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MEETING OF THE SULLIVAN'S ISLAND DESIGN REVIEW BOARD

10 DATE: April 21, 2010
11 TIME: 6:00 PM
12 LOCATION: SULLIVAN'S ISLAND TOWN HALL
1610 Middle Street
13 Sullivan's Island, SC 29482

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23 REPORTED BY: NANCY ENNIS TIERNEY, CSR (IL)
CLARK & ASSOCIATES
24 P.O. Box 73129
North Charleston, SC 29415
25 (843) 762-6294

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A P P E A R A N C E S

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DESIGN REVIEW BOARD MEMBERS:

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STEPHEN HERLONG - Chair
DUKE WRIGHT - Secretary
BETTY HARMON - Member
JON LANCTO - Member
BILLY CRAVER - Member

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ALSO PRESENT: Kat Kenyon - Administrative
Randy Robinson - Zoning Administrator

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1 MR. HERLONG: This the April 21, 2010
2 meeting of the Sullivan's Island Design Review Board.
3 It is now 6:08. The members in attendance are Duke
4 Wright, Betty Harmon, Jon Lancto and myself, Steve
5 Herlong. The Freedom of Information requirements have
6 been met for this meeting.

7 The items on tonight's agenda are,
8 first, the approval of the February 2010 minutes. Do I
9 hear a motion to approve the minutes?

10 MR. WRIGHT: I move that the minutes be
11 approved as written.

12 MR. HERLONG: Is there any discussion?

13 MR. LANCTO: I second.

14 MR. HERLONG: Okay, that is a second. Is
15 there any discussion about the minutes? All in
16 approval?

17 MR. HERLONG: Aye.

18 MR. WRIGHT: Aye.

19 MS. HARMON: Aye.

20 MR. LANCTO: Aye.

21 MR. HERLONG: Okay. And so do I hear a
22 motion to switch the order?

23 MR. WRIGHT: I move that we reverse agenda
24 items 2 and 3 and take up agenda item 3, 3030 Jasper
25 Boulevard first and 2708 Goldbug second.

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1 MR. HERLONG: Do I hear a second?

2 MS. HARMON: Second.

3 MR. HERLONG: Any discussion? All in favor
4 of the motion?

5 MR. HERLONG: Aye.

6 MR. WRIGHT: Aye.

7 MS. HARMON: Aye.

8 MR. LANCTO: Aye.

9 MR. HERLONG: So the first item on the
10 agenda is 3030 Jasper Boulevard, new construction.

11 Randy, do you have -- can you fill the
12 board in? And, yeah, you can go ahead and --

13 MR. ROBINSON: Again, this is an application
14 for new construction. They are asking for a final
15 approval. And, anyway, you have the plans in front of
16 you.

17 The first thing is going to be a site
18 plan of all the houses in the area showing their square
19 footage, a survey, the site plan for the new structure,
20 ground floor plan. You have a first floor plan.

21 Let me just bring your attention to the
22 first floor plan. There is an accessory building on the
23 first floor plan. It is a separate structure. It's
24 built as a separate structure. I believe the applicant
25 is going to give you an option on something else he

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1 might want to do with that accessory structure. We

2 talked about it earlier today.
3 And then you have a second floor plan,
4 third floor plan and, of course, elevations on all
5 sides. The application worksheet, Form C, when I
6 reviewed this I found a couple of errors on the
7 submittal that need to be asked for.

8 There is, in setbacks in D, they need
9 100 percent relief on the side yard -- I mean the side
10 setback second floor.

11 Also, when you come down here to lot
12 coverage on G, they have asked for some relief. You
13 know, the way our ordinance is you can only use grass
14 pavers, so they can't really get that relief.

15 I have talked with the applicant. We
16 can work that out during plans to put in a pervious
17 surface around the pool or something like that to create
18 the -- to keep them from having to ask for that.

19 The third story, they are asking for the
20 maximum relief on that. I came up with a little bit
21 more square footage. And, again, we can work through
22 that. If you-all approve the plan, we can work through
23 that to reduce it just a little bit. It's about
24 11 square feet. It's not a lot of space.

25 Then when you come down to design

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1 standards and principal building side facade, there are
2 two straight side facades on either side. I believe
3 it's -- on the east side it's a 35-foot wall and on the
4 west side is a 50-foot side wall.

5 If you look at the elevations, the
6 elevations show articulation, but it's more of a faux
7 articulation because when you look at the floor plan
8 it's pretty much a straight line.

9 And then they do need to ask for the
10 foundation enclosure, because our ordinance says 4 feet
11 solid wall and then an 8-foot lattice wall. And there
12 is -- it doesn't appear -- I can't tell because there
13 isn't any size on those, but I can't really tell on
14 that. But I believe that you-all need to give him
15 relief from that, also. And that is -- generally, just
16 about every plan needs that relief.

17 (Mr. Craver entered the room.)

18 MS. KENYON: Billy, we are doing Number 3
19 first.

20 MR. ROBINSON: I'm done.

21 MR. WRIGHT: Is there any difference in
22 the --

23 MR. McCRERY: Yes, sir. And I thank you for
24 that introduction.

25 MS. KENYON: 3030 is first.

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1 MR. HERLONG: Yes, and now you have a
2 ten-minute presentation.

3 MR. McCRERY: Thank you, sir. Thank you. I
4 am sure I won't use all of that.

5 The original application, ladies and
6 gentlemen, if you look on this second page of drawings

7 in the original application booklet you will see here
8 the accessory building as proposed, very, very, very
9 close to the principal building, okay, very close.

10 And in consultation with staff, after we
11 had made the submission for this hearing, we realized,
12 well, I guess maybe to the letter of the code that may
13 or may not be acceptable, but certainly in the spirit of
14 the code as it has been interpreted over the years here
15 that that would probably not be the most transparent or
16 the most, sort of, code compliant application that we
17 could make.

