constituent Board for District 2, but is also a mother whose children attended Sullivan's Island Elementary, and now attend Academic Magnet. She stated everyone should be concerned about the lease. There are 40 years left on the lease as it is. The new lease puts restrictions on what the school district can do with

the property, it tightens the amount of land, the buffers are brought in on the sides, and there are specifications for building size. The school will increase property values, attract young families, and better the entire community.

Wayne Stelljes, 3104 I'on Avenue. Mr. Stelljes stated many people have indicated they are most concerned about the aesthetics of the school. He asked the rhetorical question if it is really about aesthetics, how many have written to Town Council or letters to the editor, or put a petition together before the school was vacated? The old school was not aesthetically pleasing.

Frank Barnes, 2108 Atlantic Avenue. Mr. Barnes moved his family to its current location because of the proximity to the school, where his three young children will go to school. He is looking forward to a new school and hopes this process will be over soon.

Eddie Fava, 2424 Myrtle Avenue. Mr. Fava stated he is not a parent, but as an architect believes the building is a little too big. He stated if there had been some public review process from the beginning this probably would not be happening, but there is still time for it to be resolved.

Courtney Hopkins, 2424 Jasper Avenue. She stated she has a 3-1/2 year old, and would like the school to be rebuilt on the Island as quickly as possible.

Hannah Dodson, 1462 Thompson Avenue, stated the character of the Island needs to be preserved, and the people of the Island are what make up the character. The school brings permanent residents to the Island, and people here are more important than what the building looks like. She encouraged keeping the character of the Island by getting the school built.

Rhonda Sanders, 1411 Thompson Avenue, thanked Council and expressed her appreciation for their time and effort.

Martha Smith, 1908 Flag Street, stated she did not understand why people are frightened by the referendum because it is a constitutional right. Everyone wants the best school for our children, and the referendum will give the residents an opportunity to vote on the school they want.

Loren Ziff, 1412 Thompson Avenue. This school is going to be built, and the Charleston County School Board reaffirmed its commitment to a 500 student school. Everyone needs to get together not at this level, but with the architect, and talk about design.

Eric Dodson, 1462 Thompson Avenue. Mr. Dodson stated that the City of Isle of Palms had a cute recreation center which later was torn down and a large recreation center was built. Sometimes bigger is better. Sullivan's Island residents can enjoy the resources of Isle of Palms and Mt. Pleasant; Sullivan's Island should

welcome others into our community. The Town needs to reach out and be a community outside of our waters.

Kevin Klemm, 2514 Myrtle Ave. Mr. Klemm stated that to meet current building codes, the proposed school would not be much smaller even with 100 less students. The way the referendum is written, wanting the same size school that existed to be built already triggers it because a new school for 350 students would have to be bigger to comply with the current code.

Skip Scarpa, 2102 Atlantic. Mr. Scarpa said that everybody basically wants the same thing – a new school. Only one option was given and not everyone agreed with that option. He stated he hopes it can be worked out, and the Town will end up with a great school.

The public comment was closed by Mayor. The Mayor thanked everyone for their comments and said it was a very important decision for this Town and Town Council.

Councilman Perkis stated he wanted to recognize Charleston County School Board member Cindy Coats in the audience, and appreciated her taking the time to come to the meeting.

Mayor Smith stated Council had amended the agenda earlier in the meeting to have the ratification of the ordinance at this time. **Mayor Smith first asked for a motion to defer ratification until after the referendum.** Councilman Kaynard asked that Council be able to respond to the resident comments. Councilwoman McGee added the Council would like to hear from legal counsel tonight, as well.

Councilman O'Neil began by asking Attorney Larry Dodds to remind Council what Council was required to do in terms of ratification. He also asked if there were a referendum after Council ratified the ordinance, what would the impact be to the agreement with the School Board?

Attorney Dodds responded that Council was obligated to ratify the ordinance unless it voted not to ratify it by unanimous vote. Concerning the petition for the referendum, there is actually a state statute called initiative referendum, and it was created by the State so residents of municipalities can enact certain types of ordinances themselves that they cannot get their Council to do. The petition before Council would need to be reviewed to determine if it is the type that could require a referendum. If there were a referendum after Council ratified the ordinance and signed the lease, a referendum may be binding on the Town, but it is not binding, in his opinion, on the School Board, because that is a contract entered into with the School Board. The School Board would still have the right to enforce the lease, regardless of what ordinance is perhaps passed by the Town. He continued that Council has 60 days to review the petition to determine if it wants to pass it or not

before it has to decide on a referendum or whether it even fits into the category that could require a referendum.

