

September 21, 2010

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
Mike Perkis, Mayor Pro Tem
Buddy Howle, Councilman
Jerry Kaynard, Councilman
Madeleine McGee, Councilwoman
Patrick O'Neil, Councilman
Mary Jane Watson, Councilwoman

The Pledge of Allegiance was led by Mayor Smith, followed by the invocation by Councilman Howle. There were 10 members in the audience and two members of the media present.

The floor was opened for comments from the citizens. Jeri England, 2014 Middle St., spoke regarding the Edgar Poe Library. She stated that Donald Henderson, new executive director of the Charleston County Library System, would be at the library to meet the public on Tuesday, September 28th at 10:30.

Motion was made by Councilwoman Watson, seconded by Councilman Kaynard, to approve minutes from the regular meeting on August 17, 2010 and the special meeting on September 13, 2010, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilwoman Watson, to move Item #5 of Executive Session (Personnel: Boards and Commissions – Selection of Planning Commission and Tree Commission seats) after the approval of the minutes, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilman Howle to go into Executive Session at 6:05 pm for Personnel: Boards and Commissions – Selection of Planning Commission and Tree Commission seats, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilman Howle to come out of Executive Session at 6:30 pm, carried unanimously. Mayor Smith stated that no action or votes were taken in Executive Session.

Motion was made by Councilman Kaynard, seconded by Councilman Howle, to appoint Nat Rob to serve on the Tree Commission, carried unanimously.

Motion was made by Councilman Kaynard, seconded by Councilman Howle, to reappoint John Winchester and Aussie Geer; and to appoint Chauncey Clark to the Planning Commission, carried unanimously.

Motion was made by Councilman O'Neil, seconded by Councilman Howle, to express gratitude to Bobby Thompson who served more than 18 years on the Planning Commission, and to Leo Fetter, Alice Paylor and Thom Hiers for their service to the Boards, carried unanimously.

Councilwoman Watson had to leave the meeting at this time.

Howard Chapman, Executive Director of CARTA, presented a revised version of their FY2011 budget. **Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to accept the FY11 revised CARTA budget, carried unanimously.**

Motion was made by Councilman Howle, seconded by Councilwoman McGee, to approve a Resolution Authorizing the Establishment of a Managed Parking Plan, carried unanimously. Councilwoman McGee stated that this is the first step to determine whether a managed parking plan will work for the island.

Reports and Communications

General and New Correspondence – Correspondence was received from Tyson Smith regarding managed parking, and from the S.C. Department of Archives and History approving the Town's application for the certified local government program.

Attorney Report – Attorney Larry Dodds stated he had a request for a fee simple title for 2429 Atlantic Ave. **Motion was made by Councilman O'Neil, seconded by Councilman Howle to approve the fee simple title for 2429 Atlantic Avenue, carried unanimously.**

Board and Commission Reports – Hal Currey, chairman of the Planning Commission, reported on the concepts of the overlay districts, and a public hearing is scheduled for Wednesday, October 13, 2010.

Administrator's Report, Administrator Benke. The SC Department of Health and Environmental Control indicates that the beach monitoring results for three stations on Sullivan's Island ranked as satisfactory in August. The Hood Law Firm submitted an amended complaint to the civil action to the Court of Common Pleas Ninth Judicial Circuit on behalf of Nathan Bluestein, Ettaleah C. Bluestein, Theodore Albenesius, III and Karen Albenesius on September 13, 2010. The Hair Law Firm is preparing the reply. Staff is gathering the subpoenaed documents. Copies of the amended complaint, deposition notice and document request are available in Town Hall for review by the public. It is on the agenda for legal advice during Executive Session tonight. Council will also receive legal advice on commercial activity on Town property and the beach

during Executive Session tonight. The U.S. Post Office has begun its modified hours at the Sullivan's Island branch. Administrator Benke met with Robert Burgdoff, Regional Manager of Postal Operations, and he stated that the post office is committed to keeping the branch open, but with amended hours. There was discussion regarding the watercraft activity in the vicinity of Station 28-1/2 Street, and the local kiting community is working hard to inform the public regarding water safety. Chief Howard and Administrator Benke will meet with local kiting representatives in the near future for continued discussion. The Charleston County Urban Entitlement Program will be held prior to the Council meeting on October 19, 2010 at 6 pm. Council agreed for Councilman Perkis to continue to represent the Town regarding this program. Council approved a special event request for the National MS Society Carolinas Challenge Walk on March 4, 2011; no assistance from Town Staff is required. Administrator Benke will continue to find a sponsor for the Weather Bug Monitoring Station. The Executive Director of the Charleston County Board of Elections and Voter Registration, Marilyn Bowers, has announced her retirement after the November 2010 election. The November election will be held at the Sullivan's Island Elementary School even though it is currently closed; however, the location of the municipal election in May 2011 is unsure at this time.

Ways and Means Committee, Councilman Perkis. Councilman Perkis introduced Larry Finney, with Green Finney and Horton, to present the financial audit for FY2009. Mr. Finney reported that the Town received an unqualified opinion, which is the highest opinion the Town can receive. Councilman Perkis stated that due to the needs of the lawsuit against the Town, staff may need to review current budgeted projects and postpone them to pay legal fees. The engine for the fire and rescue boat was recently replaced. The consensus of Council was to reimburse the Sullivan's Island Volunteer Fire and Rescue Squad for the cost of the engine. Discussion has begun regarding a reserve account established by ordinance for operating revenue in the event of a natural disaster.

