



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

Friday, August 10, 2018

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 Rita Langley (Chair), Mayor Pat O'Neil and Councilmember Chauncey Clark; Staff: Administrator Benke; Director of Planning and Zoning Henderson; Asst. to Administrator Darrow, Fire Chief Stith; Building Official Robinson.

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; no media and sixteen (16) audience members present (including Council members Howard and Smith).

2. Meeting Agenda – approved as presented

Chair Langley noted the Committee has an ambitious agenda, but will hard-stop at 10:00AM.

3. Transition Zone Management: Discussion of Draft Plan

Chair Langley noted Council has held repeated meetings about the Protected Land to include Transition Zone management, the topic of today's discussion. Town Council developed a Transition Zone Management Plan, after several public meetings, that was approved at its February 25, 2016 Special Council meeting.

Mayor O'Neil noted that ongoing litigation has delayed implementation of management plan strategies in the Protected Land. The Town recently received a favorable ruling from the appellate court and, although litigation may not be closed, the Town is working with its attorneys to find avenues to move forward on management pieces, such as the Transition Zone.

Chair Langley reminded the audience that the Draft Transition Zone Plan identifies active management directives as follows:

1. Band I (0-40 feet):
 - a. All non-native invasive species of flora shall be eliminated.
 - b. All trees ≥ 6 " DBH shall be retained, except cedar and pine species.
 - c. All understory, shrubs (including myrtles), cedar and pine species and small trees (defined as ≤ 6 " DBH) shall be removed.
2. Band II (40-100 feet):
 - a. All non-native invasive species of flora shall be eliminated.
 - b. All trees shall be retained within this band.
 - c. Where to band is adjacent to the forest areas:
 - i. All understory, shrubs and myrtles shall be removed
 - d. Where the band is adjacent to grasslands, shrub and non-forest areas:
 - i. Three-quarters (75%) of all existing myrtles shall be removed as will any that sprout in their place. 25% of myrtles shall remain in those areas where myrtles currently exist.

Staff Report:

Administrator Benke provided a photographic overview of areas on the Island for reference. Director Henderson provided GIS map renderings identifying how the current policy might be implemented.

Administrator Benke advised Committee that Staff needs clear instructions on what will be cut and where the cutting will occur. Staff has identified the following challenges for moving forward with the Transition Zone work, noting clarification from Council is needed for following:

- Definition of critical terms, such as “adjacent to,” “forest,” “grassland” and “shrubland”
 - “adjacent” could mean beside, in front of, or behind. Will it be contiguous land to other bodies of land, or, allow for breaks?
 - “Forest” is vague. Is it defined as the number of trees in a defined space, the amount of canopy with understory, etc.?
 - Size of trees to retain in Band II (40-100) needs to be defined
- Identifying what to cut, identifying what to save and what will be removed, needs to be clarified. Administrator noted measuring zone and tree size is not difficult, but accessing and identifying the trees to save may be a challenge for Staff and for the contractor cutting.

Director Henderson noted Staff needs to know clear geographic boundaries for analyzing and identifying which portions of myrtle bushes should be trimmed to 25% of size. He questioned whether Council intended for Band II cutting to include cutting each existing myrtle down to 25% of current size, or, cutting myrtle growth in different sections to 25% of current size, potentially thinning out myrtle bushes to allow other myrtles to grow taller.

Committee deliberated each band separately.

As to Band I (0-40 feet):

Councilmember Clark recommended removing 1(a) statement regarding non-native invasive species as 1(c) already directs removal of all understory in this band.

Mayor O’Neil recommended combining 1(a) and 1(b)

Councilmember Clark clarified that the tree survey, circa 2015, shall serve as the reference for determining size of trees that will be retained (≥ 6 ” DBH as of 2015 survey).

CHANGES TO BAND I (0-40 feet):

- **Eliminate 1(a)**
- **NEW 1 (a) reads: “All trees ≥ 6 ” DBH shall be retained, except cedar, pine and non-native invasive species trees.”**
- **RE-NUMBER 1(c) to 1(b): All understory, shrubs (including myrtles), cedar and pine species and small trees (defined as ≤ 6 ” DBH) shall be removed.**

As to Band II (40-100 feet):

Committee Questions:

Chair Langley: Would Town contractor need to use different equipment between Band I and Band II? Administrator Benke noted equipment Town has evaluated would be capable of clearing both zones.

