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TOWN OF SULLIVAN'S ISLAND
DESIGN REVIEW BOARD

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DATE: July 16, 2008

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TIME: 6:00 PM

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LOCATION: TOWN OF SULLIVAN'S ISLAND
1610 Middle Street
Sullivan's Island, South Carolina

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MR. ILDERTON: It is 6:02, and it is --
we are at the July 26th, 2008 meeting of the
Sullivan's Island Design Review Board. And the
members in attendance are Duke Wright, Pat
Ilderton, Steve Herlong, Betty Harmon, Fred
Reinhard, and Cyndy Ewing.

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The Freedom of Information requirements have
been met for this meeting. The first item on
tonight's agenda is the approval of the 2008
minutes. Do I hear --

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11

MR. WRIGHT: I move they be approved
with one minor change on page 20. It was Paul
Boehm, not Bowen, who spoke at the meeting. Just a
minor error.

15

MS. HARMON: I have something on page
74, line number 24. It's got Mr. Herlong and then
Betty Herlong. It should be Steve Herlong, aye,
and Betty Harmon, aye.

18

19

MR. ILDERTON: Anything else?

20

MR. WRIGHT: I move the minutes be
approved.

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22 MR. ILDERTON: Do I hear a second?
23 MS. EWING: I'll second that.
24 MR. ILDERTON: Everybody in favor?
25 Aye.

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1 MR. WRIGHT: Aye.
2 MR. HERLONG: Aye.
3 MS. HARMON: Aye.
4 MR. REINHARD: Aye.
5 MS. EWING: Aye.
6 MR. ILDERTON: First item is 2514 I'on
7 Avenue, changes to historic property, accessory
8 structure number 113, Sullivan's Island landmark,
9 Atlanticville District. Kent?

10 MR. PRAUSE: This application concerns
11 2514 I'on Avenue. They're requesting preliminary
12 approval. Subject property is within the historic
13 district and is designated as an historic resource
14 in historic survey number 113. According to the
15 application, they propose five things.

16 One is an addition to the existing historic
17 home. Two is to relocate the HVAC stand. Three is
18 to relocate rear porch steps. Four is a fence, and
19 five is a shutter change. And the one there --
20 zoning standards compliance worksheet, it indicates
21 that they either meet all of the existing zoning
22 standards or have existing conditions if they don't
23 meet that are not proposed for change.

24 MR. ILDERTON: Thank you. The
25 applicant? Yes, ma'am.

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1 MS. ALLEN: I'm Elizabeth Allen with
2 Allen Design on behalf of the Ewings. We were
3 before you-all previously and got an approval for a
4 detached garage structure. After looking at that
5 again and then the homeowners reevaluating perhaps
6 what their needs were going to be, we decided to go
7 back to the drawing board and not pursue that
8 avenue in lieu of pursuing the application that is
9 before you right now, which is for an actual
10 addition to the existing historic structure.

11 When the owners looked at their -- further
12 down the line, their long-term needs for the house,
13 with a future expanding family of possible
14 potential grandchildren and needing some studio
15 space and a couple of extra bedrooms and another
16 bathroom, they've decided that an addition was a
17 better fit for them. So that's how we ended up
18 where we are today.

19 So in looking at that, we looked at the
20 existing house and the site in order to determine
21 what was the most sympathetic manner to tie a new
22 portion of structure into the existing house. So
23 what we have done is taken the new addition and
24 tied it to the existing house with an outdoor
25 living area that coincides with the corner of the

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1 rear dependency on the existing house, and it would
2 be accessed by the existing porch that runs
3 lengthwise down that dependency and then into the
4 new outdoor living area and then onto the porch
5 that leads into the new space, bedrooms and
6 bathroom.

7 That knuckle that we created there with that
8 outdoor living space accomplished siting and such
9 that we could still get an intimate area around the
10 swimming pool in the yard. It paid reverence and
11 delicacy to the existing structure in that, if ever
12 the need to, this addition could be removed, and
13 the existing structure, historic structure, would
14 remain intact and unaltered.

15 It also enabled us to be able to take care
16 of an elevation change that we were going to need
17 to have from the finished floor of the existing
18 house to the finished floor of the new addition.
19 They are going to be placing parking underneath the
20 new addition, and the current height of the
21 existing floor does not allow for parking
22 underneath the house.

23 So we have elevated the finished floor level
24 of the addition slightly above the first floor so
25 that we can park underneath, but we are not above

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1 the zoning standard of being less than 3 feet above
2 base-flood elevation. Base flood is at 15 feet,
3 and we're placing that new finished floor at 17'9".
4 The existing finished floor is at 16'2" from base
5 flood elevation, and grade falls at about 8'2".

6 So when we looked at the structure, we tried
7 to keep the scale and the mass and the placement
8 such that the existing house was still very evident
9 from the rear in that you would still see the
10 overall roof and mass of the existing house. You
11 would still see the form of the gable in the rear
12 at the dependency when you look from the Middle
13 Street side, and when you look from the I'on Street
14 side -- the I'on Avenue side, excuse me, the
15 addition will be hidden behind in the yard. So
16 we're not interrupting that wonderful facade that's
17 on the existing house.

18 And when we looked at how to do it, we
19 needed to keep in mind the Ewings are coordinating
20 with SHIPO right now for the work that they are
21 currently doing to rehabilitate the existing house.
22 And so anything that we do with the addition could
23 potentially impact that coordination. So we were
24 trying to be very careful with how we placed it and
25 the material that we chose and the roof line and

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1 that type of stuff so that when the project is then
2 reviewed as a whole by SHIPO, we are meeting and
3 maintaining their high standards that they look for
4 when you're talking about rehabilitation and
5 preservation of a historic structure.

6 And then it's just a few other items on
7 the -- when you look on the site plan, there are a
8 few things that are going on within the --
9 reworking on the existing house. We are relocating
10 the existing HVAC units and creating a little
11 service yard in the side yard of the existing
12 house, and that will be fenced in there. We are
13 rebuilding the rear stairs that come off the
14 existing porch and putting them back in their
15 configuration that they were on originally on the
16 house. We will still be putting in the swimming
17 pool, which was approved as part of the previous
18 submittal, and there will be in the future a
19 child's play area, play set area, in the yard, and
20 the --

21 When you look at the new structure, the only
22 two things to mention that are not on you-all's
23 drawings, the doors that leaned out of the two new
24 bedrooms onto the porch there are shown as a single
25 door with windows on either side. We would

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1 actually like to put in a French-door unit, a
2 two-leaf-French-door unit in each of those
3 bedrooms. And we are going to use either Bahama
4 shutters or paneled shutters on the windows of the
5 new structure. And the Bahama-type shutter above
6 the knee wall on the porch, the outdoor living area
7 that connects the existing house to the new
8 structure.

9 And I'll ask Mr. Ewing if he has anything
10 he'd like to add.

11 MR. EWING: No. I think you're doing
12 it well. I think the basic thing is -- I'm Blaine
13 Ewing, the owner -- is that we -- when we left you
14 the last time, we decided that -- we looked at what
15 we were doing in terms of money and time and effort
16 we would be putting in this garage, that we decided
17 we wanted to have a little bit more living area
18 mainly because we only have 1,600 square feet in
19 the house we got.

20 And so we wanted to add on a little bit more
21 living area. And in particular so that when people
22 come to stay, there's a place for them to stay and
23 also have sort of an outdoor living area with the
24 porch connected. So that's why we did it.

25 We are very sensitive to the fact that this

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1 house that we're in is an old and historic house.
2 Matter of fact, we're not talking about changing
3 anything structurally with that house, and we've
4 gone at length to maintain that structure and
5 upgrade it, as a matter of fact, in the last two or
6 three months.

7 I think we're also sensitive to the
8 neighborhood compatibility, and I think that this
9 design does keep that in mind. And I think -- and
10 by the way, our neighbors like it. So it's not

11 like it's something they feel is going to be
12 sticking out and is going to give them heartache.

13 MR. ILDEBERTON: Great. Thank you, sir.
14 Is there any public comment to this application?
15 Public comment section's closed then. And Kent,
16 anything to add or Mr. Robinson?

17 MR. PRAUSE: Just one thing, Mr.
18 Chairman, just to get it on the record. The
19 addition will be attached to the house through just
20 an open porch structure it looks like with no
21 heated space connection. That's fine. They'll
22 just need to record a deed restriction that that
23 part of the house can't be configured or rented out
24 as a separate dwelling unit. That's just a zoning
25 permit, Mr. Foreman.

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1 MR. ILDEBERTON: Thank you. Fred?

2 MR. REINHARD: Yes, sir. I have a
3 couple questions of the architect. Materials for
4 the roof and the siding of the new house --

5 MS. ALLEN: The siding will be
6 pressure-treated wood, and the roof will be metal
7 to match the existing structure.

8 MR. REINHARD: And the other one is I
9 notice on the site plan that the relocated
10 condensing unit appears to be within the side yard
11 setback, yet the new condensing unit is on the
12 correct side of the side yard setback; is that
13 right?

14 MS. ALLEN: Yeah. And it has to do
15 with where the existing ductwork and everything is
16 running.

17 MR. REINHARD: Oh. Is that a package
18 unit?

19 MS. ALLEN: No. But to be able to just
20 upgrade those units and move them and bring them
21 above flood to put them beside the house, the
22 existing house, and then we'll take the new unit
23 for the new space and put it on the other side.

24 MR. REINHARD: Well, does it make any
25 sense to co-locate the two units and put them

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1 someplace where this relocated one can't be seen
2 from the street? Is that a possibility?

