



**TOWN OF SULLIVAN'S ISLAND, SOUTH CAROLINA  
LAND USE & NATURAL RESOURCES COMMITTEE OF COUNCIL**

Thursday, February 5, 2015

The Land Use & Natural Resources Committee of Council met at 5:00 p.m. on February 5, 2015 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Mayor Pat O'Neil, Chair, Council member Jerry Kaynard and Council member Mary Jane Watson; Staff, Administrator Benke, Zoning Administrator Henderson, Building Official Robinson and Asst. to Administrator Darrow.

There were approximately twenty-four (24) members of the public present; no media representatives present.

**1. Call to Order.** Mayor O'Neil called the meeting to order, stated the press and public were duly notified pursuant to state law and noted all members were present.

**2. Update on Tree Survey**

**Background of Tree Survey**

Administrator Benke advised that a survey of the trees in the beachfront accreted land (Protected Land) is currently underway, as ordered by the Town's defense attorney in association with ongoing litigation involving the Protected Land (Bluestein, et al v. Town of Sullivan's Island). Thomas & Hutton has been contracted to conduct an inventory of every tree over six inches in diameter breast height (6"dbh) located in the Protected Land, from the OCRM setback line seaward to the dune line between Stations 28 ½ and 16.

Deliverables from Thomas & Hutton are due by late February 2015 and will be in the form of digital shape files, data that can be analyzed and spatially represented through the Town's Geographical Information System (GIS).

**Status**

Thomas & Hutton began survey design and preparation between Thanksgiving and Christmas 2014, making good progress on tree analysis. Administrator Benke noted that the information from this tree survey will be valuable to the litigation case, the Town and its management of the Protected Land.

Thereafter Administrator Benke reviewed the format of the data gathered, to date, and analytical opportunities attendant with GIS compatible data. He noted the presentation this evening is made from a web-based sample of the work currently being conducted by Thomas & Hutton, not the finished product.

## **Public Questions**

Will the data be available for public access?

Administrator Benke clarified the data will be GIS compatible but various maps and potentially a web-based application could be posted on the Town's website. He did note that the Town has GIS software at Town Hall which could be made available for residents to access the data on-site. Zoning Administrator Henderson noted the Town would generate a number of maps from this survey and GIS software.

What is the date of the aerial photos in the survey?

Administrator Benke clarified the survey will utilize the maps and data available on the Charleston County GIS (last aerial photo from 2012).

*Bobby Thompson, 2917 I'On Avenue, SI*

- Asked about the cost for the survey and whether the Town taxpayer will pay for it?
- Asked about the transition zones and why the Town has been discussing them.

Administrator Benke clarified that the defense attorney ordered the survey and the Town has a pre-paid legal benefit as part of the Town's insurance policy. The Town has not paid fees for this litigation, to date.

Mayor O'Neil clarified that the concept of transition zones in the Protected Land has been discussed by Town Council since the consultant (Coastal Resources Management) conducted the area study years ago. Council has extensively debated the transition zones for years.

*Councilmember Middaugh, 2420 Raven Drive, SI*

- Asked about multi-trunk trees and how they are being inventoried.

Administrator Benke noted the arborist associated with the survey has established a methodology to review and annotate aggregated clumps of trees and dominant trees therein. He noted photos of all surveyed trees will be incorporated in the deliverables.

### **3. Accreted Land Management Plan Work in Transition Zone**

Mayor O'Neil noted that Council established the size of the transition zones (May 20, 2014 Regular Council meeting) as one-hundred (100') feet measured from a homeowner's property line seaward into the Protected Land. Council has not determined how the transition zone will look, what work can be done in the transition zone, the processes by which any work will be accomplished and funding for the same.

Mayor O'Neil invited residents to offer comments on this topic.

## **Public Comments**

*Addison Ingle, 1719 Atlantic Avenue, SI*

- Spoke about coyotes, hearing them frequently around his home, and commented that the wild boar/pig, currently at-large on the Island, is capable of significant destruction of private property.

Administrator Benke noted Staff was aware of the one pig on the Island and has set traps in the Station 26 area in an attempt to capture it.

Administrator Benke commented that the coyote sightings through late 2014-early 2015 are consistent with the frequency and nature of sightings during the same time frame in 2013-2014. Commonly there is an influx of sightings, usually between 3-5AM, from November – January in concert with the mating season. Pups are usually born between March and early May. He noted the Police Department is tracking the quantity and nature of coyotes sighted, urging residents to report any and all sightings. He noted that the coyotes seem to still be skittish around humans, which is a good sign. Administrator Benke noted the Town's approach is to monitor coyotes and trap/deal with aggressive animals.

Administrator Benke noted that on February 11, 2015 (6:30PM at Town Hall), the Planning Commission will discuss fence heights on private property and has invited a coyote expert from SC Department of Natural Resources to attend the meeting.

*Norman Khoury, 1728 I'On Avenue, SI*

- Noted Council approved a standardized one hundred feet (100') transition zone during its May 20, 2014 Council meeting despite the recommendations from this Land Use & Natural Resources Committee for a more varied treatment of the zone. Suggested this 100' standardized width was based upon politics and not science or conservation issues.
- Expressed support for a more conservation conscious transition zone, based upon science and good management practices.
- Submitted the Council's 100' transition zone decision is not necessarily a final one and could/should be revisited by Council.