18 So, with your permission, I have
19 circulated today this new booklet. And the key
20 difference in that new booklet is an accessory building.
21 And if you look on the very first page of the drawings
22 in that booklet, that site plan, you will see the
23 accessory building pulled then away from the principal
24 building, separated from the principal building by the
25 covered porch.

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1 So now we have, instead of only 3-1/2
2 inches of setback between the accessory building and the
3 principal building, we now have more than 8 feet of
4 distance between the accessory building and the
5 principal building, if that makes sense.

6 MR. HERLONG: However, there is called out a
7 10-foot front yard setback. That is for the accessory
8 portion?

9 MR. McCRERY: For the accessory building,
10 yes, sir. So, in that sense, it still remains
11 compliant. And we are not looking for any variances at
12 all for any of the yard setbacks, front, rear or side.

13 So the accessory building then does
14 comply with its setback, and the principal building does
15 comply with its setbacks.

16 So with your permission then, we would
17 like to then make this sole substitution of information
18 as our application.

19 MR. HERLONG: So that is the extent of the
20 changes in the two sets?

21 MR. McCRERY: Yes, sir. Now, that has some
22 implications on the Forms B and C because there is now,
23 instead of that 14 percent number that Randy was
24 discussing with you on Form C, that it is now a
25 18 percent number.

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1 MR. HERLONG: Right, under unimpervious
2 coverage.

3 MR. McCRERY: Yes, sir, that's correct.

4 MR. HERLONG: Okay.

5 MR. McCRERY: So there are some implications
6 of that design change. None of them accumulate to a
7 request for variance.

8 All of our requests -- in fact, what you
9 will have here are no requests at all for a hard
10 variance. We are, of course, as you know, from reading
11 Forms B and C, we are asking for a number of areas of

12 relief within the legislative zoning code.

13 One thing I think that should be known,
14 this is a primary residence for a family that is living
15 on the island now. They live in the historic district,
16 and they have always wanted and hoped to be able to find
17 creekside property. Having done so, they are going to
18 be relocating. This is not an investment property or
19 along those lines. That may or may not be of interest.

20 Again, no variances are requested.
21 There are several areas of relief. We are looking for
22 relief in those charts. Those charts show exactly what
23 we are looking for. And Randy's discussion, too,
24 illuminates what we are looking for.

25 We have had very good discussions with

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1 staff throughout this entire process. And the 11 square
2 feet I can personally guarantee and stipulate for the
3 record will work and we will fix that. It's not our
4 intent or hope or work to get anything under the -- we
5 want to be perfectly transparent in this and have a very
6 successful project. So we will work with staff in the
7 event that this is approved.

8 On the foundation, the question of the
9 foundation design, if you turn to any of the elevation
10 drawings it was this architect's understanding of the
11 language that the piers, meaning a solid foundation
12 element, so I felt -- I exercised the freedom of
13 designing, because everything you see in that foundation
14 level below the FEMA line is some form of lattice that
15 water will flow through so that it's all break-away
16 construction. None of this is solid masonry. None of
17 it is stucco.

18 MR. HERLONG: I get the sense I'm seeing
19 brick. I don't know if I saw brick surrounding the
20 pier, but that is a different lattice style. Those are
21 two different lattice --

22 MR. McCRERY: There are two different
23 lattice styles, yes, sir, in order to invoke that
24 arcaded foundation.

25 MS. HARMON: That's nice.

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1 MR. McCRERY: However, if it is still
2 desired that there be a different arcuation or a
3 different sort of breakup of the facades, I am happy to
4 work with that, too. Let's see. Please, if you have
5 any questions.

6 In terms of neighborhood compatibility,
7 my client, Pat Marr, has provided this map here.
8 Because I think we submit, I submit, that
9 architecturally and stylistically we worked diligently
10 to develop a design that is complementary of the
11 tradition here, and not only complementary of it, but
12 continues it and participates within the architectural
13 historic traditions here on the island.

14 So I think if we can -- or if I could
15 concentrate my discussion of neighborhood compatibility
16 really on size, because our areas of requested relief

17 really amount to trying -- the client's desire to build
18 as reasonably as large a house as he can on this
19 property.

20 The property is tending toward the small
21 side. The creek digs into its rear corner, all which is
22 fine. We can't control or blame the creek, but we are
23 working with a comparatively small site.

24 Here on this document you see a listing
25 of the comparable properties that are creekside and in

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1 the immediate vicinity, all of his neighbors running
2 along Conch Creek of the eastern property Number 10 in
3 the upper right-hand corner and the westernmost property
4 Number 1, just a few doors down from the subject
5 property that is highlighted in red in your document, I
6 believe.

7 MR. HERLONG: Or it looks -- made dark.

8 MR. McCRERY: Made dark, yes.

9 The square foot of the -- the property
10 address, as you can see on the left-hand margin, and
11 their corresponding sizes in square foot -- in terms of
12 square footage down the right-hand side.

13 So we are neither trying to be the
14 smallest nor, certainly, not the largest house on Jasper
15 Boulevard, but we are trying to build comparably, and to
16 do so in an architectural manner, and in size and shape
17 and massing that is complementary to the community. I
18 submit myself to your questions.

19 MR. HERLONG: Okay. Just stand by and we
20 have a couple of more processes. Is there any public
21 comment? Anyone wanting to make a public comment? The
22 public comment section is closed.

23 Randy, do you have any final comments?

24 MR. ROBINSON: No, I don't.

25 MR. HERLONG: So now it's up to the board to

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1 ask questions. And maybe, Billy, do you have any
2 questions, have any comments?

3 MR. CRAVER: First, to apologize. I can
4 report that our swing span bridge works slowly and
5 frustratingly. But, other than that, I think the plan
6 looks great and I don't have a problem with the --

7 MS. KENYON: It's not that plan. It's the
8 one in the back.

9 MR. CRAVER: I know. I just keep looking
10 back at this one.

11 MS. KENYON: You kept looking over there.

12 MR. CRAVER: I have the right one. But I
13 think it looks great, and I don't have a problem with
14 the allowances you are looking for.