Personnel Committee, Councilman Kaynard. Monthly report rendered. The crossover date for the new employee health insurance through the State of South Carolina is October 1, 2010. The Town has been notified concerning a deposit to the former insurance company to cover upcoming claims after the program is discontinued. An offer has been made for the open Water and Sewer position, and following screenings, the employee should begin work on October 4, 2010. Chief Stith continues to try to schedule a trip to Savannah to look at an audible alert system. The next possible time is early November. The open seats on the Planning and Tree Commissions were filled earlier tonight. Staff is reviewing criteria for selection of a quarterly and annual outstanding employee. Council will review two drafts and discuss at the next Committee meeting.

Water and Sewer Committee, Councilman Perkis. Monthly report rendered. An ordinance to amend Section 20 to provide for a meter supplying an empty lot which contains a dock in the RC-2 zoning area is on the agenda for first reading, by title only, tonight.

Building and Construction Committee, Councilman Howle. Monthly report rendered. An ordinance to amend Sections 5-78 and 5-81 of the Code to comply with Section 404 of the Federal Water Pollution Control Act is on the agenda for first reading, by title only, tonight. Kat Kenyon passed the business license certification test and is an Accredited Business License professional. The Town received approval of its application for the certified local government program from the S.C. Department of Archives and History.

Fire Committee, Mayor Smith. Monthly report rendered. The Annual Fire Prevention Program and Display will be held on October 6, 2010 at the Sullivan's Island Fire Station. The parade of fire trucks will begin at Station One at the Isle of Palms and come to the Sullivan's Island Fire Station around 5:00.

Recreation Committee, Councilman Kaynard for Councilwoman Watson. The Park Foundation will have a reorganization session in the near future. The next meeting of the Bicycle Advisory Committee is Tuesday, October 12, 2010 6 pm in Town Hall. Several pieces of equipment on the playground are showing signs of age and should be repaired or replaced. Chief Stith has inspected the toys and removed any hazards.

Real Estate Committee, Councilman O'Neil.
Community Commercial District Master Plan - Amended parking drawings by Administrator Benke and Councilman O'Neil determined the street was not wide enough for the plan; however, a few more parking spaces could be gained if the bus stop was eliminated.

Open Space Protection for Town Parcels - Quotes have been received for the Town parcels for open space protection and the deed restriction documents are to be received before possible acceptance.

Accreted Land Management Plan - Coastal Science and Engineering has tendered the final draft of the Accreted Land Management Plan. Edits include amendments to Section One to incorporate "Principles and Guidelines" and Task 7 (management units). Council will discuss the document at the October 4, 2010 Committee meeting.

1602 Thompson Avenue - The Mayor and Administrator continue to search for funding opportunities for 1602 Thompson Avenue.

Recreation and Conservation (RC-1) Line Delineation - The delineation of RC-1 area relative to properties in the Station 22 block of Atlantic Avenue will be discussed in Executive Session.

Other - Councilman Howle stated he would like Council to look into golf carts parking on the beach paths for residents.

Police Committee, Mayor Smith. Monthly report rendered. The Department has completed training conducted by the Charleston County Sheriff's Department on electronic control devices. Chief Howard reported that he met with Phil Cromer of the SCMIT regarding workers compensation and the organization recommends the use of the devices. Chief Howard reported that the Labor Day holiday was very busy but went well.

Streets and Maintenance Committee, Councilwoman McGee. A meeting was held on September 9, 2010 with residents of Station 18 to review the drainage options. Councilwoman McGee outlined the next steps for the managed parking program. Thomas & Hutton has been asked to re-quote the study of a bike lane at Jasper Boulevard and Izlar Street with consideration of Class “B” riders only. The S.C. Department of Transportation has indicated an unwillingness to lower the speed limit on SC703.

Motion was made by Councilman Howle, seconded by Councilman Perkis, to have Second Reading of Ordinance No. 2010-8, An Ordinance to Amend the Sullivan’s Island Code of Ordinances by Adding Chapter 27 – Franchise Fees – Granting Consent to Application for Franchise Fee for Cable Service and Setting Franchise Fee, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman Perkis, to have First Reading, by title only, of Ordinance No. 2010-09, An Ordinance to Amend Chapter 5 Building, Sections 5-78 and 5-81 of the Ordinances for the Town of Sullivan’s Island, relating to flood management, carried unanimously.

Motion was made by Councilman Perkis, seconded by Councilman O’Neil, to have First Reading, by title only, of Ordinance No. 2010-10, An Ordinance to Amend Chapter 20 Water Supply Section 20-7-A, Section 20-7-B, Section 20-7-C, and Section 20-21-1 to Allow a Dock Only Meter for the Purpose of Supplying Water Only to Those Lots with a Dock and No Residential Structure, carried unanimously.

Motion was made by Councilman Howle, seconded by Councilman O’Neil, to go into Executive Session at 8:40 p.m. for legal advice concerning 1) S.C. Code 48-39-10 et seq. Coastal Tidelands and Wetlands, 2) S.C. Code 48-14-50 Stormwater Management and Sediment Reduction Program; 3) Zoning 21-68 RC-1 Area Districts; and 4) Amended Complaint 10-CP-10-5449 Bluestein et al. v. Town of Sullivan’s Island et al., carried unanimously.

Motion was made by Howle, seconded by O’Neil, to come out of Executive Session at 10:50 p.m., carried unanimously. Mayor Smith stated no action or votes were taken during Executive Session.

Motion was made by Councilman Kaynard, seconded by Councilman Howle to send the matter of the RC1 line between Station 22 and Station 22-1/2 Streets to the Planning Commission for review and public hearing. Motion failed by a vote of 3-3.

Motion was made by Councilman Perkis, seconded by Councilman Howle, to adjourn at 10:55 p.m., carried unanimously.

Respectfully submitted,

Ellen McQueeney