3 MR. EWING: That's what we're doing.
4 We want to put a fence between those units and the
5 street.

6 MR. REINHARD: Is this unit a raised
7 unit? Is it on one --

8 MR. EWING: The existing unit is
9 raised.

10 MR. REINHARD: What about the -- as
11 shown on this drawing, is it raised?

12 MR. EWING: They are to be raised too.

13 MR. REINHARD: And how high will they
14 be?

15 MR. EWING: Whatever meets flood.

16 MR. REINHARD: Well, then does that
17 mean that your fence is going to have to be as high
18 to cover the unit in order to shield it?

19 MR. EWING: No. We want to basically
20 put some ladders right in front of the first unit
21 and just --

22 MR. REINHARD: The reason I say this,
23 Blaine, is if it were possible, if that's just a
24 condensing unit and you're just talking about
25 refrigeration lines --

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1 MR. EWING: Right.

2 MR. REINHARD: -- to move it a little
3 bit further back --

4 MR. EWING: Back meaning? Towards
5 Middle Street?

6 MR. REINHARD: Back towards Middle
7 Street.

8 MR. EWING: Okay.

9 MR. REINHARD: You could tuck it behind
10 the building and not even -- well, the service yard
11 probably has other functions.

12 MR. EWING: Correct.

13 MR. REINHARD: It's not just to hide an
14 air conditioner.

15 MR. EWING: You got it, correct.

16 MR. REINHARD: But if you could put it
17 back there and --

18 MR. EWING: A little bit further back?

19 MR. REINHARD: -- co-locate it with the
20 new unit, --

21 MR. EWING: We are. The new unit --
22 all three units -- all the units are supposed to be
23 on the same platform.

24 MR. REINHARD: Well, that's not what's
25 shown on this drawing.

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1 MS. ALLEN: No. The two for the
2 existing house are going to be on one platform.

3 MR. REINHARD: Oh, okay.

4 MS. ALLEN: And the one for the new
5 addition will be located closer to its --

6 MR. REINHARD: My only concern is that
7 when you walk down the street and you look towards
8 your service yard --

9 MR. EWING: I'm with you.

10 MR. REINHARD: -- that you not see it.
11 And you can accomplish that just by moving it
12 behind the little notch right here of the house --

13 MS. ALLEN: Put it behind the
14 dependency.

15 MR. REINHARD: -- where the new one is.
16 If you move this one here, then you don't have to
17 worry about seeing it. That's my point. That's
18 all I have.

19 MR. EWING: Yeah. I'm with you. I'm
20 with you.

21 MR. ILDERTON: There just may be an
22 issue with the efficiency of running the freon
23 lines longer than you have to run.
24 MR. REINHARD: That's true.
25 MR. ILDERTON: That's the only thing to

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1 worry --
2 MR. EWING: Yeah. And I asked a guy
3 about that, about how far we can run it, and --
4 MR. REINHARD: Sometimes if you upgrade
5 the diameter of the line, you can run it further.
6 MR. EWING: Yeah. He said it wasn't
7 any problem.
8 MR. REINHARD: That's all.
9 MR. EWING: The only thing about that,
10 and I was just thinking about putting it at the
11 end, is that you're going to be hearing that on
12 that porch if you're sitting on that porch. And
13 the reason we put it --
14 MR. REINHARD: Is it a new one?
15 MR. EWING: Yeah.
16 MR. REINHARD: Because the new ones
17 don't make as much noise as what's coming out of
18 this vent right here.
19 MR. EWING: And I'd have to look at it
20 on the porch, but I'd rather have it on the side.
21 MR. REINHARD: I'm not making my
22 approval contingent on this. I'm just making an
23 observation.
24 MR. EWING: Can I take it under
25 consideration on that?

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1 MR. REINHARD: Take it under
2 consideration.
3 MR. ILDERTON: Billy?
4 MR. CRAVER: I like it.
5 MR. ILDERTON: Betty?
6 MS. HARMON: I think it's much improved
7 over the last time. I do have some questions. I
8 agree with Fred on the relocation of the air. And
9 what size are the pergolas?
10 MS. ALLEN: They are -- I believe the
11 one that's behind the pool is about 8-by-14
12 approximately.
13 MS. HARMON: That's on the -- if you're
14 facing I'on, that would be on the left?
15 MS. ALLEN: Yes, ma'am.
16 MS. HARMON: It's how much? What size?
17 MS. ALLEN: It's about 8-by-14.
18 MS. HARMON: Can you have them that
19 big, a pergola?
20 MR. PRAUSE: Excuse me. What now?
21 MS. HARMON: What size can a pergola
22 be?
23 MR. PRAUSE: Well, I think we went
24 through this last time. It's going to be an
25 accessory structure. They're limited to size and

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1 height --

2 MS. HARMON: Yeah.

3 MR. PRAUSE: -- which it's going to be
4 -- is this the one we considered to have a roof,
5 cabana, garage, and a greenhouse, et cetera? It's
6 under 21-138A, be to not exceed 25 percent of the
7 principle building square footage and total
8 combined square footage of all accessory structures
9 or 750 square feet. No one structure may exceed
10 750 square feet total area. Includes the area
11 below BFE and above excluding a roof overhang 30
12 inches beyond the footprint. And the footprint
13 itself shall not exceed 625 square feet.

14 MS. ALLEN: We are within all of those.

15 MS. HARMON: You are?

16 MS. ALLEN: Yes, ma'am.

17 MS. HARMON: Now, the windows, are they
18 going to be true divided or just wooden? True
19 divided light?

20 MS. ALLEN: The owner's preference is
21 that they be true divided light. I do not know
22 that we will be able to make that happen within the
23 current building code. They will be wood windows,
24 but there is a possibility they will be simulated
25 divided light. We are still trying to make that

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1 determination, but the windows will be wood.

2 MS. HARMON: Now, about the height, the
3 add-on is going to be how much taller than the
4 house is now?

5 MS. ALLEN: Are you talking about the
6 floor levels?

7 MS. HARMON: I'm talking about grade
8 level to the first floor.

9 MS. ALLEN: The existing house is
10 16'2", finished floor is 16'2", and the new
11 addition is finished floor at 17'9".

12 MS. HARMON: I'm wondering why you
13 would want to go higher.

14 MS. ALLEN: We have to, to be able to
15 park underneath it. There is not room to park
16 under the existing house. So in order to be able
17 to park underneath it, we have got to elevate the
18 structure.

19 MR. EWING: Yeah. As a matter of fact,
20 I can barely walk underneath as it sits right now.

21 MS. HARMON: From grade to first floor
22 is 14 feet?

23 MS. ALLEN: No. From grade to first
24 floor -- grade is at 8'2", and the first floor is
25 at 17'9". So we are --

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1 MS. HARMON: You're right at eight?

2 MS. ALLEN: No. We're at just over
3 nine.

4 MS. HARMON: Just over nine?

5 MS. ALLEN: Yes, ma'am.
6 MS. HARMON: Well, in the second
7 meeting of this, Blaine was here, and he was
8 talking about -- when we were talking about the --
9 and I forgot who -- the Walshes, and he said that
10 there was a house down the street that was 8 feet,
11 and people could park under it. And I'm just
12 trying to figure out what's changed. Why can't you
13 park under there? Why can't you get parked -- if
14 somebody down the street can park under it with a
15 Jeep at 8 feet, then why can't you-all park under
16 it?

17 MR. EWING: Well, I'll tell you what.
18 I'll give you 50 cents if you can park your car
19 underneath our house.

20 MS. ALLEN: What I can say is that we
21 have laid out our elevations coming up from grades
22 where our splash height ends --

23 MS. HARMON: But it doesn't really need
24 to be as high as what you're going to do it.

25 MS. ALLEN: Let me finish -- we are as
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1 low as we can to get garage doors in and be able to
2 have, you know, the potential structure for a
3 garage-door opener, and we are putting our ceiling
4 in our garage area as low as we can to be able to
5 use that space for parking. We have not elevated
6 it an extra inch than we have to. I can absolutely
7 assure you of that.

8 MS. HARMON: Well, here it is. It says
9 a house four doors down is 8 feet, and a car fits
10 under it.

11 MS. ALLEN: Betty, all I can say is
12 that we have -- we are not going an inch higher
13 than we need to to be able to park underneath there
14 because we don't want to have -- we're trying to
15 minimize our elevation change from existing to new.

16 MR. EWING: What do you want us to do,
17 lower it a foot?

18 MS. HARMON: Yes. I would like to see
19 it the same height as your house.

20 MS. ALLEN: You can't put it as the
21 same height as the house and park underneath it.

22 MR. EWING: You just can't do it.
23 There's no way. I'd be more than willing to take
24 you down there, and you try to put your car
25 underneath our house. You can barely get a golf

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1 cart under there.

2 MS. ALLEN: The beam that's there just
3 barely clears your head.

4 MR. EWING: Yeah.

5 MS. ALLEN: That was the whole reason
6 that originally came for the garage because they
7 can't park underneath the house.

8 MR. EWING: You got it.

9 MS. ALLEN: So we've now taken that

10 same function and been able to incorporate it under
11 this addition, and we've kept the square footage of
12 that addition as small as we can by incorporating
13 being able to park underneath the porch as well.
14 So we have kept the footprint as small as we can.
15 We have kept the finished floor elevation as low as
16 we can, and we have been very mindful of our
17 overall ridge height so that when you -- from
18 Middle Street this structure will not impede the
19 view of the main mass behind it. So we've been
20 very careful about how we've, you know, set all
21 those up so that we try to maintain, you know, some
22 cohesion to the entire property but to be able to
23 allow them to be able to park underneath that
24 structure. But they cannot place the new floor
25 elevation at the existing floor elevation and park

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1 underneath the house. They cannot do it. They
2 cannot currently park underneath their house right
3 now.

4 MS. HARMON: Are you-all bringing in
5 dirt on the backyard?

6 MS. ALLEN: No. We don't anticipate
7 bringing in any fill. The existing grades are
8 going to stay as they are, and that's something
9 that -- the ordinance does not allow you to bring
10 in any fill.