15 MR. HERLONG: Jon?

16 MR. LANCTO: I agree. I think it looks
17 fantastic and the allowances are no problem. I think
18 the neighborhood compatibility is great, so -- I mean,
19 it looks good.

20 MR. HERLONG: Betty?

21 MS. HARMON: I appreciate you being candid.

22 MR. McCRERY: Yes, ma'am.
23 MS. HARMON: You were very forthright in
24 your presentation. And with other houses on Jasper, I
25 have no problem with this house. I think it fits in
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1 with neighborhood compatibility, so I'm okay with it.
2 MR. McCRERY: Thank you very much.
3 MR. HERLONG: Duke?
4 MR. WRIGHT: I have a curious question.
5 Randy, this lot, is this the last buildable lot on
6 Jasper between here and Lot 3 where the creek cuts in
7 there? I am trying to get just -- I am curious. Are we
8 going to see any more applications for construction
9 along there?
10 MR. CRAVER: Joe Riley's lot hasn't been
11 built on.
12 MR. ROBINSON: That's right, Joe Riley.
13 MR. CRAVER: And Poulnot's lot hasn't been
14 built on.
15 MR. WRIGHT: What numbers are those? I
16 think 49, maybe, and 37?
17 MR. HERLONG: I think 49 for sure.
18 MR. ROBINSON: 49, and then I believe it's
19 40.
20 MR. WRIGHT: So we ultimately --
21 MR. ROBINSON: 49 and 40. 40 is a buildable
22 lot. It's skinny, but it could be built on. And 49 can
23 also be built on. And 49 is a half-acre lot, so you
24 will probably see a pretty good size house.
25 MS. HARMON: What about 37?
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1 MR. WRIGHT: The lot next door to it --
2 MS. HARMON: 37.
3 MR. WRIGHT: -- might be buildable, too.
4 Right now it has a dock on it.
5 MR. ROBINSON: Yes. They actually had a
6 permit to build at one time. They just decided not to.
7 MR. WRIGHT: So we will see that filled in
8 eventually, I'm sure. Okay. I have no further
9 questions.
10 MR. HERLONG: And, again, I have no issues
11 with the relief. I feel like this is a very important
12 property because it's sort of close to one of the
13 entrances on the island and going to be very visible.
14 And there is a -- an earlier spec house
15 was built adjacent, I believe, to this property, and,
16 unfortunately, it lacks a lot of style, and this, I
17 think, is going to be a nice addition.
18 I think there is some nice thought into
19 the treatment of materials, changes in materials, just
20 interesting and unique features to the house that I
21 think will make it very successful, a nice addition to
22 that side of the island, so I am in favor.
23 Are there any other questions, or is
24 there a motion?
25 MR. LANCTO: I make a motion that we approve
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1 as submitted with the addendum submittal.
2 MS. KENYON: Which stage, preliminary or --
3 MR. LANCTO: Final approval.
4 MS. KENYON: Final approval. Okay.
5 MR. CRAVER: I second.
6 MR. LANCTO: And grant the requested
7 reliefs.
8 MR. CRAVER: I second that.
9 MR. HERLONG: So is there any comments, any
10 questions? So shall we vote? All in favor?
11 MR. HERLONG: Aye.
12 MR. WRIGHT: Aye.
13 MS. HARMON: Aye.
14 MR. LANCTO: Aye.
15 MR. CRAVER: Aye.
16 MR. HERLONG: And no opposed. It's
17 approved.
18 MR. McCRERY: Thank you all very much.
19 MR. HERLONG: I'm recusing myself from the
20 second part of the session.
21 (Mr. Herlong recused himself from the
22 application of 2708 Goldbug.)
23 MR. WRIGHT: Nancy, for the record, Duke
24 Wright assumes the chair in the absence of Steve Herlong
25 who has recused himself for the next item on the agenda,
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1 2708 Goldbug Avenue.
2 Randy, do you have anything to say?
3 MR. ROBINSON: 2708 Goldbug Avenue, they are
4 coming to you-all for conceptual approval.
5 This property has been to you-all many
6 times, as you-all are well aware of, and has had final
7 approval to build an existing house on this property or
8 to redo the existing house on the property.
9 The applicant, I believe, has a contract
10 on this house and is coming to you-all to ask if she can
11 change the -- it is a smaller house than what was
12 proposed originally.
13 They are planning on moving the existing
14 house forward on the lot, and by forward I mean to the
15 Goldbug side, and build a house back behind it.
16 We have talked about elevations. They
17 are keeping it down low to the ground. And they are not
18 asking for any relief. Let me look a second and make
19 sure.
20 They are asking for 100 square feet of
21 relief on the principal building coverage and a 5-foot
22 setback, side setback, for the relocated cottage. And
23 that is all I have.
24 MR. WRIGHT: Okay. Jim, your presentation?
25 MR. HENSHAW: I am Jim Henshaw with Herlong

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1 & Associates.
2 Many of you know Jodi Novak who is here
3 tonight, and Jodi has been an island resident for many,
4 many years. And as many of you may know, she has
5 undergone some pretty significant changes in her life

6 over the past couple of years.

7 She came to us after finding this
8 property at 2708 Goldbug knowing that it was the
9 property she wanted to live at and enjoy the rest of her
10 life with her family.

11 She knows the issues that have been
12 before the DRB. She knows the history of the submittals
13 and the presentations and the approvals that have been
14 given on the property.

15 When she came to us she said she wanted
16 to keep it simple. She wanted to keep the house design
17 simple, given the features of the lot and the history of
18 the cottage. And she was very clear with us that she
19 wanted to keep the eaves of the house, the roof lines,
20 low. She wanted to keep the massing small, and she
21 didn't want to maximize the lot coverage. So you will
22 see in the packet we are not trying to maximize the lot
23 coverage.

