



**Town of Sullivan's Island, South Carolina
Town Council Meeting Minutes
Tuesday, February 15, 2022**

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
Bachman Smith, IV, Mayor Pro-Tem
Scott Millimet, Councilmember
Justin Novak, Councilmember
Kaye Smith, Councilmember
Gary Visser, Councilmember

Staff members present were Fire Chief Anthony Stith, Amanda Hawver, Joe Henderson, Bridget Welch, Greg Gress, Max Wurthmann, Police Chief Chris Griffin, and Christopher Wallace.

Mayor Patrick M. 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 twelve (12) members of the public present and one (1) member of the media present. Mayor Patrick M. O'Neil led the Pledge of Allegiance, followed by a moment of silence for prayer or reflection.

I. Oath of Office: Max Wurthmann, Building Official

II. Format: Public Comments

A. The following residents spoke in favor of protecting the Maritime Forest:

- Norman Khoury, 1728 I'On Avenue
- Dan Krosse, 2424 Myrtle Avenue – also spoke about the tree cutting at Station 25 and are hoping there are repercussions
- Mark Howard, 1820 Central Avenue – also agreed with Mike Walsh regarding Bill H4547
- Susan Middaugh, 2420 Raven Avenue

Mike Walsh, 2530 I'On Avenue – spoke about the House Bill H4547, which would prohibit municipalities from making their own rules about short term rentals. He feels this is an example of “governmental overreach” and would like to encourage Council to continue to oppose this legislation.

Olga Blandford, 1742 Central Avenue – spoke about how the Town’s election process has been compromised, citing a study done by canvassing efforts to verify voters. She offered to present more information.

III. Presentation: Old Bridge Stabilization Options – Chris Iser, PE, Kimley Horn.

Marianne Sutherland and Andrew Todd-Burke gave updates on options for stabilizing the Old Pitt Street Bridge. Ms.Sutherland spoke about and showed visuals of areas that are in need of repair. Mr. Todd-Burke went over stabilization options that were presented back in 2018, as well as some updated ones. The north side of abutment needs protection from the waves coming in from the Intracoastal Waterway. A wood, vinyl, or concrete wall is one option. Another is placing large boulders in the area, which is cheaper but not as aesthetically pleasing. A third is a living shoreline and the last is a combination of a living shoreline and structural reinforcement called Envirolok. He feels Envirolok is the best option, in terms of stability, cost, and sustainability. The south side of the abutment has different requirements and Mr. Todd-Burke suggests filling in the structure with concrete for a permanent solution.

Mr. Todd-Burke spoke about the permits required for this project. Depending on the exact location of the projects, it would likely need state and federal permits, along with permits from the Town. Applications for the state and federal permits would require site and structural design drawings.

To summarize, he stated the cost would most likely exceed the 2018 estimate of \$200-\$250k. He also reiterated he feels the vertical option and Envirolok would be the best options for the Town for stability and aesthetics. Next steps would be to have a survey done and identify the critical line to figure out what permits would need to be involved. Once these are complete, the best path and price estimate can be figured out.

Councilmember Millimet asked about the permitting process for the different options and if one is easier than the other. Mr. Todd-Burke stated DHEC and OSHA seem to prefer building a habitat like the Envirolok option would do. They would, however, need to know more about the critical line to determine the requirements for permits. Councilmember Millimet also asked about repairing the path and was told it could be back-filled with soil brought in.

Councilmember Visser asked if permits were required by the Lowcountry Land Trust. It does not require one as long as the repairs are done within the current easements.

Councilmember Novak asked about the maintenance of Envirolok. Mr. Todd-Burke stated the maintenance is mainly landscaping to ensure the plants get established.

Councilmember Kaye Smith clarified that the material is not biodegradable. It’s not because otherwise it would degrade over time.

Mayor Pro-Tem Bachman Smith asked if they have any case studies or experience with how high the Envirolok would be. Mr. Todd-Burke said it could be incredibly tall and suggested it

be built on a slight incline, rather than straight vertical. He also mentioned a few options for anchoring the reinforcement and said the structural engineers would work with the Town to find the best solution.

Mayor O'Neil asked about what Envirolok is made out of and was told it is a synthetic bag material filled with a special soil mixture that is compatible with the existing environment.

Mr. Todd-Burke mentioned that going ahead with the survey would give Council a better idea of the cost.

It was decided by Mayor O'Neil that the Public Facilities Committee would take over the project from here.

IV. Council Action Items

A. Approval of Minutes:

January 18, 2022 Regular Council Meeting Minutes

Motion was made by Mayor Pro-Tem Smith, seconded by Councilmember Millimet to approve all January 18, 2022 Regular Council Meeting Minutes, passed unanimously.

B. Resolution opposing H.4547 which would block local governments from regulating short-term rentals.

Motion was made by Councilmember Kaye Smith, seconded by Mayor Pro-Tem Bachman Smith to approve a resolution opposing H. 4547 which would block local governments from regulating short-term rentals, passed unanimously.

