

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TOWN COUNCIL MEETING
JUNE 12, 2007

Mayor Hallman called the meeting to order at 7:15 p.m. In attendance were Council members Thomasena Stokes-Marshall, Joe Bustos, Kruger Smith, Billy Swails, Ken Glasson, Paul Gawrych, Nick Collins, and Gary Santos. Staff members in attendance were Mac Burdette, Eric DeMoura, Allen Young, Colleen Jernigan, Charlie Potts, Chief Harry Sewell, Chief Herb Williams, Ted Summerford, Sally Phipps, and Joel Ford.

Mr. Smith offered the prayer, followed by the pledge of allegiance.

Mr. Young certified that the Town is in compliance with the FOIA.

Mayor Hallman called for approval of the agenda.

Mr. Santos moved for approval of the agenda; seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Swails reviewed a motion made during the last Council meeting regarding bringing the smoking ban before Council prior to the Supreme Court reaching a decision or six months, whichever were to come first.

Mayor Hallman asked Mr. Swails if he was making a motion.

Mr. Swails responded in the negative.

Mr. Gawrych asked what Mr. Swails wanted deleted.

Mr. Swails indicated he wanted item XII A deleted.

Mr. Burdette indicated that Mr. Swails was accurate. He added that Mayor Hallman asked for this item to be placed on the agenda and stated that the rules are any Council member may request that an item be placed on an agenda. Mr. Burdette indicated it would take a motion to remove the item from the agenda.

Mr. Young concurred.

Mayor Hallman called for a motion.

Mr. Swails indicated he was not making a motion but he believes that Council is in violation of their own rules.

Mr. Young indicated Mr. Swails was correct and recommended to Town Council that it would be inappropriate to visit the second reading on that ordinance without any other action by Town Council. He indicated there would have to be an appropriate motion considered by Council prior to any final reading; otherwise, it would be out of order.

Mr. Gawrych asked Mr. Young if an appropriate action would mean a motion to amend first reading.

Mr. Young indicated that an appropriate motion in this regard would be a motion to rescind the previous action of Council relative to ordinance 07007. He suggested that would have to be made prior to Council officially considering any final reading of this ordinance.

Mr. Santos made a motion to rescind the action made by Council as described by Mr. Young; seconded by Mr. Gawrych. The motion carried with a vote of seven (7) to two (2) with Mr. Swails and Mr. Smith opposing.

AWARDS AND PRESENTATIONS

Mr. Ford indicated that the first item was a second public hearing regarding a proposed amendment to the Watermark Development Agreement between the Town of Mount Pleasant and Beach Shellpoint, LLC. pertaining to property known as the Watermark development located generally at the intersection of Bowman Road and Stuart Engals Boulevard. Mr. Ford indicated that two previous public hearings were held and there were no comments from the public.

Mayor Hallman called on anyone who wished to make comments.

Mr. Young indicated this would be considered under old business planning for final reading.

Mr. Ford concurred.

Hearing no comments from the public Mayor Hallman closed the public hearing.

Ms. Hillary Repik indicated that the second item was a public hearing regarding proposed amendments to the Town of Mount Pleasant Code of Ordinances regarding “Stormwater Management and Water Quality Ordinance” and to regulate construction and post construction land development activities for compliances with NPDES. She indicated that previously there was a review with the Planning Commission and presented the ordinance to the Planning Committee. The ordinance has all the requirements in it.

Mr. Young indicated this ordinance would be brought forth for consideration during this meeting.

Hearing no comments or concerns Mayor Hallman closed the public hearing.

Mr. Potts indicated the third item was a public hearing pursuant to Section 6-1-330 of the S.C. Code of Laws, public notice is hereby given that Mount Pleasant Town Council will hold a public hearing on fee changes to become effective in the new fiscal year or July 1, 2007. Mr. Potts reviewed all proposed fee increase.

Mr. Burdette stated if Council approves the fee changes they will take effect on July 1st.

Mr. Young indicated this item was up for first reading tonight.

Hearing no comments or concerns Mayor Hallman closed the public hearing.

Mr. Potts indicated the fourth item was a public hearing regarding the proposed General Fund appropriations totaling \$53,745,302 Special Revenue Fund appropriations totaling \$35,147,226 for grand total appropriations of \$88,892,528. Additionally, there is no millage increase recommended within the proposed

budget. Mr. Potts indicated the projected revenues for the 2007-2008 budget year at \$92,908,407 and the proposed expenditures by category are as follows:

Police Services	\$10,581,971
Fire Services	\$7,495,599
Public and Sanitation Services	\$7,137,226
Recreation, Park, & Leisure Services	\$4,630,172
Planning, Development & Building Inspections	\$3,350,327
Municipal Court & Legal Services	\$1,069,894
General Administration	\$11,863,246
Debt Services Requirements	\$13,900,233
Capital Projects & Programs	\$28,863,860
Total Proposed Budget	\$88,892,528

Mr. Potts indicated first reading of that budget will be before Council tonight.

