



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

Friday, March 14, 2014

The Land Use & Natural Resources Committee of Council met at 3:05 p.m. on March 14, 2014 at Town Hall, 2050-B Middle Street, all requirements of the Freedom of Information Act having been met. Present were Committee members Pat O'Neil, Chair, Mayor Mike Perkis and Council member Jerry Kaynard; Staff, Administrator Benke and Asst. to Administrator Darrow.

There were approximately fifteen members of the public present, including Council members Chauncey Clark, Susan Middaugh and Mary Jane Watson; no media representatives present. Jeff Jackson, Town naturalist consultant, was present for agenda item #5.

1. Call to Order. Chair 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. Chair O'Neil noted that the minutes from October 15, 2013 meeting were approved at a subsequent Council Workshop.

2. 5-Year (2013) Draft Comprehensive Plan

Planning Commission Vice-Chair Currey provided a short report on the Draft 2013 Comprehensive Plan (recommended to Council by Planning Commission on May 8, 2013), highlighting any recommended changes to the Needs & Goals from the 2008 Plan to the 2013 Draft Plan. Chair O'Neil acknowledged Commissioner Sydney Cook was present too.

Next steps: Council will receive draft documents and the report made to today's Committee for consideration at the April 7, 2014 Council Workshop.

Administrator Benke joined meeting at this time.

3. Biggert Waters Act – Update

Chair O'Neil noted federal legislation (HR 3370/S 72-22) is working its way through Congress that would provide some relief for home-owners impacted by the Flood Insurance rate changes pursuant to the Bigger Waters Act of 2012. Some of the highlights include:

- Repeals the property sales trigger which immediately raises premiums of non-compliant properties to full "actuarial" rates on the sale of the home or change in insurance carrier. This significantly impacted the ability for some properties to be sold and the market value of other homes in general.
- Pre-FIRM structures (built before the Town's flood plain maps were established), including historic structures that do not comply with current flood elevations, will see modest relief by having per-property rate increases capped at 18% per year, but the ultimate rate increases are not capped.

It is anticipated the bills will pass both houses of Congress and be brought before President Obama in the next week or two. Meanwhile FEMA will conduct additional studies, to include affordability and ensuring flood plain map accuracy, over the next two years.

He noted the Town will continue to monitor flood insurance reforms and its impact to the Island.

- 4. Staff Report (Recurring): Administrator Benke reviewed the Staff report**
 - a. Zoning issues, Zoning Administrator Henderson**
 - b. Building issues, Building Official Robinson**
 - c. Reports on related Boards, Zoning Administrator Henderson**
 - i. Planning Commission**
 - 1. Considering café eating establishment concept**
 - 2. Bicycle/pedestrian marsh boardwalk concept from Ben Sawyer Bridge entrance sign to Patriot Street area**
 - 3. Battery to Beach (B2B) alternate route endorsed**
 - ii. Board of Zoning Appeals: four (4) items on March agenda**
 - iii. Design Review Board: eleven (11) items February-March**
 - iv. Tree Commission: four (4) items between November-March**

Committee comments:

Marsh boardwalk concept (Ben Sawyer Boulevard to Patriot Street):

Mayor Perkis submitted this concept may have not have the consensus of Council and should be moved forward to the April Council Workshop/meeting for discussion. Meanwhile, Council should direct Staff to discontinue expending more time and resources for this concept until Council has the opportunity to express its level of support for the concept.

Next Steps: Committee will move Bicycle/pedestrian marsh boardwalk concept (Ben Sawyer Boulevard to Patriot Street) to April workshop for general Council discussion.

Until Council has time to review this concept, Mayor Perkis will direct Staff to suspend expending additional time and energy on this matter.

Committee determined a formal motion on the 2013 Draft Comprehensive Plan would be in order.

MOTION: Council member Kaynard made a motion to recommend to Council that the Draft 2013 Comprehensive Plan be placed on the April 7, 2014 Council Workshop for Council review; seconded by Chair O'Neil. MOTION UNANIMOUSLY PASSED.

5. Review of status of Approved Projects in the Protected Land: Implementation of approved projects and next steps

Jeff Jackson, Town naturalist consultant, provided an update on the Protected Land projects approved by the Town.

Invasive Species Eradication

- First session accomplished by professional volunteer arborist and naturalists. A good group of experienced, qualified professionals assisted with this first phase (some chemical use).
- Second session would include interested residents and volunteers who would assist with physical removal of invasive species without chemicals, under Town consultant supervision. This would be an educational opportunity for the public, too. Date/time will be determined in the near future.
- Consultant is retaining a record of all species removed, by plant, to demonstrate progress.