24 The first issue with this property, as
25 it always is, is how to treat that cottage. You have

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1 seen a lot of different proposals and presentations over
2 the years about where to put this cottage that is
3 currently here on the site. You have seen it move
4 forward, you have seen it staying where it is, you have
5 seen it rotated, a lot of different things.

6 Jodi brought in a sketch to our office
7 that basically looked like this, where she wanted to
8 move the cottage up towards Goldbug Avenue.

9 And I think you have heard in recent DRB
10 meetings that some DRB members and neighbors, even
11 Council members, have asked why we are not doing that.
12 It makes sense to move that up to the street, lower it
13 down a little bit closer to the ground because it's on a
14 street now, and let people appreciate the history of
15 that cottage.

16 And you can see in the elevations, I
17 think they are in your packet, how high we are proposing
18 that that existing cottage be off the ground.

19 But we wanted to move it up towards
20 Goldbug, and we wanted to move it to one side so that we
21 could gain entry to the lot, to the rest of the
22 property. We chose the west side, mainly because there
23 is a mound on this side, and we want to come past that
24 mound -- the mound is over here, some vegetation -- come
25 past that mound into the lot and into the additions to

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1 the property, which was a real issue, how do we park
2 under this house.

3 You have seen proposals that have had an
4 attached garage, a detached garage. If you want to park
5 under it you have to raise the house up high enough to
6 get under it, which kind of creates a massing issue with
7 the existing cottage.

8 So we talked to Randy, and Jodi talked
9 to her neighbors a good bit. And because the lot is
10 relatively high on this property, we talked about going

11 down a little bit into parking bays so that the first
12 floor elevation of the additions in here is kept
13 relatively low.

14 So if you see your elevations, we are
15 coming down a couple of feet into the parking areas,
16 keeping that first floor elevation relatively low in
17 relation to the existing cottage.

18 Another thing we did as far as the
19 parking was we wanted -- let me back up just a second.
20 The entry of the additions, which is right here, we
21 wanted to be visible from Goldbug Avenue. That is why
22 we pulled the cottage over as far as we could, and we
23 have it 15 feet from this side here.

24 If we had done the two-car garage, park
25 under here, it would have moved this entry further into
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1 the interior of the lot and not as visible from Goldbug,
2 so we split it up and have one parking bay over here.
3 So you come in past the cottage into a parking bay here,
4 but there is also one over here. So the mass of that
5 garage is not evident as you come into that lot.

6 We are asking for some relief on the
7 side setbacks. And the only area that we are asking for
8 relief is right here, because that is 15 feet off the
9 property line. This is 20 feet off the property line,
10 and this is 20 off the property line here.

11 So the additions are designed to meet
12 the ordinance. They are 40 feet total, 20 feet each
13 side. But when you look at the additions with the
14 existing cottage, which is 15, the total is only 35. So
15 the relief that the DRB can grant is up to 10 feet, I
16 think, off of that 40 feet. So we are asking for 5 feet
17 of that over here.

18 We have only started to study the
19 elevations, but the idea is to break up the mass of the
20 house with some porch details and simple forms.

21 The proposed home, even at this
22 conceptual level, we feel is -- it's smaller, it's more
23 compatible with the neighborhood, and it's more
24 sensitive to the site than anything that has come before
25 the board and been granted approval for this site. So
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1 we feel we are doing all of the right things to move it
2 along in this approval process.

3 As Randy said, Jodi is moving towards
4 closing on the property, with hope to receive some
5 positive feedback and conceptual approval so she can
6 move forward with that closing.

7 I think -- Jodi, did you want to say
8 anything?

9 MS. NOVAK. Yes, if I could. First of all,
10 I appreciate you reopening discussions on this lot. I
11 know you have had several meetings in the past on
12 bringing some new ideas in.

13 One of the changes I'm going through is
14 I'm going through a divorce. I live over on Atlantic in
15 a house that is about 5,000 square feet, and both of my

16 kids are in college, so I want to downsize.
17 And when I grew up in Michigan my
18 grandparents had a little cottage out at Cavanaugh Lake
19 about four miles out of town, and once they both passed
20 away, my family would move out there for the summers.
21 And as we kids got older we would live in the cottage
22 temporarily, you know, between college years and
23 whatever, and that is the kind of thing I want to create
24 here with the cottage.

25 My son is a junior at William and Mary
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1 and has decided he wants to come home and work for
2 awhile before figuring out what he wants to do for
3 graduate school.

4 There is never any intention of renting
5 it out. Both my kids want to end up on Sullivan's
6 Island, and I plan to leave the house to them. I like a
7 real beachy, casual, natural kind of home, so nothing
8 ostentatious or anything like that.

9 I have met with Jimmy and Aussie a few
10 times and talked about plans and move things around and
11 try to be neighborhood compatible, as well as taking
12 their concerns into consideration.

13 The mound is over on Jimmy's side, and
14 that is why we moved the cottage that way. There is a
15 mound over by -- right near Aussie's house, and so we
16 are trying to, you know, not move the whole house toward
17 her house, but keep it 20 and 20, and then the master
18 bedroom and the guest bedroom on Aussie's side are all
19 one story. The second floor doesn't start until over
20 the living room area, so she wouldn't be staring at a
21 house.

22 The existing house is now set forward on
23 the lot, and I want to move my house back so that would
24 give Jimmy more view from his back porch, which is
25 important to them. So, hopefully, this can kind of meet

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1 everybody's needs and create a nice home for me and the
2 kids. Thank you.

3 MR. WRIGHT: Thank you. Is there any public
4 comment? Yes, sir?

5 MR. HIERS: I am Jimmy Hiers. I am next
6 door at 2714 Goldbug, and I would like to thank the
7 board for all its patience and effort on this property,
8 and hopefully this house is going to be the pay-off.
9 I think it's much more compatible in terms of size and
10 mass.

