

March 20, 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

Town Hall was packed with citizens, along with two members of the news media.

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

Mayor Smith presented the Spirit of Palmetto Pride Award to Mrs. Edith Beckham to honor her daily effort to beautify the island by picking up trash.

Mayor Smith presented the Proclamation of March as American Red Cross Month to Gordon Robertson and Patrick Lamontane of the Red Cross.

Mayor Smith presented a Resolution of Appreciation to John Winchester for his service to the Planning Commission for the past six years.

Mayor Smith opened the meeting for public comment.

Motion was made by Councilwoman Watson, seconded by Councilman O'Neil, to set the time for public comment to two minutes per person, carried unanimously. It was explained that this has been a rule of Council that has lapsed. Based on discussions at the Council Retreat to streamline meetings, public speakers will have two minutes to speak in order to recapture the essence of public comment and allow all the opportunity to speak.

Jim Marianski, 2808 Jasper Blvd., read a letter he and his wife wrote regarding their unanswered questions regarding the school, and also the denial of the referendum.

Sara Church, 1612 Atlantic Ave., thanked Council for their hard work and stated it would be helpful to know the process of the referendum at this point.

Tommy Silver, 2830 Atlantic Ave., stated he was appalled that Council is resisting input on the referendum, and that many people do not know what is happening with the process.

Wayne Stelljes, 3104 I'on Ave., urged Council to withdraw the legal action, and stated he took exception to comments that residents have not had opportunity for input and that meetings were not publicized.

Jamie Edens, 3030 Brownell Ave. stated SC Code 5-17-10 concerning petitions has an exception that states that an ordinance appropriating money or authorizing a levy of taxes cannot be proposed because it cannot be an ordinance that is going to cost your neighbor money. He asked that Council address that part of Code 5-17-10.

Barbara Spell, 1702 Atlantic Ave., stated Council is continuing to say that residents are not entitled to a referendum even though there is a local referendum initiative in S.C. She concluded by saying that Council previously stated they could have deferred ratification of the lease with a unanimous vote of Council, but Council did not even make the motion to defer.

Fred Wzolek, 3014 I'on Ave., stated he was one of the people who agreed to be served papers for the lawsuit. He stated Council may believe that the outcome of the referendum would be a bad thing, but it is not a reason to deny the residents the right to vote to which they are entitled by State law.

Matthew Smith, 2520 Raven Ave., who is a student at the school, read a letter to Council about how important the school is to him.

Eddie Fava, 2424 Myrtle Ave., read a letter to Council questioning why a "group" was named in the lawsuit when there was not a named "group" that signed the petition; asking if Council would consider another location on the island for the school; and asking if Council would please answer the speakers' questions at the end of public comment. He expressed his opposition to the size of the school, the front beach location, and asked Council to pause the process to consider other options. Mr. Fava's letter is on file for the record.

John Winchester, 2720 Brooks St., agreed with Mr. Fava's comments.

Susan Middaugh, 2420 Raven Drive, stated the focus has been on the Sullivan's Island referendum, but the Isle of Palms residents' opinions also need to be recognized. She reminded all that the old school footprint also included several trailers.

Larry Middaugh, 2420 Raven Drive, thanked Council for their effort, and wanted the school process to move forward so children can come back to school on the island.

Ellison Smith, 1908 Flag St., stated he came before Council a year ago and asked Council about the traffic impact, wastewater treatment impact study, national register, and stormwater management water study, and none of these have been done.

Mike Psenka, 1656 Thompson Ave., stated it was tough to see the community divided, and hoped the process would move forward.

Rhonda Sanders, 1411 Thompson Ave., stated the legacy Council leaves should be one they are proud of.

Martha Smith, 1908 Flag Street, stated a school is definitely wanted for Sullivan's Island and Isle of Palms because it has traditionally been that way; however, it has not traditionally been 74,000 square feet.

The Mayor closed public comment at 7:45 p.m.

Councilman Perkis distributed a history timeline of the school project to Council, as well as design concerns expressed by residents, along with his responses to those concerns.

