

December 16, 2014

The regular meeting of Town Council was held on the above date at 6:25 p.m. following a Finance Committee meeting at Town Hall; all requirements of the Freedom of Information Act having been satisfied:

Present were: Jerry Kaynard, Mayor Pro Tem
Chauncey Clark, Councilman
Hartley Cooper, Councilwoman
Susan Middaugh, Councilwoman
Pat O'Neil, Councilman
Mary Jane Watson, Councilwoman

Mayor Pro-Tem Kaynard led the Pledge of Allegiance, followed by a prayer by Councilwoman Watson. The Town Hall was filled with residents, including three members of the media.

I. FORMAT – Mayor Pro-Tem Kaynard opened the floor for comments.

Because of the Public Safety Committee's recent decision regarding the Polar Bear Plunge, comments were heard first regarding this topic. Mayor Pro-Tem Kaynard led the discussion by saying that Council believes the Polar Bear Plunge is a charitable and family event, and has become a tradition on the Island. He asked Councilman Clark, as Public Safety Committee chairman, to comment. Councilman Clark stated that the Committee's recommendation to Council was to adjust the Polar Bear Plunge event, but not to defer, delay or cancel the event. There are concerns with the beverages, as well as crowd control. This event is not the same type of event as the St. Patrick's Day celebration, which has had numerous problems, especially last year. This is a family event that the Town wants to keep as a cheerful way to enter the new year. The Committee has heard from many residents, business owners and representatives of the Special Olympics. It has worked hard to develop a consensus, and might have options to make everyone happy.

Tate Mikell of Mt. Pleasant, a Special Olympics athlete, stated he participated in the National Special Olympics meet in New Jersey and brought home three gold medals for the State of South Carolina. He said if you or a loved one ever had a disability and participated in the Special Olympics, you might understand how important it is to a person with a disability such as himself. Many people separate the disabled from society, but in the Special Olympics arena, they are considered just like everyone else.

Tim Reese, 305 Station 20, expressed appreciation to Council and staff for their kindness to his family over the last year following their family tragedy. He thanked Council for their service, and that they have reviewed the Polar Bear Plunge and St. Patrick's Day celebration as two separate issues.

Marsha Mikell, parent of Special Olympian, stated the Polar Bear Plunge provides financial support to Special Olympians and the parents or family. Without that assistance, it would be difficult for the participants and families to attend the event.

Tommy Knisley, 1701 Middle Street, agreed with Tim Reese's comments and thanked Council for their time and service to the residents. He stated concern about tennis instructors' use of Town courts for personal benefit versus use of courts by residents.

Pat Votava, 2914 Brownell, stated she is proud of the Island's tradition of contributing to the Special Olympics, but she was concerned about crowd control at special events. She is also concerned about the coyote population.

Sean Daniher of Home Team Barbeque stated he would like Middle Street closed from Station 22 to Station 22-1/2 around to Dunleavy's for the safety of all coming to the island. There are extraordinary costs to the restaurants for this event totaling approximately six to eight thousand dollars. While there is not an off-premise license for the sale of liquor on the street, there is an off-premise license for beer and wine. They are requesting that the sale of beer and wine be allowed on the street to help defer some of the costs.

Emily Daniels of High Thyme Cuisine agreed with Mr. Daniher, and stated High Thyme's special events permit application asked for Middle Street to be closed from Station 22 to Station 22-1/2. Her concern was how to prevent people from crossing the street if there is only orange fencing on the side of the street. The restaurants have agreed to each only having one beer truck. With that and no outside liquor sales, along with the high expenses, participating will be difficult, as well as making a nice donation to the Special Olympics.

Paula Byers of the Special Olympics gave a brief history of how the event at Dunleavy's Pub began, and stated the Special Olympics' philosophy is they never charge an athlete to train and compete. The Polar Bear Plunge is very significant to their organization. In addition to the financial support, this event also gives people the opportunity to meet and socialize with those with an intellectual disability.

Mark Howard, 1820 Central Avenue, thanked Town Council for their service, and thanked the residents as well, and wished all the gifts of the season – peace and joy.

Leo Fetter, 2668 Middle Street, has seen the wonderful effects of donations to the Special Olympics first-hand and also through his service on the Disability Board.