11 And one question that we still have is
12 that on the existing house that is there, it's going to
13 be attached to the new structure, and our one request
14 that we have made, and I don't know if you-all have been
15 able to accommodate it, was that we wanted to see the
16 cottage attached, heated square footage to heated square
17 footage, so that in the future, if the house possibly
18 changed ownership, that the existing cottage would not
19 be a separate structure able to be offered for sale as a
20 condominium unit. And I wondered if you could address

21 that heated square footage to heated square footage
22 issue, Jim. Thanks.
23 MR. HENSHAW: Do you want me to do that now?
24 MR. WRIGHT: Yes.
25 MR. HENSHAW: We have attached it by heated

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1 square footage. I think if you -- I know this plan is
2 small, but this is the existing cottage with a porch
3 added on, or a refurbished porch. We are connecting it
4 with a stairwell and this bathroom from the guest bath
5 here.

6 The reason we -- I hope both of you can
7 see that. One of the details that we wanted to create
8 is a porch here, not to separate the structures,
9 necessarily, but to give it some more relief rather than
10 mass there.

11 So we are connected by heated square
12 footage to the cottage, it's just done in a little bit
13 unusual way just because of the configuration of the
14 lot.

15 MS. GEER: So you have to leave the cottage
16 and go onto this porch to get into the main house?

17 MR. HENSHAW: That is right. This is a
18 heated stairwell that is added onto the house.

19 MS. GEER: But then you exit from the
20 stairwell to the porch?

21 MR. HENSHAW: Across the porch, right.

22 MS. GEER: Before you can enter the house?

23 MR. HENSHAW: That's right.

24 MS. GEER: Okay.

25 MR. HENSHAW: And, Randy, I don't know if

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1 you wanted to address any of that either.

2 MR. ROBINSON: I was going to say something
3 about that, that is addressed in the code, when it came
4 my time.

5 MR. WRIGHT: Any other public comment?

6 MS. GEER: I also appreciate all the time
7 that you have spent meeting with Jimmy and I. And, here
8 again, I appreciate bringing down the size of the house
9 and everything that you have done.

10 The cottage will be on our side, on 2702
11 Goldbug. It will be on our side of the property line
12 with the house coming down, which is fine, but I do have
13 real concerns about having the cottage not hooked heated
14 to heated.

15 And going out on a porch is not heated
16 to heated; that if another owner had the house that
17 could easily be closed off right there, shut down. And
18 you have got a structure that may share a wall, but you
19 enter from the outside. That would put two separate
20 structures, a rental unit, a condo, whatever, on the
21 property.

22 Our neighborhood is all single-family
23 dwellings, they are all small, and we do have -- I mean,
24 it could potentially set up, because there is a condo
25 situation on the other side of Mr. Hiers, we could wind

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1 up, in theory, with five families living on three lots
2 that total less than an acre and a half, and that does
3 give me concern as far as the future.

4 I also request -- I can appreciate the
5 reasoning behind it, but I request that given -- I feel
6 a large structure can fit inside the property setbacks,
7 and that the cottage, if it is moved forward, can still
8 go within the 20-foot setback on my side and allow room
9 for the drive and all to come into the garage without
10 touching the dune that is next to Mr. Hiers on his side
11 so that having a larger house next door, which I'm
12 expecting to have anyway, I at least have setbacks left
13 in place. Thank you.

14 MR. WRIGHT: Thank you. Anything further?
15 Paul?

16 MR. BOEHM: I'm Paul Boehm. I understood
17 that when the Town passed this ordinance about adding
18 another structure to a historic house structure that
19 there was already a deed restriction that was placed on
20 the properties that prevented them from being
21 condominiumized. Is that not true, Randy?

22 MR. ROBINSON: Yes, there is. I mean, there
23 is an ordinance that says it can't be condominiumized,
24 but that is not to prevent two people from owning the
25 same piece of property. We can't control that.

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1 MR. BOEHM: Right. But in terms of a
2 condominium, you could not form a condominium
3 association with this property if you add another
4 structure to the lot, right?

5 MR. ROBINSON: And how could we control
6 that?

7 MR. BOEHM: I understood the Town ordinance
8 controls it.

9 MR. ROBINSON: Well, it does, but it still
10 can't dictate -- we still can't dictate ownership. So
11 if two persons wanted to buy this property, and they had
12 equal ownership, and one wanted to live in one and one
13 wanted to live in the other, that is possible.

14 MR. BOEHM: That can happen with any house
15 on the island.

16 MR. ROBINSON: Yes, that is always possible.

17 MR. BOEHM: But in terms of a condominium
18 association, that could not be formed with this
19 structure?

20 MR. ROBINSON: Not according to Town of
21 Sullivan's Island law, but it still could be done.

22 MR. BOEHM: A condo or just joint ownership?

23 MR. ROBINSON: Joint ownership. Not a
24 condo, but joint ownership.

25 MR. BOEHM: Thank you.

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1 MR. WRIGHT: Any further public comment?

2 Yes, sir?

3 MR. HAYNES: Ashley Haynes. I live at 2720
4 Goldbug, a couple of doors down. I think it makes

5 perfect sense for most of the reasons that Jim said to
6 preserve the look of that older cottage, moving it
7 forward. It makes perfect sense. I support and approve
8 of it.

9 MR. WRIGHT: Any further public comment?

10 MR. HENSHAW: If I could just address one
11 more time about the configuration of the cottage, the
12 placement of that cottage 15 feet away from the property
13 line.

14 I think having it 15 feet away, and
15 having the rest of the house articulated the way it is
16 on your side, and the cottage being up front on the lot
17 doesn't do a whole lot of impact on your lot because of
18 where it is.

19 I think that the important thing for the
20 overall site here, the overall property, is to open it
21 up a little bit so that you get the whole house
22 compatible with the neighborhood.

23 And by pushing the cottage to 15 feet,
24 we can see the entry and we can approach that whole
25 structure now in a way that is a lot better than having

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1 it hidden by the cottage. It gives it more of an entry.

2 And I think that is one of the main
3 issues of neighborhood compatibility that we tried to
4 address here with Jodi and talking to Jimmy and Aussie.
5 But we tried to configure the site in a way that was
6 very compatible with the neighborhood.

