

March 16, 2021

The regular meeting of Town Council was held on the above date at approximately 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
Greg Hammond, Councilmember
Tim Reese, Councilmember
Bachman Smith, IV, Councilmember
Kaye Smith, 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. This meeting was conducted via virtual meeting as a result of COVID-19 Pandemic. There were approximately seventy-five (75) members of the public present and two (2) members of the media present. Mayor O'Neil led the Pledge of Allegiance, followed by the invocation by Mayor Pro-Tem Clark.

I. Presentation of Mediated Settlement Work Plan in Bluestein vs. Town of Sullivan's Island 2010-CP-10-5449 for Regulatory Review by Derk Van Raalte, Esq.

Attorney Derk Van Raalte gave a brief update and presented the mediated settlement work plan in Bluestein v. Town of Sullivan's Island 2010-CP-10-5449. Mr. Van Raalte stated: "I appreciate the opportunity to join you this evening to report on the work that has been ongoing for the past several months and ultimately to seek your approval to make certain necessary submittals. In October, Town Council approved a mediated settlement agreement. That settlement agreement specified a general approach for the thinning of vegetation on the Accreted Land, to retain vegetation while also providing for improved views, breezes and other goals. The settlement divided the island into a transition zone and three (3) numbered zones with different rules for each of those. At the time of settlement, all parties understood that outside factors might subsequently require some adjustment of the original broad stroke plan.

Notable factors included wetland mapping and regulatory guidance from entities such as the Army Corps of Engineers and OCRM. Preliminary wetlands mapping revealed the presence of extensive wetlands in the Accreted Land. Wetlands require special precautions. Additionally, the entire area is subject to oversight by OCRM. As a result, the permitting team reached out to the Army Corps of Engineers and OCRM, subject mattered experts, to discuss the impact of the preliminary wetlands map and other various regulatory concerns on the originally drafted settlement. Staff also communicated with

plaintiff's counsel since, under the settlement agreement, both the Town and plaintiffs are to be working together towards a common regulatory approval and implementation.

Finally, staff worked with Thomas and Hutton, the Town's engineering team to put all of this into a work plan that can be submitted for regulatory approval. That is the document presented for your consideration this evening. The work plan will result in less cutting and more hand work than contemplated in the original settlement plan. The exact parameters of the cutting are detailed in the work plan in the comparison chart. Please note, however, that tonight's vote is not for or against the original settlement agreement—that has already occurred. Tonight, you are being asked to consider whether to adjust and scale back the original settlement plan in order to reduce environmental and regulatory impact.

What is left tonight is to authorize a work plan with less cutting than would be the case as the settlement that currently stands. Implementation costs will not be known until regulatory approval is obtained for a final plan and can be bid. There is no change, however, to the way in which costs for this work will be covered. The Town is primarily responsible for cost only on the 100-foot transition zone per the settlement. Work in zones 1, 2 and 3 shall be covered by the adjoining owners on a block-by-block basis, putting money on deposit with the Town. In all areas, work will be performed by Town hired contractors and will be overseen by the Town.

In addition to the work plan, your packet also includes an important housekeeping item. The work plan necessarily deviates from the original settlement order on file with the court. Performing work according to an approved work plan, even with the plaintiff's consent, would not strictly comply with the court order. To rectify this, it is necessary for the parties to jointly file amended paperwork with the court to clarify and to conform the courts order to match any work plan ultimately approved. We ask for your approval tonight to submit the work plan for regulatory review and approval and to submit necessary paperwork to the court to conform.”

II. St. Patrick's Day Greeting- Senator Mark Daly, Senate of Ireland's Chair

Mayor O'Neil welcomed Senator Mark Daly. Mr. Daly stated “As Chair of the Senate of Ireland, I would like to wish you a very Happy St. Patrick's Day. I would also like to extend an invitation to you, your family, friends or constituents to visit the Irish Senate, where I would be delighted to give a VIP tour. On St. Patrick's Day, our national holiday, we also celebrate the long and enduring relationship between our two Republics.

For decades, people have left our shores to make a valuable contribution to life in America, many of whom have, like yourself, gone into public service. We are proud to have at least 22 American Presidents who can trace their ancestry to our island and there are over 30 million U.S. residents who claim Irish Heritage. Happy St. Patrick's Day."

III. Public Comments: The following residents made a public comment: Larry Kobrovsky, 402 Seabreeze Lane, Scott Millimet, 2902 Brownell Avenue, Karen Byko, 2862 Middle Street, Rob Byko, 2862 Middle Street, Gary Visser, 2924 Middle Street, Susan Middaugh, 2420 Raven Drive, Penn Hagood, 2424 Raven Drive, Keil Schmid, 1512 Poe Avenue, Linda Perkis, 2871 Brownell Avenue, Cyndy Ewing, 2514 I'On Avenue, Roy Williams, 2513 I'On Avenue, Peter Greim, 2913 I'On Avenue, Brian Gilhuly, 2118 Pettigrew Street, Luke Lewis, 2630 Raven Drive and Juliette Lovell, 2424 Middle Street. (Attachment 1)

IV. Council Action Items:

Motion was made by Councilmember Tim Reese, seconded by Councilmember Bachman Smith, IV, to amend the agenda to move action item #3 regarding the Proclamation of Holocaust Days of Remembrance to the top of the action item list. Motion passed unanimously.

