



**Town of Sullivan's Island, South Carolina**  
**Town Council Meeting Minutes**  
**Tuesday, September 20, 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  
Greg Hammond, Councilmember  
Justin Novak, Councilmember  
Scott Millimet, Councilmember  
Kaye Smith, Councilmember  
Gary Visser, Councilmember

Staff members present were Fire Chief Anthony Stith, Amanda Hawver, Bridget Welch, Jason Blanton, Max Wurthmann, Joe Henderson, Christopher Wallace, and Charles Drayton.

Mayor Patrick 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 forty (40) members of the public present and no members of the media present. Mayor O'Neil led the Pledge of Allegiance, followed by a moment of silence for prayer or reflection.

**I. Format: Public Comments**

The following people spoke about their opposition against fractional home ownership on the Island:

- Dan Legare, 3104 Marshall Boulevard
- Tim Emrich, 3118 Marshal Boulevard
- Emily Brasher, 3124 Marshall Boulevard
- George Maham, 2857 I'On Avenue
- Katy Anderson, 3118 Marshall Boulevard
- Ralph Byers, 3025 Middle Street
- Pat Votava, 2214 Jasper Boulevard
- Bunky Wichmann, 2211 I'On Avenue
- Paul Neuhoff, 2918 Marshall Boulevard
- Eddie Fava, 2424 Myrtle Street
- Barbara Spell, 1702 Atlantic Avenue
- Karen Byko, 2862 Middle Street

- Susan Middaugh, 2470 Raven Drive; spoke in support of the findings of the Historical Study Group and would like Council to approve their recommendations

## II. Correspondence:

1. Mary Pringle – Island Turtle Team, 8-15-22: August Newsletter
2. Kim Cubine, 3030 Jasper Boulevard – 8-25-22, opposed fractional ownership
3. Tim Emrich, 3118 Marshall Blvd – 8-26-22, opposed fractional ownership
4. Paul Boehm, 3209 middle Street – 8-26-22, Town property concern
5. Charles Baxley – 8-30-22, Grant award from SC American Revolution Sestercentennial Commission
6. Georgia Lewis, 2630 Raven Avenue – 8-22-22, dangers of overfishing globally
7. J.D. Powell, 2602 I’On Avenue – 8-22-22, environmental threats from plastics
8. Derek and Kathy Wade, 2420 I’On Avenue – 9-6-22, opposed to timeshares
9. Carter Ricks – Landscape Designer, 9-7-22, removal of palm tree at 904 Middle Street/Point Street
10. Myra Jones and Lee Rowland, Charleston Beach Foundation – 9-12-22, parking on Sullivan’s Island
11. Paul Boehm, 3209 Middle Street – 9-12-22, town property lot concerns and pictures
12. Laurie Arthur, 2850 Middle Street – 9-15-22, opposed fractional ownership
13. Joanne Winchester, 2720 Brooks Street – 9-19-22, opposed fractional ownership
14. Susan Middaugh, 2420 Raven Drive – 9-19-22, endorse Historic Study Group recommendations

Mr. Benke reviewed the correspondence items and there was some discussion following. Councilmembers Hammond and Millimet stated they are opposed to fractional ownership.

## III. Council Action Items

### A. Approval of Minutes

- August 16, 2022 Regular Council Meeting Minutes

**Motion was made by Councilmember Hammond, seconded by Councilmember Millimet to approve all August 16, 2022 Regular Council Meeting Minutes, passed unanimously.**

### B. Third Reading and Ratification, Ordinance 2022-07, An Ordinance to Amend Section 51.021 Application and Fee for Sewer connections by Creating Section 51.021 (A) Conditions Prerequisite to new Installations or Reinstallations; and conditions Prerequisite to Subdividing a Lot in the CCOD 1&2 District

**Motion was made by Councilmember Visser, seconded by Councilmember Millimet to approve Third Reading and Ratification, Ordinance 2022-07, An Ordinance to Amend Section 51.021 Application and Fee for Sewer connections by Creating Section 51.01 (A) Conditions Prerequisite to new Installations or Reinstallations; and conditions Prerequisite to Subdividing a Lot in the CCOD 1&2 District, passed unanimously.**