7 MR. WRIGHT: Thank you. Any further public
8 comment? Public comment section is closed.

9 Randy, do you have further comments?

10 MR. ROBINSON: Yes, I do have one comment
11 about the heated space. I wouldn't consider this as
12 sharing heated space as our ordinance says, but our
13 ordinance does have a section in it that allows this
14 type of treatment.

15 It says additions that do not share
16 heated space with the principal building are allowed
17 provided no kitchen facilities are allowed in the
18 section that is separated and a deed restriction is
19 placed on the property prohibiting rental as a separate
20 dwelling. So that would have to be done with the small
21 structure up front since it doesn't share a flowing
22 heated space.

23 I mean, what the ordinance intended was
24 to have heated connected to heated so you never leave
25 the heated space to go into the other section. But

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1 there is a provision in our ordinance that allows that,
2 provided there is a deed restriction placed on the
3 property prohibiting rental as a separate dwelling unit
4 and it does not have a kitchen.

5 MS. HARMON: And it does not have what, a
6 kitchen?

7 MR. ROBINSON: A kitchen.

8 MS. HARMON: Okay, no kitchen.

9 MR. ROBINSON: And I do have a question on

10 my plan. You-all might have refined this by now. It
11 doesn't look like this guest bedroom -- there just isn't
12 any doors in it. I presume there will be doors.

13 MR. HENSHAW: It's very conceptual right
14 now. And, honestly, there could be more of a heated
15 space connection to the additions from the cottage,
16 there could be. It creates a longer corridor from that
17 main body of space, which is up by the marsh.

18 You can do it, but I think it affects
19 the architecture and the exterior and the interior flow
20 of the house. But it's an option, if that was the
21 defining point. It wastes a lot of square footage which
22 would normally be used on making this smaller -- we are
23 trying to create a smaller house.

24 MR. WRIGHT: I understand that. Randy, are
25 you done?

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1 MR. ROBINSON: I'm done.

2 MR. WRIGHT: Okay. Thanks, Jim. The
3 board, any discussion? Billy?

4 MR. CRAVER: Gee, this has been here so many
5 different times I would have to reach into my brain to
6 try to figure out which file and which set of plans it's
7 in.

8 I actually really like this. I think
9 that it's not trying to overdo it. You know, as long as
10 we add the no kitchen and the deed restriction, if they
11 want to set it up that way, I mean, nobody is going to
12 rent that as a separate dwelling. If they do, and it
13 has a kitchen in it, well, that is easy enough to stop.
14 So, you know, that is just a matter of dealing with it
15 if it happens.

16 I would start off with the assumption
17 that it's not going to happen any time, that anybody is
18 going to have to worry about it.

19 There are two good size oak trees there
20 that are right between you-all's house and where the
21 cottage will be. You know, until seven, eight years
22 ago, whenever we put the new ordinance in place, we had
23 10-foot side setbacks.

24 And I'm looking at the elevations here,
25 and I'm not good at this, but it does sort of work with

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1 what appears to be the mound over there next to your
2 house for the cottage to be where it is.

3 So, you know, I mean, I am probably okay
4 with the whole thing like it is. I would love to not
5 have to see this one come back for conceptual approval.
6 I don't mind it coming back for final approval, hearing
7 about all of these neat materials that will be used and
8 all of that to make it have the good Sullivan's Island
9 feel. That has a really nifty feel to me, which beats
10 some of the other plans we have seen for this, so I'm
11 good with it.

12 MR. WRIGHT: Jon?

13 MR. LANCTO: This is so much better than the
14 other plans we have looked at for this property. If we

15 had to pick one or the other, I would pick this one
16 hands above the other design that we have seen.
17 And, also, just briefly on the side
18 setback, I think offsetting the cottage to the side
19 gives it more identity on its own, better preserving the
20 look and the feel of that cottage within its own context
21 than sliding it in front of the main house.

22 So I would like to see it kept over on
23 that side. I think it's going to be more
24 neighborhood -- have better neighborhood compatibility
25 slid over like it is right now than slide it even 5 feet

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1 back. So I would like to see this go forward the way it
2 is.

3 MR. WRIGHT: Thank you. Betty?

4 MS. HARMON: Nobody has asked the \$64,000
5 question. What happens if you move this historic
6 structure and it collapses?

7 MR. CRAVER: You end up with a reproduction
8 instead of a historic structure, but it will look just
9 like it's supposed to look.

10 MR. LANCTO: It's going to have to be
11 rebuilt the exact same way.

12 MS. HARMON: The exact same way.

13 MR. CRAVER: And we have other ones that, I
14 mean, that are historic structures that --

15 MS. HARMON: That have been renovated.

16 MR. CRAVER: Well, they are really
17 reproductions because there isn't anything original
18 left.

19 MS. HARMON: Well, that is why we kind of
20 changed the ordinances around a little bit so not so
21 much could be done to them, so that they are remodeled
22 or refurbished or just new little houses covered over.

23 And I am also very, very concerned about
24 the heated space. I just don't like the fact that it's
25 not continuous heated space. I'm just worried that

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1 something is going to happen there that will -- finances
2 change, and people have to do things they wouldn't
3 ordinarily do, and then they may have to rent this out.

4 And I just -- and the neighborhood is a
5 quiet -- it's a unique little section there of the
6 island that is unlike any other part of the island. And
7 I think, if we are not careful, we are going to take
8 away the integrity of the serenity of the street and the
9 little houses, and that is what I'm most worried about.

10 And while this is a nice house -- it is
11 a big house between the two smaller houses. And I think
12 to say, okay, well, we won't let -- you don't have to
13 heat it doesn't really set really well with me. I think
14 it should be heated.

