

October 15, 2019

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  
Sarah Church, Councilmember  
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. There were approximately sixty-five (65) members of the public present and three (3) members of the media present. Mayor O'Neil led the Pledge of Allegiance, followed by the invocation by Mayor Pro-Tem Clark.

**I. Public Comment:** Mayor O'Neil opened the floor for public comment.

Norman Khoury, 1728 I'On Avenue- stated that the protected land is a unique treasure to the island and opposes any cutting.

Gary Visser, 2924 Middle Street- stated that there is no safe way to remove what little forestation that protects the community and opposes any cutting.

Sarah Diaz, 1325 Middle Street- stated that removing the underbrush could have a detrimental impact on insect population as well as bird population which will throw off the balance of the ecosystem.

Mike Walsh, 2530 I'On Avenue- gave a brief report regarding Battery Gadsden Cultural Center. Mr. Walsh also thanked the Town for their support with the Osceola's Muse Theatrical Production.

Roy Williams, 2513 I'On Avenue- stated that we live in an era of rising sea levels, sinking land and more frequent and intense hurricanes. Mr. Williams added that thick vegetation is needed to help stop tidal surge and opposes any cutting.



Mark Howard, 1820 Central Avenue- stated that in 1991, a previous Council voted to save the maritime forest. Mr. Howard asked Council to have the same foresight and vote to preserve and protect this land.

Tracy Knisley Hahn, 2662 I'On Avenue- stated that barrier islands are not stable landforms and supports leaving the maritime forest as is.

Howard Holl, 1808 Atlantic Avenue- stated he supports the preservation of the vegetation of the Accreted Land for protection, beauty and for the future of the island.

Rob Byko, 2862 Middle Street- asked Council a number of questions regarding money for ongoing maintenance in the Accreted Land and to perform the new scope of work.

Karen Byko, 2862 Middle Street- urged Council to create a community wide resilience plan and to preserve the natural state of the Accreted Land and maritime forest.

Larry Middaugh, 2420 Raven Drive- expressed concerns regarding the deed of the protected RC-1 area.

Nathaniel Hoyt, 1724 I'On Avenue- supports preserving and protecting the maritime forest.

Courtney Somers, 2520 Myrtle Avenue- read a letter from Pat Votava who resides at 2214 Jasper Boulevard. Ms. Votava supports preserving and protecting the maritime forest.

Amy Hoyt, 1724 I'On Avenue- supports protecting the forest and hopes it will remain in its natural and untouched state.

Samantha Siegel, Charleston- urged Council to reconsider making changes to the Accreted Land plan. Ms. Siegel added that the land benefits all of the residents of Sullivan's Island and the Charleston area.

Heidi Brown, 405 Station 22 Street- stated that the conservation easement was created to preserve the forest barrier for the whole islands' protection during severe weather occurrences. Ms. Brown supports preserving and protecting the maritime forest.

Seth Fisher, 405 Station 22 Street- stated he is against any taxpayer's dollars being spent on this new plan and supports preserving and protecting the maritime forest.

Lana Duncan, 3109 Middle Street- agrees with all previous comments regarding preserving and protecting the maritime forest.

John Winchester, 2720 Brooks Street- supports preserving and protecting the maritime forest.

Susan Middaugh, 2420 Raven Drive- gave Council a handout. Ms. Middaugh supports preserving and protecting the maritime forest.

Linda Perkis, 2871 Brownell Avenue- supports preserving and protecting the maritime forest. Ms. Perkis stated that her end of the island was severely hit during Hurricane Hugo primarily due to not having the Accreted Land to protect them.

Nancy Carroll Geckler, 1602 Atlantic Avenue- stated that she grew up living in Aiken during the winter and Sullivan's Island during the summer. She just had her 75<sup>th</sup> summer on the island. Ms. Geckler suggested working with Hitchcock Woods Foundation plan in Aiken.

Larry Kobrovsky, 402 Seabreeze Lane- stated that the maritime forest is a gift from God and is the best thing to happen to the island. Mr. Kobrovsky supports preserving and protecting the maritime forest.