### **Committee Discussion:**

Committee discussed the Council's May 20, 2014 decision for a standardized 100' transition zone and this Committee's recommendations regarding the transition zone size and treatment (referenced April 11, 2014 Committee minutes – excerpt of minutes below).

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**EXCERPT OF APRIL 11, 2014 LAND USE & NATURAL RESOURCES COMMITTEE  
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**RESTATE MOTION (As Amended)**

**Recommend to Council to provide the following approach to developing transition zones in the Accreted Land; first that the range of depth for the transition zones be as follows for each of the management planning units:**

**Unit/Zone 1 (West): 40-100'**

**Unit/Zone 2 (West Central): 40'-70'**

**Unit/Zone 3 (East Central), Unit 3A & 3C: 25'-50' deep**

**Unit Zone 4 (East) Station 22 ½ -26 which includes the Bayonne Street right-of-way: 40'-60' from the seaward boundary of the Bayonne Street extension right-of-way; from Station 26-29: 40'-100'. Committee is not proposing a transition zone for Planning Unit 3B, currently, which is in front of the Sullivan's Island Elementary School.**

**The management strategies for each unit should be:**

**Unit/Zone 1(West): Remove all species except trees protected pursuant to the Tree Commission's approved list of protected trees, and, palmetto trees.**

**Units/Zones 2, 3A, 3C and 4: Manage as a maritime grassland emulating the lighthouse property while protecting all trees pursuant to the Tree Commission's approved list of protected trees, and, palmetto trees. Further, that the minimum diameter which would cause a tree to be in protected status has yet to be determined.**

**Call for the question on amended motion: MOTION UNANIMOUSLY PASSED.**

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Councilmember Watson recommended remaining with the 100' transition zone, agreed upon by Council.

Mayor O'Neil suggested an approach: Council and this Committee review and reconcile the tree survey findings with the recommendations made by the Land Use & Natural Resources Committee at its April 11, 2014 meeting to evaluate the treatment of the transition zone against previously stated criteria such as fire breaks, public safety, etc.

Councilmember Watson concurred with Mayor O'Neil's assessment noting the value of incorporating flexibility and compromise with management plan policies. She commented that after transition zone work is done, the Town will have the ability to see how the remainder of the Protected/Accreted Land area will appear.

Councilmember Kaynard commented that the information from the tree survey will be valuable for the Town. He noted that, as part of the mediation process (Bluestein, et al vs. Town of Sullivan's Island) Council has been restricted from discussing many items related to the Protected Land with the public. At this point the public needs to be a part of further Council discussion regarding the composition of transition zones. These items need to be discussed in

open session, not executive session. He recommended the Council find a mechanism to move toward public discussion of the transition zones and Protected Land management policies.

Next steps: discussion of the composition for the transition zone, incorporating information from the tree survey.

Mayor O'Neil requested that the Town's attorney attend the February 17, 2015 Council meeting to discuss, in executive session, how Council can move toward open, public discussion of the Protected Land.

### **Public Comments**

*Addison Ingle, 1719 Atlantic Avenue, SI*

- Asked why there is a delay with the implementation of work in the 100' transition zone.

*Sydney Cook, 1614 Thompson Avenue, SI*

- Questioned how work is being done in the Protected Land and who pays for/will pay for the work.

Mayor O'Neil noted the funding issue has not been decided and, currently, only the Town participates in paying for the work in the Protected Land.

*Bobby Thompson, 2917 I'On Avenue, SI*

- Currently property owners pay to have myrtles cut adjacent to the Protected Land. Supports this policy and stated the Town should not have to pay for work in the Protected Land (transition zone).

*Councilmember Middaugh, 2420 Raven Drive, SI*

- Commented that currently there is uncoordinated cutting and trimming of strips of areas in the Protected Land, based upon an individual property owner's interest in participating in annual trimming opportunities. She noted that current cutting procedures do not allow for a comprehensive evaluation of the Protected Land and its habitats as a whole.
- Suggested that the Town should control the process for any work in the transition zone, to ensure better quality of the work, but paid for by the adjacent landowners.

Councilmember Kaynard noted that the Town does currently manage the process for the annual cutting of select vegetation in the Accreted Land adjacent to property owners, to include bonding, Town supervision and other control measures. He noted that adjacent landowners have always expressed a willingness to share in the cost of cutting in the transition zone.

Councilmember Kaynard noted there are a variety of approaches for the Town to share the cost of trimming/cutting in the area. One suggestion: the Town might bid out trimming work to one or two contractors who handle the workload, apportioning the cost to adjacent landowners, either by ordinance, special fees or taxations. The mechanics for sharing the cost can be more quickly reconciled; the management policies for the Protected Land are the bigger decisions before Council.

Mayor O'Neil reiterated that Council needs to determine the degree of freedom it has to openly discuss the details of topics reviewed in litigation mediation before the general public. He noted Council will receive guidance from its attorneys at the February 17, 2015 Council meeting on the status of the mediation, how much Council can share with the public and a mechanism for Council to move forward on the Protected Land, despite the pending litigation/mediation.

There being no further business, the meeting was adjourned at approximately 6:14 p.m. (Councilmember Watson motioned; Councilmember Kaynard seconded; unanimously passed).

Respectfully submitted,  
Mayor Pat O'Neil, Chairman  
Land Use & Natural Resources Committee