Highlights of the Timeline

- **October 2007** County-wide study determined school building susceptibility to earthquakes
- **May 2009** Charleston County School Board (CCSD) took that information and approved the reallocation of funds for placement of a 500 student Sullivan's Island Elementary School. The original funding was in a 2006 bond sale.
- **January 2010** Town Council presents a resolution supporting a new school with an enrollment of up to 500 students at the CCSD Jan. 5, 2010 meeting.
- **November 2010** Charleston County voters approved capital plans bond referendum for all school building projects, and all of them had a minimum of 500 student enrollment.
- **May 2011** Council presented a second resolution to Charleston County School Board reaffirming support for the new school.
- **May 2011** Bill Lewis, Chief Operating Officer of the Charleston County School District, presented first renditions of the proposed building for public review at the Council meeting.
- **September 2011** Charleston County School Board voted to re-affirm the long standing policy education facility 3.0, which requires a minimum

enrollment of five (500) hundred students. There were three School Board members who voted not to continue that policy.

- **October 2011** The Charleston County School Board Chairman, in a public statement, confirmed that no exceptions will be made for Sullivan's Island Elementary School to the District's five (500) hundred student enrollment policy.
- **December 2011** Bill Lewis reiterated at the Sullivan's Island Town Council meeting the CCSD policy on minimum student enrollment and that no exception was granted by the School Board.

Councilman Perkis stated he believes there was notification for an involved, engaged community.

Highlights of the concerns and responses:

- **Placement of retention pond outside the lease area**
It was requested by Charleston County School District, and Council clearly informed them that this was not an acceptable option
- **No traffic study was performed**
Charleston County School District met with the S.C. Department of Transportation engineer and supervisor. After review by this agency, the Department of Transportation decided no further study was required.
- **No storm water drainage oversight.**
Demolition plans were reviewed by S.C. Department of Health and Environmental Control (DHEC), Office of Coastal Resource Management (OCRM), and Charleston County, and a land mitigation permit was granted. Once building plans are finalized, the stormwater plans will be reviewed by the same regulatory agencies so the required land mitigation permits can be granted.
- **No evaluations examined on the impact to Town of Sullivan's Island utilities.**
Water: Study performed by nationally recognized firm, HDR, to evaluate flow to meet demand and pressure for fire sprinkler system. HDR confirmed it meets regulatory and operational requirements. Report is on the Town's website. The Town has a contract with Charleston Water System to supply 750,000 gallons of water a day (gpd). The Town uses 200-250gpd. Sewer: Average flow last year was 477,000gpd and additional flow for 100 residents will be approximately 1,500gpd, less than .03% impact to system.

- **Site has historic significance and no study was done.**
Charleston County School District hired Brockington and Associates to examine site and they determined no historical significant artifacts are within the leased area. Report is on the CCSD website.
- **Buist Academy should be used as role model for SIES project.**
Buist is a three story building at 89,000 square feet. Buist building costs are budgeted at \$401/sf, which is over 10% higher than the budget for SIES.
- **Public has not had the opportunity to weigh-in on mass, scale and design.**
Timeline clearly indicates size of school has been public since at least May 2009. Design made public at May 2011 Council meeting. Since then there have been three public charettes, CCSD/Town design team meetings and building/construction committee meetings where resident design/building professionals, Historic Charleston Foundation and general public have provided significant constructive input.
- **Other sites were never considered**
In 2010 CCSD indicated SI Park and land adjacent to Sunrise Presbyterian (3222 Middle Street) might be acceptable. Mayor and most of Council did not want to eliminate the gem the Park provides to the community and the Sunrise Presbyterian property was deemed too small.
- **Charette is not correct venue.**
Definition of a charette is a collaborative session that serves as a way to quickly generate a design solution while integrating the aptitudes and interest of a diverse group of people.
- **500 Student Enrollment is a guideline.**
500 student enrollment is a policy set by the Charleston County School Board with no flexibility granted to the operating team. A guideline is an indication or outline, a voluntary set of protocols. A policy is a definitive or required course of action adopted by governments and businesses.