Barbara Spell, 1702 Atlantic Avenue- stated that there are 77 beach front homes and approximately 900 homes that are not beach front. What happens on the Accreted Land affects those 900 homes especially in terms of resiliency. Ms. Spell asked Council to vote against the motion and to engage in an open, deliberate and careful process of managing the irreplaceable and invaluable resource.

Alice Morrissey, 1652 Thompson Avenue- sang a song to save paradise and supports preserving and protecting the maritime forest.

Tippy Brickman, Station 26.5- stated that Council was voted into office to get rid of the non-indigenous post-Hugo growth that is full of coyotes, rats, snakes and poison ivy. Ms. Brickman added she has never seen one person stroll through the maritime forest because it is filled with rats, snakes and garbage. She urged Council to not slow down the process.

## II. Council Action Items:

**Motion: Action: Amend agenda to add an action item #11 consideration of a motion to approve funding for an engineering study and development of construction costs for a cross-walk, ADA ramps, and relocation of drop-inlets at Station 22 ½ and Jasper Boulevard as was previously discussed during the October 7, 2019 workshop meeting.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Greg Hammond.**

**Motion passed unanimously.**

1. Approval of Council Minutes –

**Motion: Action: Approve the Regular Council Meeting Minutes of September 17, 2019.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Kaye Smith.**

**Motion passed unanimously.**

2. Ordinance 2019-05, An Ordinance Regarding the Conveyance of a Temporary Easement to Helen N. Antman for Ingress and Egress to Lot 31, Area J, TMS # 523-07-00-114:

**Motion: Action: Approve Third Reading and Ratification, Ordinance 2019-05, An Ordinance Regarding the Conveyance of a Temporary Easement to Helen N.**

**Antman for Ingress and Egress to Lot 31, Area J, TMS # 523-07-00-114.**

**Moved by Councilmember Bachman Smith, IV, Seconded by Councilmember Tim Reese.**

**Motion passed unanimously.**

3. Ordinance 2019-06, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act:

**Motion: Action: Approve Second Reading, Ordinance 2019-06, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Bachman Smith, IV.**

**Motion passed unanimously.**

4. Consideration of a motion to suspend the rules of procedure to allow Third Reading and Ratification, Ordinance 2019-06, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act:



**Motion: Action: To suspend the rules of procedure to allow Third Reading and Ratification, Ordinance 2019-06, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Sarah Church. Motion passed unanimously.**

**Motion: Action: Approve Third Reading and Ratification, Ordinance 2019-06, An Ordinance Relating to the Recovery of Collection Costs as a Part of Delinquent Debts Collected Pursuant to the Setoff Debt Collection Act.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Kaye Smith. Motion passed unanimously.**

5. Resolution of Appreciation for Linda Perkis:

**Motion: Action: Approve Resolution of Appreciation for Linda Perkis.**

**Moved by Councilmember Sarah Church, Seconded by Councilmember Tim Reese. Motion passed unanimously.**

6. Resolution of Appreciation for Adele Tobin:

**Motion: Action: Approve Resolution of Appreciation for Adele Tobin.**

**Moved by Councilmember Sarah Church, Seconded by Councilmember Bachman Smith, IV.**

**Motion passed unanimously.**

7. Consideration of a motion to approve Contract Amendment Number 4 between the Town of Sullivan's Island and HDR Engineering Inc. of the Carolinas on the Wastewater Treatment Plant Improvement Project in the amount of \$205,611 resulting from the schedule adjustment:

**Motion: Action: Approve Contract Amendment Number 4 between the Town of Sullivan's Island and HDR Engineering, Inc. of the Carolinas on the Wastewater Treatment Plant Improvement Project in the amount of \$205,611 resulting from the schedule adjustment.**

**Moved by Councilmember Bachman Smith, IV, Seconded by Councilmember Tim Reese.**

**Motion passed unanimously.**

8. Consideration of a motion to award low bidder Garney Construction for the Sullivan's Island Wastewater Treatment Plant Improvement Project as designed by HDR Engineering Inc. of the Carolinas Project Number 10105192:

**Motion: Action: Award low bidder Garney Construction for the Sullivan's Island Wastewater Treatment Plant Improvement Project as designed by HDR Engineering Inc. of the Carolinas Project Number 10105192.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Bachman Smith, IV.**