15 MR. LANCTO: It is going to be heated.

16 MR. CRAVER: It is heated. The issue is
17 that --

18 MS. HARMON: Well, it was covered. It's
19 not -- it's really not.

20 MR. CRAVER: Yeah, it's heated.
21 MS. HARMON: The porch is covered, he says.
22 MR. LANCTO: This is all heated space, and
23 that is heated space and that is heated space.
24 MR. CRAVER: And it meets the requirement,
25 but they can't have a kitchen and they have to put a
0036 deed restriction that it can't be rented.
2 MS. HARMON: But he was just saying you
3 could heat it from this end, right? There was an
4 option?
5 MR. LANCTO: Well, they would have to extend
6 this heated walkway into this covered porch.
7 MS. HARMON: From here to here?
8 MR. LANCTO: They would have to extend the
9 stairway in, and then you have a different dynamic as
10 far as the elevations.
11 MS. HARMON: And, another thing, we don't
12 have any direct way to get from the cottage to the new
13 house without going outside.
14 MR. LANCTO: Right.
15 MR. CRAVER: Well, that is the issue. That
16 is the issue that they have raised. And the way that
17 that issue is taken care of is -- the concern is that,
18 okay, so you can rent the cottage out. But you can't
19 rent the cottage out if you don't have a kitchen, and
20 you can't rent the cottage out if there is a
21 restriction, a deed restriction that says you can't rent
22 the cottage out.
23 If they do rent it out, then the
24 neighbors can go to Town of Sullivan's Island and say
25 they are renting it out and violating the deed
0037 restriction. So there are protections there.
2 MR. LANCTO: They are protected in two
3 different ways.
4 MR. CRAVER: I mean, I personally would
5 rather, if I were doing it, I might jiggle it around so
6 that it was connected so I could have a kitchen down
7 there because it's remote.
8 MS. HARMON: Right.
9 MR. CRAVER: But I don't want to impose my
10 taste on their plan, and I think we are protected
11 against the rental issue. I mean, I don't have that
12 concern. You can't rent it out without a kitchen.
13 MS. HARMON: I can't remember what I was
14 looking at. Is there a mound on Aussie's side with a
15 setback?
16 MR. HENSHAW: There is near the existing
17 house, and we are trying to --
18 MS. HARMON: But not down at this end where
19 you are putting the cottage?
20 MR. HENSHAW: I don't think so. Is there,
21 Aussie?
22 MR. WRIGHT: It's flat. The mound is on the
23 marsh side. Facing the marsh, it's on the left.
24 MS. HARMON: It's at the back, right, out on

25 the left. But it doesn't -- the closer you get to
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1 Goldbug, the flatter it gets, right?

2 MR. HENSHAW: In that area. The mound is on
3 the other side.

4 MS. HARMON: Right, right. All right.

5 Well, against my better judgment, I guess I will say I
6 could approve it, but I surely don't like the fact that
7 it doesn't have heated to heated space. That worries
8 me.

9 MR. WRIGHT: Is that it? Is that your --

10 MS. HARMON: That is my speech.

11 MR. WRIGHT: Your speech.

12 Randy, I am still a bit confused
13 regarding who and when is the deed restriction imposed?
14 Who does that, and when is it done to preclude this from
15 being rented?

16 MR. ROBINSON: Generally it's done before
17 they get a CO on the property, somewhere during the
18 building process.

19 MR. WRIGHT: So who issues that? Do you
20 issue that deed?

21 MR. ROBINSON: Deed restriction, no. They
22 take the restriction -- or they make up the deed
23 restriction, generally will have me approve it, I will
24 look at it, I will have our Town attorney look at it,
25 and then they take it and record it with the deed.

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1 MR. WRIGHT: Okay. Further, one other
2 question in my own mind. I will have to go back to read
3 the ordinance. I am not clear on who and when you can
4 rent an accessory structure or part of a house on
5 Sullivan's Island to other than a family member?

6 MR. ROBINSON: You can't. You are not
7 supposed to anyway. We have a single-family residential
8 island and it's supposed to be one family.

9 MR. WRIGHT: Well, isn't that another reason
10 why we should not be concerned about it being rented?

11 MR. ROBINSON: Well, you would look at the
12 definition of family.

13 MS. HARMON: That can broaden out.

14 MR. CRAVER: You know --

15 MR. WRIGHT: I need a lawyer.

16 MR. CRAVER: I really -- I just don't see
17 that as an issue. I mean, it's just not set up to be
18 rented. I mean, it would be one thing if there was a
19 kitchen in there. And if they put a kitchen in, then
20 they violated what they have been permitted to put.
21 They have violated the ordinance, and they can be
22 required to take it out.

23 MR. WRIGHT: Do I hear a motion? I think
24 the motion should include specifically clear language
25 regarding what we have discussed.

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1 MR. CRAVER: So are we giving -- are they
2 asking for preliminary?

3 MR. ROBINSON: Conceptual.

4 MR. WRIGHT: Conceptual.
5 MR. CRAVER: Conceptual approval. I never
6 get these right, but I will try.
7 I move we grant conceptual approval to
8 the plans as submitted, and that the approval is
9 conditioned on compliance with the ordinance that says
10 that there will be no kitchen in the relocated cottage
11 and that a deed restriction would be put in place prior
12 to the final -- to the CO being issued, and the deed
13 restriction in compliance with the ordinance that it not
14 be rented out.

15 MS. HARMON: Could I just say one other
16 thing while we are doing this?

17 MR. CRAVER: Yes.

18 MS. HARMON: You could rent this out and
19 have a bed and breakfast. You wouldn't have to have a
20 kitchen.

21 MR. CRAVER: You can't have a bed and
22 breakfast on Sullivan's Island.

23 MS. HARMON: I know you can't, but a lot of
24 things happen on Sullivan's Island.

25 MR. LANCTO: Well, they could do that at

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1 your house, too.

2 MR. CRAVER: Right. And I --

3 MS. HARMON: But I don't have this
4 opportunity. I don't have a separate cottage that is
5 attached and all I would have to do is go outside and go
6 in. I don't have that on my property.