Committee consensus to combine 2(a) and 2(b) together to read:

2 (a): All trees shall be retained within this band, except non-native invasive species.

Tree size discussion

Councilmember Clark: What is definition of a tree for Band II, 2(b) and how will those trees be identified for cutting/saving? Further, does the Town really need to retain all the trees currently in place, or, retain some at the expense of others for healthier growth? Suggested the Town could conduct the cutting pursuant to the Transition Zone directives this year and then evaluate the space for the future.

Chair Langley: Questioned how Town should treat small tree saplings in Band II. Noted this area is a progressive, not static, ecosystem. She would not want to remove all small trees. How small should a tree sapling be? She would like to see efforts to retain the healthiest trees in the Zone.

Councilmember Clark: Noted that setting an acceptable sapling size today, even at 1" DBH, only moves the life cycle of trees forward in Band II by a few years. Noted Town will evaluate this Transition Zone annually and can make cutting adjustments for next/future years.

Myrtle cutting discussion

Mayor O'Neil: Regarding myrtles, 25% of what and where gets saved?

Councilmember Clark: Noted wax myrtles can be hacked down to grow them like a shrub or allow them to grow tall as a tree. The approach to cutting the myrtles can affect definition of them being a shrub or tree.

Mayor O'Neil: Asked Director Henderson if he had a recommendation as to how many blocks would be reasonable to be considered "adjacent." Questioned if the majority of Band II would fall under forest area or not.

Director Henderson expressed difficulty providing a defined number of blocks. He noted that areas like Station 16 and SI Elementary School easily appear to be a forest but it is more difficult to determine a forest area in other portions of the Transition Zone.

Staff provided Google Earth perspective of Protected Land for reference, noting forest-like transition zone areas between Station 23-24 Station 16 and SI Elementary School. Staff stressed Staff will need a clear definition of a "forest" for cutting purposes.

Director Henderson noted the Tree Commission has funds for re-forestry initiatives. He asked Tree Commissioner Nat Robb to be present today if there were any questions of the Commission. Should Council decide to clear all myrtles in the Transition Zone, the Town could use funds to consider a systematic replanting of trees in the future.

Committee discussed modifying Band II to read:

Band II (40-100 feet):

- a. All trees shall be retained within this band except non-native invasive species. Minimum threshold for consideration of a tree shall be determined.**
- b. All understory, shrubs and myrtles shall be removed**

This amendment would remove reference to subjective terms such as "forest areas" and how to determine what 24% of myrtle should be retained.

Councilmember Clark noted that the Transition Zone was a compromise to allow for cutting management. The initial cutting would allow for staff to better manage the space. It was not the Town's intention to leave the entire Transition Zone as a bare space in the future.

Tree size discussion (continued)

Committee discussed Town's current tree replacement requirements. Director Henderson noted property owner planting mitigation requirements are: Trees a minimum of 2" DBH **and** 10-12' in height. Standards were set as optimal minimum tree size providing the best opportunity to thrive. He noted that, admittedly, these are trees from nurseries that get planted in yards.

Committee discussed using height as a better indicator for minimum tree, considering 12' and 15' minimum height.

Public Questions/Comments:

Susan Middaugh (2420 Raven Drive, SI)

- A forest is a sufficient tree canopy overstory to create an understory
- Recalled Council discussed minimum size of a sapling in depth and remembers 1" diameter for a sapling was proposed/discussed as a minimum sapling size to retain in Band II.
- Supports retaining some myrtles within Band II as a transition space. Otherwise, there will just be a wall of myrtles further down the Protected Land, closer to the beach/seaward. Submitted the transition zone was considered an important distinction with earlier Council.
- Submitted Town should move forward with the Plan approved by Council in 2016.

Bachman Smith (2724 Jasper Boulevard, SI)

- Noted the tree survey circa 2015 defined the tree sizes as basis for current cutting.
- As to trees in Transition Zones: Town should look toward future management of the area, evaluating and flagging those trees that the Town wants to preserve in the future (i.e. oaks).

