

February 21, 2012

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 Smith, Mayor
Mike Perkis, Mayor Pro Tem
Hartley Cooper, Councilwoman
Jerry Kaynard, Councilman
Madeleine McGee, Councilwoman
Patrick O'Neil, Councilman
Mary Jane Watson, Councilwoman

Motion was made by Councilman O'Neil, seconded by Councilman Perkis, to go into Executive Session at 5:35 pm for legal advice on the Accreted Land Management Plan, Sullivan's Island Elementary School Petition Declaratory Judgment, and the Urban Greenbelt Grant Project; along with a Personnel item.

Motion was made by Councilman Kaynard, seconded by Councilwoman Cooper, to come out of Executive Session at 6:35 pm. Mayor Smith stated that no votes or decisions were made.

Town Hall was packed with citizens, along with a member of the news media.

Mayor Smith led the Pledge of Allegiance, followed by a prayer by Councilwoman Watson.

Mayor Smith welcomed Meredith Nelson of the Prime Time Fitness, and president of the Charleston Running Club. She and Jeff Baxter, organizer of the Floppin' Flounder and the Charlie Post races, thanked Council for their support of the races over the years. This year the Charlie Post race had 800 participants and raised \$7,500 toward the endowment scholarship for student athletes. They also thanked the Fire and Police Departments, as well as Huggie Hindman, for their assistance with the races. Mr. Baxter and Ms. Nelson then presented a framed photograph by Sullivan's Island resident Zan Turvey "Blue Berg in a Sea of Black" for the Town's years of support for the Charleston Running Club.

Mayor Smith opened the meeting for public comment.

Elizabeth Tezza, 2220 Atlantic Avenue, commented on the planned closure of Middle Street for the St. Patrick's Day celebration. She stated it is actually a larger issue concerning the types of events taking place that draw many people to the Island. She added perhaps these events should not be held, or take place in the park. Also, she asked Council to establish a policy concerning event fees. She thanked Chief

Howard for meeting with residents in the area concerning the upcoming celebration.

Sandy Johnson, 2519 I'on Avenue, stated the Town should err on the side of safety, and close the street for St. Patrick's Day celebration.

Pat Votava, 2214 Jasper Blvd., inquired if an eleven hour event promoting drinking is what Council wants the island to represent, and she believed the event should at least be held in the park. Councilman Perkis stated that the private businesses can have a St. Patrick's Day celebration whether Council approves it or not. The Town gets involved only to create a safer environment for everyone, and the Police and Fire Chiefs report that closing Middle Street is the safest way to manage the crowd.

Rusty Bennett, 3124 Marshall Blvd., and an owner of Poe's Tavern, stated the residents of the entire island have not been inconvenienced by these two events that promote the Town, although there is friction between the business district and the nearby residential district, as in many communities. The business district has been on the island many, many years and pays hospitality taxes that help the Town. These are good community events and based on experience, the public safety officials believe closing the street is the best choice.

Zan Turvey, 305 Station 22 Street, echoed some of Ms. Votava's comments. He stated public safety should be more available to help residents get in/out of their driveways during the event and there needs to be more law enforcement during events and the tourist season.

Bill Dunleavy, owner of Dunleavy's Pub, complimented Chief Howard on his presentation to the residents. Mr. Dunleavy stated that traffic should be different during the St. Patrick's Day celebration, as the visitors will be coming at various times, unlike people coming for the Polar Bear Swim at a definite time for the plunge. For St. Patrick's Day, Dunleavy's will have a face painter and Irish dancers inside the pub, and hula hoop, nerf balls and sidewalk chalk on the side street, so it will be a family event.

Chief Howard gave a brief description of street closure and the traffic pattern for the St. Patrick's Day celebration.

Eddie Fava, 2424 Myrtle Avenue, inquired about the property behind Town Hall at 1610 Middle Street. Mayor Smith gave a brief history of the property negotiations with the Town over the past few years, and stated that an auction was scheduled by the State for March 21, 2012, with the starting price of \$795,000. He stated that at a recent Municipal Association meeting, the Governor stated the Department of Transportation was selling roads back to towns, and the Mayor will discuss with Senator Campsen and Representative Sottile the possibility of swapping a road for the building. Mr. Fava's second point was to ask the Council members if they felt the

citizens of Sullivan's Island had the right to vote on the school issue whether there is a referendum or not.

Mayor Smith stated he did believe the citizens had the right to vote on the school issue.

Councilwoman McGee stated is the question a right to vote or a right to communicate with Council. She continued that every time Council makes a decision, the goal is to represent what the constituents want. When a resident calls her to express his opinion on an issue; in some ways it is like voting. Therefore, it is hard to understand why the petition is needed; why can't residents call to express their opinion. When the last letter was mailed concerning the school, she only received one phone call. The vote she is hearing through citizen input is that they approve of the school.

Councilman Perkis stated that the School Board made a decision in 2009 to close the school and rebuild the school on Sullivan's Island. In January 2011 Council started discussion about the new school, and it has heard comments from January 2011 to March 2012. He added that this topic has been discussed more at every one of Council's meetings than any other subject in his six years on Council. He stated the residents' vote would be at election time.