Mayor Hallman indicated the Town is now the fourth largest town in the state with 61,000 residents. He asked how long it has been since the Town had a general tax increase.

Mr. Potts indicated that if this budget passes, it will be the 18th year.

Mayor Hallman stated that this shows all the hard work done by Town staff to keep costs down.

Mr. Potts concurred.

Mayor Hallman asked if anyone in the public wanted to be heard. Hearing none Mayor Hallman closed the public hearing.

Mayor Hallman along with all Council members recognized Ms. Jean Chandler for her retirement. Mr. Burdette indicated Ms. Chandler has been the director of the Personnel divisions for the past seven years and stated that she has done a tremendous jobs of not only serving the employees, but serving the citizens

of Mount Pleasant by working very hard with Council and the Personnel Committee to keep the insurance costs contained as best possible. Mr. Burdette stated that Ms. Chandler is going to be sorely missed, and has done a great job preparing someone to step into her position.

Mayor Hallman stated he has known Ms. Chandler and her husband for many years and that the Town has been privileged to have her as part of the team that operates the Town.

Ms. Chandler thanked Mayor Hallman, Town Council members, Mr. Burdette, and Ms. Jernigan for all of their guidance and support in the last several years and the opportunity to finish her career in her hometown.

Mr. Burdette stated the next lady he would ask to come up would need no introduction to staff and Council, but to the general public she is an unsung hero. Mr. Burdette stated in his twenty plus years with the Town, she has been his left and right hand and there have been occasions due to military duties and some illnesses that he has had to step aside and she took over as the Town Administrator and probably did a much better job than he did. Mr. Burdette introduced Mrs. Colleen Jernigan and stated that Colleen is leaving the Town after 28 years of faithful service. She was at the Town to welcome him and Joe Ford when they came to the Town. Mr. Burdette stated he could never express to Ms. Jernigan how much she has meant to him and all the department managers. Mr. Burdette stated for the past 28 years Colleen Jernigan has been the single most important employee the Town of Mount Pleasant has had and probably for many years to come that can still be said.

Mayor Hallman stated he could not say enough about Colleen Jernigan. She has been the leader of everything good that has happened in this Town and kept everyone out of trouble.

Mr. Burdette presented Mrs. Jernigan with a gift from Mayor and Town Council.

Mrs. Jernigan stated that her job and the opportunity at the Town of Mount Pleasant have made her the person she is today. She stated that it taught her about life, people, and responsibility and for that she will be truly grateful. Ms. Jernigan stated that she will miss everyone.

Mr. Burdette along with Chief Harry Sewell and Mayor Hallman recognized Detective Mason Willis, Detective Michele Bacon, and Detective Paula Borgesen as co-employees of the month.

Mr. Burdette along with Chief Herb Williams, Mayor Hallman and Mr. Glasson recognized Engineer Jody Cox and Firefighter Ricky Barrett as co-employees of the month.

Mayor Hallman, Town Council and Mr. Burdette recognized Mr. Jerry Baker, Athletic Director for the College of Charleston on his retirement after 15 years. Mr. Burdette indicated several years ago the Town had an opportunity to work with the College of Charleston to secure one of the most important pieces of property for the use of the College and the Town for a recreation and athletic department. Mr. Burdette stated without the efforts of the College of Charleston that would not have happen.

Mr. Baker indicated it has been his pleasure to work at the College and with the Town of Mount Pleasant.

Ms. Magwood – Chair of the Blessing of the Fleet Committee – presented checks to the Mount Pleasant Open Space Foundation and SC Shrimpers Association in the amount of \$5,091.87.

Ms. Ashley McKenzie along with Mayor Hallman and Mr. Burdette presented James Ray, the winner of the Farmers Market Slogan Contest “Get Fresh with the Locals” with a plaque and a \$400 savings bond.

Mr. Burdette along with Mayor Hallman and Town Council recognized the Wando High School Girls Soccer team for winning the AAAA State Championship.

APPROVAL OF MINUTES AND FINANCIAL STATEMENT

Mr. Gawrych moved for approval of the minutes and financial statement; seconded by Mr. Santos. All present were in favor.

CORRESPONDENCE AND PUBLIC STATEMENTS

Mr. Mike Surles – 932 Equestrian Drive – Mt. Pleasant - indicated a few years ago he served on the Election Commission and spent many hours discussing the particular issues Council will be discussing regarding moving the election to the odd year. He stated that this was discussed and research was done and encouraged Council to vote for this particular item tonight because it is in the best interest of the Town from an economic standpoint and from the election standpoint. He stated there is nothing but positive things that can come from this.

Mr. George Freeman – 2151 Rifle Range Road – Mt. Pleasant - stated as a candidate for the 2008 election he wanted to thank Council for voting to move the election and appreciates that Council wants to increase voter participation. Mr. Freeman stated during the 2006 election the Mayor wrote a letter asking the voters not to vote for him and was able to control the outcome of the election. A larger voter turnout could have provided a different outcome, and as a candidate for the 2008 election, he disagrees with the methodology for accomplishing this task. He stated that odd year elections can be accomplished by continuing with elections in 2008 and 2010 for two three year terms. Taking this option allows the citizens to

elect their representatives instead of elected officials voting themselves to office. He stated as a candidate for the 2008 election he feels his rights are being violated if the election is extended to 2009 and as a candidate and citizen he is requesting that the Town attorney be directed to contact the Justice Department on this matter before a vote is taken on this subject matter.

