



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

Wednesday, July 24, 2019

Committee met at 8:30AM, this date, at Town Hall (2056 Middle Street), all requirements of the Freedom of Information Act having been met. Present were Committee members Councilmember Chauncey Clark (Chair), Mayor Pat O'Neil and Councilmember Kaye Smith; Staff: Director of Planning and Zoning Henderson; Asst. to Administrator Darrow; Building Official Robinson; Deputy Administrator/Comptroller Blanton.

1. Call to Order. Chair Clark called the meeting to order, stated the press and public were duly notified pursuant to state law and all members were present; no media and thirteen (13) audience members present (including Council members Church & Hammond).

2. Meeting Agenda – Amended

MOTION: Mayor O'Neil moved to amend agenda to delete item #5 entitled, "Ordinance Language Change for FEMA and State Interpretations." Seconded by Councilmember Smith. MOTION UNANIMOUSLY PASSED.

3. LUNR/Comprehensive Plan Updated

Chair Clark asked Director Henderson to provide a brief overview of the tasks and duties of the Land Use & Natural Resources (LUNR) Committee of Council.

Director Henderson:

- The full definition of LUNR responsibilities is outlined in §2-21 Standing Committees of Council: "...shall be referred all matters relating to zoning and building ordinances and their implementation, and natural resources including Town-owned land"
- Some of these matters might include:
 - Planning/Zoning related board/commission work/activity;
 - Town Comprehensive Plan, elements such as Land Use, Natural Resources, Cultural Resources and/or Sea Level & Resiliency;
 - Issues referred from Town Council such as relevant stand-alone plans, FEMA-flood control matters and/or Town owned Protected Land

Mayor O'Neil clarified that LUNR does not oversee the Planning/Zoning related boards/commissions and those entities do not report to this Committee. Rather, the work that these boards/commissions do for the Town might overlap with LUNR committee items.

Chair Clark asked for any public input on this agenda item – No public comment made.

Chair Clark noted a new section on Island Resiliency was added to the 2018-2020 Plan, currently before Council for approval/ratification.

Committee noted that local, state and regional municipalities and agencies are discussing and addressing issues related to resiliency, particularly matters such as flooding, storms surges, etc. in coastal and low-lying communities.

MOTION: Councilmember Smith recommended Town collect and assemble information and strategies from other municipalities and agencies related to resiliency; seconded by Mayor O'Neil. MOTION UNANIMOUSLY PASSED.

4. Town Accreted Land

Chair Clark noted the Town has actively discussed management of the Accreted, or Protected, Land for over a decade, when the Town retained Coastal Science & Engineering (CSE) to study the Accreted Land (circa 2008/2009). He noted three things have changed in the past decade, namely:

1. Accreted/Protected Land has continued to grow with newly accreted beachfront land;
2. Resiliency issues are at the forefront of the Town's planning considerations, as noted in the new stand-alone Resiliency Element of the 2018-2028 Comprehensive Plan (particularly related to flooding and storm surge); and
3. Data provided by CSE is a decade or more old.

Committee Comments:

Chair Clark expressed support for LUNR to re-address the Town's Accreted Land Management Plan in consideration of items 1-3 above. He expressed support for retaining CSE to update data in its 2009/2010 study as a first step.

Mayor O'Neil noted the contract is almost finalized with the vendor who will provide cleaning, clearing and trimming of the Accreted/Protected Land Transition Zones between Stations 16 – 18 ½ streets. Chair Clark noted this was the first real work being done in the Accreted Land in the past decade.

Councilmember Smith endorsed a review/update of the Accreted Land Management Plan, noting it was 10-12 years old.

Mayor O'Neil clarified that the CSE study report is 10 years old. Town Council developed Accreted Land Management Plan elements from the CSE data.

Chair Clark endorsed revisiting the CSE data as it relates to

- Resiliency,
- Changes in dune build-up and sand build-up over the last 10 years

Chair Clark would like CSE to return to evaluate these items, plus incorporate additional Town information such as

- Accreted Land tree survey
- New flood maps due to be released from FEMA soon

Chair Clark wants the LUNR committee to research and assess how other municipalities have dealt with their public land, especially other coastal communities.

Mayor O'Neil noted the SC Beach Advocates is a non-profit group that strives to protect state beaches. This group would be a good resource, too. He noted Nicole Elko is the director of this non-profit and marine scientist. On a private level, not on behalf of SC Beach Advocates, Dr. Elko provides beach survey services to the Town, providing annual reports.

