

October 16, 2018

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

Present were: Patrick M. O'Neil, Mayor
Chauncey Clark, Mayor Pro-Tem
Sarah Church, Councilmember
Mark Howard, Councilmember
Rita Langley, Councilmember
Tim Reese, Councilmember
Bachman Smith, IV, Councilmember

Mayor O'Neil called the meeting to order at 6:00 p.m. and stated the press and public had been notified in accordance with State Law. There were approximately ninety (90) members of the public present and two members of the media present. Mayor O'Neil led the Pledge of Allegiance, followed by the invocation by Mayor Pro-Tem Clark.

Mayor O'Neil took a moment to introduced and Welcome the Town's newest employee, Max Wurthmann. Max is a trainee in the Building Department working with Building Official Randy Robinson on floodplain management and FEMA flood issues.

I. FORMAT: Mayor O'Neil opened the floor for public comment.

Norman Khoury, 1728 I'On Avenue- read a recent Post and Courier newspaper article regarding the transition zone.

Eleanor Horres, 659 Bank Street, Mount Pleasant- stated that she lived at 1705 Atlantic Avenue when Hurricane Hugo hit and believes the forested area protected the surrounding homes.

Penn Hagood, 2424 Raven Drive- read a letter and supports the least amount of cutting in the Accreted Land.

Dr. Fred Pittman, 2313 I'On Avenue- expressed concern regarding plastic waste on the beach walkway and into the forested area at Station 23.

Cyndy Ewing, 2514 I'On Avenue- agreed with Ms. Hagood. She would like to see view corridors for front beach homeowners instead of using a gyro-trac on myrtle trees. She hopes Council will pay more attention to how the entire island feels and their safety.

Susan Middaugh, 2420 Raven Drive- stated that in 2016, Council agreed to a transition zone management plan, but is considering a change to remove 100% of maritime shrubs in the entire 100-foot zone in the name of fire cost and complexity. Two consultants have agreed that between 30-32 feet of underbrush clearance is sufficient for home protection. The 2016 plan provides an ample 40-foot buffer.

David Quick, 1502 Village Square, Mount Pleasant- loves Sullivan's Island, opposes cutting in the Accreted Land.

Roy Williams, 2513 I'On Avenue- stated that Sullivan's Island is a unique island and hopes that a solution can be made.

Caroline Bradner, 328 East Bay Street, Charleston- works for the Land, Water & Wildlife Program for the Conservation League. The Conservation League applauds the Town's leadership on the issue of plastic pollution and supports the proposed Ordinance.

Dean Kilpatrick, 1026 Osceola Avenue- stated he would like to see the cutting reduced as much as possible in the Accreted Land and believes the underbrush protects against Hurricanes and flood tides.

Courtney Somers, 2520 Myrtle Avenue- supports saving as much of the forest as possible. She believes it is beautiful and protective.

Michael Mithoefer, 407 O'Neil Street- supports plastics ban and supports saving as much of the forest as possible.

Alice Morrisey, 1652 Thompson Avenue- sang a song supporting the plastics ban.

Summer Coish- 2808 I'On Avenue- Deputy Director of the Plastic Pollution Coalition, which is based in Washington D.C. Each day in the U.S., we use approximately 500 million straws, which is almost double our population. She believes it is extremely important that we work with businesses and corporations to eliminate plastic items. The World Economic Forum estimates that by 2050, there will be more plastic in the ocean than fish by weight.

Tita Massie- 1850 Middle Street- supports preserving the maritime forest, not just for the citizens and their homes against wind and storm surge, but also for the island beauty.

Allison Bourland, 1607 Atlantic Avenue- took photos between Station 16 and the Sand Dunes Club showing the dead trees and bushes in the Accreted Land. She questions if the forest is being take care of properly.

Mike Walsh, 2530 I'On Avenue- thanked Council for supporting Battery Gadsden and Battery Gadsden Cultural Center.

Scott Smith, 1019 Middle Street- would like to see the island work together and come to an agreement for a management plan.

Jim Burns, 1755 Atlantic Avenue- in favor of a buffer and clearing the underbrush in the first 40-feet so that the trees would have room to flourish.

