



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

Thursday, September 28, 2017

Committee met at 9:00AM., this date, at Town Hall, 2056 Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Rita Langley (Chair), Mayor Pat O'Neil and Councilmember Chauncey Clark; Staff: Administrator Benke, Zoning Administrator Henderson and Asst. to Administrator Darrow.

- 1. Call to Order.** Chair Langley called the meeting to order, stated the press and public were duly notified pursuant to state law and all members were present; six (6) audience members present (no media).
- 2. Meeting Agenda: Committee accepted published agenda with no changes**
- 3. Polystyrene/Styrofoam Containers on Island: Discussion**

Chair Langley noted the Committee is responding to resident correspondence to Council about this topic. She submitted the issue may be more about littering in general, than only styrofoam containers.

Committee will discuss and attempt to define if there is a problem and, if so, its nature, discuss goals for littering (or Styrofoam use) and various initiatives, to include potential legislative action.

**Committee Discussion**

Members generally agreed there is systemic littering on the beach, ranging from "doggie bags" to cigarette butts and Styrofoam containers to discarded chairs and broken wind tents. As the neighboring population continues to increase and Charleston area tourism remains strong, the Committee believes the littering problem may increase.

Administrator Benke noted Town Code of Ordinances, Section 4-5 (Beaches) provides for municipal ticketing and fines for littering on the beach and dunes area (\$500 fine for infractions). Administrator Benke concurred that public outreach and education is a big component to deterring litter. Enforcement of littering can be a challenge for the Police Department, as the officer has to witness the individual throw the debris on the ground and walk away with clearly no intention of removing the debris.

Zoning Administrator Henderson commented on the City of Folly Beach and City of Isle of Palms ordinances. Their ordinances follow a two-prong approach:

1<sup>st</sup> address business distribution of contraband items, such as Styrofoam containers

2<sup>nd</sup> outline what is allowed/not allowed on the beach

Fines are: 1<sup>st</sup> offense \$100; 2<sup>nd</sup> offense \$200; 3<sup>rd</sup> offense misdemeanor fine.

Committee discussed the Folly Beach ordinance noting the language is fairly detailed and specific, carving special exceptions for items and activity (i.e. soda cans banned only/unless they are temporarily pulled from cooler and contents poured into a plastic cup).

Committee members discussed the need to strike a balance between working to ensure an ecologically sound, clean beach and creating legislation that may be difficult to enforce and/or onerous to beach visitors, particularly out-of-town visitors.

### **Public Comments:**

#### **Cheryl Clark, 2119 Pettigrew St, SI**

Expressed desire to see Town take big, bold action with a “trash-in/out” beach policy; noted it is difficult to micromanage visitors’ picnic basket contents; appreciates Committee having this conversation.

#### **Allison Bourland, 1607 Atlantic Ave, SI**

Asked for Town to consider beach cans on the beach

Administrator Benke noted the Town has between 150-180 collection cans on the street-side of the beach paths that stay very full during the summer (Town has twice-weekly collection on Tuesdays and Fridays). The challenge with cans on the beach would be (1) securing the cans and (2) daily trash removal.

Administrator Benke noted that Isle of Palms budgets approximately \$45,000-\$50,000/year to hire a vendor to remove trash daily from beachside cans. He noted that there are no collection cans on the beach paths (street-side) on Palm Boulevard. In late 2007 the Town explored using a vendor for can collection on the beach. At that time the Isle of Palms vendor was not interested in extending service to Sullivan’s Island. He also noted there would have to be a plan for quick removal of cans during big storms (e.g. Hurricane Matthew or Irma).

#### **Sarah Church, 1655 Atlantic Ave, SI**

Acknowledged enforcement of littering is challenging and education/public outreach beyond the local community would be necessary in order for an anti-litter campaign to make a real impact on the Island. Noted ordinance restrictions against non-biodegradable products is a forceful way to promote anti-littering.

#### **Julia Khoury, 1728 I’On Ave, SI**

Supported public outreach against littering and encouraged fully biodegradable doggie bags.

Administrator Benke noted the Town moved to biodegradable doggie bags this year.

**Kimberly Brown, 2118 Pettigrew, SI**

Suggested using bright colorful doggie bags so that residents and beach visitors can see them lying on the beach, instead of brown and green bags that blend with ground and vegetation.

O'Neil asked Administrator Benke if bags could be ordered in other colors.

