

November 30, 2015

A Special Meeting of Town Council was held on the above date at 5:00 p.m. at Holy Cross Episcopal Church, all requirements of the Freedom of Information Act having been satisfied.

Present were: Patrick M. O'Neil, Mayor
Chauncey Clark, Mayor Pro-Tem
Sarah Church, Councilmember
Mark Howard, Councilmember
Rita Langley, Councilmember
Susan Middaugh, Councilmember
Bachman Smith, IV, Councilmember

Mayor O'Neil called the meeting to order at 5:02 p.m. and stated the press and public had been duly notified. There were approximately 50 members in the audience. The purpose of the meeting was for Town Council to discuss the transition zone of the management plan for the protected land. Public comment would be allowed, time permitting, with the meeting to end at 7:00 p.m. Mayor O'Neil expressed appreciation to the staff at Holy Cross Church for the use of their facility.

Mayor O'Neil started the meeting on a sad note announcing the death of long-time resident and former Councilman Red Wood. He continued that more would be said about Mr. Wood at future meetings, but he was a wonderful role model and example by being reasonable, fair, and always trying to strike a balance. Mayor O'Neil asked the audience to stand for a moment of silence in honor of Mr. Wood.

Mayor O'Neil stated the main focus of this meeting was the transition zone. The public was given opportunity to address Council at the last meeting; however, public comment would only be taken tonight if time permitted, as tonight will concentrate on Council's discussion.

Mayor O'Neil stated the Principles for Management of the Accreted Land Plan was approved by Council on December 15, 2009. The management plan may include a transition or edge band that abuts privately held properties that would be managed differently from, and more aggressively than, the usually much deeper seaward balance of the accreted land. It should be managed to further the following objectives where appropriate: provision of buffer from unwanted wildlife, minimization of potential fire hazard, enhancement of public safety, enhancement of breezes, enhancement of possible sight-lines to the property seaward of the band. The management of this land has been discussed in detail since that time. There was also a vote in May 2014 when a majority of that Council set the depth of the transition zone as 100 feet. It was not stated what would take place in that 100 feet. That is where the plan currently

stands. He continued that two items need to be considered simultaneously: the depth of the transition zone and what to do within that transition zone. He asked each member of Council to briefly share their thoughts regarding this.

Councilmember Clark – The accreted land is critical to our environment and to our protection. We need to have a balance between the ecosystem and human habitat, and to follow the direction as established in the principles.

Councilmember Church – She liked the basic goals that were set, and supports having a transition zone that varies in depth. Removing some of the undergrowth in the transition zone would help with wildlife, fire hazards, and public safety.

Councilmember Smith – He advocates for a common ground that is arrived at through reviewing the previous work done before this Council. The 100 foot zone should have heavy manipulation closer to the residences, and less manipulation further away. In general, decisions should be based on scientific fact and real concern.

Councilmember Langley – The transition should vary in depth depending on the area. Wax Myrtles should not be next to houses.

Councilmember Middaugh – The same manipulation should not be done throughout the entire depth of the transition zone. She has written a proposal to present to Council later in the meeting if time allows.

Councilmember Howard – To make progress, compromise needs to be kept in mind. The depth of the zone should vary with the development of the natural scape in that area. The general principles of 2009 provide a good foundation to work from.

Mayor O'Neil – The management of the accreted land is a complicated issue, with many aspects to the issue. He introduced Zoning Administrator Joe Henderson, who presented information regarding the tree survey data. This data is a survey of every tree in the protected land of six inches or greater in diameter at breast height. He gave visual examples of these trees in a 40-foot and 100-foot transition zone.

Mayor O'Neil asked Administrator Andy Benke to explain the regulatory issues for the transition zone. Mr. Benke stated there are four regulatory agencies that will review this plan before it can be implemented. Two at the State level will review: Department of Health and Environmental Control (DHEC)'s area of focus is generally protection of beach or dune vegetation. Department of Natural Resources (DNR)'s area of focus is management and protection of wildlife and enhancement of wildlife. Two at the Federal level will review: the Department of Interior or U.S. Fish and Wildlife's main concern is adverse effects on very specific species under the Endangered Species Act. The U.S. Army Corps of Engineers is concerned about the manipulation of the land or vegetation that might have an adverse impact on the delineated wetlands. DHEC, DNR and US Fish and Wildlife have joint meetings to review projects such as this. They will review the transition zone separately, but no activity can take place until the agencies review the entire plan. Also, the Town has its contractual obligation to the Lowcountry Open Land Trust.

Councilmember Middaugh stated she proposed a uniform depth of 100 feet, but the first 40 feet would have heavier manipulation.

Councilmember Clark - The difficulty with having varying depths based on what is in front of the transition is that that land is changing every day. Where you have open grassland now you may have a forest there years later. That would be a transition zone adjustment. Secondly, how can one owner have this done to the transition zone, and his neighbor doesn't have that opportunity because of Council's decision. The transition zone needs to be more manipulated, more open, breezy, safer, with a view; and it doesn't necessarily have to be different in each area.