Mayor Smith stated that it has been said many times by some members of Council that the school could have built anything it wanted on the existing lease and that is not true. The first meeting he had with school representatives, they indicated they could not get funding for a new building without a new lease. The other issue that has come up is the zoning issue, some citing the I'on case. The land is not zoned so it cannot be a zoning issue. It did not go through a design review process because it was not zoned. He continued that he disagreed with some items in the timeline Councilman Perkis distributed. One, the school district did get a mitigation approval of demotion for stormwater, but that is only for demolition; there will be more issues during construction. Also, schools have been built for less than 500 students in this district within recent years. He stated that the question came up tonight why

the Isle of Palms opinions are not being recognized. He continued that the school has always traditionally served the Isle of Palms and Sullivan's Island communities, and should continue to do so. However, the Isle of Palms does not have an impact on what happens on Sullivan's Island. The Town of Sullivan's Island is giving up very valuable land for \$10 for a long lease, while the Isle of Palms does not need to give anything. He concluded with saying the Council could do what they wanted about the referendum, although he believed it should be held and residents should be heard.

Councilman Kaynard stated that historically public education was not popular in Charleston County and it was difficult to get a bond issue approved for a new school. This is a once in a lifetime opportunity to build this school. Council has had dozens of meetings with input, and it has encouraged the exchange of ideas, but it is time to make a decision. There is no absolute right to vote on matters that come before Town Council. There is a statutory right for a referendum and serves specified areas under the state statute. He stated residents disagree about different items – size, location, environmental issues, studies, and height to name a few. There are many reasons people disagree on, and you cannot vote on that many issues in a referendum and get a result that tells you what you can do. The referendum is not the solution to all our problems as some believe. He added that the most difficult thing about being on Council was balancing different interests. The public interests to consider are: new school that will contribute to vital and healthy community; students; parents of children; residents of Island that support the school (responses that he has received indicate the majority of Island residents support the school); and Council has the right to design the school and to protect acres of accreted land previously under the prior lease.

Councilman O'Neil asked Attorney Dodds to explain the status of the referendum. Attorney Dodds stated that Council received opinions from two attorneys that the question on the petition was not appropriate and the referendum should not be held. Town Council decided, although not required, to file a declaratory judgment to allow the Court to decide whether there should be a referendum. Because there was not a representative to accept service on behalf of the Islanders for a Smaller School, Council made a motion at a Special Meeting on March 5, 2012 that if no one would voluntarily accept service on behalf of the Islanders for a Smaller School by March 9th, they would withdraw the lawsuit. Five people did volunteer to accept service, but only as individuals; not on behalf of the Islanders for a Smaller School. Mr. Dodds stated Council needed to confirm that motion or pass a motion that is completely different.

Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, for Council to direct the Town Attorney to withdraw the declaratory judgment lawsuit, carried by a vote of 6-1, with Mayor Smith opposed. Mayor Smith stated he voted for the declaratory judgment because that was an opportunity for both sides to have an impartial judge hear the issues.

Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to approve the minutes of the Regular Meeting on February 21, 2012; the Special Meeting on March 5, 2012; and the Council Retreat on March 10, 2012, carried unanimously.

General and New Correspondence - Correspondence was received from Martha Smith concerning the school and Zan Turvey regarding St. Patrick's Day. Councilwoman McGee stated that the residents she spoke with regarding St. Patrick's Day celebration said that the Town did a great job on the ocean side of Middle Street, but there was opportunity for improvement on the marsh side of Middle Street. Chief Howard gave an overview of the traffic routes. Councilman Kaynard stated there should be a greater effort to offer children's activities. A working group of staff, business owners, and residents around the area should be established to plan the next event.

Attorney Report - no report.

Boards and Commissions - no report.

Administrator's Report. Administrator Benke.

Sullivan's Island Elementary School Design - The Charleston County School District hosted a Community Workshop on March 15, 2012 at Sunrise Presbyterian Church. The Building and Construction Committee met this afternoon to discuss the design.

Special Event Requests - Planning continues for the Park Foundation Fund Raiser in the Park on April 21, 2012 from 6-9 pm. Previously approved events include "Army Wives" episode shoots; Run for Adela on April 14, 2012 and the Cystic Fibrosis Walk on May 12, 2012.

Sullivan's Island Elementary School Petition - Discussed earlier in the meeting.

2012 Council Retreat - Council Retreat Part I was held January 27, 2012; and Retreat Part II was held March 10, 2012 at the Sewee Visitor Center.

Ways and Means Committee, Councilman Perkis. Monthly report rendered. In reviewing the February financial statement, Councilman Perkis stated that the business license revenues are better than expected, and the expenses are in-line.