Councilman Kaynard stated that the input and feedback received on the school issue is that the overwhelming majority of residents on the island support the school and support it in its current proposed size as the design process continues. His concern about the referendum is that it would not have a result on whether the school is going to be built because the County School Board, in the final analysis, has that authority to build the school. He also thinks about the children of the school, and delaying the process delays the children from having a first class school. There is public interest to balance – not just the voting interest. As part of that public interest, having a public facility like the school is as important as allowing a church or any other public facility on the island that is important to the community.

Mayor Smith stated that referendums were held for two very important issues to the island that led up to keeping the swing span bridge and keeping the water and sewer system on the island rather than go to Mt. Pleasant. He stated that one may say that this process has gone too far and that a referendum will not make a difference legally, but politically a referendum does make a difference.

Councilman O'Neil stated it is not whether the people have a right to vote on it, it is how useful the referendum would be in determining what the ultimate outcome would be. The process has been difficult, but has helped to understand all the variables and receive the input to influence the action Council has taken.

Jen Smith, 2520 Raven, thanked Chief Howard for the police officers patrolling her street, and stated that there is a lease for the school, so that should be the end of the discussion about having the school.

Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to approve the minutes of regular meeting on January 17, 2012, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to pass the First Amendment to the Option and Lease Agreement for American Towers, LLC, carried unanimously.

Reports and Communications

General and New Correspondence - Correspondence was received from Richard Graham regarding parking and congestion in the commercial district; Representative Sottile regarding suggested language for amendment to the Statutes and Regulations policy; Regina Michaels regarding the water and sewer section of the website; the Robinson family regarding the accreted land; Wayne Stelljes regarding Sullivan's Island Elementary School; Pat Votava regarding St. Patrick's Day celebration; and Zan Turvey regarding public events and the business district.

Attorney Report - no report.

Boards and Commissions

Planning Commission - Councilman O'Neil met with Chauncey Clark and reported that the Planning Commission will develop a list of potential topics that might need to be addressed, and the Commission will bring to Council.

Administrator's Report. Administrator Benke.

Sullivan's Island Elementary School - School architect Mr. Jerry English stated he met with the Building and Construction Committee earlier this afternoon to go over design elements. Councilwoman Cooper added that another CCSD workshop has been scheduled for March 15, 2012 at 6:00pm at Sunrise Presbyterian Church. This workshop was added to the schedule because the next CCSD workshop was not scheduled until May.

Mr. English stated there was a concern from Council that the separation from segments C&D were not as well addressed as segments A&B and B&C. Segments C&D have now been moved four feet south so there is a pronounced offset. Also, the apex is six feet smaller than the highest point of the building, and the entrance has a 16 foot elevated landing. Segment B was very limited earlier. Because of feedback, now the corner of Segment B is much more prominent. The other stair at east side of Segment B is engaged to the connector. The irregular shaped roofline at Corner B was resolved. The logical transition at the ridge will be further studied as discussed at the Building and Construction Committee meeting held this afternoon. Six windows were eliminated in Segment C, in conjunction with the Segment B change. The columns were brought in at the porch line, and these columns are smaller than the building columns; they align with the porch columns, and the porch is no longer the cantilever. In the early D South elevation study the concept of a wall dormer was chosen and then was brought over to A North. The Committee suggested to also put a wall dormer on D North, and it was added. Mr. English continued that on Segment A, columns were added to porch and align with building columns behind it. The green wall treatment in this area could become

more three dimensional, so the treatment exists between the deck columns at the west and east end, and returns back to the wall columns for the panel treatment. The comments from the Committee meeting today were that more effort needs to be directed to the ground level. Also, Mr. English will prepare an eye level view from I'on Avenue including the Batteries in the foreground for the next Committee meeting. The Committee had consensus on the entrance to the school.

Water and Sewer Manager Greg Gress said HDR reported the best option for the water line was to loop the water line around and tie into Pettigrew. It also recommended replacing 1900 feet of water main from Station 20 to 22 Streets on I'on to alleviate red water events due to school demand.

St. Patrick's Day – This topic was discussed earlier in the meeting.

Park Foundation Fundraiser – The fundraiser is scheduled for April 21, 2012 from 6:30-9:00 pm in the Marshal Stith park.

Sullivan's Island Elementary School Petition – Attorney Trenholm Walker filed complaint 2012-CP-10-1060 in the Court of Common Pleas on February 13, 2012. The action seeks to clarify, among other things, the obligation of the Town under the initiative and referendum statute to submit an invalid ordinance to the electorate and the referendum proposed by the Defendant cannot be used to change the terms of the lease or revoke the lease with the Charleston County School District.

2012 Council Retreat – Council Retreat Park I was held January 27, 2012 from 3-5 pm to review preliminary deliverables from Tindale Oliver and Associates. Council Retreat Part II is scheduled for March 10, 2012 at the Sewee Visitor Center from 9am-3pm.

Middle Street Drainage Program – Charleston County is reviewing the previously funded Middle Street Drainage Project and requested local knowledge/input. Staff will direct the County to outfall work at Station 24, 25, 26-1/2 and 28 Streets.