7 MR. CRAVER: I could open Billy's Bar and
8 Grill under our house and have an oyster roast and sell
9 beer and oysters.

10 MS. HARMON: Well, it's something to think
11 about. I mean, it just --

12 MR. CRAVER: Somebody would come along and
13 say, wait a second, Craver, you ain't got a license, you
14 are not zoned for it and you don't get to do it, and I
15 think that is what would happen here.

16 If all of a sudden we had families
17 living in there, somebody is going to say something and
18 it will stop.

19 MS. HARMON: I just really, really don't
20 like the fact that it's not all heated as one unit
21 heated back to back. I think that--

22 MR. LANCTO: They might be hearing you and
23 they might make some adjustments within the rest of the
24 planning process, too.

25 MR. WRIGHT: Do we have a motion?

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1 MR. CRAVER: That was my motion. Does
2 anybody want to second it?

3 MR. LANCTO: I second.

4 MR. ROBINSON: Billy, you might want to add
5 a little something to your motion.

6 MR. CRAVER: I am wide open.

7 MR. ROBINSON: That this conceptual approval
8 is specific to this actual plan, not any one part of the

9 plan, but the whole plan together.
10 My fear is that something may happen to
11 Jodi before this comes to happen. You know, you never
12 know what is going to happen. You want to make sure
13 that you haven't just given approval to move this house
14 up to the front of the lot by itself.

15 MR. CRAVER: Got you.

16 MR. ROBINSON: So try to be --

17 MS. HARMON: Very specific.

18 MR. ROBINSON: -- pretty specific that it
19 includes -- the only reason you are allowing this move
20 is --

21 MR. CRAVER: So it's conceptual approval to
22 move the whole plan as a whole plan.

23 MR. WRIGHT: I would like for you to restate
24 the motion completely, please.

25 MR. CRAVER: Okay.

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1 MR. WRIGHT: We get these motions that are
2 all over the room, and it gets confusing to everybody.

3 MR. CRAVER: I will put quotation marks on
4 it.

5 MR. WRIGHT: Sorry.

6 MR. CRAVER: That's okay.

7 I make a motion that we grant conceptual
8 approval to the plan for 2708 Goldbug Avenue that has
9 been submitted in total as set forth for the whole plan
10 and not any piece of the plan separately, and that the
11 conceptual approval and any future approval is subject
12 to compliance with the ordinance that says there will be
13 no kitchen in the cottage and that there will be a deed
14 restriction put in place, and that that deed restriction
15 would be put in place prior to the CO being granted on
16 the new property.

17 MS. HARMON: And the rent.

18 MR. CRAVER: That is what the deed
19 restriction is.

20 MS. HARMON: Well, let's -- would you put it
21 in?

22 MR. CRAVER: The deed restriction that the
23 cottage can't be rented out separately.

24 MR. WRIGHT: Okay. Do I hear a motion?

25 MR. LANCTO: That was the motion.

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1 MR. WRIGHT: The motion is on the floor.

2 I'm sorry.

3 MR. LANCTO: I will second the --

4 MR. WRIGHT: Second the motion?

5 MR. LANCTO: Second the motion.

6 MR. WRIGHT: All in favor?

7 MS. HARMON: Aye.

8 MR. LANCTO: Aye.

9 MR. WRIGHT: Aye.

10 MR. CRAVER: Aye.

11 MR. WRIGHT: Unanimous.

12 MR. LANCTO: May I be excused?

13 MR. WRIGHT: Thank you, Jon.

14 (Mr. Lancto left the meeting.)
15 MR. WRIGHT: Mr. Herlong is back and Mr.
16 Lancto is gone.
17 MR. HERLONG: Item 4, staff approval.
18 Randy?
19 MR. ROBINSON: We have none.
20 MR. HERLONG: So the meeting is adjourned.
21 (The meeting was concluded at 7:00 p.m.)
22 - - -
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0045

1 STATE OF SOUTH CAROLINA)
2)
3 COUNTY OF CHARLESTON)

4 I, Nancy Ennis Tierney, Certified Shorthand Reporter
5 and Notary Public for the State of South Carolina at
6 Large, do hereby certify that said meeting was taken at
7 the time and location therein stated; that the meeting
8 was recorded stenographically by me and were thereafter
9 transcribed by computer-aided transcription; and that
10 the foregoing is a full, complete and true record of the
11 meeting.

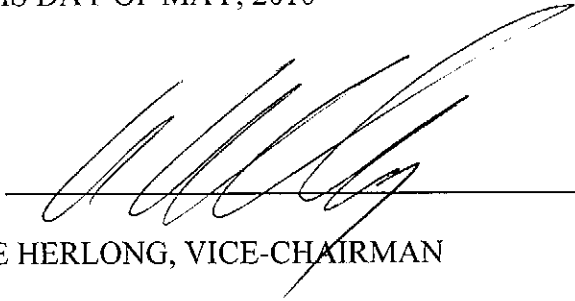
12 I certify that I am neither related to nor counsel
13 for any party to the cause pending or interested in the
14 events thereof.

15 Witness my hand, I have hereunto affixed my official
16 seal this 28th day of April, 2010, at Charleston,
17 Charleston County, South Carolina.
18
19
20
21
22
23

24 Nancy Ennis Tierney
25 CSR (IL)
My Commission expires
April 6, 2014

THE DECISIONS OF THE DESIGN REVIEW BOARD SHALL BE EFFECTIVE IMMEDIATELY UPON THE APPROVAL OF THE CERTIFICATE OF APPROPRIATENESS. THESE MINUTES WILL BE USED AS AN OFFICIAL RECORD TO THE DECISIONS MADE UPON RATIFICATION.

SIGNED, SEALED AND DELIVERED THIS DAY OF MAY, 2010

A handwritten signature in cursive script, appearing to read 'S. Herlong', is written over a horizontal line.

STEVE HERLONG, VICE-CHAIRMAN

A handwritten signature in cursive script, appearing to read 'D. Wright', is written over a horizontal line.

DUKE WRIGHT, SECRETARY