

September 16, 2014

The regular meeting of Town Council was held on the above date at 6:00 p.m. at Town Hall; all requirements of the Freedom of Information Act having been satisfied:

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

Mayor Perkis led the Pledge of Allegiance, followed by a prayer by Councilwoman Watson. Residents and one member of the media filled Town Hall.

Mayor Perkis introduced Emily Sobczak of Greene, Finney and Horton, LLP, to present the Town's fiscal year 2014 audit. Ms. Sobczak stated that the Town was issued an unmodified opinion, which is the best opinion the Town could receive. In summary, the General Fund fund balance increased \$5.1 million mainly due to proceeds from the issuance of \$4.1 million in General Obligation bond as well as the sale of a Middle Street lot for \$605,000. The General Fund Unassigned fund balance is \$4.45 million, which covers 98% of 2014 actual expenditures and 101% of 2015 budgeted expenditures. The Water Fund had an increase in net position of \$21K; the Sewer Fund had a decrease in net position of \$40K. In the audit, no findings, significant deficiencies, or material weaknesses were noted.

I. FORMAT – Mayor Perkis opened the floor for comments.

Barbara Lassiter, 406 Patriot Street, stated that the trees need to be protected, especially to protect from hurricanes.

Sarah Diaz, 1325 Middle Street, stated that the transition zone is devastating to the ecosystem.

Eva Stratos, 2502 Goldbug Avenue, stated that the Town needs to protect the maritime forest.

Roy Williams, 2513 Atlantic Avenue, stated for Council to bring in expertise on both sides of the controversy and work out what is best for Sullivan's Island.

Jody Latham, 3010 I'on Avenue, stated to protect the trees.

Patricia Latham, 3010 I'on Avenue, stated she agreed with the first and second speakers, and Council should follow professional advice and keep information open to the public.

Libba Sloan, 1505 Middle Street, stated the Town should protect the coastal forest.

Andy Selcer, 1505 Middle Street, stated to save the buffer zone.

Bobby Thompson, 2917 I'on Avenue, commented on the past regarding the accreted land, and stated to protect the land.

Carlson Huey, 828 Middle Street, stated he was representing the Board of Battery Gadsden Cultural Center. The Center is being rejuvenated with an emphasis on civilian history, artist display, work areas and performances. The Board is currently negotiating a lease with the Town.

Amy Hoyt, 1724 I'on Avenue, stated to protect the land.

Heidi Brown, 405 Station 22 Street, stated this Council has been asked to continue to preserve and protect the development of a maritime forest conservation area.

Hannah Heyward, 1701 Middle Street, stated Council as stewards of the accreted land promise to protect it; and that will help with the erosion problem.

Jerry Callahan, 1655 Middle Street, stated he agreed with the previous comments; however, he is concerned about the issue of property rights.

Luke Lewis, 2101 Pettigrew, stated he agreed with some of the comments; however, he doesn't think trees help gain accreted land, and the dunes help save homes from storms. For the transition zone, he asked Council to consider the safety feature of the transition zone, especially fire hazard.

Courtney Summers, 2520 Myrtle Avenue, asked Council to not alter the natural environment, especially since it is public land.

Howard Holl, 1807 I'on Avenue, stated he agreed about preserving the forest.

Mark Howard, 1820 Central Avenue, inquired about the status of the transition zone decision. Mayor Perkis noted he was not at the meeting for the vote. Councilman O'Neil stated it did not require second reading because it was not an ordinance. It was a decision made by a majority of Council at that particular Council meeting to establish the depth of the transition zone; and Council has taken no further action. Councilman Kaynard stated it is in the same position as every other decision Council has made on the transition zone. It is a policy statement by Council, not an ordinance. Mr. Howard stated that the 100 foot zone is too broad a statement and the issue needs to be fine-tuned.

Ed Fava, 2424 Myrtle Avenue, stated he was still confused about the transition zone. Mayor Perkis answered that he was not at that meeting, but he understood that the decision determined only the depth of the transition zone; what happens within the zone had not yet been created. Councilman O'Neil added that the decision previously passed by Council does not allow anyone to bulldoze or chainsaw the trees. Attorney Dodds agreed and noted that before any action could take place in that area, the Town is required to follow the requirements in the conservation deed. Mr. Fava stated the forest is a wonderful asset and there is no need to do anything with it.

Linda Lee, Vice President of Carolina Film Alliance, stated she had recently given new information to Administrator Benke and Councilman O'Neil for Council's review, and asked that Council defer the ordinance reading tonight.