- C. Third Reading and Ratification, Ordinance 2022-08, An Ordinance to Amend Section 50.08, to Set the Requirements for a Water Connection for Newly Created Lots in CCOD 1&2 prior to Subdivision of a Lot

**Motion was made by Councilmember Visser, seconded by Councilmember Millimet to approve Third Reading and Ratification, Ordinance 2022-08, An Ordinance to Amend Section 50.08, to Set the Requirements for a Water Connection for Newly Created Lots in CCOD 1&2 prior to Subdivision of a Lot, passed unanimously.**

- D. Resolution to amend the Town's Fund Balance Policy to adjust the reserve amounts in the Unassigned Funds section of the General Fund's fund balance

**Motion was made by Councilmember Millimet, seconded by Councilmember Hammond to approve amendment to the Town's Fund Balance Policy to adjust the reserve amounts in the Unassigned Funds section of the General Fund's fund balance, passed unanimously.**

Councilmember Millimet reviewed the proposed amendment line items, stating both Town Council and external auditors have reviewed and approved. Other councilmembers thanked Councilmember Millimet for his work on this project.

- E. Historic Preservation and Design Study Group Recommendations to Council

Councilmember Visser introduced the group's recommendations and provided some background on the purpose of the group. He also praised Town Staff for their assistance and support for the group, as well as members of the group for their time and effort.

Text Amendments:

- a. Consideration of Zoning Ordinance text amendments to *Section §21-43 B (Additions to Historic Buildings)* and forwarding for Planning Commission review and recommendation.

**Motion was made by Councilmember Visser, seconded by Councilmember Millimet, to approve consideration of Zoning Ordinance text amendments to *Section §21-43 B (Additions to Historic Buildings)* and forwarding for Planning Commission review and recommendation, passed unanimously.**

Mr. Henderson stated the group recommended removing the 50% exemption and reducing the allowable square footage increase from 25% to 20%. Councilmember Hammond asked if the Town would have any issues with spot zoning since there are so few homes this would apply to. Councilmember Novak clarified these motions are to have the recommendations move to Planning Commission, who would hold a public hearing and make a final decision.

- b. Consideration of Zoning Ordinance text amendments to *Section §21-20 C (2) (Historic Structure Used as Accessory Dwelling Unit)* and forwarding for Planning Commission review and recommendation.

**Motion was made by Councilmember Hammond, seconded by Councilmember Millimet, to approve consideration of Zoning Ordinance text amendments to *Section §21-20 C (2) (Historic Structure Used as Accessory Dwelling Unit)* and forwarding for Planning Commission review and recommendation, passed unanimously.**

Mr. Henderson stated the group recommended to allow increase of 20% in principal building square footage in the new construction of the home. Currently the ordinance does not allow any kind of discretionary increase.

**Motion was made by Councilmember Hammond, seconded by Councilmember Kaye Smith to amend the original motion to increase 20% to 25%, failed 2-4 with Councilmembers Novak, Visser, and Millimet and Mayor O’Neil opposing.**

There was discussion about the purpose of this amendment. Mayor O’Neil clarified with Mr. Henderson that this increase would provide for a bonus square footage of up to 25% for an ADU, taking it from 0 to 20% to give an incentive. Councilmember Novak asked for clarification about whether the percentages provided by Council will bind the Planning Commission. Mr. Henderson and Mr. Dodds both confirmed these numbers are not binding.

- c. Consideration of Zoning Ordinance text amendments to *Section §21-27 C (DRB increase of Principal Building Square Footage)* and forwarding for Planning Commission review and recommendation.

