

December 13, 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
Michael 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. The Pledge of Allegiance was led by Mayor Smith, followed by prayer by Councilwoman Watson. Town Hall was packed with citizens and no members of the media were present.

The floor was opened for comments from the public. Julia Khoury, 1728 I'on Avenue, expressed concern about the management plan of the accreted land. She stated the manipulation of natural area in Area 4 is detrimental and could have serious ecological consequences. A routine rotational cutting would be more appropriate.

Susan Middaugh, 2424 Raven, presented a hand-out to Council regarding the accreted land management plan with regard to Section 21-71 (C) of the Town Code.

Kathy Post, 1907 I'on Avenue, inquired about the status of the school referendum. It appears inappropriate that the referendum has not been addressed when decisions about the school will be made tonight. Attorney Larry Dodds stated it was addressed at last month's Council meeting. The Council voted to have the matter litigated before a judge, and has asked the judge for a declaratory judgment to determine whether or not the referendum should be held.

Larry Middaugh, 2424 Raven, presented a hand-out to Council regarding Unit 4 of the accreted land management plan.

Rusty Bennett of Poe's Tavern spoke regarding the Polar Bear Swim. Their special event request to close down Middle Street was to make it a safer environment during the event. Mayor Smith stated this would be discussed in the Administrator's report tonight.

Barbara Spell, 1702 Atlantic Avenue, stated that she heard Town Council was only going to approve the floor plan, the site plan, and the elevations tonight, as if those are minor things. That is the entire building, and she does not know what else is left after those items.

Eddie Fava, 2424 Myrtle Avenue, spoke regarding the conceptual approval of the school to be considered. He requested that Council reconsider and give more time before it is approved. There are other alternatives, especially if the site boundary is reconsidered.

Bill Dunleavy of Dunleavy's Pub stated if Council decides to close Middle Street for the Polar Bear Swim, he believed Station 22-1/2 Street should be closed for safety also.

Jen Smith, 2520 Raven, read a letter to Council stating her support for the school and hoping for Council to move forward with the project.

Chauncey Clark, 2119 Pettigrew, stated Charleston County is providing a \$26 million school, so it should be looked at as an asset and used for adult education, Scouting programs, etc.

Karen Coste, 322 Station 19 Street, stated that people on the Island who oppose the school are retired or do not have children at the school, or do not have a personal reason to have the school. There are only 58 families on the Island who have children that attend Sullivan's Island Elementary School. She agreed with Eddie Fava's comments tonight. She continued that she felt the question was not fully answered regarding the referendum, and asked Council why they are continuing to move ahead, when information about the referendum is not known.

Loren Ziff, 1412 Thompson Avenue, said thank you to Council, as this is a tough issue.

Sandy Bell, a resident of Isle of Palms and a teacher at Sullivan's Island Elementary School, stated a lot of East Cooper area children will benefit from this school, and she is ready for the school project to move forward.

Larry Middaugh, 2424 Raven Drive, stated his children went to the school, and now they are grown. He continued that just because you do not have a child at the school does not mean that you are not in favor of having the school. He wants the school to move forward.

Greg Shue, 2114 I'on Avenue, stated there were some ideas that might want to be considered such as the pitch height and scale of the main roof, and it is difficult to identify the main entrance.

Motion was made by Councilman Kaynard, seconded by Councilwoman Watson, to approve minutes from the special meeting of November 7, 2011 and the regular meeting, as amended, of the November 15, 2011 meeting, carried unanimously.

Reports and Communications

General and New Correspondence – Correspondence was received from Norman Khoury regarding the accreted land management plan, from the Sullivan’s Island Business Association requesting use of hospitality tax for the Polar Bear Swim, from Mike Horan thanking the Police Department for keeping the Island safe, and from Elizabeth Hocker of the Lowcountry Children’s Center for the financial donation.

Attorney Report – No report

Board and Commission Reports – No reports

Administrator Report, Administrator Benke.