Deputy Administrator/Comptroller Blanton noted Dr. Elko traditionally surveys the beach/waterway area in June/July and presents findings and report to Council annually in August or September.

Chair Clark invited public input at this time.

Public Comments:

Wayne Guckenberger (2105 Pettigrew) recalled previous public outreach and discussion about beach jurisdictional lines and asked if this relevant.

Mayor O'Neil noted that the federal government, through OCRM/SCDHEC, published new jurisdictional coastal setback lines which demarcate the area where federal government can regulate the shoreline. This action did not convey Sullivan's Island land ownership to another government agency.

Chair Clark noted the setback line would be important if you wanted to construct something, like a pool, within the setback line (would not be allowed). Mayor O'Neil noted critical setback lines tend to be important to homeowners on the back-side/marsh-side of the Island.

Gary Visser (2924 Middle, Chair of Planning Commission) noted the Town's Comprehensive Plan is due to be finalized/ratified by Council at its August 20, 2019 Council meeting. Requested LUNR committee start its discussion regarding resiliency with the information in the 2018-2028 Comprehensive Plan. He noted that the Planning Commission/Comprehensive Plan Steering Committee spent a significant amount of time researching/discussing resiliency and he feels the 2018-2028 Plan provides a long-range, executive level treatment of the topic.

Chair Clark noted that he would like the LUNR committee to take a long-range approach to resiliency matters, incorporating the strategies and goals in the pending 2018-2028 Comprehensive Plan. He also mentioned that funding for initiatives would be key, with the Town looking toward all sources of funding options (i.e. private, grants, etc.).

Councilmember Smith supported collecting information from other agencies and municipalities and assessing how they address resiliency concerns.

MOTION: Councilmember Smith recommended Council retain Coastal Science & Engineering (CSE) to provide an update to its management plan study of the Town's Accreted/Protected Land incorporating consideration for resiliency issues, additional land accretion and other changes to data since its 2009-2010 study; seconded by Chair Clark.

Discussion:

Mayor O'Neil noted the Town has other sources of data available and recommended Council start with Dr. Elko's annual survey findings. Should Council find, after review of existing data, the need to retain a consultant, he would support an open bid process, pursuant to our Town's procurement guidelines. Mayor does not agree with naming a specific vendor.

Chair Clark recommends utilizing CSE, the vendor who completed the baseline work, as it would then be an update, not a whole new study.

Mayor O'Neil stressed support for using data in-hand, first, not incurring new expenses. He felt using existing data would be the wisest use of taxpayer funds.

MOTION TO AMEND: Chair Clark recommended Council request a cost proposal from Coastal Science & Engineering (CSE) to update the management plan study and concurrently review Dr. Elko's study information before deciding to utilize CSE consultant services. [no second requested/offered]

Mayor O'Neil continued to express reservations with the recommendation in amended motion.

Deputy Administrator Blanton suggested the Town's procurement procedure would require an open bid process and suggested Chair Clark not include CSE by name in motion.

Cheryl Clark (2119 Pettigrew) commented that this motion is a recommendation to Council only.

Chair Clark noted he consulted with Town Attorney Dodds before recommending CSE for a study update in lieu of an open procurement process.

Rita Langley (1618 Middle) recommended LUNR committee go through the data it has on-hand, for which it has already paid, before going to Council seeking to spend funds to retain CSE for an update. She suggested the Town could get updates from Nicole Elko, potentially free. She recommended LUNR look at this information and hold another LUNR meeting before approaching the Town with a spending request.

Chair Clark noted Dr. Elko's study data can be reviewed now before the next Council Workshop. He would like to have a proposal from LUNR as an action item for Council to review in August.

Allison Bourland (1607 Atlantic Avenue) opined that the public, like her, want to see the data on the Accreted Land. She requested the CSE study information and findings from Dr. Elko be available on the Town's website.

Committee asked Staff to ensure the CSE study and Dr. Elko's beach surveys and reports are on our current website.

Director Henderson noted the Town's new website launches soon.

Deputy Administrator/Comptroller Blanton noted

- new website will launch this afternoon around 2:30PM
- new domain name is www.sullivansisland.sc.gov
- he will ensure the new website has the studies and information mentioned in this meeting

Gary Visser (2924 Middle Street) requested the data be easily accessible/easy to find on the new website and recommended including relevant links to these documents on the new website within the meeting minutes.