1. Proclamation of Holocaust Days of Remembrance:

Motion was made by Councilmember Bachman Smith, IV, seconded by Mayor Pro-Tem Clark, to approve a Proclamation of Holocaust Days of Remembrance. Motion passed unanimously.

Mayor O'Neil welcomed Ms. Shirley Mills. Ms. Mills is the daughter of two Holocaust survivors who lost every member of their families. Ms. Mills stated that the Holocaust taught her family quite a bit, mostly hope and courage. Ms. Mills invited everyone to join the community in remembering the victims during the Community-wide Yom HaShoah Remembrance Program on Sunday, April 11, 2021 at 4:00 p.m. via Zoom.

2. Approval of Council Minutes –

Motion was made by Councilmember Tim Reese, seconded by Councilmember Kaye Smith, to approve the following minutes of Town Council:

- **February 16, 2021 Regular Council Meeting**
- **March 1, 2021 Special Council Meeting**

Motion passed unanimously.

Discussion and Consideration of a Motion to Submit the Mediated Work Plan in Bluestein v. Town of Sullivan's Island 2010-CP-10-5449 to the United States Army Corps of Engineers and South Carolina Department of Health and Environmental Control for Review:

Motion was made by Councilmember Greg Hammond, seconded by Councilmember Kaye Smith, to Authorizing Town Staff to Submit the Mediated Work Plan in Bluestein v. Town of Sullivan's Island 2010-CP-10-5449 to the United States Army Corps of Engineers and South Carolina Department of Health and Environmental Control for Consideration and Approval and a Related Motion and Consent Order to the Court to Avoid Discrepancy between the Original Settlement Agreement and Work Plan as Approved by Regulators.

Motion passed by a vote of 4-2, with Mayor Pat O'Neil and Councilmember Bachman Smith, IV opposing. Councilmember Sarah Church was absent.

3. Second Reading, Ordinance 2021-04, An Ordinance to Grant Easement #901448 to Dominion Energy:

Motion was made by Councilmember Bachman Smith, IV, seconded by Mayor Pro-Tem Clark, to approve Second Reading, Ordinance 2021-04, An Ordinance to Grant Easement #901448 to Dominion Energy.

Motion passed unanimously.

4. Discussion and Consideration of a Motion to re-allocate certain unused maintenance funds to be used for painting and fencing at Battery Thompson and fencing at Battery Logan:

Motion was made by Councilmember Greg Hammond, seconded by Mayor Pro-Tem Clark, to re-allocate certain unused maintenance funds to be used for painting and fencing at Battery Thompson and fencing at Battery Logan.

Motion passed unanimously.

5. Discussion and Consideration of a Motion to proceed with plans and permitting to install radar speed limit signs along Jasper Boulevard (\$9,300.00):

Motion was made by Councilmember Tim Reese, seconded by Councilmember Kaye Smith, to proceed with plans and permitting to install radar speed limit signs along Jasper Boulevard (\$9,300.00).

Motion passed unanimously.

6. Discussion and Consideration of a Motion to proceed with plans and permitting to install delineators along Station 22.5 Street from Jasper Boulevard to Middle Street and both right-turns on Jasper Boulevard and short Jasper Boulevard and develop specifications and potential vendor list (\$9,700.00). Estimated cost for installation is \$70,000.00:

Motion was made by Councilmember Tim Reese, seconded by Councilmember Greg Hammond, to proceed with plans and permitting to install delineators along Station 22.5 Street from Jasper Boulevard to Middle Street and both right-turns on Jasper Boulevard and short Jasper Boulevard and develop specifications and potential vender list (\$9,700.00). Estimated cost for installation is \$70,000.00.

Motion passed unanimously.

7. Discussion and Consideration of a Motion to Instruct the Planning Commission for Public Hearing on the matter of Public Facilities Zoning District:

Motion was made by Mayor Pro-Tem Clark, seconded by Councilmember Tim Reese, to Instruct the Planning Commission for Public Hearing on the matter of Public Facilities Zoning District.

Motion passed unanimously.

8. Approval of the Land Use and Natural Resources Committee Meeting Minutes from February 2, 2021:

Motion was made by Mayor Pro-Tem Clark, seconded by Councilmember Kaye Smith, to approve the Land Use and Natural Resources Committee Meeting Minutes from February 2, 2021.

Motion passed unanimously within the Committee.

V. Reports and Communication:

1. **Mayor's Report-** Mayor O'Neil congratulated the Town for being awarded Tree City USA for the 5th year in a row. He thanked Joe Henderson for all of this hard work. Mayor O'Neil also thanked Clemson Collegiate Baptist Ministry and Sullivan's Island Baptist Church for volunteer work. During the April workshop meeting, Mayor O'Neil plans to discuss options for return to in-person meetings.

