

October 21, 2008

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  
Pat O'Neil, Mayor Pro Tem  
Buddy Howell, Councilman  
Jerry Kaynard, Councilman  
Mike Perkis, Councilman  
Everett Presson, Councilman  
Mary Jane Watson, Councilwoman

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

The floor was opened for comments from the citizens. Susan Middaugh, 2420 Raven, questioned about signage to stay off the mound. Administrator Benke responded that he had not seen the signage; however, the contractor of the cell tower had requested for people to stay off a portion of the mound during construction. Tim Reese, 305 Station 20, representing the Island Club, asked Council to consider approving the roof project at the Island Club tonight during Executive Session, regardless whether an agreement on the Lease is made tonight.

**Motion was made by Councilman Kaynard, seconded by Councilman Howle, to approve the Regular Meeting minutes from September 16, carried unanimously.**

**Motion was made by Councilman Perkis, seconded by Councilman Kaynard, to approve a Resolution Approving and Supporting Town Safety Policies, carried unanimously.**

**Motion was made by Councilman Kaynard, seconded by Councilman Howle, to approve a Resolution Recognizing Cyndy Ewing for Distinguished Service to Community, carried unanimously.**

**Motion was made by Councilwoman Watson, seconded by Councilman Howle, to approve a Resolution Honoring Tommie Moorer in Celebration of Her 100<sup>th</sup> Birthday, carried unanimously.**

#### **Reports and Communications**

**General and New Correspondence** – Correspondence was received from Steve Hellberg of 1851 I'on Avenue requesting assistance from the SCE&G Non-Standard Lighting Fund. After discussion, Council decided to hold on to Mr. Hellberg's request

but take no action at this time. Correspondence was also received from Leo Fetter, 2668 Middle Street, expressing his appreciation to the Mayor and Council for the charrette process and the master plan work in the commercial district.

**Attorney's Report** – No report.

**Board and Commission Reports** – Hal Currey, Chairman of the Planning Commission, reported that the Commission has final drafts of seven of the nine elements of the Comprehensive Plan. They will present the final draft to Council at the Town Council regular meeting on December 16, 2008.

**Administrator's Report**, Administrator Benke. As part of a project in the graduate program of Health, Exercise, and Sport Science at the Citadel, Nicole Hitte requested to host a 5K race on October 24, 2009 beginning at 9:00 am. The event promotes awareness of childhood obesity and all proceeds will be donated to *Louie's Kids*. Council approved this request. The production company of "Dear John" LLC completed its filming for October, but will come back to Council next month to request permission to film at various locations on Sullivan's Island in December. The contractor has installed the bulkhead to stabilize the sand for the cell tower, and completion is scheduled for November 1, 2008. Consultants are providing pro forma estimates for updating the Beach Management Plan that OCRM requires to be updated. The Beach Erosion Advisory Committee met on September 23, 2008. S.C. DHEC has provided the regular sample results for Sullivan's Island for September and October 2008, and an additional sample after Tropical Storm Hanna. All samples were satisfactory. The National Park Service will celebrate the transfer of ownership of the Charleston Light from the U.S. Coast Guard to the Fort Sumter National Monument on November 9, 2008. Administrator Benke reported that he has discussed with the owners of the Pantry the vendors' delivery hours; however, it has not been working smoothly. An ordinance amendment will be prepared for First Reading for the Special Meeting on November 4, 2008.

**Ways and Means Committee**, Councilman Perkis. Comptroller Blanton reported that most account balances are where they should be; the current variances above the budgeted amount are due to timing. Preparations are being made in case the soft economy affects revenues. Business license and building permit revenue is currently down. **Motion was made by Councilman Howle, seconded by Councilman O'Neil, to transfer \$200,000 to a 5-month certificate of deposit at First National Bank of S.C., as the interest rate is much higher, carried unanimously.**

**Personnel Committee**, Councilman Kaynard. An Ordinance to amend Section 17-3 of the Town Code to add two members to the Planning Commission is on the agenda for First Reading tonight. Councilman Kaynard stated that with the increased burdens on the Planning Commission such as the Comprehensive Plan, the Commercial District plan, and the Accreted Land study, additional members will provide diversity to represent the Island. Councilwoman Watson asked Planning Commission Chairman Hal Currey if he agreed with the amendment. Chairman Currey responded that in his

personal experience over the years, five to seven people is the ideal size group. He does not believe the Commission needs additional members at this time. Arising from this discussion was the question of Council going to only two readings of an ordinance, instead of three. This will be discussed at the next Committee meeting. Councilman O'Neil reported that the wrap-up meeting of the Team Up to Trim Down was held, and he thanked Tonya Turner from MUSC, and staff member Arlene Graham for tallying the results each week. He also thanked the Volunteer Fire & Rescue, as it provided the prize of \$250 to the winning team. Mayor Smith expressed his appreciation to Councilman O'Neil and his staff from MUSC for helping with this program.

**Water and Sewer Committee**, Councilman Perkis. Monthly report rendered. Councilman Perkis complimented the Isle of Palms Water Department for their assistance providing water during the Charleston Water System line break. Water and Sewer Manager Greg Gress reported that Charleston Water System had repaired the pipe and they are currently testing the pipe. It will probably be read for use sometime next week. Manager Gress also showed Council an example of the new water bills that will probably start next month.