Councilman O'Neil stated he did not have much to say that he hasn't said several times before, but continued that it is a very important issue to everyone and hoped for constructive interaction with the School Board and the architects regarding the design of the building. He supports the up to 500 student count to ensure a school will continue to be on the Island, and believes everyone can work together to bring about the best design possible for the Island.

Councilman Kaynard thanked everyone for their interest and participation in the school issue. He stated that Council explored every possibility for a smaller school; however, the School Board reiterated what their policy was, and that they could not make an exception for Sullivan's Island Elementary School. He stated he was trying to understand exactly what the residents wanted from the petition, and was concerned about the language in the petition because it appears residents may be asking a question that regardless of the outcome of the vote, it would not change the results. He continued that he did not want anyone to leave thinking that the issue of a referendum was the only option. He also mentioned the petition would need to be reviewed since the Supreme Court ruled that zoning petitions cannot be adopted by initiative referendum, and this may be a zoning petition. He encouraged all to continue to be involved in the design phase.

Councilman Perkis stated that in the School Board's September meeting it reaffirmed its existing policy to not build a school for less than up to 500 students, and that an exception would not be made for Sullivan's Island Elementary School. He stated that he appreciated the intent of the petition, but he could not support the petition because 1) the elected officials and not the Design Review Board should make the decisions, and 2) to revoke an agreement that allows for construction of a school with more than the square feet of existing building would limit the size of the school to 150-160 students, and that would mean no school would be constructed. It sends the wrong message.

Councilwoman Watson stated that she has nothing to add that has not been said previously.

Councilwoman McGee thanked everyone for coming, and stated that the 500 student policy is the right one for the County; therefore, the Town needed to live within it. She continued that she wanted to speak about the issue of community. She stated it made her proud that the most important issue was our children, and suggested this was perhaps the passing of the baton of our community to the next generation. She said what Council heard is that they have made some mistakes; however, Council thought they had engaged everyone that cared about the issue. She continued that it was now known to truly engage people, those meetings need to happen on the street, at their sidewalk, at their door front, and it needs to be determined the best way to handle these communications. The process forward

needed to be working together on the design for up to 500 students. She concluded by stating she wished the oyster roasts were as in the past when only residents came because she sees a community that does not have enough opportunity to get together and know one another; and hopes to find some way to build these bridges.

Mayor Smith stated he will continue to vote against the ordinance, and he agreed with the petition that the Town residents did not have the opportunity for involvement as they should have had in the process. He stated the architectural drawings presented last week were very disappointing and totally inappropriate for the Island. He emphasized he was not against the school but was against the current design. He stated if there was not a motion to defer the ratification tonight, he would relinquish the signing to someone else.

Attorney Dodds questioned that there was a motion on the floor to defer ratification until after the referendum. Mayor Smith clarified that he asked for a motion for deferral, but no motion was made.

Mayor Pro Tempore Perkis duly ratified Ordinance No. 2011-05, An Ordinance to Amend the Ordinances of the Town of Sullivan’s Island, South Carolina, Chapter 14, By Adding a New Section 34 concerning lease of certain real property to the Charleston County School District. Mayor Pro Tempore Perkis then signed the attached lease agreement between the Town of Sullivan’s Island and the Charleston County School District.

Motion was made by Councilwoman McGee, seconded by Councilman Perkis, to defer the approval of the September minutes until the next meeting so the minutes can be amended to reflect more specific information regarding the fiscal year 2011 audit presented by auditor Larry Finney at the September meeting, carried unanimously.

Reports and Communications

General and New Correspondence – Administrator Benke stated three items of correspondence were received. The first one is the petition received to reconsider the construction of the Sullivan’s Island Elementary School as proposed. There were 277 signatures on the petition, and Charleston County Elections has reviewed and struck 16 names off the list; therefore, 261 is the final signature count. Other correspondence received was from Wayne Stelljes regarding the petition, and from Pat Votava regarding the commercial district overlay plan.

Attorney Report – There was no Attorney’s report.

Board and Commission Reports –

Motion was made by Councilman O’Neil, seconded by Councilman Perkis, to amend the agenda to add an item to consider the Board of Zoning Appeals decision on the Atlanticville property after Committee Reports as Item No. 11, carried by a vote of 6, with Councilman Kaynard abstaining.

Administrator Benke reported that Planning Commission Chairman Hal Currey could not be present at the meeting tonight, but wanted to let Council know that the Commission believes there are some inconsistencies between Chapter 17 of Town Ordinances (Planning Commission) and Zoning Code Section 21-12 (A) (2) regarding plat approval, so they will review at the next Planning Commission meeting.