Personnel Committee, Councilman Kaynard. Monthly report rendered.

Councilman Kaynard distributed a job description draft for the vacant zoning administrator position. He stated the Committee would bring a salary range recommendation to Council.

Water and Sewer Committee, Councilman Perkis. Monthly reports rendered. The staff attended the SCEC conference in Myrtle Beach. A report from HDR was discussed concerning the modeling results summary for the proposed SIES water main. The recommendation was to replace older pipe along Station 20 St. from Middle St. to I'on Ave., and along I'on Ave. between Stations 20 and 22.

Building and Construction Committee, Councilwoman Cooper. Monthly report rendered.

Island Club Construction Plans – The handicapped ramp is complete, although some concrete still needs to be poured. The bathroom renovation will begin as soon as possible.

SIES New School Construction Project – The Committee held its last school project meeting. The Committee, along with architect Steve Herlong, looked at the back side of the building, including window/elevation improvements on the corners. Councilwoman Cooper stated that every week new drawings have been put on the website.

Fire Committee, Mayor Smith. Monthly report rendered. Mayor Smith stated that the Police, Fire and Maintenance departments did a great job for the St. Patrick's Day celebration.

Recreation Committee, Councilwoman Watson. The park fundraiser will be held on April 21, 2012. The Park Foundation survey is on the Town website. Mayfest will be held on May 5, 2012. Administrator Benke provided details on the tennis court and the contract might be awarded by the end of April.

Real Estate Committee, Councilman O'Neil. Monthly report rendered.

Consideration for a Permanent Town Hall – David Creech of Creech and Associates made a presentation at the Council Retreat on March 15, 2012. Administrator Benke is coordinating with Mr. Creech and a structural engineer to look at 1714 Middle Street. Councilwoman Watson stated the Park Foundation did not want the new Town Hall in the Park. Councilwoman McGee encouraged a public meeting as soon as possible regarding a new Town Hall.

Urban Greenbelt Grant Project – Councilwoman McGee, Councilman O'Neil, and Administrator Benke will schedule a tour of a section of accreted land.

Accreted Land Management Plan – The Accreted Land Management Plan is in a holding pattern pending legal development.

Budget and Control Notice of Auction – The warehouse and dock at 1602 Thompson Avenue is scheduled to be auctioned by the Budget and Control Board at 1:00pm on March 21, 2012. The bids will open at \$795,000.

Open Space Protection for Town Parcels – First Reading is on the agenda tonight for an Ordinance to convey certain real property located at Station 19 and at Station 9 adjacent to the back beach to the Mount Pleasant Conservancy for the purposes of preserving and conserving the undeveloped areas located therein.

Police Committee, Mayor Smith. Monthly report rendered. The St. Patrick's Day celebration was discussed earlier in the meeting.

Streets and Maintenance Committee, Councilwoman McGee.

Managed Parking – Tindale-Oliver and Associates is hoping to have a draft this week. Administrator Benke asked for clarification because the company has asked the Town to measure streets and estimate resident/visitor parking in seven parking

districts. Councilwoman McGee stated we asked Tindale-Oliver to look at the ability to increase revenue and safety through a closer look at our parking regulation ordinances and to look at the concept of residential permitting. Councilman Perkis stated Council had agreed to defer any additional work. The consensus at the February meeting was to look at reinforcement and not at managed parking at that time. Councilman Perkis made a recommendation to ask Tindale-Oliver if they can measure the parking spaces by use of a GIS map with no additional Town staff time. Dept. of Transportation Items – The survey results to date regarding the all-way stop signs at Station 22-1/2 and Middle Streets is included in the report. Administrator Benke stated the survey would stay on the website through the end of March, and then put on the website again during month three of the trial period.

Mayor Smith duly ratified 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.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to have Third 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 Second Reading of 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 have First Reading, by title only, of Ordinance 2012-03, An Ordinance to Convey Property to the Mt. Pleasant Conservancy with Deed Restrictions, carried unanimously.

Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to go into Executive Session for a personnel matter, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Cooper to come out of Executive Session at 9:35 pm, carried unanimously.

There being no further business to come before Council, the meeting unanimously adjourned at 9:57 pm.

Respectfully submitted,

Ellen Miller