11 MR. EWING: As far as the yard is
12 concerned, I am going to bring probably some dirt
13 in to put underneath -- out there in the back wall
14 grass, absolutely.

15 MS. ALLEN: That's just topsoil.

16 MR. EWING: Yeah.

17 MS. ALLEN: We're not raising the grade
18 elevation.

19 MS. HARMON: Okay.

20 MS. ALLEN: No, ma'am.

21 MR. ILBERTON: Steve?

22 MR. HERLONG: I think in general this
23 is a very pleasing addition to a historic home.
24 You've separated it. You've done all the things
25 that I think we're all encouraged to do on the

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1 Island. Just a couple of very small comments. I
2 looked at -- and it may just be some graphic
3 issues.

4 MS. ALLEN: Okay.

5 MR. HERLONG: The fireplace probably
6 when I look at the elevation, it's a cantilever
7 fireplace. I'm thinking you would probably want a
8 foundation to the ground for the outdoor fireplace.
9 It looks like it's cantilevered.

10 MS. ALLEN: It is cantilevered right
11 now. We could possibly be bringing that down on
12 tiers. We're going to try not to, see what we can
13 do structurally to make it work.

14 MR. HERLONG: I think that would look a

15 lot better if it did --
16 MS. ALLEN: If it was grounded?
17 MR. HERLONG: -- come down to the
18 ground. And as well, the bathroom addition that
19 creates a little gable on the Middle Street facade,
20 on the Middle Street elevation, it appears that the
21 lattice bumps out, yet on the side elevation, it
22 looks cantilevered.
23 MS. ALLEN: It does. That section does
24 cantilever as well.
25 MR. HERLONG: Well, I think it

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1 probably -- that looks like on the rear elevation,
2 the latticework comes out to match that wall, and
3 that probably would also look more compatible in an
4 historic home I think.
5 MS. ALLEN: We could do that. As drawn
6 it is intended to cantilever with the garage door
7 recessed at the same -- in the same plane as the
8 other two doors.
9 MR. HERLONG: And is this a preliminary
10 or final?
11 MS. ALLEN: We're in for preliminary.
12 If you-all are happy enough with it to give us
13 final, that'd be excellent.
14 MR. EWING: I would love to have it as
15 final. We've been working on this thing for a long
16 time.
17 MS. ALLEN: Don't take it personally,
18 but if we don't have to come back next month,
19 that'd be fine with us.
20 MR. EWING: I'd be very happy. I'd be
21 very happy.
22 MR. HERLONG: That's all I have.
23 MR. ILBERTON: I'm fine with the
24 proposed project.
25 MR. WRIGHT: I have no trouble with

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1 this project. The only question I have is on the
2 form B, I think the numbers maybe need to be
3 adjusted on the principal building coverage area
4 and the principal building square footage showing
5 the accessory building footprint in terms of square
6 footage to add to the principal building footprint.
7 It doesn't change anything. It's just I think it
8 needs to. Playing the numbers game, you need --
9 MS. ALLEN: Well, it is all -- it will
10 end up being all one structure because it's
11 connected.
12 MR. WRIGHT: Well, the pool is a --
13 MS. ALLEN: Oh, yes. The pool, you're
14 right.
15 MR. WRIGHT: -- is an additional
16 structure.
17 MS. ALLEN: I got you. No problem.
18 MR. ILBERTON: Do I hear a motion?
19 MR. CRAVER: I move that we give final

20 approval to this as presented.
21 MR. ILDERTON: Do I hear a second?
22 MR. REINHARD: Second.
23 MR. ILDERTON: Discussion? Everyone in
24 favor? Aye.
25 MR. WRIGHT: Aye.
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1 MR. HERLONG: Aye.
2 MS. HARMON: Aye.
3 MR. REINHARD: Aye.
4 MS. EWING: Aye.
5 MR. CRAVER: Aye.
6 MR. EWING: Thank you very much.
7 MR. ILDERTON: 2412 Quarter Street
8 accessory structure/fence number 369 traditional
9 island resource, Atlanticville district. Kent?
10 MR. PRAUSE: Did they send over a copy
11 of the layout?
12 MR. GOODMAN: I thought that he
13 submitted it, I think.
14 MR. PRAUSE: This is a proposal for a
15 final approval. It doesn't say whether it's in the
16 historic district or designated as a resource on
17 the application, but apparently according to the
18 agenda, it's number 369, a traditional island
19 resource.
20 I guess they're asking for two options. One
21 would be a wood picket option, and one would be a
22 vinyl option. And they show the proposed play area
23 on a portion of the site plan, and they've included
24 an estimate. Apparently estimated cost of the wood
25 was \$2,500 painted. The estimated cost of the
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1 vinyl was 3,000, but then they submitted something
2 from AAA Fence Company that was 1,585 and a 4-foot
3 vinyl fence at 2,925.
4 And there's another aspect of it that's --
5 that I'm not quite sure I understand. It has a
6 note that says pickets on both fences will be on
7 the inside of the fence so the children cannot
8 climb up the fence, but I don't see where that
9 would really have a bearing on the ability to climb
10 up the fence. And it would look really awkward if
11 the pickets were on the inside of the fence.
12 MR. ILDERTON: Must cost a lot more.
13 MR. PRAUSE: So you might want to
14 address those aspects.
15 MR. ILDERTON: Yes, sir. You're on
16 now.
17 MR. GOODMAN: I'm Michael Goodman.
18 We're new to the Island. We're from North
19 Carolina. I'm coming down here to do an oncology
20 fellowship at MUSC. So we just wanted to put a
21 little play area onto that property at 2412 Quarter
22 Street, and it doesn't matter if the pickets are
23 inside or outside. Whatever -- outside would
24 obviously look better. I'm from a historic

25 neighborhood in Salisbury, North Carolina. But
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1 that's all we'd propose. We just put that small
2 area to be fenced in just so my kids have a place
3 to play during the day.

4 MR. ILDERTON: Great.

5 MR. GOODMAN: That's about all.

6 MR. ILDERTON: Thank you. Duke?

7 MR. WRIGHT: I would prefer to see a
8 wood fence as opposed to vinyl --

9 MR. GOODMAN: Yeah. I would too.

10 MR. WRIGHT: -- since the house is a
11 historic house.

12 MR. GOODMAN: Right.

13 MR. WRIGHT: And I've looked at it. I
14 think it's fine.

15 MR. ILDERTON: I'm sorry. I'm jumping
16 the gun here. Is there public comment on this
17 application? Okay. Public comment section is
18 closed and --

19 MR. PRAUSE: Just to mention the other
20 aspect, he said it could be painted after, I guess,
21 the wood-treated, pressure-treated lumber. I'm
22 curious a bit. It says after three to six weeks,
23 but you-all should at least be cognizant of that
24 fact whether or not you want it painted and what
25 color if at all painted.

0028

1 MR. ILDERTON: Right.

2 MR. WRIGHT: That's all I have.

3 MR. ILDERTON: I also would love to see
4 it wood myself. So that's the only thing I would
5 say, that it'd be nice if it was painted. Steve?

6 MR. HERLONG: I think it'd be fine to
7 do a fence, and I agree a painted-wood fence would
8 be most appropriate.

9 MR. ILDERTON: Betty?

10 MS. HARMON: I agree.

11 MR. ILDERTON: Fred?

12 MR. REINHARD: I agree.

13 MR. ILDERTON: Cyndy?

14 MS. EWING: (Nodded.)

15 MR. ILDERTON: Billy?

16 MR. CRAVER: Yeah.

17 MR. ILDERTON: Do I hear a motion?

18 MR. GOODMAN: Was there anything on
19 about like enclosing like an outdoor shower on the
20 side or no? Did I actually put that on my -- no?
21 I'll ask you-all what you-all think about that. If
22 you-all don't agree with that, that's fine.
23 There's an outdoor shower on the side of the house
24 where the fence is being put in. Like, you know,
25 on that side there -- on the side of the house,

0029

1 there's a showerhead. Would it be bad to enclose
2 that shower? If it is, that's fine; if not,
3 whatever you-all think.

4 MR. ILDERTON: With a fence like
5 lattice or --
6 MR. GOODMAN: Right. Like a little --
7 yeah.
8 MR. ILDERTON: -- like similar to your
9 fence?
10 MR. GOODMAN: Or wood.
11 MR. ILDERTON: I'd say tie it to the
12 fence and make it sort of look like that --
13 MR. GOODMAN: Right.
14 MR. ILDERTON: -- we could make that
15 approval, but instead of the --
16 MS. EWING: Can we say it goes to staff
17 for approval?
18 MR. ILDERTON: Yeah. It can go to
19 staff for approval.
20 MS. EWING: Fred's famous line.
21 MR. GOODMAN: If anybody doesn't like
22 it, that's fine.
23 MR. REINHARD: That'd be nice.
24 MS. EWING: We're counting on you,
25 Randy.

0030

1 MR. CRAVER: We can make a motion, a
2 move for approval with painted-wooden fence and
3 outdoor shower enclosure to be approved by staff.
4 MR. WRIGHT: Second.
5 MR. HERLONG: Second.
6 MR. ILDERTON: Discussion?
7 MS. EWING: I would just ask that we
8 clarify that the pickets are on the exterior of the
9 fence --
10 MR. GOODMAN: Yeah. I would agree.
11 That's fine.
12 MS. EWING: -- if you can add that.
13 MR. CRAVER: Consider it added.
14 MR. ILDERTON: Great. Everybody in
15 favor? Aye.
16 MR. WRIGHT: Aye.
17 MR. HERLONG: Aye.
18 MS. HARMON: Aye.
19 MR. REINHARD: Aye.
20 MS. EWING: Aye.
21 MR. CRAVER: Aye.
22 MR. ILDERTON: Thank you, sir. 406
23 Station 12, accessory structure/Arbor. I am going
24 to excuse myself.
25 MR. TANENBAUM: That's us.