Administrator’s Report, Administrator Benke.

Sullivan’s Island Polling Place - 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.

SCDHEC Beach Monitoring - DHEC has provided the beach monitoring results for August 2011 indicating all stations were satisfactory.

Charleston County Community Services Department Public Hearing - Ms. Betty McZorn would like to advertise the public hearing for the Community Services Program on November 15, 2011 at 5:45 pm. The purpose of the public hearing is to solicit citizen participation and receive public comment.

Correspondence Received - Margaret Skinner’s resignation from the Tree Commission on September 26, 2011 was received. A resolution of appreciation will be presented to Ms. Skinner at the November meeting; as well as a resolution to Jeri England for her service to the Edgar Allan Poe library.

Town Hall Trailer Lease - The lease agreement for the trailers serving as the temporary Town Hall will expire in September. Building Official Randy Robinson and Comptroller Jason Blanton discussed with Anton Mobile Industries, and the company is willing to offer a 21 month lease at the same rate.

Town Council 2012 Calendar of Meetings - Council needs to consider several dates in 2012 when either Council meetings or Council workshops would coincide with a holiday or religious day.

Ways and Means Committee, Councilman Perkis. Monthly report rendered. The new First Federal IDC Money Market Account has been set up with a rate of ½ of one percent as previously approved. There was initial review of the September 2011 financial statement. For all funds, the revenue received during the month of September was as predicted for this time of year. In reviewing expenses, the Town had Banks Construction make needed repairs to sidewalks throughout the Town. This cost approximately \$50,000, and was paid with revenue received from hospitality taxes. The Sewer Department paid approximately \$4,800 to a vendor which is related to an energy efficiency project being done at the Sewer Plant. This project is being funded 100% by a grant. The price of the project is expected to be around \$60,000. The project will decrease the amount of electricity used by the

plant. The cost of the relocation and operation of the temporary Town Hall as of September 2011 was \$154,115. Other points of interest were this year's principal for the Town's general obligation bond along with the accrued interest was paid during September. Approximately \$25,000 was received from a grant to purchase a boat motor and two fire pumps for the fire department boats.

The contract for the phone service with AT&T has expired. Administrator Benke stated there are not many third-party providers that can meet the requirements of the Town. Windstream, a vendor formerly known as Nuvox, subcontracts from AT&T and provides voice and data services but not back-up services. Windstream is providing a competitive service at a lesser cost, and is used by other municipalities. **Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to direct staff to negotiate a contract with Windstream for our voice/data service, carried unanimously.**

Councilman Perkis received the assessed values and appraised values of island property from Charleston County. Fifty-seven percent of our appraised value are at 4%.; therefore, 43% are at 6%. He continued that Council needed to review the numbers and set a millage rate for the Town. After discussing the calculations, it was agreed the new millage for the residents of Sullivan's Island will go from 26.2 to 27.8, and increase of 1.6 mills. In the public statements we previously made, we stated it would be approximately 27.7. That would generate \$1,731,993 and after the local option of \$135,000 is deducted, the net to the Town would be \$1,597,000. There are two unknowns in that calculation. Charleston County uses a 3% non-collection rate, and only \$17,000 in appeals. Since we budgeted \$1,570,000 it is very close. He continued that every mill is about \$50, so each household's tax, on average, would increase about \$75.00. **Motion was made by Councilman Perkis, seconded by Councilwoman Cooper, to approve the increased millage rate to be .0278, carried unanimously.**

Personnel Committee, Councilman Kaynard. Monthly report rendered. Nicky Bluestein was presented a Resolution of Appreciation for his service to the Planning Commission earlier this evening, as well as the recognition of life saving and service efforts by Town Staff. A Resolution recognizing the Town Staff will be presented at the November meeting. The vacant seat on the Design Review Board was discussed in Executive Session earlier this evening. **Motion was made by Councilman Kaynard, seconded by Councilwoman Cooper to appoint Rhonda Sanders to the Design Review Board, carried unanimously.** Jody Stewart was hired as an Operator in the Water & Sewer department effective October 3, 2011 and Eric Stinnett was hired as a Firefighter for the Fire Department effective October 3, 2011. Firefighter Jody Cox resigned effective October 2, 2011. There will be a flu vaccination clinic for Town Staff and family members on Wednesday, October 19 at the Fire Station.