**Motion was made by Councilmember Millimet, seconded by Councilmember Visser, to approve consideration of Zoning Ordinance text amendments *Section §21-27 C (DRB increase of Principal Building Square Footage)* and forwarding for Planning Commission review and recommendation, passed 4-2, with Councilmembers Hammond and Kaye Smith opposing.**

Mr. Henderson stated the group recommended the allowable square footage by the DRB be reduced from 25% to 20%, followed by discussion from Council. Councilmember Novak once again clarified these are recommendations to be sent to the Planning Commission, not binding numbers.

- d. Consideration of Zoning Ordinance text amendments to *Section §21-138 (Accessory Structures)* and forwarding for Planning Commission review and recommendation.

**Motion was made by Councilmember Millimet and seconded by Councilmember Visser to approve consideration of Zoning Ordinance text amendments to *Section §21-138 (Accessory Structures)* and forwarding for Planning Commission review and recommendation, passed 4-2, with Councilmembers Hammond and Kaye Smith opposing.**

Mr. Henderson stated the group recommended removing the DRB's ability from granting an increase in 20% in square footage and 20% for the footprint while keeping the DRB's ability to increase the height of an accessory structure by 20%. Councilmember Hammond made comments, with discussion after the vote from Councilmembers Millimet and Visser.

- e. Consideration of Zoning Ordinance text amendments to *Section §21-20 B (6) (Attached Additions)* and forwarding for Planning Commission review and recommendation.

**Motion was made by Councilmember Visser and seconded by Councilmember Millimet to approve consideration of Zoning Ordinance text amendments to *Section §21-20 B (6) (Attached Additions)* and forwarding for Planning Commission review and recommendation, passed unanimously.**

- f. Consideration of Zoning Ordinance text amendments to *Section §21-44 (Elevating Historic Buildings)* and forwarding for Planning Commission review and recommendation.

**Motion was made by Councilmember Visser and seconded by Councilmember Hammond to approve consideration of Zoning Ordinance text amendments to *Section §21-44 (Elevating Historic Buildings)* and forwarding for Planning Commission review and recommendation, passed unanimously.**

Mr. Henderson stated the group recommended allowing a little bit of flexibility when considering elevating historic homes. Currently the ordinance limits the elevation to no more than one (1) foot over BFE. This would address the issue of historic homes having their floor framing within 18 inches of grade and allow an increase to floor elevation. Mr. Henderson stated there is no maximum limit. There was also some discussion involving Mr. Wurthmann regarding building codes.

- g. Forwarding for Planning Commission review and recommendation of Zoning Ordinance language concerning Swimming Pools *Section §21-142 (Swimming Pools)*.

**Motion was made by Councilmember Visser, seconded by Councilmember Millimet, to approve forwarding for Planning Commission review and recommendation of Zoning Ordinance language concerning Swimming Pools *Section §21-142 (Swimming Pools)*, passed 4-2, with Councilmembers Hammond and Millimet opposing.**

Mr. Henderson stated the group recommended various changes to ordinances involving swimming pools, including issues involving setbacks and elevations for pools. Mayor O'Neil stated this motion would ask the Planning Commission to review and study these ordinances. There was discussion from Councilmembers Hammond, Visser, and Millimet.

Council Policy Initiatives:

- a. Consideration of updating *Sullivan's Island's Historic Resources Survey* and proceeding with the awarded SC Department of Archives and History matching grant of \$50,000 with a goal of project completion by September 30, 2023.

**Motion made by Councilmember Millimet, seconded by Councilmember Novak, to proceed with the awarded SC Department of Archives and History matching grant of \$50,000 to update the *Sullivan's Island Historic Resources Survey* with a goal of project completion by September 30, 2023, passed unanimously.**

Mr. Henderson confirmed the last survey was done in 2007 and the Town would be contributing \$25,000 to the project. It was also confirmed there is a separate process for adding items to the historic registry, they are not added by recommendation alone.

- b. Consideration of updating the *Design Review Board's Application* to simplify the application process.

**Motion made by Councilmember Visser, seconded by Councilmember Millimet, to ask the staff to update the Design Review Board's Application to simplify the application process, passed unanimously.**

Mr. Henderson stated the DRB typically would assign a few members for an Ad Hoc Committee and the process would be handled by the DRB.