**Building and Construction Committee**, Councilman Howle. Monthly report rendered. Councilman Howle reported that the issuance of permits has declined, and staff is doing a good job identifying people working without permits.

**Fire Committee**, Mayor Smith. Monthly report rendered. Chief Stith reported that there was a huge turnout for the annual Fire Prevention Display on October 8, 2008; and the oyster roast will be held on Saturday, November 15, 2008. Mayor Smith thanked Chief Graham from the Isle of Palms for her help with the Fire Prevention Display.

**Recreation Committee**, Councilwoman Watson. Councilwoman Watson reported that there was no meeting; however, the Spring Dance is planned for April 24, 2009. There will be no major purchases of equipment this year. Councilman Presson thanked the Mayor for his work for starting the efforts with the park years ago. Administrator Benke reported that a local lacrosse team who is using the soccer field does not schedule events there; they use it on a first-come, first serve basis.

**Real Estate Committee**, Councilman O'Neil. Seamon Whiteside and Associates/Urban Edge Studios held a series of meetings and charrettes from October 7 to October 16 to address the comprehensive master plan for the commercial district, and received good participation. The final presentation was made on October 16, 2008 and a written document will be provided within six to eight weeks. The Accreted Land Management Plan is 75% complete; the draft will probably be ready in November. The Planning Commission has proposed language to amend 21-149 (H) pertaining to the non-conforming status of designated historic buildings. First Reading of the amendment will be at the November 3, 2008 Special Meeting before the regularly scheduled Committee meeting.

**Police Committee**, Mayor Smith. Monthly report rendered.

**Streets and Maintenance Committee, Councilman Presson.** The request for reimbursement of right of way trimming and pruning for 200 Station Eighteen Street was denied. Councilman Presson asked Chief Stith if the Station 16 beach path could be filled, as it has been flooded for weeks. Chief Stith responded that the Town is first waiting for the results of the accreted land study.

### **Ordinances**

**Motion was made by Councilman Kaynard, seconded by Councilman Presson, to have First Reading, by title only, of An Ordinance Amending Section 17-3 Planning Commission Membership; Terms; Vacancies, to Add an Eight and Ninth Member, carried by a vote of 4-3, with Council Members O'Neill, Perkis and Watson casting the nay votes.**

**Motion was made by Councilman Howell, seconded by Councilman Presson, to have First Reading, by title only, An Ordinance Amending Section 21-50 to Prohibit New Bars and Restaurants Within 300 Feet of Any Existing Bars and Restaurants Between Station 22-1/2 and Station 22 Streets, carried by a vote of 6, with Councilman Kaynard abstaining.**

**Motion was made by Councilman Howell, seconded by Councilman Presson, to have Second Reading of An Ordinance to Amend Section 14-29 (SIC 30) of the Town Code by Amending the Provisions Relating to Violations and Penalties, Section 1, subsections (I), (1), (2), (3), and (6), carried unanimously.**

**Motion was made by Councilman Howell, seconded by Councilman Presson, to suspend the rules to have Third Reading of An Ordinance to Amend Section 14-29 (SIC 30) of the Town Code by Amending the Provisions Relating to Violations and Penalties, Section 1, subsections (I), (1), (2), (3), and (6), carried unanimously.**

**Motion was made by Councilman Presson, seconded by Councilman Kaynard, to have Third Reading of An Ordinance to Amend Section 14-29 (SIC 30) of the Town Code by Amending the Provisions Relating to Violations and Penalties, Section 1, subsections (I), (1), (2), (3), and (6), carried unanimously.**

**Motion was made by Councilman O'Neil, seconded by Councilman Howle, to go into Executive Session for legal advice concerning the Lease Agreement with the Island Club; Lease Agreement with Ilderton and Tanenbaum at Station 12 Street/TMS 523-07-000-61, and Construction Agreement for Raven Drive at Station 26 to Station 26-1/2 Streets, carried unanimously.**

**Motion was made by Councilman Kaynard, seconded by Councilman Howle, to come out of Executive Session, carried unanimously.**

Upon returning to regular session, Mayor Smith stated that no action or votes were taken during Executive Session.

**Motion was made by Councilman Howle, seconded by Councilman Perkis, to instruct the Town Administrator to communicate the Island Club lease and the repairs with the Island Club; the original lease as prepared by Attorney Dodds will be used; a vendor will be asked to make temporary repairs to try to hold the water out; the Town will get bids on the tin roof and will oversee the process of all repairs; the work will be brought before the Design Review Board, carried unanimously.**

**Motion was made by Councilman Presson, seconded by Councilman Howle, to direct the Town Administrator to have Tanenbaum dock agreement revised to reflect that there has to be a removable portion of the dock over the pipeline; that the Town is held harmless for any work on the pipe to his property; that Mr. Tanenbaum will agree to pay for the legal fees; and there will be no requirement for fill, carried unanimously.**

**Motion was made by Kaynard, seconded by Councilwoman Watson, regarding the Childress/Raven Drive issue, to correct the typographical errors on the document to change June to July; to insert language that states that the Town has approval of all construction costs; and that the Town has approval on the size of the turnaround, carried unanimously.**

**Motion was made by Councilwoman Watson, seconded by Councilman Presson, to adjourn at 9:20 p.m., carried unanimously.**

Respectfully submitted,

Ellen McQueeney