Special Event Request – Polar Bear Swim - There have been five special event requests submitted from restaurants for the Polar Bear Swim. They are basically requesting that the Town close Station 22-1/2 Street from Middle Street to I’on Avenue, and then allow the other businesses outside points of sale. Also, as Rusty Bennett of Poe’s Tavern mentioned during public comment, it is requesting to close off Middle Street from Station 22-1/2 Street to Station 22 Street. There were concerns discussed about the traffic for Sunday Mass and other church services. Attorney Frances Cantwell spoke on behalf Rusty Bennett, and stated the safety considerations far outweigh the slight inconvenience people might have going to church for the 11:00 Mass, or other church services. If Middle Street stays open, the potential for injury is far greater.

After much discussion, motion was made by Councilwoman McGee, seconded by Councilman O’Neil, to try testing closing Middle Street this year, and it does not extend to next year, under the following conditions:

- 1) Notify residents and neighbors that traffic will not be routed on streets where participants will be walking to the beach.**
- 2) Remove parking off the streets where traffic will be moving**
- 3) The Town continue to pick up 2/3 of cost, and businesses continue to pick up 1/3 of cost**
- 4) Try to track additional incremental hospitality tax so this estimate can be considered using for the event next year.**
- 5) The Town look at having the event in the park next year.**

Council expressed concerns regarding the additional cost of police, barriers, along with signage the Department of Transportation might require; and who would be responsible for these costs. It was discussed that the Town pay for the additional police; the restaurants pay for the barriers. Bill Dunleavy of Dunleavy’s Pub expressed opposition to the restaurants paying for the barriers. Councilwoman McGee suggested that next year the restaurants should come in together with a single event request, with a lead organization as the Special Olympics. Chief Howard

stated he is waiting on a quote on the cost of barriers. Councilman O'Neil called for the question. Councilman Kaynard asked Councilwoman McGee to repeat her motion.

Motion was made by Councilwoman McGee, seconded by Councilman O'Neil, to agree to test close Middle Street this year, subject to the restaurants deciding that they are willing to pay for the barriers; ask staff to notify the residents in the adjacent area and the churches that traffic will not be directed through areas where the beach pedestrian traffic is; that on the streets where we are redirecting vehicular traffic, we will take parking off both sides; that Comptroller Blanton and the restaurants try to track sales that day so it can be determined the hospitality tax received that day; and that next year we look at planning this six months in advance involving island organizations and consider the park, carried unanimously.

Sullivan's Island Elementary School Design – Mr. Jerry English of Cummings and McCrady Architects presented plans for the Sullivan's Island Elementary School. He presented new boards to address the questions that had been raised at last week's meeting. He stated the front entrance question had not been resolved, and they will continue to study it. He brought boards showing all four of the elevations that have been fully rendered. There are minor changes in the design since the last meeting, but very minor. It is the same height, the same four-segment concept, and the building has not expanded. One of the key questions focused on the height. A marker was placed on top of the existing media center since the last meeting. It is at 48 feet and accurately represents the maximum ridge height of the proposed design. However, because it had to be placed on top of the media center, it is not, in plan, exactly where that height will occur.

After Mr. English's presentation, Mayor Smith stated he would like to hear the opinions of the Design Review Board members. Kelly Messier, 2730 I'on Avenue, read a letter regarding the schematic design. She stated as a Charleston County taxpayer, member of the Design Review Board, and landscape architect and land planner, in principal she is opposed to the construction of a 74,000 sq ft building. She believes the scale of the building should be substantially reduced without making the 500 student rationale the driving factor. (Her comments in entirety are on file).

Councilman Perkis stated while he appreciated Ms. Messier's comments, it was his understanding that this meeting was solely for the discussion of the design of the building. Mayor Smith stated the Council asked the Design Review Board for input. Councilwoman McGee asked Mr. English to state for the public what is included in the approval process he is seeking tonight. Mr. English responded that they are seeking approval of this visual design – whether it is called conceptual or schematic – knowing that refinements will also take place. Bill Lewis of the Charleston County School District added that the State set-up has three phases – schematic phase, design development phase, and the construction document phase. To move forward at the State level requires the schematic design to get approval. The schematic design consists of three basic things – site plan, floor plan and

elevation. If Council agrees on the schematic, it can give conditional approval that other items discussed such as entrance feature, breakaway walls, and roofline on the C section will continue to be reviewed. Councilwoman McGee inquired if the school could use some of the land that the Town owns for parking, could this change be made after schematic approval. Mr. Lewis stated it is possible, but the S.C. Department of Transportation is the regulatory agency in control of that, and it would need to be negotiated.