Committee agreed with Mr. Visser and directed Staff to include links to documents referenced in these minutes (Exhibit A)

Sarah Church (1655 Atlantic, Councilmember) noted that the FY20 Municipal Budget just passed and went into effect July 1, 2019. Asked if the expense for a new Accreted Land data/study update was included in the budget.

Chair Clark stated there is not a line item for this expense in the FY20 budget, to his knowledge.

MOTION TO AMEND: Chair Clark recommended Council request a cost proposal from Coastal Science & Engineering (CSE) to update the management plan study and concurrently review Dr. Elko's study information before deciding to utilize CSE consultant services; Seconded by Councilmember Smith.
MOTION PASSED TWO (2) TO ONE (1, Mayor O'Neil casting nay vote).

Greg Hammond (2115 Pettigrew, Councilmember) requested Council be provided, at the August 5, 2019 Workshop, the qualifications of the two resources mentioned in today's meeting: Dr. Nicole Elko and Coastal Science & Engineering.

5. Zoning of Government Land

Mayor O'Neil noted this topic was discussed as part of the 2018-2028 Comprehensive Plan. During this plan update process, it was noted that a number of government owned land was in a zoning 'donut hole,' with the current municipal campus (2050/2056 Middle Street) as an example. He noted that zoning restrictions sometime create an issue with the uses and desired functions on these parcels. He cited the Town's Farmers' Market and Stith Park as an example of a non-conforming use. No commercial business is allowed in Stith Park but the community

supports having the Farmers' Market at this site. An idea to address this inconsistency might be the creation of a government/municipal/civic zoning district.

Staff Report

Director Henderson

- Draft 2018-2028 Comprehensive Plan identifies the potential creation of an Institutional/Government Zoning District (LUI.4 Goal/Objective). If realized, this would be a change to the Town's Zoning Ordinance, Chapter 17.
- The creation of an Institutional or Government Zoning District would help prevent zoning 'creep' by clearly identifying the
 - Parcels eligible for this classification
 - Scope and uses for the parcels
 - Protections and accommodations afforded to neighboring residents, such as required buffers or fencing, and parking considerations, on the Institutional/Government zoned properties
 - Allowances and accommodations for neighboring residents to mitigate impact, some examples being vegetative buffers, fences and other noise/visual barriers allowed on adjacent neighbor properties.

Chair Clark asked Director Henderson for any negative consequences to this change. Director Henderson expressed that he did not see any obvious negative consequences. Director Henderson did note that, should Council wish to pursue this idea, the Planning Commission would make a thorough study of the concept, plus hold a public hearing to gather public input, before offering any recommendations to Council.

MOTION: Mayor O'Neil recommended to Town Council that it direct the Planning Commission to explore the possibility of establishing a government zoning district; Seconded by Chair Clark. MOTION UNANIMOUSLY PASSED.

There being no further business, the meeting was adjourned at approximately 9:20AM (Mayor O'Neil motioned; Councilmember Smith seconded; unanimously passed)

Respectfully submitted,
Chauncey Clark, Chair
Land Use & Natural Resources Committee

Approved at the August 20, 2019 Council Meeting

**Land Use & Natural Resources Committee
July 24, 2019
Exhibit A**

Documents on Town's website referenced in these minutes
www.sullivansisland.sc.gov

Agenda Item # 4, Topic: Accreted Land

<https://www.sullivansisland.sc.gov/government/plans-reports-and-surveys>

1. Accreted Land Management Plan (Final Draft), prepared for Town of Sullivan's Island by Coastal Science & Engineering with Sabine & Waters, Inc and Dewberry:
<https://www.sullivansisland.sc.gov/sites/default/files/Documents/Plans%2C%20Reports%20%26%20Surveys/Accreted%20Land%20Management%20Plan/Acreeated%20Plan%20Management%20Plan%20Final%20Draft.pdf>
2. Beach Monitoring Surveys, prepared by Dr. Nicole Elko of Elko Coastal Consulting, Inc: 2019 Beach Monitoring Survey:
<https://www.sullivansisland.sc.gov/sites/default/files/Documents/Plans%2C%20Reports%20%26%20Surveys/Beach%20Monitoring%20Survey/2019%20Beach%20Monitoring%20Survey.pdf>