Allison Bourland (1607 Atlantic Avenue, SI)

- Dead myrtles and vines are already choking and killing off the good trees in the Protected Land. Asked if the Town could at least deal with the vines and dead material before the hurricane season gets to its busiest time (September/October).

Chair Langley moved discussion back to Committee deliberation.

MOTION: Mayor O'Neil moved to recommend to Town Council modification of the Transition Zone Directives for bands 1 & 2 to read as follows:

1. Band I (0-40 feet):

- a. All trees \geq 6" DBH shall be retained, except cedar, pine and non-native invasive species trees**
- b. All understory, shrubs (including myrtles), cedar and pine species and small trees (defined as \leq 6" DBH) shall be removed.**

2. Band II (40-100 feet):

- a. All trees shall be retained within this band except non-native invasive species. Minimum threshold for consideration of a tree shall be determined.**
- b. All understory, shrubs and myrtles shall be removed.**

Seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.

Chair Langley noted Committee would return to Transition Zone management in future meetings.

4. Non-biodegradable Disposable Products

Chair Langley noted the Committee has discussed non-biodegradable disposable products and littering, in general, in past meetings. The Town has pursued community outreach and education but as stewards of the natural resources on this Island, the Town should proactively pursue progressive strategies for beach, marsh and ocean conservation. The Town should join our neighboring communities in requiring businesses to use/sale/rent biodegradable products and deter visitors from bringing non-biodegradable disposable products onto the beach, specifically polystyrene containers, single-use bags and plastic straws. She requested Committee make a recommendation to pursue ordinance language to that effect.

Public Comments:

Nat Robb (2209 Atlantic, SI) confirmed that, in his daily walks of the beach, he has seen polystyrene cups and single-use plastic bags, but has not personally seen plastic straw litter.

Wayne Guckenberger (2105 Pettigrew, SI) expressed support for taking a first step toward requiring visitors take their trash off the beach with them.

Manda Poletti (1771 Atlantic Avenue, SI) supports restaurants particularly aligning with products that are bio-degradable, especially for take-out. She would like to see the ban of non-biodegradable products on the beach and the parks/public spaces. Noted Andrew Wunderly, with Charleston Waterkeepers, was instrumental in the passage of similar ordinances in neighboring municipalities. She submitted he would be willing to help the Town develop and structure its ordinance if desired.

Bachman Smith (2724 Jasper Boulevard, SI) noted the problem with non-biodegradable products is more than what we see in parks or the beach; much more goes to landfills eventually.

Kimberly Brown (2118 Pettigrew, SI), reiterated her suggestion made at the last Committee meeting for Town to purchase more colorful, but still biodegradable, dog fecal refuse baggies (litter she observes the most).

Mark Howard (1820 Central) asked how the list of banned products (single-use bags, polystyrene containers and plastic straws) was developed and whether it came as a recommendation from an agency. Asked how the list would be evaluated and changed in the future. Noted that Town's Beach Services Officers (BSO's) haven't identified littering as the major area of concern on their beach patrols.

Committee Comments:

Chair Langley noted the list was developed based upon feedback from Charleston Waterkeeper (non-profit advocacy agency) and residents. Chair Langley indicated her support to add to the list of banned beach items in the future.

Councilmember Clark noted the Town should look toward the practicality of enforcement as that would be key to an ordinance's effectiveness.

Fire Chief Stith said he would investigate purchasing biodegradable dog fecal bags in brighter colors than dark green or brown.

MOTION: Mayor O'Neil moved to recommend Town Council instruct Staff to craft and devise a draft ordinance to accomplish the following: restrict the sale and dispersal of single-use plastic bags, plastic straws and polystyrene containers, to include usage on the beach and other public places; seconded by Councilmember Clark. MOTION UNANIMOUSLY PASSED.

There being no further business, the meeting was adjourned at approximately 10:12AM (Mayor O'Neil motioned; Councilmember Clark seconded; unanimously passed)

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

Approved at the August 21, 2018 Regular Council Meeting