Mr. Dan Carrigan – 1616 River Road, Johns Island – stated that he is the Executive Director of Smoke Free Action Network and thanked Council for pursuing the smoke free ordinance. He presented Council with a cautious note regarding the exemption of private clubs.

Ms. Alison Tysinger – 2086 Country Manor Drive – indicated she has sent several emails and is pleased that Council is discussing this matter again. She stated this is a quality of life issues and applauds Council for moving forward.

PLANNING - Mr. Joel Ford

New Business

Mr. Ford indicated the first item was consideration of an ordinance providing for the annexation of two parcels of land comprising approximately 1.07 acres, known as the former OK Tire Store and located at 469 West Coleman Boulevard, bearing TMS Nos. 517-11-00-003 and 015. Mr. Ford indicated the Annexation Committee recommended approval of annexation (Ord. No. 07041).

Mr. Santos moved for approval of first reading; seconded by Mr. Collins.

Mayor Hallman indicated two individuals had signed up to speak on this matter.

Ms. Magdalyn Duffy – 530 Reid Street – Mt. Pleasant - indicated she was speaking on behalf of youth in the Town to share their thoughts and feelings on the situation at Shem Creek. She presented brochures from years ago which were about Shem Creek, citing that it was clear that the creek was an important part of

the communities' attraction. She indicated she has created a web site for college students called Save the Creek and within four days there were 1600 members in the group and currently are 2400 signed up as supporters for the preservation of Shem Creek. She stated it has become clear to her that this beloved place deserves the utmost consideration regarding its present state and future. She asked Council to take the time and full consideration regarding preservation of Shem Creek.

Mayor Hallman called for the vote.

All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Ford indicated that the second item was consideration of an ordinance to zone AB, Areawide Business District, and CBS-OD, Coleman Boulevard – Ben Sawyer Boulevard Overlay District, two parcels of land comprising approximately 1.07 acres, known as the former OK Tire Store located at 469 West Coleman Boulevard, bearing TMS Nos. 517-11-00-003 and 015 (Ord. No. 07042).

Mr. Gawrych moved for approval of first reading; seconded by Mr. Santos. *All present were in favor.* Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Ford indicated the third item was consideration of an ordinance providing for the annexation of a parcel of land comprising approximately 1.30 acres located at 475 Long Point Road, bearing TMS No. 537-00-00-008 (Ord. No. 07043). This was recommended for annexation by the Annexation Committee.

Ms. Stokes-Marshall moved for approval of first reading; seconded by Mr. Gawrych. *All present were in favor.* Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Ford indicated the fourth item was consideration of an ordinance to zone LI, Light Industrial District, a parcel of land comprising approximately 1.30 acres located at 475 Long Point Road, bearing TMS No. 537-00-00-008. (Ord. No.

07044). This item was recommended for approval by the Planning Commission and Planning Committee.

Mr. Gawrych moved for approval of first reading; seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

Mr. Ford indicated the fifth item was consideration of an ordinance to amend the Mount Pleasant Code of Ordinances by adding a new Chapter 153 AND adopting various changes to existing sections of Appendix B of Chapter 155 (Ord. 07045). A public hearing was held regarding this ordinance. Staff is still analyzing some of the points regarding this ordinance. Mr. Ford indicated staff would like to request that this item be deferred until the July council meeting. (Ord. 07045)

Mr. Gawrych made a motion to defer the item until the July Council meeting; seconded by Ms. Stokes-Marshall.

Mr. Burdette stated that this ordinance must to be adopted by September. Mayor Hallman called for the vote. *All present were in favor.*

Mr. Ford indicated the sixth item was consideration of an ordinance providing for the annexation of a tract of land comprising approximately 33.10 acres, known as First Baptist Church – North Campus, located on the north side of US Highway 17 North, bearing TMS 598-00-00-007 (Ord. No. 07046). *Also request approval of Impact Assessment and Sketch Plan for Phase I.* Mr. Ford indicated annexation was recommended by the Annexation Committee.

Mr. Collins moved for approval of first reading; seconded by Mr. Gawrych. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

Mr. Ford indicated the seventh item was consideration of an ordinance to zone PD-MU-SR, Mixed Use-Suburban-Rural Planned Development District,

approximately 33.10 acres of land for a mixed use development comprising the First Baptist Church – North Campus (Ord. No. 07047). Mr. Ford indicated two separate motions were needed, one for zoning for the property and one for the impact assessment. Mr. Ford indicated the church has expressed willingness to work with the Town on providing right of way in the future as they develop their campus which will be a multi-use facility. The first phase, and what the impact assessment is for, is for 8.8 acres of the site. The initial building will be a multi-purpose building for worship services and youth programs. Mr. Ford reviewed building that will be accomplished in the future. Mr. Ford indicated that this is recommended for approval as a planned development and the impact assessment for the first phase of the development is recommended for approval.