Alice Morrisey, 1652 Thompson, shared a story about her father who served in World War II on an island off Brazil that was overrun with rats. The moral of the story was to not act in haste in deciding what we do about the coyotes. We first need to be educated from the Department of Natural Resources experts before making any decisions.

Barbara Spell, 1702 Atlantic, asked if the Island Club were moved to the Stith Park as mentioned in the Finance Committee meeting, where would it be placed. Mayor Pro-Tem Kaynard stated he mentioned it was an idea raised by someone on the Park Foundation Board, and she could contact that Board.

Natalie Bluestein, 2408 Goldbug, stated that until there is a policy in place about the coyotes, she requested the fence ordinance be changed from five feet high to seven feet high to protect families and pets within the confines of their own property.

Betsy Fuller, 1657 Poe, stated she was sympathetic with Tommy Knisley's comments about the tennis courts; however, she utilizes the pros that are teaching and would like the issue to be shelved until the new courts are built.

Wayne Stelljes, 3104 l'on Avenue, stated the coyotes have destroyed the natural habitat. The residents are being physically threatened and the coyotes need to be eliminated. After researching, eight foot fences will not always stop coyotes. Even further, if a coyotes scales a fence into the backyard where a pet or child is, the coyote is in a caged area with the pet or child.

Carol Killough, 1813 Back Street, stated she loved the Polar Bear Plunge and contributing to the Special Olympics. She wanted Middle Street to remain open for the Polar Bear Plunge, and to not sell alcohol on the street. She continued that she would be willing to create another fundraising event on the island at another time of year if the changes proposed by Council impact the event.

Paul Flaherty, 2008 Atlantic Ave, questioned about the historical problems at the Polar Bear Plunge with drunkenness, drunk drivers, and other issues mentioned with large crowds. The Polar Bear

Plunge participants walk directly in front of his house, and all the cars parked on the side of the street are gone by 3:30. They come, enjoy, and leave because they are wet, cold, want to watch football or have dinner waiting at home. How does that compare to a holiday such as Fourth of July? Consider those questions before making any changes.

Motion was made Councilman O’Neil, seconded by Councilman Clark, to move directly into discussion on the Polar Bear Plunge, carried unanimously. Mayor Pro-Tem Kaynard stated the Polar Bear Plunge is an event for the community and Council tries to do the best it can with the increasing crowds in a small beach community. It is only in the last few years that the details of the event have been considered at the Council level. Councilman Clark stated most importantly is to have a safe event. All the special event permit applications have come from the same side of the street. The plan is to have jersey barricades to keep the traffic separated from the participants on Middle Street. There were be three places for people to cross Middle Street – from the crosswalks at Station 22-1/2, Station 22, and on Middle Street between Home Team and Poe’s. A police officer will be at all three crosswalks. Station 22-1/2 from Middle Street to I’on Avenue will be closed at 11:00 a.m. and reopen at 3:00 p.m., with the plunge in the water at 1:00 p.m. If Middle Street were closed, it creates an opportunity for more people to gather. By keeping the street open, and keeping people behind the jersey barricades, the situation might be better controlled. Councilman O’Neil stated that he does not believe Council ever linked the Polar Bear Plunge and St. Patrick’s Day events together. He stated it was useful to discuss the two events together to highlight the difference between the Polar Bear Plunge and the St. Patrick’s Day debacle of the last two years. Council wants to make sure the events stay two very different events. He stated his brother competed in Special Olympics a long time ago, and he is glad the Town has the opportunity to support this kind of organization. Councilwoman Watson stated she told the restaurants she would be happy to help them, especially with more activities for the children. Councilwoman Middaugh suggested funds from the Town Recreation budget should be considered to cover part of the cost of the event, especially because the Town has made changes and limited their options so close to the event.

Motion was made by Councilman Clark, seconded by Councilman O’Neil, to close Station 22-1/2 from Middle Street to I’on Avenue from 11:00 am to 3:00 pm. There will be jersey barriers and fencing from Station 22-1/2 past Home Team, with an opening crosswalk at Home Team to Poe’s and a police officer at each of the three crosswalks; the Plunge into the ocean at 1:00 pm; and the Town assumes 2/3 cost of the event with 1/3 going to the establishments, carried unanimously.