Ettaleah Bluestein, 2513 Atlantic Avenue, stated the Land Trust agreement states it is to protect the views and the breezes on the island. Also, the Coastal Science and Engineering study provides scientific information on the designated sections of the front beach land. She encouraged everyone to read the Land Trust agreement and the scientific report; and stated everyone's opinion should be considered.

Will Post, 1907 I'on Avenue, stated Sullivan's Island is a "stop-over point" for migratory birds supported by the maritime forest.

Delores Schweitzer, 1612 Poe Avenue, stated to consider the sound scientific principles in the accreted land, and to keep the public informed; and also that she supported the Battery Gadsden Cultural Center.

Michael Mithoefer, 407 O'Neil, stated he strongly agreed in protecting this public land; and also commented on the process of how the transition zone decision was railroaded through. He continued that he wrote a letter to Council concerning this and asked Council, in the interest of respect, to throw that decision out.

Chuck Galis, 1817 Back Street, stated he agreed with Mr. Mithoefer, as what he witnessed at the August meeting was poor governance, and unnecessary politically-induced conflict. He did not like the method and manner the decision was made, and it completely ignored the need for professional management and enforcement. He asked Council to please make sure there are honest provisions for non-political professional management and enforcement.

Nickie Bluestein, 2513 Atlantic Avenue, stated the Town hired a professional scientific engineering firm and that study showed the only way to preserve the island is with sand dunes; trees do not protect the surge. He encouraged everyone to read the Land Trust agreement.

Fred Pittman, 2313 I'on Avenue, stated the maritime forest and the Island's way of life is worth preserving.

Alice Morrisey, 1652 Thompson Avenue, also agreed with preserving the forest.

II. COUNCIL ACTION ITEMS

1. Motion was made by Councilman Kaynard, seconded by Councilman Clark, to approve the August 19, 2014 Regular Council meeting minutes and the September 8, 2014 Special Council meeting minutes, carried unanimously.

2. Motion was made by Councilman Kaynard, seconded by Councilwoman Middaugh, to approve a Resolution to Approve Financing of Town Vehicles, carried unanimously. Mayor Perkis stated the financing is for Town vehicles in the amount of \$145,000 at a rate of 1.32%.

3. Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to move the First Reading of Ordinance No. 2014-11, An Ordinance Amending Section 14 to by adding Section 14-34 for a Lease Agreement with Battery Gadsden Cultural Center LLC until after the Executive Session, carried unanimously.

4. Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to approve to proceed with Phase I of the Nature Trail with Modifications to the previous RFP; and to include the boardwalk refurbishment at Station 26 beach path, carried unanimously. Councilman O'Neil stated this is a continuation of work to be funded by Greenbelt fund. It is the original nature trail and construction of small boardwalks and benches; and to refurbish the beach path at Station 26. Administrator Benke stated the cost for the beach path at Station 26 will be \$24,000, to include replacing the galvanized pipe with wood, and replacing all damaged and rotten wood.

5. Motion was made by Councilman O'Neil, seconded by Councilman Kaynard, to defer Second Reading and Ratification of Ordinance No. 2013-09, An Ordinance Amending Section 14-25 of the Code of Ordinances for the Town of Sullivan's Island to Revise Franchise Fees for Filming, Video Taping, and Still Photography for Commercial Purposes; and, to Add Language Prohibiting Filming of Any Type within the RC-1/RC-2 Zoning Districts or on the Beach, carried unanimously. Councilman O'Neil stated further discussion is needed with a representative with the film industry before proceeding.

III. REPORTS AND COMMUNICATIONS

1. **General and New Correspondence** – Correspondence was received from Penn Hagood regarding the accreted land and from Kin Hill of the Charleston Water System (CWS) thanking staff for their cooperation and communication with the recent water main leak near Fort Johnson. Also, Mayor Perkis wrote a letter on behalf of Town Council, Town staff and Island residents to Mr. Jay Leigh of the Isle of Palms Water & Sewer Commission, expressing thanks and gratitude for their teamwork and cooperation during the recent CWS water main leak to provide water service to the Town.

2. **Attorney Report** - No report.

3. **Boards and Commissions** – Mark Howard of the Design Review Board stated that Creech Associates would be presenting the Town Hall plans (as previously presented at Council Special Meeting on September 8, 2014), and the public is invited.

Motion was made by Councilwoman Middaugh, seconded by Councilman O'Neil, to move the Land Use and Natural Resource Committee report to the beginning of the Committee Reports, carried unanimously.

IV. COMMITTEE REPORTS

Land Use and Natural Resources Committee – Councilman O'Neil. Monthly report rendered.