**Motion passed unanimously.**

9. Discussion and Consideration of a motion to have staff negotiate a contract in accordance with the Town's procurement policy to engage appropriately trained professionals to translate the management plan objectives and approaches into detailed plans for implementation as listed in the Proposed Management Plan of the Town of Sullivan's Island Protected Land Draft #3A dated November 22, 2011. As part of this Plan, these professionals are also tasked with updating the referenced plan with any required and/or suggested changes included but not limited to: topographical changes, additional vegetative changes, resiliency concerns, resiliency concerns for sea-level rise, storm surge and flooding in the Accreted Land Area as the Draft #3A document has not been reviewed since November 2011. The professional team to be engaged are as follows: Keith Bowers of Biohabitats, team leader; Mark Permar of Permar, Inc.; Dr. Tim Kana or Coastal Sciences; Bart Sabin of Sabin and Waters; Dr. Nicole Elko of Elko Consulting, Inc.; and Scott Parker of Design Works, LLC.

**Motion: Action: To have staff negotiate a contract in accordance with the Town's procurement policy to engage appropriately trained professionals to translate the management plan objectives and approaches into detailed plans for implementation as listed in the Proposed Management Plan of the Town of Sullivan's Island Protected Land Draft #3A dated November 22, 2011. As part of this Plan, these professionals are also tasked with updating the referenced plan with any required and/or suggested changes included but not limited to: topographical changes, additional vegetative changes, resiliency concerns, resiliency concerns for sea-level rise, storm surge and flooding in the Accreted Land Area as the Draft #3A document has not been reviewed since November 2011. The professional team to be engaged are as follows: Keith Bowers of Biohabitats, team leader; Mark Permar of Permar, Inc.; Dr. Tim Kana or Coastal Sciences; Bart Sabin of Sabin and Waters; Dr. Nicole Elko of Elko Consulting, Inc.; and Scott Parker of Design Works, LLC. Moved by Mayor Pro-Tem Clark, Seconded by Councilmember Kaye Smith.**

Mayor Pro-Tem Clark thanked the residents for their public comments and input. He stated that he has been working on this for approximately ten (10) years and is interested in the health and beauty of the island just as much as everyone else.





Councilmember Sarah Church stated that Council has not had a really clear scope of work that Council has had an opportunity to discuss and develop. She added that during the September 17, 2019 Council meeting, a motion amendment was passed stating that Council would have input on the team, scope of work and the method of engagement and to date that has not happened.

Councilmember Kaye Smith stated that on September 19, 2019, Mayor Pro-Tem Clark sent a letter to Council asking for input on recommendations for the team. The only response Mr. Clark received was for Jeff Jackson of Lowcountry Roots, LLC.

Councilmember Tim Reese stated that he has reviewed the team and their bios and based on what he read he has no issue with them moving forward.

Councilmember Sarah Church read an insert from the Accreted Land Management Plan prepared by Coastal Science & Engineering dated July 2010 (located on the Town's website). On page 167 it states: "Manipulation of topography should be avoided in favor of vegetation management based on the consensus of the community". Ms. Church stated that this issue will not be put to rest without some level of consensus of the community.

Councilmember Tim Reese read the following insert from the 'Intent, Scope and Limitations of the Management Plan' from Draft #3A: "This plan is not expected to be so prescribes or detailed as to constitute in and of itself a specific directive from which implementation may flow directly. Rather, it is intended to provide a clear guide to the objectives and approaches the Town intends to achieve and utilize, respectively, in its management of this land. Therefore, it is expected that the Town will engage appropriately trained professionals to translate the management plan objectives and approaches into detailed plans, which will be accessible to all Town citizens. These detailed plans would be the blueprints that the Town would cause to be executed under appropriate direction". Mr. Reese stated that his intent is neither to make the land a park nor to leave it alone but rather alternative #3 which is what the majority of the citizens wanted to be looked at according to the survey.

Councilmember Bachman Smith, IV asked how the second half of the proposed motion flows with what Councilmember Reese just quoted from Draft #3A. He stated that the second half of the motion states "these professionals are also tasked with updating the referenced plan with any required and/or suggested changes including but not limited to: topographical changes, additional vegetative changes, resiliency concerns for sea-level rise, storm surge and flooding in the Accreted Land, etc." and what Councilmember Reese read was an implementation plan whereas the motion suggests to update this plan.