Kimberly Brown, 2118 Pettigrew Street- stated that she is not beachfront nor is she part of a lawsuit. She stated that the island needs to compromise and work together, rather than against each other.

Nolan Schillerstrom, 635 Rutledge Avenue, Charleston- works for Audubon South Carolina and offered their resources on wildlife and native plants.

Maria Andrews, 1318 Cove Avenue- supports preserving the maritime forest and believes the forest is protective against storms and Hurricanes and prevents erosion.

Nathaniel Hoyt, 1724 I'On Avenue- supports Battery Gadsden Cultural Center, the maritime forest and the plastics ban.

II. PRESENTATION: Greene Finney, LLP- FY18 Financial Audit

Mayor O'Neil introduced Emily Sobczak of Greene Finney, LLP. Ms. Sobczak presented highlights of the fiscal year 2018 financial audit to the Town. She stated the Town received an unmodified opinion, which is the best opinion the Town can receive. No findings, significant deficiencies, or material weaknesses were noted. The General Fund balance increased \$678k to \$7.5 million. There is a non-spendable fund balance of \$128k (prepaid insurance). The restricted fund balance is \$117k for

Victims Services, Confederate Memorial and the Land Trust. The committed fund balance is \$2.8 million for capital projects. There is an assigned fund balance of \$20k for William Bradley Memorial fund. The unassigned fund balance is \$4.5 million, which covers 80% of actual 2018 expenditures.

The General Fund revenues for 2018 were \$5.7 million which is an 11% increase from 2017 and 13% better than budget. The General Fund expenditures for 2018 were \$5.6 million which is a 30% decrease from 2017 and 1% under budget mainly due to a \$1.4 million decrease in capital outlay related to the construction of the new Town Hall in 2017.

The Water Fund had an increase in net position of \$287k to \$4.6 million due to the following: total Water Fund revenues were consistent with prior year, water operating expenses decreased \$199k from the prior year, the Water Fund has \$1.7 million in unrestricted cast at June 30, 2018 and the water system is 50% depreciated at June 30, 2018 (cost of system was \$4.7 million with accumulated depreciation of \$2.35 million).

The Sewer Fund had an increase in net position of \$269k from current year operations. Total sewer operating revenues increased approximately \$148k or 12% from the prior year due to the current year increase in sewer rates as well as an increase in usage compared to prior year. Sewer operating expenses increased approximately \$53k or 5% from the prior year. Debt coverage ratio for the Water and Sewer bonds is approximately 6.73 as of June 30, 2018 exceeds requirement of 1.20). The Town issued \$19.5 million in Installment Purchase Revenue Bonds in July 2018 to finance significant improvements to the Wastewater Collection System.

III. COUNCIL ACTION ITEMS:

1. Approval of Council Minutes –

Motion was made by Councilmember Langley, seconded by Councilmember Howard, to approve the Regular Council Meeting Minutes of September 25, 2018, passed unanimously.

2. Motion was made by Councilmember Smith, seconded by Councilmember Church, to approve Third Reading and Ratification, Ordinance 2018-05, An Ordinance to Amend the Ordinances for the Town of Sullivan’s Island, South Carolina, Chapter 14, By Adding a New Section 35 to read as follows: Section 14-35 Access Easement Agreement and Restrictive Covenant with Ward V.B. Lasso, passed with a vote of 6 with Councilmember Reese recusing himself.

- 3. Motion was made Councilmember Langley, seconded by Councilmember Church, to have Second Reading, Ordinance 2018-06, An Ordinance Prohibiting the Use and Distribution of Single-Use Plastic Bags, Plastic Straws, Polystyrene Coolers, Polystyrene Food Containers or Polystyrene Cups by any Business Establishment in the Town of Sullivan's Island, any Property of the Town of Sullivan's Island or in the RC-1 Zoning District of the Town of Sullivan's Island.**

Motion was made by Councilmember Smith, seconded by Councilmember Howard, to amend Ordinance 2018-06 to correct the word 'pain' and change it to 'paid' in Section D. (3), to add 'ice bags' to Section C. (4) after 'Laundry dry cleaning bags' and before 'door-hanger bags'; and to strike D. (5) and add language 'Any violation of the regulations provided in this article by any person or owner, manager, employee or representative of a business establishment shall be punishable as a misdemeanor and by a fine of up to five hundred (\$500.00) dollars plus State of South Carolina assessments per day violation and/or a sentence of thirty (30) days in jail. Each day the violation continues or occurs shall constitute a separate offense', passed unanimously.