Mr. Swails moved for approval of first reading; seconded by Mr. Santos. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

Mr. Young recommended making a motion to add consideration of the impact assessment to the agenda and then a motion for decision.

Mr. Gawrych made a motion to add the impact assessment to the agenda as described by Mr. Young; seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Gawrych moved for approval of the impact assessment as described by staff; seconded by Mr. Collins. All present were in favor.

Mr. Ford indicated the eighth item was consideration of an ordinance to *Correct Clerical Errors* in two previous Mount Pleasant ordinances, 07022 and 07023 (Ord. 07048).

Mr. Smith moved for approval of first reading; seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

Mr. Ford indicated the next item for consideration was approval of an updated Impact Assessment and Revised Sketch Plan for The Landing at Shem Creek. Mr. Ford indicated this revised impact assessment is to downsize the project. The sketch planning was presented to both the Planning Commission and Planning Committee and is recommended for approval to full Council.

Mr. Smith moved for approval of the updated Impact Assessment and Revised Sketch Plan; seconded by Mr. Santos. All present were in favor.

Old Business:

Mr. Ford indicated items number VIII B 1-3 all pertain to the Watermark Development Agreement.

The first item was final reading of an ordinance providing for an amendment to the existing Watermark planned development (Ord. 07034).

Mr. Gawrych moved for approval of final reading; seconded by Mr. Collins. All present were in favor. Mr. Burdette read FINAL READING BY TITLE ONLY.

The second item was final reading of an ordinance to amend the Land Use Plan Map of the Town of Mount Pleasant 2003 Comprehensive Plan update for Neighborhood Four A (4A), relative to approximately 10.44 acres located in the Watermark Development (Ord. 07035).

Mr. Gawrych moved for approval of final reading; seconded by Mr. Collins. All present were in favor. Mr. Burdette read FINAL READING BY TITLE ONLY.

The third item was final reading of an ordinance for an amendment to the existing Watermark Development Agreement (Ord. 07036).

Mr. Swails moved for approval of final reading; seconded by Mr. Santos. The motion carried with a vote of 7-1-1 with Mr. Bustos opposing and Mr. Gawrych abstaining.

The fourth item was final reading of an ordinance to amend the Neighborhood Three Land Use Plan Map of the Town of Mount Pleasant 2003 Comprehensive Plan update (Ord. No. 07008) (Snee Far) *Also request approval of Impact Assessment and Sketch Plan.* Mr. Ford indicated staff received a letter requesting deferral of this matter. The applicant understands there is a six month limitation on these deferrals. Mr. Ford indicated the applicant did request deferral for a period of no longer than six months.

Mr. Gawrych made a motion to defer the item as stated by staff; seconded by Mr. Swails. All present were in favor.

The next item was final reading of an ordinance to amend various sections of Chapter 155 of the Mount Pleasant Code of Ordinances, pertaining to sidewalk installation, a financial guarantee for infrastructure improvements and certification forms (Ord. No. 07015). Mr. Ford indicated first what was needed was a motion to amend the ordinance as it was read at first reading. He stated there were some details that staff recommended as a result of their meeting with the development council and contained in a memorandum from Allen Young to Mayor and Town Council dated June 12th. Mr. Young suggested attaching the referenced memo to the minutes. Mr. Young indicated the memo referenced the three amendments: one to section A on pages 4 and 5 with specific language being substituted, second, correcting a spelling error from *I* to *E* in the word *ensuring*, and putting the word *and* between two words in section 11 of page five between *defects* and *damages*, and in section 12 on page 5 having the word *substantial* before the word importance.

Mr. Gawrych made a motion to amend the first reading to include the items as stated by the Town Attorney in the memo; seconded Mr. Glasson. All present were in favor.

Mr. Gawrych moved for approval of final reading; seconded by Mr. Swails. All present were in favor. Mr. Burdette read FINAL READING BY TITLE ONLY.

COMMITTEE REPORTS

Accommodations Tax Advisory Committee – Mr. Kruger Smith

Mr. Smith reported the Committee met on June 7 to hear a presentation on the proposed visitors' center design. The design was well received by the Committee who voted unanimously to pass this design to the Finance Committee for approval. The Committee also voted to endorse the recommendation from the Finance Committee to approve the visitor center lease agreement between the Town and the Charleston Areas Convention of Business Bureau. The Committee also discussed the return of accommodation tax sponsorship funding for events that generate a profit. To avoid re-granting issues the Committee determined that only sponsorship funding in the same amount as approved by the Committee and Council can be voluntarily returned to the accommodations fund. The Committee further decided that this be added to the guidelines form as part of the application and give it to Council members by a memo as information. Staff reported that although the numbers for the visitors' center had decreased over the last few months, ticket sales have increased dramatically.