Councilmember Howard - A singular zone would be simpler in the long run, but there is obviously different development stages of growth that should be considered.

Councilmember Smith - We need to pay attention to how a maritime forest develops. We should keep the long view in mind as one zone and a whole beachfront, and allow certain amounts of management within a transition zone island-wide. Over time, the portion of the island that has not accreted as much will eventually accrete. For the first 5-20 years one area may look more heavily manipulated, but ultimately, 50 years down the road it should take on the same characteristic as the other areas.

Councilmember Church - She said good points have been made, and she will continue to review as she has not made a decision.

Councilmember Langley - She believes 45 feet of a transition zone to heavily manipulate is enough.

Mayor O'Neil - The land will always be changing and the plan should not attempt to freeze anything. The problem with doing the same thing island-wide is the limiting factor in terms of manipulation is going to be where it is most heavily forested.

Councilmember Smith - If you allow heavy manipulation in the deeper accreted land, it would allow residents that abut to an established maritime forest something that is already available to residents of areas that are not as established. He suggested looking at the trees to protect not based on the diameter of the tree.

Councilmember Middaugh briefly summarized her proposal. She proposed a transition zone of 100 feet from the private property line seaward to 10 feet, but will consist of two differently managed bands within the 100 feet. From 0-40 feet: Heavily manipulated. Preserve trees of 6 inches diameter and larger. Remove underbrush and shrubs including wax myrtles. If consider removing trees of less than 6" diameter, a site plan would be needed. The purpose of the site plan is to identify small trees of desirable species that seldom reach 6" diameter at maturity. From 40-100 feet: Thin vegetation to provide a transition to the protected land beyond. All trees would remain except those on the non-invasive species list. The underbrush would be removed. In areas adjacent to forested areas, all shrubs, including wax myrtles, would be

removed. In areas adjacent to maritime grassland and maritime shrubland, wax myrtles and other maritime shrubs would be thinned to 1/3 of current coverage.

Mayor O'Neil stated this plan was a great starting point to begin discussion, even if the result is totally different. He asked Councilmembers for comments.

Councilmember Clark – This is a good starting point, but greatly differs from the transition zone discussion in April 2014 which in each area the management strategy is to remove all species except trees protected pursuant to Tree Commission's list of protected species and Palmetto trees. Therefore instead of removing all but the protected trees, this proposal preserves all trees 6" diameter and larger.

Councilmember Church agreed the proposed plan was a good starting point, and liked that the 40 feet was based on the buffer between homes, and that the removal of the underbrush, shrubs and wax myrtles provides protection from wildlife and fires.

Councilmember Smith believed it was a good first step. He liked being able to heavily manipulate an area, but the tree species instead of diameter should be considered.

Councilmember Langley liked the plan, and that it considers the area 10 - 20 years from now.

Councilmember Howard believed it was a good solid base, but would like to compare it to the 2009 plan. In addition to what trees should be removed, it needs to be considered how those trees will be removed.

Mayor O'Neil stated it was good to have a concrete plan to consider and use to move forward. He expressed concern about the site plan for trees smaller than 6" diameter would become complicated and time consuming.

Motion was made by Councilmember Middaugh, seconded by Councilmember Church, that four sources be used as a starting point for the next meeting on management plan for the protected land: The proposed compromise plan prepared by Councilmember Middaugh; the LUNR Committee Plan from April 11, 2014; the motion that Council approved on May 20, 2014; and the Proposed Management Plan Draft 3A from November 2009, carried by a vote of 6-1, with Councilmember Clark opposed.

Mayor O'Neil stated there was time to hear a few public comments.

Sarah Diaz, project leader for the Sullivan's Island Bird Banding and Environmental Education Program, stated to consider the importance of the understory in the transition zone as a food source for the birds.

Tim Reese, 305 Station 20, stated to focus on the species of trees, not the size. The areas are different, and it needs to be looked at as a long-term plan, not just the transition zone.

Bill Craver, 2702 I'on Avenue, stated he was concerned that every house on the island was in danger from a fire in the accreted land, as the forestry representative reported that fire embers can travel one and one-half miles. Also, all residents of the island are paying for what is done or not done in the accreted land, and should be able to use all of the land.

Norman Khoury, 1728 Iron Avenue, stated this is a good start; but to be careful as he believes the area could be over-manipulated to the point where it will not come back in the future.

Madeleine McGee, 2211 Iron Avenue, encouraged Council to consider a ratio of transition zone to the amount of land; as well as ways to increase the use of the land; policies to use landscape types as such as dune lines and swales to design when things begin and end; policies on consistent treatment of the right-of way; and to allow property owners to maintain their edge of the transition zone.

Motion was made by Councilmember Clark, seconded by Councilmember Langley, to adjourn at 7:01 p.m., carried unanimously.

Respectfully submitted,



Ellen Miller