Councilmember Greg Hammond read the following objectives from the Sullivan's Island Comprehensive Plan: "Completing the Sullivan's Island Accreted Land Management Plan with the broadest possible community participation and input, as an integral part of the Town's resiliency plan" and "Completing the Accreted Land Management Plan as an integral part of the Town's comprehensive sea-level rise and resiliency strategy." He stated that the Comprehensive Plan calls for in total 121 objectives. 114 of which are immediate, short term or ongoing. 7 are medium or long-term. The Land Use and Natural Resources Committee alone is tasked with 45 objectives, 43 of which are short term or ongoing. LUNR is taking a first step in the process of completing the Accreted Land Management Plan by hiring a team of experts because the last time it was looked at was 8 years ago. Mr. Hammond stated that right now, with the exception of the Transition Zone, the Town has managed the Accreted Land without a plan.

Mayor O'Neil stated that is he still unsure what the objective and purpose is. He believes Council has not had the chance to properly discuss the project.

Councilmember Sarah Church asked Councilmember Reese if he is willing to take alternative #4 off the table because that was the intention was of Draft #3A and if Council is working with Draft #3A Council is agreeing that it will not include any recommendation for construction of any dunes, burns or levy's with the exception of placement of sand fences. Councilmember Reese answered he will not take alternative #4 off the table because there may be areas where dunes would be more prudent than sand fences relating to storm surge.

Councilmember Greg Hammond stated that he is not in favor of mechanical manipulation of the dunes.

Councilmember Sarah Church read a list of her suggested team members. The list is as follows: Dana Beach, team leader; Jeff Jackson; Bob Perry; Chris Marsh; Warren Pilkey; and Josh Eagle.

**Motion: Action: Amend motion to remove the following from the original motion: "As part of this Plan, these professionals are also tasked with updating the referenced plan with any required and/or suggested changes included but not limited to: topographical changes, additional vegetative changes, resiliency concerns, resiliency concerns for sea-level rise, storm surge and flooding in the Accreted Land Area as the Draft #3A document has not been reviewed since November 2011. The professional team to be engaged are as follows: Keith Bowers of Biohabitats, team leader; Mark Permar of Permar, Inc.; Dr. Tim Kana or**

**Coastal Sciences; Bart Sabin of Sabin and Waters; Dr. Nicole Elko of Elko Consulting, Inc.; and Scott Parker of Design Works, LLC”.**

**Moved by Councilmember Bachman Smith, IV, Seconded by Sarah Church.**

**Amended Motion failed by a vote of 3-4, with Mayor Pro-Tem Clark and Councilmembers Greg Hammond, Tim Reese and Kaye Smith opposed.**

**Original Motion passed by a vote of 4-3, with Mayor O’Neil and Councilmembers Sarah Church and Bachman Smith, IV opposed.**

**10. Approval of Recreation Committee Minutes from August 27, 2019:**

**Motion: Action: Approve Recreation Committee Minutes from August 27, 2019.**

**Moved by Councilmember Kaye Smith, Seconded by Councilmember Bachman Smith, IV.**

**Motion passed unanimously within the Committee.**

**11. Discussion and Consideration of a motion to approve funding for an engineering study and development of construction costs for a cross-walk, ADA ramps, and relocation of drop-inlets at Station 22 ½ and Jasper Boulevard:**

**Motion: Action: To approve funding for an engineering study and development of construction costs for a cross-walk, ADA ramps, and relocation of drop-inlets at Station 22 ½ and Jasper Boulevard.**

**Moved by Councilmember Tim Reese, Seconded by Mayor Pro-Tem Clark.**

**Motion: Action: To amend the motion to add “not to exceed \$15K”.**

**Moved by Mayor O’Neil, Seconded by Councilmember Sarah Church.**

**Councilmember Tim Reese accepted the amendment.**

**Motion and amendment passed unanimously.**

### **III. Reports and Communication:**

**1. Mayor’s Report-** No items to report.

#### **2. Administrator’s Report**

##### **I. General Correspondence**

- Karen Byko, Dominion Energy tree trimming- miscellaneous email messages
- Kathy Heller, Dominion Energy tree trimming- email message to Council with response by Mayor
- Paul Boehm- email to/from Mayor regarding potential deed restrictions on Town lots at Breach Inlet with East Cooper Land Trust