0031

1 MR. HERLONG: Kent, do you have a
2 presentation for us?
3 MR. PRAUSE: As mentioned, 402 Station
4 12 Street --
5 MR. HERLONG: 406 Station 12.
6 MR. PRAUSE: Application says 402.
7 Apparently that's an error. 406 Station 12.
8 Submittal is outside of historic district, not

9 classified as historic. Accessory structure for an
10 arbor as to construct an arbor within the existing
11 footprint of the existing pool deck, and it's
12 submitted drawings that show the proposed arbor and
13 a site plan that shows the arbor on the existing
14 pool deck.

15 MR. HERLONG: Thank you. Is the
16 applicant present?

17 MR. SMITH: I'm the applicant. My name
18 is Derrick Smith, and I'm representing Mark
19 Tanenbaum to get this arbor approved. It's an 8
20 foot by 7-and-a-half foot EPAY structure. I didn't
21 show the slats on the drawing just because it would
22 kind of busy the drawing up, but there will be
23 slats about every foot, maybe foot-and-a-half so
24 that he can grow some vines on it, provide some
25 shade on his deck. We're not increasing any

0032

1 footprint. It's going on top of the existing
2 conforming deck.

3 MR. TANENBAUM: It's going to go right
4 in this area right here where there's a table right
5 there.

6 MS. KENYON: State your name.

7 MR. TANENBAUM: Mark Tanenbaum. And a
8 deck -- the arbor's going to go --

9 MR. CRAVER: The arbor's right here.

10 MR. TANENBAUM: Right here.

11 MR. CRAVER: Right. Where it says
12 arbor.

13 MR. TANENBAUM: Where the deck is.
14 Yeah. Where it says arbor. I didn't see that.

15 MR. SMITH: Right. I don't think I
16 have anything else to say. It's pretty
17 self-explanatory. I think it's a good-looking
18 structure.

19 MR. HERLONG: Is there any public
20 comment? Public comment section is closed. Kent
21 or Randy, any final comments?

22 MR. PRAUSE: None.

23 MR. HERLONG: Duke?

24 MR. WRIGHT: I don't have any comments.

25 MR. HERLONG: Betty?

0033

1 MS. HARMON: I think you need it for
2 shade. I'm fine with it.

3 MR. HERLONG: Fred?

4 MR. REINHARD: I think it looks good.

5 MR. HERLONG: Cyndy?

6 MS. EWING: It looks great.

7 MR. HERLONG: Billy?

8 MR. CRAVER: It's fine with me.

9 MR. HERLONG: Do I hear a motion?

10 MR. WRIGHT: I move to approve the
11 submittal.

12 MR. CRAVER: Second that.

13 MR. HERLONG: All in favor of the

14 motion? Aye.
15 MR. WRIGHT: Aye.
16 MS. HARMON: Aye.
17 MR. REINHARD: Aye.
18 MS. EWING: Aye.
19 MR. CRAVER: Aye.
20 MR. HERLONG: Any opposed? None
21 opposed. Thank you very much.
22 MR. ILDERTON: 405 Station 22. New
23 construction number 214, Sullivan's Island
24 landmark. Kent, what do you have?
25 MR. PRAUSE: I assume they are asking

0034

1 for final approval although it's not checked on the
2 application because they indicate they've received
3 preliminary approval already, and it also appears
4 that all of the zoning standards will be met except
5 for the provision of 2130, which allows the DRB to
6 grant an additional 1 foot above the finished
7 elevation -- or the finished floor, first floor,
8 which they're asking for. And they've submitted
9 site plan and plan drawings including floor plans
10 and elevations.

11 MR. ILDERTON: Thank you. Is the
12 applicant -- yes, ma'am.

13 MS. BROWN: Heidi Brown. I'm the owner
14 of the house -- or that will be. There's been just
15 a few basic changes. The actual house has been
16 reduced in square footage. So although the
17 locations of the windows have changed ever so
18 slightly because we took out about 160 square feet
19 off the sides of the house. So we still have the
20 same amount of windows, but they've been shifted
21 ever so slightly to accommodate the changed size.

22 We are asking for a 1 foot exception
23 over the flood zone because we are in AE14 flood
24 zone, and our site is -- varies between 8 and 8.9
25 on the site so in order to get parking underneath

0035

1 the house, we're going to have to go up another
2 approximately point -- eight-tenths of a foot.
3 That's to allow us a 7-and-a-half foot ceiling
4 height on the ground floor so that we can have
5 garage doors and the openers that's required to
6 open them. So that is -- the one exception we're
7 asking for is an additional 1 foot over the flood
8 zone requirement now.

9 MR. ILDERTON: Great. Thank you.

10 MS. BROWN: Thank you.

11 MR. ILDERTON: Thank you. Is there any
12 public comment to this application? Public comment
13 section then is closed. Anything to add, Kent or
14 Randy?

15 MR. PRAUSE: No. I don't have
16 anything.

17 MR. ILDERTON: Great. Billy?

18 MR. CRAVER: I'm fine with it.

19 MR. ILDERTON: Fred?
20 MR. REINHARD: It's a nice design. I
21 really like the way the windows worked out.
22 MR. ILDERTON: Cyndy? Sorry, Cyndy, I
23 didn't mean to skip you.
24 MS. EWING: I might just have -- now,
25 did we approve the materials before? So
0036
1 HardiPlank? Is HardiPlank --
2 MR. PRAUSE: (Nodded.)
3 MS. EWING: And the roof is going to be
4 5B?
5 MS. BROWN: I'm sorry?
6 MS. EWING: The roof is going to be 5B?
7 MS. BROWN: 5 feet?
8 MS. EWING: 5B Krivit.
9 MS. BROWN: Oh, yes, yes.
10 MS. EWING: Yeah. It looks good.
11 MS. BROWN: Thank you.
12 MR. ILDERTON: Betty?
13 MS. HARMON: I'm fine with it.
14 MR. ILDERTON: Steve?
15 MR. HERLONG: Let me just try and
16 clarify. I'm a little confused. This is not a
17 historic district; is that correct?
18 MS. BROWN: Correct.
19 MR. HERLONG: So that would be the
20 reason you could use HardiPlank. I think we've had
21 questions about that in the past. Generally when a
22 home is in one of the historic districts, we
23 request wood, but since you're not in a district,
24 HardiPlank would be fine. And I'm fine with it as
25 well.
0037
1 MR. ILDERTON: I am also fine with it.
2 Duke?
3 MR. WRIGHT: I agree. We've looked at
4 the design a lot over the last several years, and I
5 hope you can get underway with it.
6 MS. BROWN: Me too.
7 MR. ILDERTON: Do I hear a motion?
8 MR. CRAVER: Move for approval as
9 submitted.
10 MR. WRIGHT: Second.
11 MR. ILDERTON: Discussion? Everybody
12 in favor? Aye.
13 MR. WRIGHT: Aye.
14 MR. HERLONG: Aye.
15 MS. HARMON: Aye.
16 MR. REINHARD: Aye.
17 MS. EWING: Aye.
18 MR. CRAVER: Aye.
19 MR. ILDERTON: Great. 3030 Marshall
20 Boulevard, accessory structure/pool. Kent?
21 MR. PRAUSE: It's outside of the
22 historic district. It's not classified as
23 historic. What they're proposing is an in-ground

24 gummite swimming pool with 400 square feet of
25 herbiest decking. They have submitted a site plan
0038

1 showing where this location is to -- of the pool.

2 MR. ILDERTON: Great. Is the applicant
3 here or need to say anything? Yes, ma'am.

4 My name is Danielle with Blue Haven
5 Pools. I don't need to say anything unless you
6 guys have questions. I think we're within the
7 setbacks.

8 MR. ILDERTON: Great. Thank you. Is
9 there any public comment to this application?

10 MS. ODLE: Yeah. Can I ask how much
11 property is going to be left? You know, the
12 existing property after the pool?

13 MR. PRAUSE: Impervious surface
14 coverage, principal building is 2,063, covered
15 porch is 747, pool patio 340, total is 44,139. Lot
16 size is 13,556 square feet so probably a pretty
17 good amount left.

18 MR. ILDERTON: So they're way under the
19 pervious surface requirements?

20 MR. REINHARD: Only like 30 percent of
21 it.

22 MR. CRAVER: They'll have to be under
23 it.

24 MR. REINHARD: It's only 30 percent of
25 the entire lot.

0039

1 MR. PRAUSE: Is the maximum?

2 MR. REINHARD: Right. It's fine.

3 MR. PRAUSE: Right.

4 MR. ILDERTON: So apparently there's
5 lots more room left on the property? Is that what
6 we're saying?

7 MR. PRAUSE: Yeah. It's about a fifth
8 of the property.

9 MS. ODLE: Okay.

10 MR. ILDERTON: Public comment? Any
11 other public comment? Public comment section then
12 is closed. Anymore, Kent, Randy? Board
13 discussion? Duke?