Annexation Committee – Mr. Nick Collins

Mr. Collins reported that the Committee recommended approval of annexation of three items comprising of the former OK Tire Store, property on Long Point Road, and a vacant tract of land on US Highway 17 North, all which appeared on the agenda earlier.

Bids & Purchases Committee – Mr. Joe Bustos

Mr. Bustos reported that the Committee awarded a bid to Muller Company in the amount of \$55,672 to construct an addition to the Tennis Building at the

Mugsy Kerr Tennis Complex on Whipple Road. The addition is scheduled for completion in 90 days and will be just one of several improvements that are budgeted for the complex.

Economic Development Committee – Mr. Paul Gawrych

No report.

Finance Committee – Mr. Billy Swails

Mr. Swails indicated there were four action items all of which will appear under Council new business.

Fire Committee – Mr. Ken Glasson

Mr. Glasson reported the Fire Committee met on June 5 and the Committee members agreed to recommend to Town Council to approve an agreement that would create a medical directors position for the paramedics programs. State Law mandated by the Department of Health and Environmental Control requires that the Town have a medical director to oversee the medical program. Dr. Sheely and Dr. Sarrow currently oversee the Charleston County EMS program and they have agreed to oversee the Town's program as well. A doctor's signature is required in order to approve the drugs housed and administered by the paramedics. This agreement has a three year term. Mr. Glasson indicated he went out and witnessed the simulated earthquake drill. He stated he was very impressed by the Fire and Police personnel. He stated the coordination of the teams was remarkable and he commended the staff.

Personnel Committee – Mr. Kruger Smith

No report.

Planning Committee - Ms. Thomasena Stokes-Marshall

Ms. Stokes-Marshall indicated there was one action item. She indicated the request was for an extension to the approval for sketch plan and development

impact assessment for The Shops at Rivertown. The Planning Committee recommended approval of this request for extension for 18 months until January 2009. Ms. Stokes-Marshall indicated the second action item was regarding the adoption of the 2005 National Electrical Code with South Carolina amendments which will appear under Council New Business.

Ms. Stokes-Marshall made a motion to approve the request for extension to the approval for sketch plan and development impact assessment for The Shops at Rivertown; seconded by Mr. Swails. All present were in favor.

Ms. Stokes-Marshall reported on the Building Permit Allocation Program – the deadline for the third quarter was June 1 and since there was a surplus of permits the Town will continue to accept applications for the third quarter until July 31. There are 438 single family permits remaining for the year. In addition there area total of 525 multi-family and townhouse permits remaining through 2010. She added 20 low income permits have been allocated so far this year.

Police, Legal, & Judicial Committee - Mayor Hallman

Mr. Burdette indicated the Committee is recommended to Council that the Town pursue three grants, one for the Justice Assistance Grant, COPS Secure Our Schools grant, and the Project Safe Neighborhoods Anti-Gang Initiative grant.

Mr. Bustos moved for approval of all three grants as indicated by staff; seconded by Mr. Gawrych. All present were in favor.

Public Services Committee - Mr. Kruger Smith

Mr. Smith indicated the Committee recommended transferring additional monies for Scott's Creek ditch piping project from stormwater contingency fund. The actual cost of the project is \$260,918 with \$170,000 appropriated in FY 06-07 budget leaving a deficit \$36,918. Staff proposed that the additional funds be taken

from the FY 07-08 stormwater contingency fund which has a balance of \$168,000. The Committee recommended approval of this request.

Mr. Smith made a motion to approve of the recommendation; seconded by Mr. Santos. All present were in favor.

Mr. Smith reported two employees were recognized two employees for 10 and 15 years of service. Mr. Smith indicated staff gave the Committee an updated on the NPDES regulations and permitting information. The Committee was also informed that the Public Services Committee has an employee who suffered losses due to a fire. Staff has asked for permission to use \$500.00 of the Public Services Donor Fund to assist the employee. The Committee granted staff approval to move forward with their request to assist this individual.

Recreation Committee - Mr. Gary Santos

Mr. Santos indicated there were two action items. The first was acceptance of \$20,000 donation from Mount Pleasant Soccer Booster Club towards the planned construction projects, shelter and restroom at Patriots Point soccer complex. The Committee approved this proposal during the June meeting and has forwarded for consideration by the full Council with a recommendation for approval.

Mr. Santos made a motion to allow the Recreation Department to accept the donation; seconded by Mr. Gawrych. All present were in favor.

Mr. Santos thanked the Mount Pleasant Soccer Booster Club for their generous donation.

Mr. Santos indicated the second item was a recommendation to apply for the Community Foundation Grant in the amount of \$3,000 with no match required. The request was approved by the Committee and was forwarded to Council for consideration.

Mr. Santos made a motion for Council to authorize the Recreation Department to apply for the \$3,000 grant from the Community Foundation; seconded by Mr. Gawrych. All present were in favor.