Motion was made by Councilmember Langley, seconded by Councilmember Church, to approve Ordinance 2018-06 as amended, passed unanimously.

- 4. Motion was made by Councilmember Langley, seconded by Councilmember Howard, to have Second Reading, Ordinance 2018-07, An Ordinance to Amend Zoning Regulations Regarding Legal Nonconforming Uses, Structures and Characteristics of Nonconforming Uses and Structures: Article 16, Sections 21-149, 21-150, 21-151, 21-152; Article 21, Definitions; and, Articles 3 and 15, Regarding Historic Accessory Dwelling Units, passed unanimously.**
- 5. Motion was made by Councilmember Howard, seconded by Councilmember Church, to approve the purchase of an HVAC system for the portion of Battery Gadsden leased to the Battery Gadsden Cultural Center and accept the bid from Morelli Heating and Air Conditioning Inc. for electrical, framing, HVAC and mold control totaling approximately \$15,000.00, passed unanimously.**
- 6. Motion was made by Councilmember Reese, seconded by Councilmember Clark, to approve the design for a new "Welcome" sign on SC-703 Causeway as submitted by the Sullivan's Island Park Foundation with Council to receive clarification from the Park Foundation on a couple items regarding the new sign before proceeding, passed unanimously.**
- 7. Discussion and consideration of language for the Transition Zone as part of the Accreted Land Management Plan to be implemented by staff:**

Transition Zone Management- Town Council developed a Transition Zone Management Plan that was approved at its February 25, 2016 Special Meeting. Ongoing litigation has delayed implementation of management plan strategies in the Protected Land. The Town recently received a favorable ruling from the appellate court and, although litigation may not be closed, the Town is working with its attorneys to find avenues to move forward on management pieces, such as the Transition Zone. The Land Use and Natural Resources Committee discussed, in detail, the current draft plan and modifications at the August 30, 2018 Meeting. The motion was as follows: Mayor O'Neil moved to recommend to Town Council modification of the Transition Zone Directives for bands I & II to read as follows:

1. Band I (1-40 feet):
 - a. All trees ≥ 6 " DBH shall be retained, except cedar, pine and non-native invasive species trees.
 - b. All understory, shrubs (including myrtles), cedar and pine species and small trees (defined as ≤ 6 " DBH) shall be removed.
2. Band II (40-100 feet):
 - a. All trees shall be retained within this band except non-native invasive species. Minimum threshold for consideration of a tree shall be 3" DBH and 12' in height.
 - b. All understory, shrubs and myrtles shall be removed.

Motion was made by Councilmember Langley, seconded by Councilmember Clark, to approve the Land Use and Natural Resources Committee's recommendations for the Accreted Land Management Plan.

Councilmember Langley withdrew her motion.

Motion was made by Councilmember Langley, seconded by Councilmember Clark, to approve the Land Use and Natural Resources Committee's recommendations for the Accreted Land Management Plan and the Guiding Principles and Written Fact Findings.

Motion was made by Councilmember Smith, seconded by Councilmember Church, to amend the original motion to leave Band I (0-40') as is; Band II (40-100') under a. add the sentence "Minimum threshold for consideration of a tree shall be 3" DBH and 12' in height" and under b. add "Where the band is adjacent to grassland, shrub and non-forest areas: $\frac{3}{4}$ of all existing myrtles shall be removed as will any that sprout in their place. 25% of myrtles shall remain in those areas where myrtles currently exist. Percentages considered herein shall be based on areas between public beach access paths constituting 100%, failed by a vote of 3-4, with Mayor O'Neil and Councilmembers Clark, Langley and Reese opposing.

Motion was made by Councilmember Clark, seconded by Councilmember Reese, to amend the original motion to change Band II (40-100') to change 3" DBH to 6" DBH, failed by a

vote of 2-5, with Mayor O’Neil and Councilmembers Church, Howard, Langley and Smith opposing.