Nature Trail (Administrator Benke)

- After months of reviewing and refining a proposed nature trail, Council approved the sketch plan.
- This week (March 12, 2014) the Town opened bids for construction of the Station 16 Nature Trail (boardwalks, decks and benches). Four bids were received and are currently under Town Staff review.
- Noted the nature trail is marked in the area. Town is ready to start construction.

Mayor Perkis asked if the Town received input from the Audubon Society.

- Administrator Benke noted the Town received feedback from the Audubon Society, Billy McCord with DNR and US Fish and Wildlife on the migratory birds in the area.

Mayor Perkis asked for clarification on the width of the path, noting it was made very wide.

- Administrator Benke noted that the Public Safety Chiefs felt it was important, should boardwalks be built through the nature trail, that their Staff could access the area with an ATV (all-terrain vehicle) in the event of a police or medical emergency.

Chair O'Neil and Administrator Benke provided a general outline of the Town efforts to increase Protected Land accessibility to the residents and public. Administrator Benke mentioned grant funding that allowed for improvements to existing beach paths/boardwalks and creating paths within the nature trails.

Barbara Spell (1702 Atlantic Avenue, Sullivan's Island) asked about increased tourism and the impact on Island residents. What about impact on traffic and parking? How did you determine whether residents want this trail?

Mayor Perkis noted that this nature trail would not encourage a large group of non-Island residents to come to the Island. He envisioned residents and few nature lovers regularly utilizing the area.

Council member Kaynard noted that the Town cannot control the growing population in the Charleston area. This population growth will naturally increase day visitors to all the beaches.

Julia Khoury (1728 I'On Avenue, Sullivan's Island) commented that the Protected Land is already protected by deed restrictions. Asked how the Town would see additional protection from the trail and other efforts.

Mayor Perkis clarified that, by allowing public accessibility to the Protected Land, the Town should see an increase in the public's awareness of the area's value and support for protecting the land.

Chair O'Neil stressed that the Town was seeking a balanced plan/approach for the Protected Land and noted that this area would not become a Grand Canyon-type attraction.

Karen Coste (?) (322 Station 19 Street, Sullivan's Island) asked for clarification that there will be no additional construction beyond Phase One (Station 19 nature trail). She wanted assurance that there would be no additional hardscape/boardwalk in the future phases for Station 16-18 and down the Island. Noted she is trying to understand the whole plan.

Administrator Benke clarified that the Town has not planned or discussed installing a boardwalk from Station 16-18, as rumored and erroneously published in non-Town publications.

Ms. Coste pressed for assurance that there would be no further construction in the Accreted Land.

Administrator Benke clarified that the Town has not looked at the land from Station 16 east to Station 28 ½. He could not speak to whether there are seasonal wetlands in the area which a pedestrian would need to traverse.

Ms. Coste pressed for concession from Town Staff or Committee members that it would be conceivable that, in the future, the Town might construct more boardwalks. She stated she is trying to get an understanding of the plan for the entire area.

Administrator Benke noted the Town is not stating that additional boardwalks will or will not be recommended as the area has not been explored.

Committee noted that a complete comprehensive plan for the Protected Land has not been finalized.

Jeff Jackson noted that, in his opinion, there is not a need to install a boardwalk from Station 16 to Station 18.

Comprehensive Management Plan for the Protected Land – Next Steps

Chair O’Neil noted that version 3A is the last/current iteration of the Town’s Draft Comprehensive Accreted Land Management Plan.

Mayor Perkis noted that, about a year ago, Council asked the Mayor and Council member Kaynard to help meet with different resident groups to get information, feedback, viewpoints and seek concepts for which resident groups had general consensus, to assist the Town Council with its efforts to develop a balanced Comprehensive Accreted Land Management Plan.

Mayor Perkis noted that area residents, many on the beach front, have collaborated to provide excellent feedback to the Town. Mayor Perkis referenced the resident feedback that has been very recently provided to this Committee by area residents (Exhibit A – untitled and unsigned document that self-references as a “draft active management plan”).

Mayor Perkis noted that the twenty-nine (29) recommendations from the resident group represents a mix of ideas. He opined that some of the strategy recommendations are in-line with the principles and directives formulated by the Town with its draft Accreted Land Management Plan; some strategy recommendations are close to alignment with Town principles and directives; and some strategy recommendations are outside the scope of the Town’s principles and directives.