Minutes - Motion was made by Mayor Perkis, seconded by Councilman Kaynard, to approve the minutes from the August 29, 2014 Land Use and Natural Resources Committee meeting, carried unanimously 3-0.

Phase 1 and Phase 2 projects in Protected Land – Councilman O'Neil stated that this project will be discussed after the current legal matters are resolved.

Greenbelt Fund projects – Council voted earlier in meeting to approve to proceed with Phase I of nature trail modification, to include the boardwalk refurbishment at Station 26 beach path.

Finance Committee – Mayor Perkis. Monthly report rendered.

FY 2014 Audit – The audit by Greene, Finney and Horton, LLC was presented earlier in the meeting.

Ordinance 2013-09 – The ordinance to revise fees for filming and videotaping and prohibit such activity in the RC-1/RC-2 areas or on the beach was deferred for Second Reading earlier in the meeting.

Tax Management Associates, Inc. – Charleston County has invited the Town to participate in audit services conducted by TMA in order to verify the accuracy and legitimacy of legal resident exemptions filed with the County. There is no up-front cost but an obligation to share 30% of the back taxes, penalties and interest collected as additional monies resulting from each audit. After discussion, Council asked Town Attorney Larry Dodds to discuss with the Charleston County attorney before proceeding.

Public Safety Committee – Councilman Clark. Monthly reports rendered. No items for discussion.

Water and Sewer Committee – Councilwoman Middaugh. Monthly reports rendered.

Minutes – Motion was made by Councilman Kaynard, seconded by Councilman Clark to approve the Minutes from the Water & Sewer Committee meeting on August 21, 2014, carried unanimously 3-0.

I&I Project – The project will begin on October 6, 2014. Water & Sewer Manager Gress reported that the staging area would be at the wastewater treatment plant; the workers would be out on the island from 8am – 6pm. Information to residents will probably be on the next water bill in addition to a separate mailing regarding this activity.

Administration Committee – Councilman Kaynard. Monthly report rendered.

2015 Meeting Calendar – Clarification of meeting dates in 2015 will need to be discussed at a future meeting.

Sullivan's Island Elementary School Dedication Ceremony – The school dedication will take place on Monday, September 22, 2014 at 10:00 a.m. There will be an Open House for the public on Saturday, September 27, 2014 from 10am – 12 noon.

Public Facilities Committee – Councilman Clark for Councilwoman Cooper. Monthly report rendered.

New Town Hall and Police Project – Creech and Associates presented the conceptual design of Town Hall/Police project to the public on September 8, 2014 and will present to the Design Review Board and public on September 17, 2014. Council voted to release the architect to proceed to Design Documents phase of the project. Mr. Creech has asked for clarification regarding the enclosure above the Council room.

Recreation Committee – Councilwoman Watson. No items to report until after Executive Session.

Motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to go into Executive Session at 7:40 pm., for Contractual – Managed Parking; Contractual – Purchase Offer 2624

Raven Drive; Contractual – Lease Agreement for Battery Gadsden; and Personnel – Vacation Policy, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilwoman Middaugh, to come out of Executive Session at 8:40 pm., carried unanimously. Mayor Perkis stated that no votes or action were taken in Executive Session.

Motion was made by Mayor Perkis, seconded by Councilman Kaynard, to accept the back-up offer for 2620 Raven Drive, carried by a vote of 5-1, with Councilman O'Neil casting the nay vote.

Motion was made by Councilwoman Watson, seconded by Councilwoman Middaugh, to have First Reading of Ordinance No. 2014-11, An Ordinance Amending Section 14 to by adding Section 14-34 for a Lease Agreement with Battery Gadsden Cultural Center LLC. After discussion, motion was made by Councilman Kaynard, seconded by Councilman O'Neil, to amend the language in paragraph 19 (i) to read:

Provide a membership on its Board of Directors who will be a member of Town Council or designee of Council with full voting rights after the first year of the lease.

And, amend language in paragraph 2 to read:

The term of this lease shall be for a period of two years commencing on the 22nd day of October 2014 and ending on the 20th day of October 2016. Landlord reserves the right to extend the lease for the second two years on or before August 1, 2016, carried unanimously, 6-0.

Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to approve First Reading of Ordinance No. 2014-11 An Ordinance Amending Section 14 to by adding Section 14-34 for a Lease Agreement with Battery Gadsden Cultural Center LLC, as amended, carried unanimously 6-0.

Motion was made and seconded to approve a hardship request for an employee two-week vacation payout, carried unanimously, 6-0.

Motion was made by Councilman Clark, seconded by Councilwoman Middaugh, to adjourn at 8:55 pm, carried unanimously.

Respectfully submitted,



Ellen Miller