14 MR. WRIGHT: I have no problem with it.
15 I've looked at the site. It's next door to my
16 house.

17 MR. ILDERTON: Yeah, it is.

18 MR. WRIGHT: It looks like it's going
19 to be fit in there fine.

20 MR. ILDERTON: And I think it's fine
21 also. Betty?

22 MS. HARMON: I think it's fine.

23 MR. ILDERTON: Fred?

24 MR. REINHARD: Yes, sir.

25 MR. ILDERTON: Cyndy?

0040

1 MS. EWING: Yes.

2 MR. ILDERTON: Do I hear a motion?

3 MR. WRIGHT: I move it be approved to
4 submit it.
5 MR. REINHARD: Second.
6 MR. ILDEBERTON: Everybody move in favor
7 say aye. Aye.
8 MR. WRIGHT: Aye.
9 MR. HERLONG: Aye.
10 MS. HARMON: Aye.
11 MR. REINHARD: Aye.
12 MS. EWING: Aye.
13 MR. CRAVER: Aye.
14 MR. ILDEBERTON: 2213B Middle Street.
15 Oh, I can't say that.
16 MR. HERLONG: Kent, what do we have
17 here?
18 MR. PRAUSE: Where do I start? This
19 actually has been before you once already. And I
20 thought inadvertently that it had been deferred,
21 but that's apparently was not the case. It was
22 actually denied. And they're back essentially with
23 the same request.
24 There are a number of issues or problems,
25 and I've got some concerns. I'll just lay them all
0041

1 out for you. You can't just keep coming back to
2 get turned down and asking again and again and
3 again. The options for once you've been denied is
4 you're given a -- by certified mail -- a copy of
5 the proceedings or a final order, which is actually
6 the verbatim transcript of the meeting, and
7 accompanied with that is a letter signed by me
8 stating your options.

9 One of which is you can either appeal to
10 circuit court if you feel aggrieved by the
11 decision, or you can ask for a rehearing. But both
12 of those are time sensitive. One is 30 days. The
13 other is 15 days, and the request for rehearing is
14 not just automatic. It has to be a reason why that
15 the board makes a finding that something was
16 different that you couldn't have presented the
17 first time or that the circumstances have changed
18 or something to that effect.

19 The problem that we have in that regard is
20 that the application was incorrectly filled out,
21 and the final order was sent to the property owner,
22 not the applicant. And I don't think the
23 applicant's ever received a final order, have you?

24 MR. SEELS: We have not.
25 MR. PRAUSE: So the owner -- it was

0042
1 received certified mail. They just neglected to
2 even translate that order or the instructions as to
3 the repercussions of that denial to the applicant.
4 So they have no knowledge of this. I mean, that's
5 not to mean that there's not an ability to have
6 constructive knowledge, but they just apparently
7 don't have any actual knowledge and just reapplied.

8 So that's an issue.

9 But if you decide to rehear it or decide to
10 entertain it, I would suggest you probably do so
11 under perhaps a request for a rehearing. I don't
12 know how the time limitation fits into that since
13 these guys haven't even been served -- haven't
14 received the note -- the order and the instructions
15 of what they should have done.

16 But perhaps -- and I don't know how that
17 time frame plays in, but also town council has
18 passed -- apparently passed a resolution -- I don't
19 have a copy of that. Could we have a copy of
20 that -- in which they have now designated this
21 Durst parking area, even though it's in a
22 residential zoning district, they have designated
23 it as suitable for commercial parking for use of
24 businesses in the commercial district, which that
25 is something that was different than the first time

0043

1 around, and perhaps they could -- you could couch
2 it in those terms, say it's a rehearing that
3 they're asking for consideration in that regard
4 because they didn't have that before. That's
5 you-all's decision, and I would just like you to
6 put some kind of findings on the record as to
7 whether or not, if you do hear it, why.

8 Some other aspects of it that I'm concerned
9 about is it's still the same thing where we have
10 this valet parking in the front where now there is
11 perpendicular parking, and now, it counts as valet
12 and loading. But it's located entirely within the
13 right-of-way part of the drawing, and I believe
14 that you could put a loading zone in there. You'd
15 need a DOT encroachment permit, and they typically
16 post it with a sign that says loading zone. And
17 you have to have a commercial vehicle to park there
18 or to utilize that space. I don't know how this
19 valet thing would work in conjunction with a
20 loading zone.

21 And the fact that it's just there in the
22 public right-of-way, I mean, I don't think you can
23 just usurp a space in the public right-of-way for
24 the sole use of the business that's adjacent to it
25 for valet parking. That hadn't been clarified with

0044

1 the DOT for one thing. Perhaps it would be better
2 served if this valet parking went through the
3 existing parking lot rather than out there on the
4 street.

5 The other aspect of it is I've looked at it,
6 and it appears, just depending on where that would
7 be -- this is on an aerial survey. It's not really
8 drawn to scale -- how that would work. They show
9 an edge of asphalt here, but you-all are aware of
10 the situation. When you get to that intersection
11 at Station 22-and-a-half and Causeway, there's a
12 dedicated left-turn lane and a dedicated through

13 lane to the right for through traffic. And I don't
14 know -- it seems like there might be a conflict
15 with people trying to stop there to valet park and
16 that through traffic going through on the right
17 trying to get around the people trying to make a
18 left-hand turn. That really hasn't been studied or
19 properly set forth on this drawing in my opinion.

20 The other aspect is that it's supposed to be
21 prepared by a knowledgeable professional that knows
22 about parking standards and layouts and things of
23 that nature, and I don't think that's been
24 accomplished. And we've got a letter here that
25 says there's a -- Durst Medical Practice has

0045

1 entered into an agreement to allow Off The Hook
2 parked cars in our parking lot, but we don't have a
3 copy of that agreement. And so we don't know what
4 it says.

5 And the zoning ordinance actually says you
6 need to have deed restrictions on property for
7 joint use of shared parking that the development
8 rights are circumscribed on that property that
9 don't allow you to do anything else with it except
10 for parking unless that parking is then provided
11 elsewhere. And so we don't have that.

12 If you do decide to hear it though and if
13 you do decide to grant it, I would recommend that
14 you put some conditions on it. One would be that
15 it's of a limited duration, that it only coincides
16 with the duration that apparently is on this
17 council resolution. They only specified this as
18 suitable for parking for a suitable length of time
19 because they're concerned about the consultant that
20 they're going to hire to present a plan, a
21 commercial plan for that area; that it wouldn't
22 exceed whatever the time frame is on that
23 resolution; and that if this parking agreement is
24 ever revoked, that they would have to go back to
25 what's there right now. And third, if it doesn't

0046

1 work, that it does present a conflict with that
2 dedicated right through lane, that they would also
3 have to go back to what it is right now, and that
4 would be determined either by the police or the DOT
5 or the zoning administrator. And that's pretty
6 much all I have. That's a lot. So it's in your
7 hands now.

8 MR. HERLONG: Is there any public
9 comment about this application?

10 MR. RAMSEY: Yes. My name's John
11 Ramsey, and we live at 2216 I'on, which is right
12 behind the parking lot next to Off The Hook. And
13 so the reason we came tonight is just to make sure
14 that the board is aware of our concern about any
15 impact on the noise that this might have either
16 positive or negative because we have had
17 considerable issues with noise as you can imagine.

18 And so we're trying to deal with those issues, and
19 just anything that this might do to change either
20 positive or negative the noise associated with
21 people coming to and from the restaurant or staying
22 around the restaurant late at night would be
23 appreciated.

24 MR. HERLONG: Thank you. Yes.

25 MS. BROWN: I just have a question

0047

1 because I'm unclear of what's happening. Are the
2 plans to get rid of the perpendicular -- the four
3 or five perpendicular parking spots in front of the
4 restaurant in lieu of moving the bumpers?

5 MR. PRAUSE: Yeah, that's it. Right.

6 MS. BROWN: My concern is that we're
7 just so tight on parking right now. Where we live,
8 it's just constant parking on the weekends, and I
9 just hate to see the town lose three or four or
10 five parking spots when we so drastically need
11 them. So I'd like for you-all to just weigh that
12 with great concern.

13 MR. HERLONG: Any other comments? Yes.

14 MS. VOTAVA: Hi. I'm Pat Votava. I'm
15 at 2214 Jasper. Certainly what the Ramseys have
16 said and what Heidi has said, I would echo those
17 concerns.

18 In addition to that, really the commercial
19 study, as I understand from council, is going to be
20 underway -- the study of the commercial district --
21 very soon. And I think we've heard through
22 planning commission, DRB, and town council all some
23 concern expressed that we not do anything that kind
24 of piecemeals this but that we really give the
25 consultants that we're hiring an opportunity to

0048

1 come up with some recommendations and do that in a
2 real respectful way with everybody on the Island as
3 residents having an option at that particular point
4 in time including the businesses to state their
5 concerns and ideas but to do it in that kind of
6 organized fashion with those consultants that have
7 now been collected by council leading that process.

8 So one is I would urge you not to make any
9 changes before that study's completed and have that
10 be a part of that study. The other piece of it is
11 I have heard -- and I may have got this information
12 wrong -- that as planning commission, as they're
13 doing the new comprehensive plan, that the Durst
14 property is actually zoned residential and that
15 the -- but that was grandfathered in -- the Durst
16 business was grandfathered in as a nonconforming
17 use. I don't know whether that's right or not.
18 And then --

19 MR. PRAUSE: I wouldn't think so. It
20 was an illegal use.

21 MS. VOTAVA: What Kent?

22 MR. PRAUSE: In order for it to be a

23 nonconforming use, it would have had to have been
24 built there before the property was -- the
25 commercial zoning area was established --

0049

1 MS. VOTAVA: Okay.

2 MR. PRAUSE: -- which I don't think is
3 the case, but I might be wrong on that too. It's
4 residential.

5 MS. VOTAVA: So that's one thing just
6 to put on the table. I don't know what the right
7 answer to that is, but that is what others do have
8 to say. And then the other piece is that we -- you
9 know, I hear that this is going to relieve parking,
10 but there's -- you're not taking any parking out of
11 the residential district.

12 I mean, we're not saying that any parking is
13 limited in the residential district. The
14 residential district is what it is. You're actually
15 creating 20 or 30 new parking places. So that's
16 new parking spots but not traded for anything
17 except for these four in front and maybe even four
18 on the side, and I think we've also seen when we
19 open up space in that commercial district that
20 there's that outside space. Then what happens is
21 tables get located in spaces that cars used to park
22 in, and then that's more people outside.