Mr. Santos reported a Big Band Brunch was held on Wednesday, May 9. In attendance were 415 participants. Summer camps began Monday, June 11 in various sites in Mount Pleasant. There are 135 camps scheduled over the next nine weeks. The Mount Pleasant Recreation Department will be hosting the Dixie Minor Sub District tournament scheduled for June 25 and 30 at Sloan Park. Youth and Adult Summer leagues have started for softball, basketball, and soccer. The T-Ball and Machine Pitch was held on June 9 at Park West where 90 teams assembled. On May 19 there were seven track clubs who participated in the Mount Pleasant Developmental Track Meet. The Lacrosse team won the lower-state championship. Mr. Santos presented the trophy to Mr. Summerford to be placed in the Town's trophy case.

Transportation Committee – Mayor Hallman

Mr. Burdette indicated the Committee received information that property owners had requested that SCDOT abandon a right of way that is just off Stuart Engals Boulevard to themselves. The Committee felt like it would be best if the Town asked SCDOT to abandon the right of way to the Town and let the Town then consider the request for the abandonment. He indicated the consideration was needed for a request to SCDOT to abandon this right of way to the Town.

Mr. Gawrych moved for approval as stated by the Administrator; seconded by Mr. Swails. All present were in favor.

Mr. Burdette indicated that the Committee was recommending to Town Council that the Town apply for CTC funds and Half Cent Sales tax for mast arm signal at Six Mile & Rifle Range Road intersection. Mr. Burdette indicated it

turned out the cost of turn lanes exceeds the Town's budget. On the first item, the Committee is recommending Council direct staff to request that the CTC make up the difference in funding for the turn lanes. The second request would be from Town Council to Charleston County Council for Half Cent Sales Tax to pay for the signalization.

Mr. Gawrych moved for approval as stated by the Administrator; seconded Mr. Collins.

Mr. Swails asked if the property was in the County.

Mr. Burdette indicated approximately one third was in the County and two thirds are in the Town.

Mayor Hallman called for the vote.

All present were in favor.

Waterworks Commission – Mr. Billy Swails

No report.

Water Supply Committee – Mr. Billy Swails

No report.

ADMINISTRATOR'S REPORT – Mr. Burdette

Mr. Burdette reported seat number six at large on the Design Review Board expires on July 7.

NEW BUSINESS

Council

Mr. Burdette indicated the first item was consideration of an ordinance to raise funds for the Town of Mount Pleasant for the fiscal year commencing July 1, 2007 and ending June 30, 2008 to meet appropriations of \$88,892,528 (Ord. No. 07038)

Mr. Gawrych moved for approval of first reading; seconded by Mr. Swails. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

The second item was consideration of an ordinance to make appropriations to meet the expenditures of the Town of Mount Pleasant in the amount of \$88,892,528 for the fiscal year commencing July 1, 2007 and ending June 30, 2008 (Ord. No. 07039)

Mr. Swails moved for approval; seconded by Mr. Gawrych. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

The third item was consideration of a resolution authorizing lease purchase agreements pursuant to section 1.103-18 of income tax regulations for various capital equipment for the Town of Mount Pleasant, South Carolina not to exceed \$1,562,228. (R. 07061)

Mr. Gawrych moved to adopt the resolution; seconded by Mr. Swails. All present were in favor. Mr. Burdette read THE RESOLUTION BY TITLE ONLY.

The fourth item was consideration of an ordinance to amend Subparagraph 3 of Paragraph A of Section 38.136 of Chapter 38 of the Mount Pleasant Code of Ordinances, pertaining to procedures for the disposal, disbursement and receipt of certain property (Ord. No. 07049).

Mr. Gawrych moved for approval of first reading; seconded by Mr. Smith. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

The fifth item was a consideration of a resolution authorizing four separate Collection Agreements with Charleston County (R. 07063).

Mr. Gawrych moved to adoption Resolution 07063; seconded by Ms. Stokes-Marshall. All present were in favor.

The sixth item was consideration of a resolution approving a Settlement Agreement and Release with Comcast of Carolina, Inc. and Comcast of Georgia/South Carolina II, LLC (R07064).

Mr. Gawrych moved to adopt the resolution; seconded by Mr. Glasson.

Mr. Bustos asked if the company was indicated they would pay the settlement.

Mr. Burdette indicated they have agreed to pay it in the future.

Mr. Bustos asked if this was going to result in them raising the franchise fee to residents in order to pay the settlement.

Mr. Burdette indicated he did not think that is the case. He explained this had to do with revenues from items such as home shopping networks. Mr. Burdette stated the reason staff is willing to recommend a settlement is because the franchise agreement is vague on this matter. He stated if this resolution is approved the next two items actually fix the question of language in the franchise agreement.

Mayor Hallman called for the vote. *All present were in favor.*

The seventh item was consideration of an ordinance amending Mount Pleasant ordinance 04066, a non-exclusive cable television franchise for Comcast of Carolina, Inc. (Ord. No. 07051)

Mr. Gawrych moved for approval of first reading; seconded by Mr. Smith. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

The eighth item was consideration of an ordinance amending Mount Pleasant ordinance 04067, a non-exclusive cable television franchise for Comcast of Georgia/South Carolina, II, LLC (Ord. No. 07052)

Mr. Gawrych moved for approval of first reading; seconded by Mr. Smith. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

The ninth item was consideration of an ordinance authorizing a Lease Agreement between the Charleston Area Convention and Visitors Bureau and the Town of Mount Pleasant (Ord. No. 07050).