- Penn Hagood- email message to Mayor, Mayor Pro Tempore and Administrator regarding Accreted Land cutting
- Janet Millimet- email request for sand nourishment at Station 29 Street beach path
- Chris MacAvoy- email regarding Dominion Energy tree trimming

## II. Construction

Fire Station Structural Repairs- The proposed adjusted construction schedule allows for holiday decorations on the Fire Station.

Dominion Energy Tree Trimming- Dominion Energy continues to trim and prune tree limbs around utility lines on the island. The work is expected to continue through mid/late October. Dominion Energy presentation on the possibility of underground power lines is scheduled for the November 19<sup>th</sup> meeting of Council.

Applied Technology & Management- Fran Way offers an opinion with regard to erosion at the western tip of Sullivan's Island related to previous construction of the jetties and the harbor deepening project.

Toler's Cover Dredge Project- Toler's Cove Marina dredging is expected to begin in late January/early February.

## III. General

Electronic Message Board- The message sign is beyond repair. Staff incorporated a replacement into the FY20 budget and has identified a replacement.

Accreted Land Transition Zone Trimming- Gibbs Construction Company completed Transition Zone trimming on/about October 1, 2019. Staff held final inspection on October 7, 2019.

People Against Rape- PAR has requested the Sullivan's Island enter into a Memorandum of Understanding for sexual assault protocol matters. The agreement has allowances to Department training.

Department of Navy Training- US Navy has requested the use of 1610 Middle Street (former Town Hall) for one day of tactical training.

Town Council 2020 Meeting Schedule- The proposed 2020 meeting schedule requires consideration for 3 dates that conflict with holidays.

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

**4. Boards and Commissions Reports** – No items to report.



#### **IV. Committee Reports:**

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

Comptroller Blanton presented the September 2019 financial report.

**Recreation Committee** – Councilmember Kaye Smith, Chair.

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

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

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

Video Recording of Town Council Meetings- for archiving on Town website for public access.

Codification of Town Ordinances- in progress, to be reviewed by Council upon completion.

Personnel Handbook- in progress, to be reviewed by Council upon completion of draft.

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

Committee Meeting – The next Water & Sewer Committee Meeting will be held on Thursday, October 17, 2019 at 8:45 a.m. at Town Hall.

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

St. Patrick’s Day recommendations will be reviewed with Sullivan’s Island Restaurant Association.

Potential paid parking at Sullivan’s Island Elementary School parking lot and loop area with completion of the upcoming beach access. This will be discussed in further detail at the next meeting.

Speed Limit- Chair Reese met with SCDOT to discuss speed limit and cross walks. They are looking into changing the speed limit on Middle Street to 25mph. The goal is to change the speed limit island-wide to 25mph.



**V. Executive Session**

Contractual- Discussion of Contractual Matters related to the Sullivan's Island Wastewater Treatment Plant Improvement Project

Legal Advice- Bluestein v. Sullivan's Island 2010-CP-10-5449

**Motion: Action: To go into Executive Session at 7:44 p.m. to Discuss: Contractual Matters related to the Sullivan's Island Wastewater Treatment Plant Improvement Project and Legal Advice- Bluestein v. Town 2010-CP-10-5449.**

**Moved by Councilmember Bachman Smith, IV, Seconded by Councilmember Tim Reese. Motion passed unanimously.**

**Motion: Action: To come out of Executive Session at 8:42 p.m.**

**Moved by Councilmember Tim Reese, Seconded by Councilmember Greg Hammond. Motion passed unanimously.**

Mayor O'Neil stated no votes or actions were taken in Executive Session.

**VI. Adjournment**

**Motion: Action: Adjourn Meeting at 8:42 p.m.**

**Moved by Mayor Pro-Tem Clark, Seconded by Councilmember Tim Reese.**

**Motion passed unanimously.**

Respectfully submitted,

  
Courtney Liles