2. Administrator's Report

I. General Correspondence

- Hunter Stunzi, 1734 Thompson Avenue- request to reorient and flatten two large mortar slabs located on Town property
- Susan Middaugh, 2420 Raven Drive- drainage concern on Raven Drive
- Andi Stephenson, 2614 Bayonne Avenue- consideration of a dog park at Stith Park

II. Construction

Fire Station Structural Repairs- Contractual agreements for the project have been completed with Applied Building Sciences. Staff and Trident Construction are making final edits to that agreement.

Preconstruction meetings with Trident Construction, Applied Building Sciences and the Town continue with an effort to establish project parameters and basic timeline. Design Development documents have been delivered and under review by the Team. A hard copy is available in the Administrator's office.

Preconstruction project schedule update:

- 3-31-21 Fire Station Construction Documents due from ABS
- 3-14-21 Storage Building Construction Documents due from ABS
- 4-21-21 Target date for final Construction Documents by ABS
- 5-14-21 Final Construction Document pricing from Trident Construction
- 5-18-21 Council Approval of Trident Contract with Guaranteed Maximum Price

Station 18 Street Stormwater Project- Temporary construction easement and permanent force main easement has been rejected by property owners at 1807 I'On Avenue. Thomas and Hutton to consider alternatives.

Station 22.5 Crosswalk- Contractor completed installment February 23, 2021. Final inspection with SCDOT, Charleston County and engineer has been completed. Contractor issued payment and Town has submitted reimbursement request from Charleston County Transportation Sales Tax staff.

Accreted Land Mediated Settlement- Staff has completed plan language and awaits comment from Council and instructions on moving forward.

III. General

Pandemic Operations- Town Hall will be moving from controlled entry to full opening by Thursday, March 18, 2021.

Municipal Election 2021- The schedule for the 2021 Municipal Election and forthcoming media notice required by the state statute has been advertised. Candidates appearing on the ballot are:

- a. Mayor: Chauncey Clark, and Pat O'Neil (incumbent)
- b. Council: Scott Millimet, Justin P. Novak, Kevin Pennington, Tim Reese (incumbent) and Gary Visser. Jeff Parrish qualified on signatures with withdrew on 2-24-21. Olga Blandford's petition did not qualify.

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

4. Boards and Commissions Reports – Joe Henderson gave a brief update on two items related to the Planning Commission. The Planning Commission is considering text amendments regarding increasing the number of driveways allowed on residentially zoned properties (RS-District) (Z.O. Section §21-15); and short-term auto parking lots as conditional uses instead of allowing as a special exception, and making the design review approvable at the Town staff level (Z.O. Section §21-50 C (4)).

VI. Committee Reports:

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

Comptroller Jason Blanton presented the February financial report. A Finance Committee meeting has been scheduled for March 22, 2021 at 6:00 p.m. to discuss the FY22 draft budget.

Public Facilities Committee – Councilmember Greg Hammond, Chair. Monthly report rendered.

Land Use and Natural Resources Committee – Mayor Pro-Tem Chauncey Clark, Chair. Monthly report rendered.

Administration Committee – Councilmember Sarah Church, Chair. Monthly report rendered.

Water and Sewer Committee – Councilmember Bachman Smith IV, Chair. Monthly reports rendered.

Project Updates- Councilmember Bachman Smith, IV and Greg Gress gave project updates for the CWS project, Lift Station project and the WWTP project.

Committee Meeting – The next Water & Sewer Committee Meeting will be March 25, 2021 at 8:45 a.m.

Public Safety Committee – Councilmember Tim Reese, Chair. Monthly reports rendered.

Recreation Committee – Councilmember Kaye Smith, Chair.

VII. Adjournment

Motion was made by Mayor Pro-Tem Clark, seconded by Councilmember Tim Reese, to adjourn the Meeting at 8:34 p.m.

Motion passed unanimously.

Respectfully submitted,



Courtney Sottile



PUBLIC COMMENTS

Residents who signed up to speak:

1. Larry Kobrovsky- 402 Seabreeze Lane
2. Scott Millimet- 2902 Brownell Avenue
3. Karen Byko- 2862 Middle Street
4. Rob Byko- 2862 Middle Street
5. Gary Visser- 2924 Middle Street
6. Susan Middaugh- 2420 Raven Drive
7. Penn Hagood- 2424 Raven Drive
8. Keil Schmid- 1512 Poe Avenue
9. Linda Perkis- 2871 Brownell Avenue
10. Cyndy Ewing- 2514 I'On Avenue
11. Roy Williams- 2513 I'On Avenue
12. Peter Greim- 2913 I'On Avenue
13. Brian Gilhuly-2118 Pettigrew Street
14. Luke Lewis- 2630 Raven Drive
15. Juliette Lovell- 2424 Middle Street