Mayor Smith stated that if Council gives approval tonight – of the mass and general direction of the structure – there is not a lot of room for creative thinking at that point. Mr. Lewis responded that the school district has been following the Council's guidance for almost a year, and it is also in the lease agreement. Councilman Kaynard added that Council included more details in the lease agreement about design approval than usual, and Council set the process to approve the design. The height and total maximum square footage is part of the lease agreement. It is appropriate that the School District ask Town Council for conceptual and schematic design approval, and he was in favor of giving conditional approval tonight. Mayor Smith stated he believed the schematic stage of design is where several concepts and directions are given, and Council has only received one direction.

Steve Herlong, member of the Design Review Board and architect, stated Council has given the direction to design that has been presented and the Battery's will hide the side elements. It will not be as massive as some people think, and it will not be overwhelming from the beach front. Further work still needs to be done on the treatment of facades and breakaway walls.

Councilwoman McGee stated that in correspondence received from the Historic Foundation, their suggestion in giving conceptual approval was conditional upon the greater delineation of the four segments, almost more like a pavilion – to be visually transparent, and also the grounding of the building to the land. Mr. Lewis stated that the next community meeting is scheduled for January 18, 2012.

Kelly Messier stated the buildings need to be taller so there is more green space for the children to play. It needs to be addressed now before there is approval.

Eddie Fava stated with all due respect, it is on Council's shoulders and there should be professionals informing them on how to do it; that professionals should have done it rather than Council. He added that he believed Council has shut down speakers if they did not agree with the idea shown on the boards. Councilman Kaynard responded that he respected Mr. Fava's opinion, and that is why he listens and takes notes on his ideas. Although Council may not have the professional credentials regarding architecture, that is why the public is speaking in a democratic meeting, giving Council input. He continued that owners dictate what architects design. The school district is going to be the owner of the building, and the Town is owner of the land, so it is joint ownership.

Councilman O'Neil asked Mr. Lewis that if Council gives conditional approval, will it still be possible to modify the roof with regard to different pitches and ridge heights, dormers, porches to some extent such as types of columns and railings. Mr. Lewis answered affirmatively, that is all during the design development stage.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to give schematic approval to the footprint, floor plan, and basic elevations as shown on the boards tonight, contingent upon the following:

- **Further design studies of the entry which may include modifying the footprint a modest amount at the entrance**
- **Further design studies of the roofs of all buildings including pitch and dormers**
- **Design studies of the porches**
- **Design studies of the breakaway walls**
- **Design studies of the visual separation of the four components**
- **Study of distinctive historical elements of Sullivan's Island architecture to incorporate into school**
- **Study of connection between ground and building, in addition to breakaway walls**
- **Study of reducing impervious surface as much as possible**

And the following conditions for the Town:

- **Town further explore the sharing of parking to help school with the reduction of parking**
- **Town possibly explore a separate, second lease of additional land up front to help with spacing concerns**
- **Town give another consideration to ramping and circulation to determine if it can be reduced**

After discussion, Councilman O'Neil called for the question. Motion passed by a vote of 6-1, with Mayor Smith casting the opposing vote.

Councilwoman Watson left the meeting at this time.

Sullivan's Island Elementary (continued) – Administrator Benke reported that staff will meet with SIES construction team to discuss demolition matters. They can probably get started the middle of January. Several items will need to be discussed before they begin work: the tree removal within project footprint; stormwater overflow; truck route for debris removal; Station 21 Street tree issues (in right-of-way along bus route) – the pine tree might need to be removed and the pecan tree will need to be trimmed.

2012 Council Retreat – The Council Retreat will be held on January 21, 2012 from 10am – 3pm in Green Pond, S.C.

Special Event Applicants – the Charlie Post and Run for Adela special event applications were approved.

Station 31 Walkover – The beach access has been discontinued at Station 31. The end of the walkover was removed and an observation point now exists.

Ways and Means Committee, Councilman Perkis. Monthly report rendered. The November financial report was not available due to this meeting scheduled early because of the holidays.