23 And I think all of us who were around over
24 Memorial Day and the 4th of July and certainly what
25 town council talked about the other night with the

0050

1 kinds of crowds we're experiencing and the kinds of
2 behavior that are going on, we don't really need to
3 add anymore spaces to the parking.

4 MR. HERLONG: Anyone else?

5 MR. FISHER: Seth Fisher. I was at the
6 Planning Commission Meeting, and they were doing
7 their -- I guess it's their ten-year plan. And in
8 a perfect world, they have maps, and Durst was
9 yellow. So I don't think they should be creating a
10 new use, especially since -- I mean, it is a
11 doctor's office now, but if it ever -- it's in a
12 residential area, and if it's -- I think it's two
13 years if it's not used as that, then it reverts
14 back to residential. That's what they said.

15 MR. HERLONG: Okay. Anyone else?
16 There are two letters, and then the public comment
17 section will be closed. One letter to the chairman
18 and Design Review Board, as an island resident who
19 lives in the neighborhood immediately adjacent to
20 the property and having only learned today of the
21 application by Off The Hook/Seels Fish Camp coming
22 before you tonight, I am unable to attend the
23 meeting but would like to submit the following
24 concerns for your consideration.

25 One, if you choose to grant this variance,

0051

1 please make it short-term and temporary until it is

2 proven that the valet parking is a workable
3 solution.

4 And two, I am concerned with any loss of
5 parking spaces at this point in time and seems
6 inappropriate to take this matter up when
7 consultants have been hired and are addressing the
8 commercial district and parking issues.

9 Three, I wonder if using the Durst property
10 for parking is appropriate given its current
11 noncompliance zoning and what impact this will have
12 on the property and its long-term use.

13 Four, how do we ensure valet parking is not
14 allowed to use street parking?

15 Five, how do we ensure space created by the
16 removal of parking is not used for additional
17 seating and standing?

18 Thank you for your consideration of these
19 issues and concerns. Your decision tonight will
20 surely impact the Island's quality of life. I
21 regret unable to attend tonight's meeting.
22 Sincerely, Madeleine McGee, 2211 I'on Avenue.

23 And one more is from Edward Condon to Pat
24 Ilderton. Dear, Pat, I am writing -- I think Pat
25 as the chairman -- I am writing concerning a

0052

1 possible approval tonight at Sullivan's Island town
2 council to eliminate parking in front of Seels
3 Restaurant, formerly Off The Hook, to provide valet
4 parking.

5 I do not think it is a good idea to
6 eliminate parking in an already congested area. It
7 seems to me that a sign directing the patrons to
8 the parking across the street is sufficient. They
9 can always have an attendant at the lot and charge
10 \$5 to park and then take it off the patron's bill.
11 Having more than one car pulled over to be serviced
12 will be more congestion at the corner, which is
13 already dangerous. Sincerely, Skip Condon, 2201
14 I'on Avenue.

15 So the public comment section is closed.
16 And so, Kent, do you have any final comments?

17 MR. PRAUSE: Well, just one. I'd
18 really like for you to address this issue of
19 whether or not you're even going to hear it to
20 begin with, and if you do, what the grounds are for
21 doing that because as I said it seems to me to be
22 essentially the same proposal as before that was
23 turned down. And in that regard, you just can't
24 keep coming back and asking for the same thing.

25 MR. HERLONG: Randy, do you have any

0053

1 other comments?

2 MR. ROBINSON: (Shook head.)

3 MR. HERLONG: Well, I guess that's what
4 the board should first discuss. Billy, do you have
5 any thoughts about whether this board should hear
6 this notice?

7 MR. CRAVER: If they didn't receive the
8 notice of the first decision, then their time for
9 asking for a rehearing or for an appeal never
10 started to run. And so if we want to hear it, we
11 can hear it as a rehearing, but we can grant him a
12 rehearing and then consider what they come up with.
13 I would do it.

14 No parking plan's going to be popular with
15 everybody on the Island, but I think that what I've
16 seen with valet parking in Mount Pleasant and
17 downtown is that you end up with a more organized
18 use of a small space to get more cars in it.

19 MR. HERLONG: Let me ask you this,
20 Billy, I'm sorry.

21 MR. CRAVER: Right.

22 MR. HERLONG: Are we talking about --

23 MR. CRAVER: Whether we hear it.

24 MR. HERLONG: -- whether we hear it --

25 MR. CRAVER: Right.

0054

1 MR. HERLONG: -- versus discussing the
2 issue?

3 MR. CRAVER: I think we should rehear
4 it, and I think we can by calling it a granting a
5 motion to rehear it since they didn't have notice
6 of it before.

7 MS. HARMON: I second that.

8 MR. HERLONG: Any other thoughts about
9 whether we think it should be --

10 MS. EWING: Well, my concern is after
11 looking over the materials that were presented to
12 us, it really doesn't look any different than what
13 was presented to us before. So I can't see where
14 my decision would change.

15 MR. HERLONG: Well, this document is
16 slightly different. I don't think it mentioned
17 potential valet parking so I would think that the
18 submittal may have some slight variations to it.
19 So if we determine that it is exactly the same, we
20 may be in error. I don't know that we have
21 compared this to the exact per submittal. I
22 remember when it was submitted. This may have --
23 it may be slightly different, and we may be then in
24 error saying it's the same submittal.

25 MR. PRAUSE: May I offer just a couple

0055

1 things to reiterate? The previous definitely
2 mentioned valet parking. This, however, includes a
3 component of a commercial loading and unloading
4 area. When I mentioned my concern with that being
5 able to actually have it marked as a loading zone
6 and use it as valet parking too, I don't know if
7 DOT would allow that to happen. That hasn't been
8 decided, but that is a different component.

9 And also the other aspect of town council
10 having designated the Durst parking lot as suitable
11 for a commercial parking for the commercial zoning

12 district, that --

13 MR. CRAVER: All the more reason to
14 take our lawyer's advice and allow a rehearing.

15 MR. REINHARD: There's been a flaw in
16 our process here. This is a way to correct the
17 flaw. So let's --

18 MR. CRAVER: Right.

19 MS. HARMON: Right.

20 MR. REINHARD: So I would agree that we
21 rehear it.

22 MR. HERLONG: So do we want to make a
23 vote, a motion?

24 MR. CRAVER: I'll make a motion that we
25 rehear it based on the fact that they did not

0056

1 receive proper notice of the prior decision, and
2 that because of that, they're within the time to be
3 able to ask for a rehearing and that we grant -- we
4 consider their application as a motion for
5 rehearing, and we grant that.

6 MR. PRAUSE: Could you at least put a
7 couple things on the record like what I just
8 mentioned as those changed circumstances or
9 different circumstances?

10 MR. CRAVER: And we grant the motion
11 because there are changed circumstances since the
12 original decision was made, and we want to consider
13 those changed circumstances, which include
14 council's passing a resolution concerning the Durst
15 parking lot, and the agreement that Off The Hook
16 apparently has obtained with the Durst practice to
17 use their property for parking.

18 MS. HARMON: I second that.

19 MR. HERLONG: Any discussion? All in
20 favor of the motion?

21 (All board members raised their hands.)

22 MR. HERLONG: So I guess the board can
23 now discuss the --

24 MR. REINHARD: Was there a
25 presentation?

0057

1 MR. HERLONG: Let's start all over
2 again and have a presentation of the applicant.

3 MR. SEELS: Harry Seels, Seels on
4 Sullivan's. I appreciate the fact that you allow
5 us to come back before you. When we bought the
6 property in January and we assumed partnership with
7 the other people, myself, Bobby Briggs, and Paul
8 Howard, one of the issues to us because we're very
9 community oriented was to look at the issues that
10 were problems in the past with this facility and
11 change those. And that's the reason why I'm here
12 in front of you today.

13 We have systematically tried to pick each
14 individual item that has been addressed and address
15 it in the proper terms throughout the property. If
16 I can I'll just go ahead and address the public

17 comments first and then kind of get into the -- if
18 that's fine with you.

19 MR. HERLONG: You've got 10 minutes so
20 however you want to use your 10 minutes really.

21 MR. SEELS: No. That's fine. One of
22 the major issues from the last time I was in front
23 of you is the Durst property. We did not think
24 that we could use the Durst property. It was the
25 assumption that we could not use it. When we went

0058

1 to town council, that assumption was not valid.
2 They said that it's been approved. That's always
3 been approved to be able to be used as that, and
4 that our thought process because of the way it was
5 zoned, that it does allow for commercial parking.
6 It allows commercial parking during the day, and it
7 has to allow commercial parking during the night.
8 That's what the town council had decided that's
9 what it really meant.

10 With that we decided to bring it back before
11 you because we knew that that was an issue that was
12 addressed in this board originally was whether or
13 not we could even use that to make this whole
14 system work.

15 One of the -- the primary reason we're here
16 is because of the safety of that parking to begin
17 with. As that, Kenneth addressed earlier that's a
18 through lane for the right-hand side. It does not
19 meet DOT requirements for a through lane. It's
20 only like 7-and-a-half feet. It creates a major
21 problem there. And when we talked to the DOT, they
22 came out and did the survey, and they agreed with
23 us. It was a mess. It was an accident waiting to
24 happen. They would not put it in writing because
25 they said ultimately Sullivan's Island should be

0059

1 able to do what they wanted to do. So I come back
2 before you.

3 One of the issues we have now is the cars
4 are half on private property and half in the DOT
5 right-of-way as they're parked currently right now.
6 They're also, as any of you know who have parked
7 there, it's almost impossible to back out into
8 oncoming traffic and not jeopardize either getting
9 hit or hitting somebody that's walking over towards
10 Dunlevey's. So it was a major issue that we felt
11 needed to be addressed, and that's the reason
12 why -- you know, one reason we come here.