Mayor Perkis noted he sees these twenty-nine (29) recommendations as a good-faith effort by a group of residents to provide helpful, positive feedback and ideas to the Town. He reiterated that this resident report/recommendation has been very recently received by the Town (Exhibit A). He recommends this information get forwarded to the Council for consideration and study. He recommended that the Committee use this document (Exhibit A) as a piece of the information it references when discussing and identifying Phase I & II Protected Land project priorities. Mayor Perkis noted that some of the ideas in this document (Exhibit A) would be useful for Phase II efforts, particularly the recommendations regarding the transition zones and the nature center.

Mayor Perkis referenced the Town’s intent to have different management strategies by zones along the Protected Land. He referenced the GIS zone measurement estimates conducted by Zoning Administrator Henderson, at Council’s request, as a working document to illustrate the different zones. Chair O’Neil instructed the GIS maps be placed on the Town’s website now.

Chair O’Neil clarified that Mayor Perkis and Council member Kaynard see the document received by the resident group (Exhibit A) as a way for these residents to provide additional suggestions and input on the various items already identified within the framework of the current Town (Draft) Comprehensive Accreted Land Management Plan.

Mayor Perkis noted that there may be resident suggestions that offer new ideas and suggestions that were not previously considered in the current Town (Draft) Comprehensive Accreted Land Management Plan.

Chair O’Neil asked for the author of the resident group’s document (Exhibit A). Mayor Perkis clarified that he and Council Member Kaynard are not the authors of the document. Council member Kaynard noted the document (Exhibit A) is a collaborative effort of many residents and there is no single author, to his knowledge.

Council Member Kaynard clarified for residents the three simultaneous efforts for the Protected Land:

1. Comprehensive Strategic Protected Land Management Plan

Town spent significant money approximately three years ago to have consultants provide recommendations for a Town Comprehensive Strategic Protected Land Management Plan. Council and this LUNR committee have spent hours over multiple meetings working toward developing a strategic Plan tailored to the Town’s needs, incorporating consultant recommendations, sensitive to the multiple viewpoints expressed by residents and faithful to the Town’s stewardship responsibilities to these natural resources.

This Plan is slowly evolving – version 3A is the most recent draft.

2. Phase I and Phase II Protected Land Projects

The LUNR Committee is developing recommendations to Council for, and providing oversight to, incremental projects that the Town felt could be accomplished within the Protected Land in a multiple phase format. There are approximately a dozen projects on an established list that the Committee calls “Exhibit E.” Eradication of invasive plant species is an example of this type of project. These projects are deliberately and methodically reviewed and considered within public meetings where residents have an opportunity to provide input.

3. Communicate and Collaborate with Public – New Ideas & Feedback

Council wanted the LUNR committee to communicate with the public to seek collaboration and areas of mutual consensus on strategies for the Protected Land. The resident group plan mentioned tonight (Exhibit A) is an example of the results realized by the LUNR Committee’s community outreach efforts.

Council member Kaynard recommended Council consider this feedback as the Town moves forward with efforts related to Item 1 and #2 above (Comprehensive Plan and Phase I/II Protected Land Projects).

Chair O’Neil acknowledged that the public has not had the opportunity to see the resident group’s draft Active Management Plan (Exhibit A).

MOTION: Council member Kaynard recommended that the Committee recommend to Council that it review and consider the transition zones and nature center as potential next phase projects in the Protected Land, and, review the resident proposal received by this Committee (Exhibit A); seconded by Mayor Perkis. MOTION UNANIMOUSLY PASSED.

Committee discussed history of the Nature Center, broached approximately 20 years ago. Residents asked about the cost of a Nature Center (unknown).

Residents complained about access to information reviewed by the LUNR today, wanting information in advance. Residents requested streaming of Committee and Council meetings on the website. Administrator Benke noted the Town is working toward the digitization of Town records and placing information on the “cloud.” Chair O’Neil noted that the committee and council minutes are not posted online until after they are approved.

There being no further business, the meeting was adjourned at approximately 4:50 p.m. (Councilman Perkis motioned; Councilman Kaynard seconded; unanimously passed).

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

Approved at the April 11, 2014 Land Use & Natural Resources Committee Meeting

Land Use & Natural Resources Committee
March 14, 2014 Meeting
Exhibit A

This Active Management Plan for the Accreted Land is a balanced plan, with consideration for protection of wildlife and vegetation, while recognizing that scenic views and ocean breezes are valuable resources of the Town. Diversity of vegetation and growth is an essential part of this plan. Re-establishment of open dune fields, as existed for many years in the accreted land, will provide valuable nesting areas for birds, especially for ground-doves, a threatened species in this state.