Personnel, Councilman Kaynard. Monthly report rendered. The holidays for the Town Hall staff are December 22, 23, and 26, 2011. Also, the New Year's Day holiday will be January 2, 2012. Correspondence was received from the Pastor at Sunrise Presbyterian Church thanking Chief Howard and Officer Mast for the quick response in protecting the Church from the fire.

Water and Sewer Committee, Councilman Perkis. Monthly reports rendered. Water and Sewer Manager Gress reported that the Poe Avenue water line passed the test today, and should be in service on Friday of this week.

Building and Construction Committee, Councilwoman Cooper. Monthly reports rendered. Building Official Robinson reported that a contractor will begin on the Island Club upgrade in January. The Space Needs Assessment plan is being revised. This will be put on the retreat agenda, along with the zoning administrator position. The structural and environmental analysis on 1610 Middle and 1714 Middle will be set up.

Fire Committee, Mayor Smith. Monthly report rendered. Chief Stith said the annual Station lighting had a huge crowd. Councilwoman McGee suggested that perhaps the Sullivan's Island Elementary School children should be asked to sing, in addition to the Wando Chorus at the event. The employee holiday luncheon will be held Wednesday, Dec. 21st at the Fish Fry Shack at 12:00.

Recreation, Mayor Smith for Councilwoman Watson. No items to report.

Real Estate Committee, Councilman O'Neil.

Consideration for a Permanent Town Hall - Mr. Creech of Creech and Associates is preparing the revised space analysis. This will be discussed at the retreat.

Urban Greenbelt Grant Project - Attorney Dodds reported that we are waiting on the certification of the title. This will be discussed in executive session.

Accreted Land Management Plan - This will be discussed at the retreat.

Police Committee, Mayor Smith. Monthly report rendered. Chief Howard reported that his officers, in conjunction with the Isle of Palms Police department, would have mandatory Academy certification vehicle training this evening.

Streets and Maintenance Committee, Councilwoman McGee.

Managed Parking - An agreement is in place with Tindale-Oliver and Associates. The consultant has begun work on Phase I of the project, and a kick-off meeting will be held right before or after Christmas.

Department of Transportation items - Confirmation of the trial period at Station 22-1/2 and Middle Streets was forwarded to the S.C. Department of Transportation.

Administrator Benke and Chiefs Howard and Stith met with Mr. Nesbit on December 6, 2011. Installation is expected sometime in February 2012 due to their work schedule.

Wayne Stelljes, 3104 I'on Avenue, addressed Council concerning the walkover at Station 31 that was made into an observation point. He stated he worried people would now walk around it. Chief Stith reported the neighborhood is asking to remove it and/or put a berm there. After discussion, it was agreed the area would be fenced off for now and the observation point would be removed.

Ordinances

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to have Second Reading of Ordinance 2011-06 to Amend Sections 21-9, 12, 19, 21, 22, 24, 27, 31, 48, 50, 51, 52, 53, 54, 59, and 143 of the Zoning Ordinances for the Town of Sullivan's Island.

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to amend Councilman Perkis' motion, to make changes in the ordinance to incorporate all of those shown on the handout Council received entitled "Amendments to 2011-06 at Second Reading" and further to include that Section 21-50 (C) (1) (b) as the new (b) will read "Outdoor patios, porches and decks are permitted only on the front facing main floor of the principal building." Secondly to eliminate the item 21-53 (B) (3) (b) (iii) which pertains to the Design Review Board having discretion to grant relief from the additional front yard setback.

Motion to approve the amendments to the Amendment No. 2011-06 carried by a vote of 5, with Councilman Kaynard abstaining (Councilwoman Watson had previously left the meeting).

Motion was made by Councilman O'Neil, seconded by Councilwoman Cooper, to approve Second Reading, as amended, of Ordinance 2011-06 to Amend Sections 21-9, 12, 19, 21, 22, 24, 27, 31, 48, 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 Councilwoman McGee, seconded by Councilman O'Neil, to amend the agenda to add Legal Advice - Urban Greenbelt Grant Project, to Executive Session, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Cooper, to go into Executive Session for a Personnel matter and Legal Advice - Urban Greenbelt Grant Project, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Cooper, to come out of Executive Session, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman O'Neil, to adjourn, carried unanimously.

Respectfully submitted,

Ellen Miller