**Committee Recommendation: Staff research and devise a proposed anti-litter public outreach/education program.**

**Committee will retain on its agenda future discussion of other anti-litter initiatives.**

**4. Transition Zone: Clarification of Transition Zone to DHEC**

Administrator Benke provided an overview of current situation with Transition Zones in the Protected Land:

1. Town Council established transition zones as part of management of the Protected (Accreted) Land. Town identified regulatory agencies from which the Town would require comments before establishing transition zone management:
  - a. Lowcountry Open Land Trust (pursuant to paragraph 2 & 3 of Town's deed restriction contract with LOLT)
    - i. LOLT conceptually approves transition zones in principle, to provide Findings of Fact (i.e. written justification) for the zone management.  
Pending Action for Town: provide Findings of Fact
  - b. SC Department of Health and Environmental Control (DHEC)  
DHEC has jurisdiction from the baseline – seaward; Town has jurisdiction from the baseline-inshore.  
DHEC is amenable to pruning/cutting baseline-inshore  
DHEC stated it would accept a permit request for cutting baseline-seaward, but would be unlikely to permit destruction of vegetative root systems and/or removal of trees in this area
2. Approximately 2009 – present, the Town has been engaged in ongoing litigation regarding the Protected Land. Currently the case is before the SC Court of Appeals, awaiting a court date. The Town's attorneys recommend deferring active transition zone management pending the outcome of the court case, to preserve the integrity of the Town's legal team's case.

Committee asked what the Town Council could presently do, given the outstanding court case.

Administrator Benke noted Council could move forward with the planning for implementation of transition zone management, pending court case results. Examples of planning might include:

- a. Inventory trees and evaluate vegetation in the transition zones;

- b. Obtain contractor estimates for cutting/tree removal budget, should Town pay for this activity;
- c. Consider mechanisms to pay for the work (Town or other means)
- d. Establish potential timelines for activity (likely seasonal/optimal pruning/cutting time)
- e. Consider ongoing management of the transition zone and cost, beyond initial management phase
- f. Provide Findings of Fact to LOLT for transition zone management (recommend Town's attorneys perform this activity)

Committee reviewed DHEC's jurisdiction in the area, noting baseline and setback lines are being currently reviewed.

Administrator Benke noted DHEC reviews the beach baselines every ten (10) years and will publish its findings in October/early November. A public comment period will follow publication of the agency's findings. As baseline setback changes may affect some property owners, the Town has been encouraging residents to monitor DHEC's website and will send out letters to alert residents once the findings are published.

Committee expressed desire for Staff to move forward on planning for implementation of transition zone management, particularly estimated costs.

Administrator Benke noted this project for Staff would not be accomplished in a couple of days. It would require an inventory of trees and the area not in DHEC jurisdiction, finding vendors to walk the space and provide a ball-park estimate of budget costs, with the understanding that the work would eventually be issued through RFP bids, if the Town wished to pay for the work. He recommended Council expect Staff to take 2-3 months to get this information.

**MOTION: Mayor O'Neil moved that the Committee recommend to Council that Staff begin planning for the potential implementation of transition zone management for the Protected Land area not in SCDHEC jurisdiction (i.e. baseline-inland), to include a tree inventory and establishing cost estimates; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.**

Chair Langley apologized that she did not request public input earlier in this discussion.

**Public Comments:**

**Susan Middaugh, 2420 Raven Drive, SI**

Appreciates pre-planning efforts; recommends starting with a clarification of baseline and property line locations as this will be tied to final cost estimates for the work.

**Allison Bourland, 1607 Atlantic Ave, SI**

Questioned why the Town cannot take action to manage the vegetation, if not tree removal, in the Protected Land despite the pending lawsuit. She noted the Station 16 Nature Trail was approved and constructed despite the lawsuit.

Administrator Benke responded that the Station 16 Nature Trail was developed similar to the street-ocean boardwalks and particularly constructed to follow the existing natural contours of the land. It was not constructed to require active removal of trees and was approved by all agencies, including DHEC.

As to the current litigation, Administrator Benke stressed that the Town's legal counsel has recommended the Town defer active transition zone management during this appeal phase of the long-standing lawsuit. Council may choose to ignore the Town attorney's request, but the attorney makes the recommendation to preserve the integrity of the Town's case on this matter. Currently all documents for both sides have been filed and a court date is the only item pending.

**Julia Khoury, 1728 I'On Ave, SI**

Stressed that DHEC does not approve of the destruction of the root system for plants within DHEC jurisdiction, noting banned activity includes cutting and placing poison on these trees/plants.

Committee noted activity to eradicate invasive species in the Protected Land does continue.

There being no further business, the meeting was adjourned at approximately 10:15AM (Mayor O'Neil motioned; Chair Langley seconded; unanimously passed)

Respectfully submitted,  
Rita Langley, Chair  
Land Use & Natural Resources Committee

Approved at the October 2, 2017 Council Workshop