13 We did enter into an agreement with Durst
14 parking. That is the agreement. Basically they
15 have said the things in the past have been -- it's
16 been left vandalized. There was trash left, and it
17 was uncontrolled noise in the area. So myself,
18 Paul, and Bobby said, well, the one way we can
19 prevent that is to not let any of our patrons go to
20 that property, hence the reason why we decided to
21 do valet parking. We control the cars going over

22 there and the cars coming back, and never a time
23 does a patron have to go over there. That was one
24 of the reasons why we looked at the valet system to
25 begin with.

0060

1 When we came here last time, the -- all of
2 our stipulations said was that when the consultant
3 comes in and they decide that they want to modify
4 the parking to meet the town's new layout that's
5 approved by the town, that we would forego anything
6 that we have talked about in the past and go with
7 what the town said. We've always had that as a
8 stipulation.

9 We don't want to circumvent problems. All
10 we want to do is try to correct the little problem
11 we have right there and try to make the best
12 neighbors we can. Our thought is that by getting
13 rid of the three or four parking spots right there
14 in the front, we gain 28 total parking spaces
15 overall for our business. That's actually more
16 parking than our building can actually house as far
17 as the customers. We're limited by the fire code
18 by how many people we can have in our building. So
19 by deleting that four and adding 32, we get 28 net
20 spaces that we get to gain in the nighttime hours,
21 which are of course the busiest hours in the
22 commercial district. So that in itself helps us to
23 alleviate --

24 The major problems that we had was the
25 residential traffic and foot traffic throughout the

0061

1 neighborhood at nighttime. Well, that's our part
2 in saying, hey, we can fix that. We can try to
3 minimize the amount of people that are walking
4 through people's neighborhoods at night making
5 noise, but we can only do our little part of it.

6 Commercial vehicles. We started surveying
7 everybody. One of the issues that you have with
8 the commercial corridor, and one of the issues that
9 continues to come up is there's no place for the
10 commercial vehicles to park. So we incorporate it
11 in our plan as a way to have one spot to where a
12 lot of these commercial vehicles that are now
13 sitting in the middle of Middle Street are parked
14 kind of at High Tymes, they have a place to go now.
15 And it's just -- here it is. It's just our way of
16 trying to find a home for these things that are
17 causing problems.

18 I've already addressed the safety issues for
19 the front of the parking. We talked to the police
20 department. We said, what would you like to see?
21 Because all those properties are owned by the same
22 person, you could basically walk out of one
23 restaurant -- you can walk out of Dunlevey's with
24 alcohol and basically walk down to Seels, or you
25 can walk across the parking lot to High Tymes.

0062

1 It's become an issue in the past when police are
2 trying to do enforcement.
3 They said, well, what can you do? We can
4 make boundaries. By having that spot open now, we
5 can make physical barriers where basically we can
6 post signs saying you can't go past this point with
7 alcohol, and if you do, then we're saying as
8 pennates (sic) and as the building fees, that the
9 police have the right to enforce what we're saying
10 is stipulated. It's happened a couple times
11 before. Somebody's walking out of one place, not
12 ours, walked into another place that was not ours,
13 and they had an open-container ticket. And that
14 ticket is in jeopardy because they're typically on
15 private property and in contingent with all the
16 restaurants. That was what the police asked for.
17 The Durst property, the town council -- and
18 one of the things that was asked was beautification
19 of the building. It's a plain, very -- the
20 building itself is a pretty building, but there's
21 really nothing around it. And by backing the cars
22 up away and changing the format, it allows us to
23 beautify that front of the building. We can look
24 at putting palm trees in. We can look at putting
25 planters across the front of it. We can actually

0063

1 make it a far more attractive building than what it
2 currently is.

3 I tried to narrow it down to 10 minutes
4 so -- and I'm more than happy to address each
5 individual question, but our heart is basically
6 trying to prevent the residential traffic and fix
7 the safety concerns of people backing into where
8 their car is technically parked in the lane of
9 traffic as it is now.

10 MR. HERLONG: Thank you. Do we need to
11 go back through public comments section again, or
12 did I just miss your application the first time?

13 MR. PRAUSE: I think you're okay, Mr.
14 Chairman.

15 MR. HERLONG: So I guess -- do you have
16 any final comment, anymore comments?

17 MR. PRAUSE: Well, just to reiterate
18 that if you decide -- you're going to hear it. If
19 you should decide to grant it -- and that's
20 certainly up to you -- I just want to reiterate
21 these conditions that I mentioned, that the
22 duration be for the duration of the council
23 resolution because they've proposed this as parking
24 on a temporary basis. And that if there's ever
25 revocation of whatever parking agreement is in

0064

1 place with Durst that it go back to what it is now.
2 And that -- and/or if it's not working or they
3 can't get the appropriate permits from DOT, an
4 encroachment permit to do it -- that's obvious.

5 But apparently they're saying the DOT's

6 putting it on us, which I find very interesting
7 because everything else that goes on down there,
8 they hold fast to their rules and their approval.
9 In the way of either the police department, the
10 DOT, or even me, if I see it's not working with
11 that through lane, that it revert back to what it
12 is now.

13 MR. SEELS: The parking as it stands
14 now as you have on your document is actually
15 farther in than where the current cars are sitting
16 now. So where we have a truck parked in front,
17 their tail is hanging out in the through lane, that
18 can no longer happen because we have that 10 foot
19 buffer there, which is required by the DOT parking
20 lines.

21 And I was surprised too, Kent. I really
22 wanted DOT to say what's right and what's wrong so
23 we can know kind of where to go.

24 MR. PRAUSE: Well, I would think that
25 they're going to make you get an encroachment

0065

1 permit to do this. I mean, I'm shocked if they're
2 not going to.

3 MR. CRAVER: Well, they don't need an
4 encroachment permit for their parking places.

5 MR. PRAUSE: No. But that's an old
6 nonconforming whatever condition, but this is
7 something that's apparently going to -- you know,
8 you can have a loading zone.

9 MR. CRAVER: Right.

10 MR. PRAUSE: I don't know that you can
11 have a valet parking area in the public
12 right-of-way. Those are typically -- as you well
13 know, they're on private property. You pull into
14 the private property, the valet attendant takes
15 your car, and goes and parks it, but to usurp a
16 public right-of-way for that use, I don't know that
17 DOT would allow that to happen.

18 Certainly for a commercial loading zone, you
19 can have that, but that would require an
20 encroachment permit and whatever modifications
21 made, I'm sure they have certain standards that
22 apply to improving the right-of-way for a
23 commercial loading zone. So I mean, if it works
24 like that, fine, but if any of those other
25 conditions come to play, I mean, I think you need

0066

1 to have some caveats in there.

2 MR. REINHARD: Well, isn't it true if
3 you have a P tag you can park in a commercial
4 loading zone?

5 MR. PRAUSE: Absolutely.

6 MR. REINHARD: How do you control it?

7 MR. PRAUSE: That's one of my concerns.

8 MR. REINHARD: I mean, I've seen
9 Porsches with P tags.

10 MR. PRAUSE: Right. Sure. And that's

11 with DOT and city parking issues so you know that's
12 an issue, but you pay the money you can get a P
13 tag. You can park in a loading zone. Without it,
14 if you don't have commercial signage on your car,
15 police can write a ticket.

16 MR. SEELS: And we put a commercial
17 zone in there because of asking around of what the
18 problems were in the commercial district. I mean,
19 all of this stuff -- we're just trying to be good
20 neighbors. It doesn't -- by pulling people out of
21 that area and putting them over there and
22 controlling the access, it just makes us better
23 neighbors, which is ultimately what we're trying to
24 do. There's no -- I can't get 50 percent more
25 people in my building. I can't sell more things.

0067

1 I can only be a better neighbor.

2 MR. HERLONG: Thanks. Duke, do you
3 have any questions?

4 MR. WRIGHT: I find it interesting that
5 three or four entities have studied this and handed
6 the ball to us to solve the problem. I'm inclined
7 personally to approve this application with the
8 issues as a part of the approval that Kent has just
9 mentioned and get on with it. We can wrap
10 ourselves around the axle here with all the
11 technicalities and not get anything done. Period.

12 MR. HERLONG: Betty?

13 MS. HARMON: I think I'm inclined to go
14 with it with the stipulations that Kent made
15 because we need to do something. It's terrible
16 down there, and I think if we can -- we may get
17 more people over -- I mean, you know, if you have
18 space on the side of the road, naturally more
19 people are going to come, but it may be that there
20 won't, and there won't be as many cars in the
21 commercial district. However, as I said, it should
22 be contingent on meeting the rules and what town
23 council has said.

24 MR. HERLONG: Fred?

25 MR. REINHARD: I don't like it.

0068

1 MR. HERLONG: Cyndy?

2 MS. EWING: I don't either and for a
3 number of reasons. I've spoke to the businesses
4 on -- the restaurants on either side, and they have
5 concerns about this. And I went online to look up
6 what other municipalities do with valet parking,
7 and they have very -- you know, do we have -- we
8 don't have a valet parking ordinance?

9 MR. PRAUSE: No.

10 MS. EWING: Well, those online -- and I
11 printed them out -- from all the way from
12 California, Newport Beach, California to Denver,
13 Colorado to Columbia, South Carolina, there's very,
14 very clear and -- I mean, this is just the one on
15 valet parking from Columbia.

16 They have very, very strict guidelines that
17 you need to and circumstances. One being that you
18 cannot block the right-of-way for traffic and that
19 you -- I mean, you have to say how quickly you're
20 going to move cars in and out. You have to say how
21 many valet parkers you're going to have based on
22 peak times. I mean, I can't tell you how -- I
23 never knew valet parking could be so involved, but
24 each one of these -- and this was just a portion of
25 what was available online so -- and, you know, this
0069

1 is not a clear plan. There's no measurements.