Mr. Smith moved for approval of first reading; seconded by Mr. Bustos. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

The tenth item was consideration of a resolution approving an agreement for Medical Director Services from the EMS service of the Mount Pleasant Fire Department (R. 07062)

Mr. Collins moved to adopt resolution 07062; seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read THE RESOLUTION BY TITLE ONLY.

The next item was consideration of an ordinance to amend paragraph F of Section 150.001 of Chapter 150 of the Mount Pleasant Code of Ordinances, adopting the 2005 edition of The National Electrical Code (Ord. No. 07040)

Mr. Gawrych moved for approval of first reading; seconded by Mr. Collins. All present were in favor. Mr. Burdette read FIRST READING BY TITLE ONLY.

Mr. Burdette indicated the next item was Council election issues for discussion.

Mr. Bustos indicated he had asked for the three item to be put on the agenda for discussion. He stated Council heard Mr. Surles indicated it was important to move the election to the odd years but the mechanism use that was use to accomplish that was up to Council. Mr. Bustos indicated currently what has received first reading is extending the current terms by 14 months which he does not agree with. He indicated the idea of moving the election to odd years will improve voter turn out, nothing has been shown to that effect. He stated there is not data to show that. Mr. Bustos indicated he would suggest prior to reaching the

vote on moving the election that a couple of things be considered: 1. moving the election date after the election which creates a five year two month term for those newly elected is no worse than extending the current terms by 14 months, thereby creating a five year two month term, 2. handing over the conduct of municipal elections to the Charleston County Election Commission as a separate action from the election date as a separate action from the election date, and 3. the effect on Mount Pleasant Waterworks elections. He indicated he wanted to make sure the Town was not creating some additional cost for Mount Pleasant Waterworks. He stated there are some questions that have not been answered yet. Mr. Bustos stated there are very few things that Council does that have to be approved by the Justice Department before they are implemented. He suggested this is something that will have to go to the Justice Department. Mr. Bustos stated he would like to see Council consider, at least if this is going to be done, that there be at least one public hearing and this item be deferred until next month following a public hearing. Mr. Bustos indicated he does not feel there is a rush on this matter but he feels there should be an abundance of caution. Mr. Bustos stated he may even vote for this if there is a public hearing and no one shows up.

Mr. Smith indicated he made his presentation and Mr. Young has backed him on everything he has said.

Mayor Hallman indicated he had not received one call from citizens regarding extending these terms. He suggested citizens want Council to make these hard decisions and that is the reason they are elected to do it. He indicated he was prepared to vote.

Mr. Santos stated he agreed with Mr. Bustos. He also feels a public hearing would be in order. He suggested he was willing to take this matter up next month following a public hearing.

Mr. Young clarified that Mr. Bustos is correct and the US Justice Department would have consulted for a pre-clearance prior to any change on an election. He stated he has every intention of making that request. He added Mount Pleasant Waterworks would be affected but that would be a separate matter for them to consider. They could stay as they are or they could change and move into the adjusted election date. Mr. Young indicated he had coordinated this matter with Mr. Jennings and Mr. Clay Duffie. They have not made any final decision but they are well aware of this matter.

Mr. Swails indicated Mount Pleasant Waterworks agrees if the Town makes this change, and stated they would be on board.

Mayor Hallman indicated the next item was appointments to Boards and Commissions.

Mr. Glasson made a motion to appoint Pamela Gabriella to the Historical Commission seat number four; seconded by Mr. Collins. All present were in favor.

Mr. Swails made a motion to appoint Donna Norvell to the Workforce Housing Commission seat number one; seconded by Mr. Gawrych. All present were in favor.

Mr. Gawrych made a motion to move Michael McCormick to the seat of professional engineer; seconded by Ms. Stokes-Marshall. All present were in favor.

OLD BUSINESS

Council

Mr. Burdette indicated the first item was final reading of an ordinance to amend Title XIII of the Mount Pleasant Code of Ordinances by adding Chapter 138, entitle Smoking and Tobacco Products (Ord. No. 07007).

Mr. Bustos moved for approval final reading; seconded Mr. Gawrych.

Mr. Santos stated the date was left open on the original approval. He indicated a date needed to be added.

Mr. Young stated the effective date of the ordinance has not been determined and that would be up to Council. He indicated it would be appropriate to have a separate motion prior to final reading and put in a specific effective date.

Mr. Burdette indicated if Council approves this ordinance staff would appreciate having until September 1, 2007 in order to allow bars and restaurants to understand the ordinance and sort out how this is going to be enforced.

Mr. Bustos withdrew his motion; Mr. Gawrych withdrew his second.