- c. Consideration of developing a *Sullivan's Island Design Guideline Booklet* while seeking SC Department of Archives and History Grant opportunities.

**Motion made by Councilmember Visser, seconded by Councilmember Millimet, to adopt the recommendations of the Historic Planning Group and to ask Town Staff to develop a *Sullivan's Island Design Guideline Booklet* within the South Carolina's Department of Archives and History Grant opportunities to begin by exploring that and forward it to the LUNR Committee and the LUNR Committee would then forward it to Council for their approval, passed unanimously.**

Discussions concluded that this guideline booklet would not be binding for new builds but would act as suggestions or best practices.

- d. Consideration of consulting with a licensed *AIA architect* to assist Town Staff and the Design Review Board with review of applications.

**Motion made by Councilmember Millimet, seconded by Councilmember Visser, to send this proposal to send to LUNR and answer the question what's the benefit of a fourth architect, passed unanimously.**

- e. Consideration of creating a *historic recognition program* for historic properties and to award exemplary restoration projects.

**Motion made by Mayor O'Neil, seconded by Councilmember Hammond, submit to the LUNR Committee a request to the possibility of a *historic recognition program*, passed unanimously.**

## **I. Reports and Communication**

- A. Mayor's Report – Mayor O'Neil mentioned the Proclamation honoring Rob Fowler for his service at Channel Two. He also thanked Town Staff for their work over the Labor Day weekend.
- B. Administrator's Report – Mr. Benke reported the on the approved and processed payment 14 for the Fire Station and Storage Building and the balance to finish the project, plus retainage.  
He also reported the Old Bridge Restoration project is being finalized and will be brought before Council for approval. The Boardwalk project has begun and is continuing to progress.  
The tennis court and basketball court lights have not been installed as they are still waiting on a few poles, and they will hopefully be installed the week of 9/26 and the resurfacing will be done in October.
- C. Attorney's Report – Nothing to Report
- D. Boards and Commission's Reports
  - a. Planning Commission – Nothing to Report
  - b. Board of Zoning Appeals– Nothing to Report
  - c. Design Review Board– Nothing to Report
  - d. Tree Commission– Nothing to Report
  - e. Municipal Elections Commission– Nothing to Report

## **II. Committee Reports – Discussion Items:**

- A. Finance Committee – Chair Millimet stated the proposed motion was approved and Mr. Blanton reported there was an item that was unbudgeted, making the current report go over budget. There was also an increase in interest in August.
- B. Public Facilities Committee – Nothing to Report
- C. Land Use & Natural Resources Committee – Nothing to Report
- D. Administration Committee – The next Administration Committee meeting will be held Thursday, October 6 at 8:15 a.m.
- E. Water & Sewer Committee – The next Water & Sewer Committee meeting will be held Thursday, September 22 at 8:45 a.m.
- F. Public Safety Committee – Chief Stith commented on a recent house fire.

G. Recreation Committee – The next Recreation Committee meeting will be held Friday, September 23 at 8:30 a.m.

### III. Executive Session:

**Motion was made by Councilmember Kaye Smith, seconded by Councilmember Visser to go into Executive Session at 7:24 p.m. to discuss the following items, passed unanimously.**

A. Personnel – Attorney Larry Dodds and Administrator Benke: Review of Boards and Commission applications.

**Motion was made by Councilmember Visser, seconded by Councilmember Novak, to come out of Executive Session at 7:38 p.m. to discuss the following items, passed unanimously.**

IV. 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 Councilmember Novak, seconded by Councilmember Visser, to appoint the following individuals to the following Boards and Commissions:**  
**Tree Commission: Donivon Glassburn**  
**Board of Zoning Appeals: Sydney Cook and Michael Scruggs, passed 5-1, with Councilmember Kaye Smith opposing.**

### V. Adjournment

**Motion was made by Councilmember Hammond, seconded by Councilmember Novak to adjourn the meeting at 7:39 p.m., passed unanimously.**

Respectfully submitted,



Bridget Welch