2 You know, there's five -- we're actually
3 losing five to six parking spaces here because you
4 have to have a through way here, and in front
5 there's three red -- or three yellow -- what do you
6 call them when you pull into the parking spot?

7 MR. PRAUSE: Wheel stops.

8 MS. EWING: There's five of them there.
9 We're going to lose a handicapped parking, and then
10 we're also -- let me just finish because I just --
11 I mean, it's just going to go on and on and on.
12 The neighbors are not happy, the businesses next
13 door are concerned, and I don't see that it's
14 alleviating -- you're actually taking away parking
15 where people could park at -- they could park over
16 at the Durst parking lot and walk over to any of
17 the businesses.

18 And the other thing is, is that, I mean, to
19 me this says it all, the busiest intersection in
20 all of Sullivan's Island, and we would have valet
21 parking backing up, and there's no -- how are you
22 going to have people come get their cars? I would
23 be very much against this, and I think we need to
24 let -- I think it would be very smart for the board
25 to let consultants who do this day in and day out
0070

1 help formulate a parking ordinance and an overall
2 plan. I don't feel this is a solution.

3 MR. HERLONG: Billy?

4 MR. CRAVER: I hear what Cyndy says. I
5 agree with Duke and Betty. I think that probably
6 the part of this that I like the most is you net
7 get 28 new spaces, and they're doing it in a
8 fashion to minimize the amount of noise from the
9 parking so that you don't have the patrons over
10 there dealing with it. Will it work? Shoot, I
11 don't know. I mean, it might or might not, but we
12 won't know unless they try it. If they try it and
13 it isn't working for them, they're going to be the
14 first ones that need to change it because they're
15 going to be the ones that get the brunt of it not
16 working.

17 So subject to the qualifications that Kent
18 came up with, I would approve it. I mean, those
19 qualifications are fairly clear that if town
20 council changes its mind and doesn't want the Durst

21 lot to be used for parking, that would kill it. If
22 the Dursts say we're going to cancel our agreement,
23 that would kill it. If it doesn't work and the
24 police department, the DOT, or Kent says it isn't
25 working, I'd say that kills it, and you-all got to
0071

1 come up with a new plan and come back. I mean, I
2 -- that's sort of the way you get things done so I
3 would -- I'd make a motion if it's --
4 MR. HERLONG: I'll speak on this one
5 too.

6 MR. CRAVER: Right. Okay.

7 MR. HERLONG: But my feeling is it may
8 not be a perfect plan, but we can study and study
9 these issues, but we have a business who has
10 identified an issue and has tried to come up with
11 some solutions, not only some parking solutions,
12 but a way to beautify that corner. I mean, looking
13 at the back of pickup trucks as I drive by is -- it
14 gets old when you drive by that every day. And I
15 see it as currently a very dangerous situation. It
16 may not be perfect, but at least it's a solution
17 that you're willing to try.

18 MR. SEELS: Yes, sir.

19 MR. HERLONG: And I commend you guys
20 for that. So I would approve it as a possible
21 solution that I'd like to see if it'll work.

22 MR. CRAVER: Yeah.

23 MR. SEELS: And we're open too. I
24 mean, if I could just say one thing. One other
25 thing that was brought up in the study that we did
0072

1 was the handicapped parking spot. We have patrons
2 that come in that their wheelchair's on the back of
3 their van, and they're literally in the lane trying
4 to get their wheelchair off.

5 So even if we decide it doesn't work with
6 the things that Kent brought up, and we appreciate
7 that, if we do revert back, we'd like to be able to
8 continue to leave the handicapped parking spot on
9 the corner of the building where they have full van
10 access, and they're not in the road trying to get
11 their wheelchair off in the middle of a through
12 lane because it's really a bad situation,
13 especially when you're handicapped.

14 MR. HERLONG: Can I hear a motion?

15 MS. EWING: I have one more comment.
16 These parking spaces, I mean, do they belong to
17 your business?

18 MR. SEELS: No, ma'am, they don't.
19 Now, I spoke with Jamie and them too.

20 MS. EWING: I spoke with them too as
21 you spoke with them this afternoon.

22 MR. SEELS: Yes, ma'am.

23 MS. EWING: I just have a real concern
24 because the people that park in those parking
25 spaces are not necessarily going to be all going --

0073

1 that's just not the way it happens. So what does
2 Dunlevey's do? What does High Tymes do? Because
3 the benefit is all towards the valet parking being
4 for Off The Hook, but where does it leave --
5 because you've removed -- and it's about five or
6 six spaces for the other restaurants that their
7 patrons could be using. So I think -- and I really
8 feel that we are doing the neighborhood and the
9 people of Sullivan's Island a disservice. I think
10 the board should wait, but that's all I'm going to
11 say on this.

12 MR. SEELS: We actually asked them to
13 be a part of this, and we've not excluded anybody.
14 And nobody wants to come -- nobody wants to run
15 with the ball yet. And I told Jamie and ^ dun levy
16 that if it's a situation where he feels like his
17 customers can benefit from parking there, then when
18 the valet system takes over, they know where you
19 ate, and then we can just break it up at the end.
20 But nobody really wants to put the money first to
21 see if it works, and that's why we're doing it.

22 But I'll have no problem with combining High
23 Tymes and us, but they have to be willing to step
24 up too.

25 MR. CRAVER: And I would point out that

0074

1 we haven't heard anything from High Tymes or
2 Dunlevey's, and they could have been here and said
3 something themselves.

4 MR. REINHARD: Sort of like the people
5 that didn't show up because their house was listed?

6 MR. CRAVER: Well, right.

7 MR. REINHARD: You can't play both
8 sides of the table.

9 MR. CRAVER: This isn't both sides of
10 the table. They are affected people on both sides.

11 MR. REINHARD: Then I suggest that we
12 allow -- maybe rehear this thing again after we
13 have notified in writing the people at High Tymes
14 and Dunlevey's that we are putting their parking
15 spaces in jeopardy.

16 MR. CRAVER: Well, let me ask a
17 question. Is it just these parking spaces right up
18 here that are being affected?

19 MR. SEELS: Yes, sir.

20 MR. CRAVER: So it's these on the
21 side --

22 MS. EWING: It is those on the side.

23 MR. CRAVER: I'm asking him, Cyndy.
24 These will still be there?

25 MR. SEELS: Those will still be there.

0075

1 MR. CRAVER: Thank you.

2 MS. EWING: Have you been there to
3 observe this and count them as other people have?
4 There are five yellow parking spaces, one of which

5 is a handicapped. It's five yellow bumpers going
6 across the front here, and then there's another
7 parking space here. And in order to meet code and
8 have this, you're going to have to -- because you
9 have to have 9 feet of parking -- of sidewalk space
10 according to the town sidewalk ordinance if you're
11 going to create this so that you do not block
12 walking down the street here. It's -- I'm telling
13 you, we are not equipped to make this decision.

14 MR. CRAVER: Well --

15 MS. EWING: And I think it's a
16 dangerous -- I think it's dangerous to do this
17 because if you could see the insurance policies
18 that these valet parkers have to take out, and if
19 there's -- I mean, it's dangerous.

20 MR. CRAVER: I'd like to make a motion.
21 I move that we approve the proposed plan, that it's
22 subject to the following qualifications: One, that
23 it's in place only as long as town council allows
24 the Durst lot to be used for valet for parking.
25 Two, only as long as Off The Hook has an agreement

0076

1 with Durst to use the lot. Three, that it is
2 subject to being revoked.

3 If the, either the Department of
4 Transportation, Sullivan's Island Police, or Kent
5 determines that it's not working -- and that's a
6 very loose not working -- I think it'd be -- they
7 would have the right to bring it into us for
8 reconsideration at that point in time. And that
9 this is being done totally by Off The Hook, and
10 it's their responsibility to make sure it works.
11 And if it doesn't, they need to come back to us
12 too. That's the motion.

13 MR. WRIGHT: Second.

14 MR. HERLONG: Can I hear a second? Any
15 discussion of that motion?

16 MR. ROBINSON: Yes. I think it's
17 very irresponsible for us to be calling for a vote
18 on this issue without having some input from the
19 adjacent businesses. That's all I have to say.

20 MS. EWING: Yeah. And I would like to
21 add, there is no approval from SCDOT on using that
22 right-of-way. And every single ordinance across
23 the country requires to have an approval from --
24 including the State of South Carolina. You must
25 have an approval if you will be using the

0077

1 right-of-way and congesting it in any way. I just
2 think by voting for this in essence would be -- we
3 would be voting for something that's illegal.

4 MR. HERLONG: Anybody else have any
5 comments? All in favor of the motion?

6 (Mr. Herlong, Mr. Wright, Ms. Harmon,
7 and Mr. Craver raised their hands.)

8 MR. HERLONG: All opposed?

9 (Mr. Reinhard and Ms. Ewing raised

10 their hands.)
11 MR. HERLONG: Passes 4 to 2.
12 MR. ILBERTON: We are adjourned.
13 (The proceedings were concluded at
14 7:36 p.m.)
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1 REPORTER'S CERTIFICATE
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3 I, SARAH ELLIS, Court Reporter and Notary Public
4 in and for the State of South Carolina at Large, do
5 hereby certify that I correctly reported the
6 within-entitled matter and that the foregoing is a
7 full, true and correct transcription of my
8 shorthand notes of the testimony and/or other oral
9 proceedings had in the said matter.

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

13 Witness my hand, I have hereunto affixed my
14 official seal this 3rd day of August, 2008, at
15 Charleston, Charleston County, South Carolina.
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19 Sarah Ellis
20 My commission expires
21 NOVEMBER 5, 2017
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