Water and Sewer Committee, Councilman Perkis. Monthly report rendered. A Water and Sewer Committee meeting was held on October 18, 2011 at 8:30 am in the Water and Sewer Administration building. The purpose was to discuss infrastructure easements and impact fees in the Commercial Overlay

Districts, and three options are being discussed. Also, Dun Right Services will reline twelve manholes during the next two weeks.

Building and Construction Committee, Monthly report rendered. Councilwoman Cooper. The Committee will coordinate with the Real Estate Committee and staff as the options of a new Town Hall are evaluated. The Personnel Committee discussed the Zoning Administrator position the previous week and will continue to move forward in discussion with staff/Council regarding the position. Island Club Construction Plans – The Building Official has been working with the Island Club to complete building upgrade plans. Mr. Robinson stated that he has talked with three contractors and the work will start in a couple of weeks. Sidewalk Removal – The Town has received a request to remove the sections of sidewalk in front of 1456 and 1460 Thompson Avenue. The owners of the new house have asked to remove the sidewalk and the house to the east for landscaping. They have asked the S.C. Department of Transportation if they could remove it and said they were told they could proceed if the Town agreed to the removal. After discussion the consensus of Council was to not authorize the removal of the sidewalks and taking over the rights-of-way.

Fire Committee, Mayor Smith. Monthly report rendered. Assistant Fire Chief McDaniel reported on the structure fire at 2602 Myrtle Avenue on October 2, 2011. The Fire Prevention Night at the Fire Station was a tremendous success.

Recreation Committee, Councilwoman Watson. The clean-up date for the Park has not yet been determined. The dollhouse in the park will be relocated, probably next week. Administrator Benke is reviewing the RFP's and should appoint an engineer for the tennis court project in the next few days. The Bike Scavenger Hunt was held on October 14th, and 72 people participated. Councilwoman Watson is meeting with the Island Club and will have an update of that meeting.

Real Estate Committee, Councilman O'Neil. Sullivan's Island Gadsden Cultural Center Lease – The lease agreement with the Sullivan's Island Gadsden Cultural Center expired on June 30, 2011 and is on a month-to-month basis. This item will be discussed with George Kablick. Consideration for a Permanent Town Hall – David Creech of Creech and Associates met with department heads concerning space needs last week. He is compiling the information and should give feedback the next few weeks. Charleston County School District Property Lease – The ordinance was ratified tonight, and the lease was signed by Mayor Pro-Tem Perkis. Urban Greenbelt Grant Project – Attorney Larry Dodds is waiting to hear from the Environmental impact representative before proceeding further. Open Space Protection for Town Parcels – Councilman O'Neil spoke with Mr. John Giralt, who feels his Board approves of the concept in the new agreement, and it is being reviewed by their attorney. It was agreed to wait another week or two for the baseline assessment.

Accreted Land Management Plan – The next workshop for this plan will be on Friday, November 4, 2011 from 2:30-5:00 pm at Town Hall.

Police Committee, Mayor Smith. Monthly report rendered.

Streets and Maintenance Committee, Councilwoman McGee.

Managed Parking - Administrator Benke reported that he and the representative from Tindale-Oliver and Associates are completing the scope of work this week. There should be a schedule ready in December, and communicating with the public will be discussed at that time.

Department of Transportation Items – Administrator Benke reported that the S.C. Department of Transportation verbally acknowledged they are moving forward with the trial period for the all way stop at Station 22-1/2 Street and Middle Street. A survey tool will be placed on the website after it is installed.

The replacement of station markers has been completed.

The crosswalks have been completed. Chief Howard is further researching the knockdown signs, and they will be placed at Middle Street and Stations 20-1/2, 22, and 22-1/2.

After discussion of the Board of Zoning Appeals Decision concerning Atlanticville Restaurant at 2063 Middle Street, **motion was made by Councilman O’Neil, seconded by Councilwoman McGee, for Town Council to hold a hearing at a Special Meeting to determine whether the Order of the Board of Zoning Appeals in the Atlanticville case be overturned pursuant to SC-629-800; carried by a vote of 6, with Councilman Kaynard abstaining.**

Motion was made by Councilman O’Neil, seconded by Councilman Perkis, to authorize the Town Zoning Administrator to appeal the decision of the Board of Zoning Appeals in the Atlanticville matter to Circuit Court should that be necessary, carried by a vote of 6, with Councilman Kaynard abstaining.

Motion was made by Councilman O’Neil, seconded by Councilman Perkis, to have First Reading, by title only, of Ordinance No. 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 6, with Councilman Kaynard abstaining.

Motion was made by Councilwoman Watson, seconded by Councilman O’Neil, to adjourn at 9:15 pm, carried unanimously.

Respectfully submitted,

Ellen Miller