There was a short recess at this time.

After the recess, Councilman Clark stated he wanted to amend the motion. In a discussion with the Police Chief during the recess, the Chief pointed out that if the barricades and fencing are not run all the way to Station 22, people will try to cross the street where they shouldn’t. **Motion was made by Councilman Clark, seconded by Councilman O’Neil, that fencing will run from Station 22-1/2 to Station 22; and that Public Safety (Fire and Police) have the authority to do whatever is necessary to control the crowd; carried unanimously.**

Motion was made by Councilman Clark, seconded by Councilwoman Cooper, to discuss #6 Action item, amendment to Town Coyote Policy, at this time, carried unanimously.

Motion was made by Councilman Clark, seconded by Councilwoman Cooper, for Council to adopt the changes to the Coyote Management Plan on page PS-23 of the Agenda Packet. Discussion: Councilman Clark explained the changes to the plan:

1. Under Strategic Plan, Item 4 as amended would read: Implement a program for lethal control, only when it is determined to be necessary for public safety. For example, when the interactions between humans and coyotes change from observation and sightings to potentially unsafe encounters, incidents or attacks.
2. Under Lethal Control Section, amended second sentence would read: Animal Control will investigate to substantiate such reports of encounters/incidents/attacks.

Councilman Clark stated this was a more aggressive policy, and gives the Police Department the authority to take immediate action in the event of any encounters or threats. This will allow staff to make a reasonable decision about what to do. Five night vision cameras were purchased and are available so coyote activity can be monitored. In the instances where actual groups of coyotes are threatening to an area, staff can take the initiative to do something about it. It is the reasonable approach. If a distress call is received and it is a concern to the family – it does not have to be only a physical concern, but a mental concern as well – those calls have to be made with a judgment call, and this gives staff that authority.

Mayor Pro-Tem Kaynard inquired if an individual calls in and feels threatened, will the Police take their version of the threat and not an interpretation of that threat, and respond to it. Police Chief Howard stated that if someone calls in that a coyote has their cat in a tree, the Police will respond. If that coyote is still standing under that tree upon arrival, they will handle that situation at that time. If the coyote has run into the accreted land, that is an aggressive coyote and they would look into perhaps hiring a trapper to thin the population in that area. If there is an active threat and if Police are called, they will come and handle that active threat just as if someone was breaking into your house. In the past year, the Police has not received one call for an active attack. The phone number to call for an active attack is 9-1-1. Councilman O'Neil asked if Police are patrolling and see a coyote in his yard going into the marsh, and there is no other person around to be threatened, would they come on his property? The Chief answered no; however, if that coyote was chasing your cat, they may dispatch the coyote.

Councilman O'Neil stated for clarification that some of this discussion concerns Town owned property and public right-of-way. The residents are always free to retain their own trapping and dispatching service for coyotes if there is a coyote in their yard.

Councilwoman Cooper stated that the residents need to know that the Town cares about this problem, and Police should express to them to always call when they see a coyote or have concerns because they are keeping a log of this information.

Motion to adopt the changes to the Coyote Management Plan on page PS-23 of the Agenda Packet carried unanimously.

Administrator Benke will contact Department of Natural Resources to survey and evaluate the island, and report back to Council.

II. COUNCIL ACTION ITEMS

- 1. Motion was made by Councilwoman Middaugh, seconded by Councilman O'Neil, to approve the November 18, 2014 Regular meeting minutes and the December 1, 2014 Special meeting minutes, by a vote of 5, with Councilwoman Cooper abstaining.**

- 2. Motion was made by Councilwoman Cooper, seconded by Councilman Clark, to approve a Resolution Approving and Supporting Town Safety Policies, carried unanimously.**

- 3. Motion was made by Mayor Pro-Tem Kaynard, seconded by Councilwoman Middaugh, to approve a Resolution to Increase Building Permit Rates, carried 5-1, with Councilwoman Cooper opposed.**

- 4. Motion was made by Councilwoman Middaugh, seconded by Councilman O'Neil, to have First Reading of Ordinance No. 2014-14, An Ordinance for the sale of Town Parcel at 2618 Raven Drive/TMS 529-060-0117, carried unanimously.**