Transportation Sales Tax Program Project Request – Charleston County Public Works is requesting project requests for FY 2013 TST Annual Allocation Program. Staff will suggest the stormwater outfall and low pavement at Station 9-1/2 Street.

Battery to the Beach Bike Path – Work continues on the design of the SC703 Bike Path from Mt Pleasant to Sullivan's Island. The S.C. Department of Transportation is requesting the respective municipalities to agree to responsibility for the maintenance.

Ways and Means Committee, Councilman Perkis. Monthly report rendered. Councilman Perkis encouraged department heads to look at budgets to determine if additional funds can be saved in their budget this year. With \$25,000 taken from the Maintenance budget for handicap ramps, the projected deficit would be \$17,000, which is close to a balanced budget. Grant funds will try to be used for the handicap ramps.

Personnel Committee, Councilman Kaynard. Monthly report rendered. Chief Stith has made an offer on the firefighter position pending results of background check.

Motion was made by Councilman Kaynard, seconded by Councilwoman Watson, to add to approve the request of an employee cashing out six weeks of

vacation leave based on a personal hardship, carried by a vote of 6-1.

Councilwoman McGee stated although she wanted to help the employee, she voted against it because the rules for paid time out need to be followed. Councilman Kaynard expressed appreciation to the Fire and Police departments for their assistance with a minor medical emergency at his residence recently.

Water and Sewer Committee, Councilman Perkis. Monthly reports rendered. Water and Sewer Manager Greg Gress reported there are two days remaining of flushing hydrants, and currently there are workers repairing and painting the water tower.

Building and Construction Committee, Councilwoman Cooper. Monthly report rendered. No new information to report.

Fire Committee, Mayor Smith. Monthly report rendered. Chief Stith reported the Oyster Roast held on February 11th was a success.

Recreation Committee, Councilwoman Watson. Councilwoman Watson will bring to the March meeting drawings of the proposed shade structure at the park. The park has a rotting structure which will be replaced with a gazebo-like structure. Mayor Smith and Councilwoman Watson met with George Kablick, they are committed to a more traditional Mayfest. He and Councilwoman Watson are establishing a Board and by-laws for the Gadsden Cultural group in order to have a viable organization again.

Real Estate Committee, Mayor Smith for Councilman O'Neil.

Consideration for a Permanent Town Hall – The Ad Hoc Committee met and reduced the square footage in the space allocation report. This will be presented at the retreat.

Urban Greenbelt Grant Project – Attorney Dodds has completed negotiations with Charleston County and the final document is expected for execution. A Phase I environmental impact study will be done and then an RFP will be written for improvements to existing paths and nature trails.

National Park Service – The National Park Service is discussing with the Army Corps of Engineers the possibility of residents of Cove Creek being allowed to dredge, at their expense, under the NPS permit. Administrator Benke is waiting on the answer before distributing letters to Cove Creek residents.

Planning Commission Public Hearing – The Planning Commission held a public hearing on January 11, 2012 on an amendment to Section 21-12 (Lot size, dimension, use location, calculating and measuring areas) of the Town Zoning Code. It is scheduled for First Reading tonight.

Budget and Control Notice of Auction – The General Services Division of the Budget and Control Board has advised their intent to auction 1602 Thompson Avenue on March 21, 2012. Bids will open at \$795,000 for the warehouse and dock. Mayor Smith will initiate discussion with Senator Campsen and Representative Sottile regarding the Department of Transportation's "road swap" possibility.

Island Club Structural Improvements – The building of the handicap ramp should begin next week, and other improvements when the building is not rented for activities for a week or two.

Police Committee, Mayor Smith. Monthly report rendered. Councilwoman McGee requested a five year statistics report to study trends.

Streets and Maintenance Committee, Councilwoman McGee.

Managed Parking – The Streets and Maintenance Committee met this morning, and she stated that Council needs to reaffirm its goals for this project. The rules from the Department of Transportation have changed, and the consultant is asking for clarification and comments to his options from DOT. The Committee looked at other options such as primarily increasing enforcement, more use of residential zoning, and paid parking.

The Committee is not ready to make recommendations at the retreat unless it hears from DOT. The consultant will give Council a presentation on options with related revenue and costs. The consensus of Council was to focus on reinforcement and not on paid parking at this time.

Motion was made by Councilman O’Neil, seconded by Councilwoman Cooper, to have Third Reading on Ordinance 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 Councilman Perkis, seconded by Councilwoman Cooper, to have Second Reading of Ordinance 2012-01, An Ordinance to Amend Sections 18-6 and 20-1 of the Water and Sewer Ordinances of the Town of Sullivan’s Island, carried unanimously.

Motion was made by Councilman O’Neil, seconded by Councilwoman Watson, to have First Reading, by title only, Ordinance 2012-02, An Ordinance to Amend Section 21-12(A) of the Zoning Ordinance for the Town of Sullivan’s Island, carried unanimously.

Motion was made by Councilman O’Neil, seconded by Councilwoman Watson, to adjourn at 9:25 p.m., carried unanimously.

Respectfully submitted,

Ellen Miller