- I. Description of accreted land active management plan (for accreted land in front of one ½ acre lot) for application to all the zones of the accreted land as provided below.
 1. In the accreted land, assume width of half-acre lot, 105 feet in width, with distance to primary dunes a variable distance
 2. Create a central “view corridor” of seventy-five (75) feet in width
 3. Create two managed “growth corridors” on the east and west sides of fifteen (15) feet each (of each 105 foot wide area). Two fifteen (15) feet growth areas will be side by side.
 4. Live Oaks and Palmettos are protected unless dying or diseased; trimming and limb up permitted in growth areas. Mature Magnolias (over 16 inch diameters) may be included.
 5. Maximum tree/bush heights in “growth corridors” of 15 feet, except Oaks and Palmettos. Limb up, trimming permitted
 6. Maximum tree/bush heights in “view corridors” of six (6) feet; trim, limb up permitted
 7. Removal of myrtles, cedars, popcorns, other growth in “view corridors” to create open dune fields for birds
Zone 1 – zero to 25% removal
Zone 2 – 25% to 50% removal
Zone 3 – 50% to 75% removal
Zone 4 – 50% to 75% removal
 8. Graduated heights for bushes, myrtles, other growth in “view corridors”
Zone 1 – Limited removal of myrtles, with creation of open dune fields for birds
Zone 2,3,4 – Substantial removal of myrtles, invasive species, other growth with graduated heights of two feet, three feet, four feet, and five feet (at 25% each) of remaining growth.
 9. In “view corridors,” retain one substantial bush, tree or shrub per 1000 square feet to a maximum of 30 substantial bushes, trees or shrubs. Prorated for size of the accreted areas, in front of adjacent home lots, which range from 10,900 square feet to 109,000 square feet.

[1]

10. Create and maintain open dune fields to nurture birds with patches of 100 feet by 75 feet, with 3 to 5 open dune field patches created in each view corridor. The number of open dune field "patches" created may be prorated for the size of the accreted areas in front of the adjacent home lots.
 11. Planting of Live Oaks, Palmettos, or Magnolias in the accreted land may be permitted by adjacent landowners to replace removed trees, bushes, shrubs.
 12. Conceptual plans for each accreted area in front of adjacent homeowners will be submitted to TOSI for approval and permitting, with payment by adjacent homeowners for the expense of implementation.
- II. TRANSITION ZONES (grasslands) – Cleared of trees and shrubs, to serve as firebreaks, view corridors, to enhance breezes, for reduction of rodent population, for pest control, for public safety. Town may approve retention of mature Palmettos, Live Oaks or Magnolias so long as other objectives are satisfied. Implementation by the Town at Town's expense. Adjacent landowners consulted by Town in the planning and implementation.
1. Zone 1 – 80 feet in accreted land
 2. Zone 2 – 40 feet in accreted land
 3. Zone 3 – 40 feet in accreted land
 4. Zone 4 – 80 feet in accreted land, from Bayonne Street Extension and from property lines seaward
- III. Existing foot paths retained. Maintained by adjacent landowners at their expense.
- New foot paths allowed from adjacent front beach properties seaward, to be maintained by adjacent landowners at their expense
- IV. Adjacent landowners retain rights to trim and maintain accreted land.
- V. Town agrees to actively manage at least annually and continuing regularly by trimming, limb up, removal of invasive growth, creation and maintenance of the "view corridors" and "growth corridors".
- VI. Active and continuing pest control projects by Town in accreted land.
- VII. Removal of dead wood, trash, vines, invasive species in accreted land.
- VIII. Expansion of active management from November 1 to March 31 for adjacent owners.

Multiple pruning, limb up and maintenance permitted each year. Town efforts not limited to adjacent owners permitted schedules.

- IX. Mandatory pruning, limb up, view corridor maintenance by Town in Zones 2 , 3, & 4. Regular and continuing efforts by Town to be detailed by maintenance schedules.
- X. Protect Live Oaks and Palmettos as priority trees.
- XI. No heavy equipment in accreted land by Owners.
- XII. Supervision of implementation of portions of this agreement (such as location of open dune fields, conceptual plans for accreted areas, etc.) by Council Committee with balanced team of experts available for consultation.
- XIII. Limited active management in Zone 1. Substantial active management in Zones 2 , 3 & 4.
- XIV. Specific authorization of multiple pruning each season and active management each season.
- XV. In the event that the Town fails to actively manage the accreted land, adjacent owners are authorized to act for the Town through a permit process similar to the existing process.
- XVI. SIES educational accreted land plan.
- XVII. Second educational walking path – from Station 16 East
- XVIII. Nature Center at Battery Logan

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