Mr. Santos made a motion to amend the original ordinance to add the date of September 1, 2007 as the date the ordinance will go into effect; seconded by Mr. Gawrych.

Mr. Smith indicated he would like to have Council consider exempting private clubs. He stated the citizen who spoke on this have identified a problem with private clubs. Mr. Smith stated he felt sure Mr. Young had the capability to know what a private club is. Mr. Smith stated that he cannot bring himself to tell the VFW or the American Legion individuals who have gone and fought in a war and come back home, that they cannot smoke in their private club.

Mr. Santos indicated legal counsel has advised Council about exemptions and not drawing lines to allow something to happen on one side and not the other, as it clearly opens the Town up to law suits and puts the ordinance in jeopardy.

Mayor Hallman asked if Mr. Young believed he could determine what a private club is.

Mr. Young indicated he would be happy to do whatever Council directs him to do. He stated Mr. Carrigan did present Council with a memo which provides

any definition for private clubs. Mr. Young indicated he is not promoting that and has not reviewed it completely.

Mr. Swails indicated in May there was a first reading which carried seven to two, and stated that nothing has changed. During the vote in May, seven out of nine members agreed the Town was going to wait until something happened at the Supreme Court and if they did not make a ruling, then the Town would move forward in January 2008. Mr. Swails feels that they should let the system work for the Town. He stated that Mr. Young has advised the Town to wait. Mr. Swails stated that everyone really wants this ordinance to pass but it needs to be done in a fair way to everyone. He stated the way this was being done gives everyone the opportunity to know it is coming in January 2008.

Mr. Santos indicated that the ordinance enables businesses to file for a 90 day extension, through the Town Administrator.

Mr. Gawrych stated that Mr. Swails does not believe Council was correct in rescinding the vote; however Mr. Gawrych feels that the way it was handled today, was done correctly.

Mr. Young indicated everything has been handled in an appropriate manner.

Mr. Gawrych called for the question.

Mr. Young indicated technically to call for the question, there has to be a motion and it has to pass.

Mr. Gawrych made a motion to call for the question to vote on the motion on the table; seconded by Mr. Santos. The motion carried with a vote of 7-2 with Mr. Smith and Mr. Bustos opposing.

Mr. Santos restated his motion to amend the original ordinance to add the date of September 1, 2007 as the date the ordinance will go into effect; seconded

by Mr. Gawrych. The motion carried with a vote of 7-2 with Mr. Swails and Mr. Smith opposing.

Mr. Santos made a motion to approve final reading of ordinance number 07007; seconded by Mr. Gawrych. The motion carried with a vote of 7-2 with Mr. Swails and Mr. Smith opposing. Mr. Burdette read FINAL READING BY TITLE ONLY.

Mr. Burdette indicated the second item was final reading of an ordinance to amend Sections 152.04, 152.24 and 152.26 of Chapter 152 of the Mount Pleasant Code of Ordinances, relative to flood damage prevention (Ord. 07037)

Mr. Gawrych moved for approval of final reading; seconded by Mr. Collins. All present were in favor. Mr. Burdette read FINAL READING BY TITLE ONLY.

The final item was final reading of an ordinance to amend Section 36.21 of Chapter 36 of the Mount Pleasant Code of Ordinances, pertaining to the *Regular Election Date* for Mayor and Councilmembers (Ord. 07033).

Mr. Smith moved for approval of final reading; seconded by Mr. Swails.

Mr. Bustos made a subsidiary motion to hold one public hearing prior to the final reading; seconded by Mr. Santos.

Mr. Gawrych asked if Mr. Bustos was asking for a public hearing to be held next month.

Mr. Bustos responded in the affirmative. He suggested holding the public hearing just prior to the Council meeting in July. He stated at least Council would be on record as holding a public hearing and it would go to the Justice Department with one public hearing held.

Mr. Smith indicated this has been discussed for over two years. This is being requested by the Election Commission and municipalities all over the state are doing this. The Town has a history of having approximately a 40 percent

turnout in the November elections and only 10 percent during the town elections. He added there has not been one concern by the Justice Department about any of these municipalities in South Carolina moving their election. Mr. Smith suggested this is the right thing to do.

Mr. Bustos asked Mr. Young if he would feel more or less comfortable having had at least one scheduled public hearing.

Mr. Young stated he would be comfortable both ways.

Mr. Santos stated his reason for wanting to have a public hearing is because it gives the public an opportunity to speak.

Mayor Hallman called for the vote on the subsidiary motion. Mayor Hallman explained that a “yes” vote means you want a public hearing and a “no” vote means you are ready to move forward.

The motion failed with a vote of 5 to 4 with Mr. Smith, Mr. Swails, Mr. Collins, Mr. Gawrych, and Mayor Hallman opposing.

Mayor Hallman called for the vote on the motion to approve final reading.

The motion carried with a vote of 6 to 3 with Mr. Santos, Mr. Bustos, and Mr. Gawrych opposing.

With no further business to be discussed Mrs. Colleen Jernigan officially adjourned the meeting at 9:35 PM.