C. Third Reading and Ratification, Ordinance 2021-21, An Ordinance to Amend Chapter 21 (Zoning Ordinance) of the Sullivan's Island Code of Ordinances by adding thereto a new Article 6 (PF-Public Facilities District) and to Rezone Nine Properties Governmentally owned and operated properties on the Official Zoning Map.

Motion was made by Councilmember Visser, seconded by Councilmember Millimet to approve the Third Reading and Ratification, Ordinance 2021-21, An Ordinance to Amend Chapter 21 (Zoning Ordinance) of the Sullivan's Island Code of Ordinances by adding thereto a new Article 6 (PF-Public Facilities District) and to Rezone Nine Properties Governmentally owned and operated properties on the Official Zoning Map, passed unanimously.

Councilmember Visser would like to congratulate the Planning Commission on the culmination of this motion.

V. Reports and Communication

A. Mayor's Report – A letter was sent on behalf of Council to support the passing of a bill that would give DHEC the authority to regulate the discharge of nurdles into the waters of the State, based on the Towns own unfortunate experience with nurdles.

- B. Administrator's Report – Mr. Benke was absent from the meeting, but correspondence received was added to the packet. A Fire Station construction update was also included. There were no changes on storm water project or RFQs since last discussed. There was a Hunley-Housatonic Memorial Service on February 17, 2022. The Palmetto Relay will return to the Island on March 25. The St. Patrick's Day Celebration at Dunleavy's Pub is still being discussed with public services. Further discussion on leaf blower ordinances will be discussed at the next Workshop meeting. Employee anniversaries were also mentioned, with special notice to Fire Chief Anthony Stith for 40 years.
- C. Attorney's Report – Nothing to Report
- D. Boards and Commission's Reports
 - 1. Planning Commission– Nothing to Report
 - 2. Board of Zoning Appeals– Nothing to Report
 - 3. Design Review Board– Nothing to Report
 - 4. Tree Commission– Nothing to Report
 - 5. Municipal Elections Commission– Nothing to Report
 - 6. Park Foundation– Nothing to Report

VI. Committee Reports – Discussion Items:

- A. Finance Committee – Mr. Blanton stated building permits are in 90% of projection for FY2022, with nearly \$150, 000. In January a grant was received for \$500, 000 for the lift station projects.
- B. Public Facilities Committee - Nothing to Report
- C. Land Use & Natural Resources Committee – The Study Group subcommittee will schedule their first meeting shortly.
- D. Administration Committee – Citibot will most likely get approved and has a potential start date in March. There was also more discussion about best practices for public input at meetings. There was also discussion about adopting MLK Jr Day as a Town Holiday.
- E. Water & Sewer Committee – Bionomics was on the Island doing work. Construction projects are progressing as planned. The next meeting will be February 24 at 8:45am.
- F. Public Safety Committee - Nothing to Report
Councilmember Millimet asked if it was possible to create a stronger penalty, possibly something other than a monetary fine, to anyone destroying the maritime forest illegally. Mr. Dodds mentioned possibilities can be discussed further.
- G. Recreation Committee – Nothing to Report

VII. Executive Session:

Motion was made by Mayor Pro-Tem Bachman Smith, seconded by Councilmember Kaye Smith, to go into Executive Session at 6:52 p.m. to discuss the following items, passed unanimously.

- A. Legal Advice – Legal advice by Attorney Dodds regarding Bluestein et al. vs. Town of Sullivan's Island 2010-CP-10-5449.

Motion was made by Councilmember Millimet, seconded by Councilmember Visser, to come out of Executive Session at 7:08 p.m. to discuss the following items, passed unanimously.

VIII. Upon Returning to Open Session, Council may take action on items discussed during Executive Session.

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

Motion was made by Mayor Pro-Tem Bachman Smith, seconded by Councilmember Millimet that the Town of Sullivan's Island retain William Wilkins and the law firm Nexsen Pruet to obtain a judicial determination of whether any provision of the settlement agreement entered into by the Town to resolve the lawsuit brought by Nathan Bluestein and others violates South Carolina law and that Mayor O'Neil be authorized to sign the retainer agreement on behalf of the Town, passed 5-1, opposed by Councilmember Kaye Smith.

Councilmember Novak spoke his support of this motion, citing the support and concern of multiple residents. He feels it prudent to continue to look into this issue to see what can be done to protect the accredited land.

Councilmember Kaye Smith spoke her opposition, saying this issue has cost the Town hundreds of thousands of dollars over the past 15 years. She feels funds would be better suited towards other projects on the Island and does not support unbinding future Councils. She would like to see the issue resolved as soon as possible.

Mayor O'Neil stated he wishes this current council were not in this position and feels there is no choice but to look further into the issue.

Councilmember Millimet and Councilmember Visser voiced their agreement with Councilmember Novak's opinion.

IX. Adjournment

Motion was made by Mayor Pro-Tem Bachman Smith, seconded by Councilmember Millimet to adjourn the meeting at 7:14 p.m., passed unanimously.

Respectfully submitted,



Bridget Welch