- 5. Motion was made by Councilwoman Middaugh, seconded by Mayor Pro-Tem Kaynard, to have Second Reading and Ratification, Ordinance No. 2014-13, An Ordinance Amending Section 10-20 of the Code of Ordinances for the Town of Sullivan's Island to Revise Business License Fees, carried 5-1, with Councilwoman Cooper opposed.**

- 6. Motion was made by Councilwoman Cooper, seconded by Councilwoman Watson, to extend the current real estate services contract for six months, carried unanimously.**

- 7. Motion was made by Councilwoman Cooper, seconded by Councilwoman Watson, to approve sales contract for 2618 Raven and to execute a contract, carried unanimously.**

- 8. Motion was made by Councilman Clark, seconded by Councilman O'Neil, to approve architect continuing with construction documents and begin negotiations for the construction contract, carried unanimously.**

- 9. Motion was made by Councilman O'Neil, seconded by Councilman Clark, to refer the coyote fence to the Planning Commission for study and recommendations, carried unanimously. Councilman Clark received documentation from a resident that explains coyotes are now jumping eight and nine foot fences; and has record of one jumping a 14-foot fence. When this issue is sent to Planning, it is for research required for fences – not just looking at codes and legal issues. The danger is if the wrong height or type fence is recommended and residents have the sense that they are safe, then that is worse than no fence. Mayor Pro-Tem Kaynard asked Mr. Henderson to please remind the Planning Commission that if they do not act within 60 days, that Council can act without their consideration.**

III. REPORTS AND COMMUNICATIONS

- 1. General and New Correspondence** – Correspondence was received from Marie-Louise Ramsdale regarding the St. Patrick’s Day celebration, from Catherine Main of the East Cooper Land Trust regarding Station 9 property; from Vincent Musi, Catherine Curtis and Russell Bennett regarding the Polar Bear event; and Sumter deBrux regarding the Station 19 property.
- 2. Attorney’s Report** – no report.
- 3. Boards and Commissions Reports** - no reports.

IV. COMMITTEE REPORTS

Finance Committee – Mayor Pro-Tem Kaynard. Monthly report rendered.

Public Safety Committee – Councilman Clark. Monthly reports rendered. **Motion was made by Councilman O’Neil, seconded by Councilwoman Watson, to approve the Committee Minutes from the December 3, 2014 meeting, carried unanimously.**

Water and Sewer Committee – Councilwoman Middaugh. Monthly reports rendered. A Committee meeting will be scheduled for late January. Manager Greg Gress reported that a dozen local utilities have joined together for a “what not to flush campaign”. It is to educate the public what not to flush – the focus is primarily on baby wipes and “flushable” wipes that really are not flushable. Councilman Clark thanked Greg Gress and Brian Jennerou for their help with a water/sewer issue at his house recently.

Administration Committee – Mayor Pro-Tem Kaynard. Monthly report rendered.
Committee minutes – **Motion was made by Councilwoman Middaugh, seconded by Councilwoman Watson, to approve the Administration Committee minutes from the December 10, 2014 meeting, carried unanimously.**

Land Use and Natural Resources Committee – Councilman O’Neil. Monthly report rendered.
Committee minutes – The Committee minutes for approval from the November 20, 2014 meeting will be moved to the December Workshop agenda.

Public Facilities Committee – Councilwoman Cooper. Monthly report rendered.
Committee minutes – **Motion was made by Councilman O’Neil, seconded by Councilman Clark, to approve the minutes from the August 25, 2014 meeting, carried unanimously.**

Recreation Committee – Councilwoman Watson.
Park Trash Receptacles – The Park Foundation will pay for the park’s waste and recycle containers. Councilwoman Watson will bring information to the January Workshop meeting. **Motion was made by**

Councilwoman Watson, seconded by Councilwoman Cooper, that the Town Administrator and Chief Stith meet with a representative of the Park Foundation to find a solution, carried unanimously.

Motion was made by Councilwoman Watson, seconded by Councilman O'Neil, to adjourn at 8:35 p.m., carried unanimously.

Respectfully submitted,



Ellen Miller