Back to original motion by Councilmember Langley:

Motion was made by Councilmember Langley, seconded by Councilmember Clark, to approve the Land Use and Natural Resources Committee’s recommendations for the Accreted Land Management Plan and the Guiding Principles and Written Fact Findings, failed by a vote of 2-5, Councilmembers Church, Howard, Reese, Clark and Smith opposing.

8. Consideration and appointment of applications for seats set to expire on various Boards and Commissions-

Motion was made by Councilmember Church, seconded by Councilmember Reese, to move this item on the agenda until after Executive Session, passed unanimously.

IV. REPORTS AND COMMUNICATION:

1. Mayor’s Report- None.

2. Administrator’s Report

I. General Correspondence

- Chuck and Jane Gallis, 1817 Back Street- Transition Zone
- Karen Byko, 2862 Middle Street- Transition Zone
- Kari Crolley- Transition Zone and vegetation removal
- Jerry Kaynard, 2501 Atlantic Avenue- Art on the Beach will be held on November 11, 2018
- Rick Reed, 1851 Flag Street- Transition Zone
- Jeff Jackson- Update on removal and eradication of invasive plants in the Accreted Land through September 2018
- Chuck Greer, 2808 Atlantic Avenue- Note of appreciation for assistance provided by Officer McLellan to a vehicle on Isle of Palms
- Barbara Pendergrast, 2667 I’On Avenue- Note of appreciation for prompt work to recover a missing golf cart

II. Construction

Old Bridge Assessment- Chris Iser and Tara Alden of Kimley Horn will present the structural assessment and rehabilitation findings for the Town parcel known as the “Old Bridge” during the November 5, 2018 Workshop meeting.

Fire Station Structural Repairs- The agreement with Applied Building Sciences has been signed. ABS is currently working to convert the original Fire Station drawings from PDF format to CAD format. Thereafter, the architect will begin design work with the goal of providing the Town with a set of *Owner Review* Drawings and Specifications sometime after Thanksgiving.

III. General

FEMA 4241 Grant Stormwater Improvement- Thomas and Hutton is expected to review design work on the Station 18 and Station 30 basins either on November 5, 2018 or November 20, 2018 meeting of Council.

3. Attorney's Report – No items to report.

4. Boards and Commissions Reports –

Planning Commission: Gary Visser, Chair of the Planning Commission, spoke regarding the Comprehensive Plan. Council has received a copy and will begin to review the document.

V. COMMITTEE REPORTS- DISCUSSION ITEMS:

Finance Committee – Mayor O'Neil. Monthly report rendered.

Public Facilities Committee – Councilmember Howard absent. Monthly report rendered.

Kimley-Horn- The draft copy of the erosion report at the old bridge/fishing pier was received on June 18, 2018. Kimley Horn will present the final report at the November workshop meeting.

Battery Gadsden Cultural Center- The next event is on October 18, 2018 from 6:00-7:00 p.m. at the Fort Moultrie Visitor Center. Author Leonard Goldberg M.D. will be speaking on "*Sherlock Holmes and the Art of Mystery Writing*".

Land Use and Natural Resources Committee – Councilmember Langley. Monthly report rendered.

Administration Committee – Councilmember Reese. Monthly report rendered.

Dog License Fees- Consideration of increasing non-resident dog license fees will be discussed in November.

Water and Sewer Committee – Councilmember Smith absent. Monthly reports rendered.

Committee Meeting – The next Water & Sewer Committee Meeting will be held on Thursday, October 25, 2018 at 8:45 a.m. at Town Hall.

Public Safety Committee – Councilmember Clark. Monthly reports rendered.

Recreation Committee – Councilmember Church.

VI. ADJOURN

Motion was made by Councilmember Smith, seconded to Councilmember Langley, to move consideration and appointment of applications for seats set to expire on various Boards and Commissions to the Special Meeting prior to the November 5, 2018 workshop meeting, passed unanimously.

Motion was made by Councilmember Smith, seconded by Councilmember Church, to adjourn at 8:37 p.m., carried unanimously.

Respectfully submitted,



Courtney Liles