



MOUNT PLEASANT TOWN COUNCIL
AMENDED TOWN COUNCIL MEETING
Tuesday, March 12, 2019, 6:00 p.m.
Municipal Complex, Council Chambers
100 Ann Edwards Lane
Mount Pleasant, SC 29464

***The Agenda was amended to add on page 7 items XI.C.1.b. and XI.C.1.c. under Executive Session.**

MINUTES

Mayor Haynie called the Town Council Meeting to order at 6:02 p.m.

Council Members Bob Brimmer, Joe Bustos, Kevin Cunnane, Kathy Landing, Jim Owens, Gary Santos and Guang Ming Whitley were present.

Council Member Tom O'Rourke was absent.

I. PRAYER

Chaplain Scarlette Bostick led Council in prayer.

II. PLEDGE

Boy Scouts from Troops 529 Pack 11 led Council in the Pledge of Allegiance.

III. COMPLIANCE WITH FREEDOM OF INFORMATION ACT

Mr. Pagliarini certified compliance with the Freedom of Information Act.

IV. APPROVAL OF AGENDA

Mr. Owens moved for approval of the agenda; seconded by Mr. Santos. All present voted in favor.

V. PUBLIC HEARINGS, AWARDS & PRESENTATIONS

A. Recognition of Fire Department volunteers for the restoration of the 1941 Ford Fire Truck

Fire Chief Mike Mixon stated that he hoped everyone had the opportunity to view the 1941 Ford Fire Truck out front as they came into Town Hall this evening. He said the vehicle was originally purchased in 1941 by Assistant Chief Frampton and served as a primary response apparatus until 1973. He said this was only the third fire apparatus purchased by the Town of Mount Pleasant. He said the first apparatus; the 1880 HAL pumper can be seen on display in the Town Hall lobby. He said the restoration of the HAL pumper was also a project completed by the Fire Department Volunteers. He said he would personally like to thank these men for their dedication to preserving the history of our Town and our Fire Department. He introduced the following volunteers and thanked them for all their hard work and dedication to this restoration:

Jay Michel, 33 years of service

Bill Silcox, 32 years of service

Jimmy Lamb, 26 years of service

Frankie Petit, 19 years of service

Chief Mixon honored and recognized the following for their support and being members assigned to the 1941 Ford Fire Truck:

Past Chief, Fred Tetor

Past member, Edmund "Ebbie" Frampton

Past member, Joe Coates

Chief Mixon stated that this 1941 Ford Fire Truck will be used for many years to come to engage the community, educate the citizens and share the Town's Fire Department history.

Firefighter Volunteer, Jimmy Lamb, stated that it is his honor and privilege to represent the dedicated gentlemen before Council that have spent the past three years working to restore the 1941 Ford parked outside. He said it started out as a project to get the truck back on the road and later moved to a restoration to make it look like it did in 1941. He said there are many people who were involved in this process and supported the project. He said he would like to start with Former Fire Chief, Herb Williams. With his support and help with funding, as well as emotional support, they were able to complete the project. He stated that they owe him a great deal of thanks. He said the Town was unable to provide all the financials and materials required for the project and they would like to thank the following companies: Lawrence Puckharber, who helped with painting the truck; Hay Tire for the tires and mounting onto split rims; Blitch Plumbing – Jay and Blitch Plumbing who provided either materials or financial support or other contacts in the area to help bring the project forward; Detyens Shipyard and Lloyd Stewart, Jr., and everyone there for metal fabrication, blasting, painting, as well as support from their machine shop; Delon Robertson and Daniel Robertson from Robertson Marine, who are amazing sheet metal workers that took drawings on a napkin and created real parts out of them; CT Lowndes for their financial assistance; Paul Heinauer of Glasspro who donated all the glass seen in the truck. He said the restoration of this truck would not have been possible without their support. He said there was a gentleman who was the shell answer man for the truck, Allen Groom, who lives in Easley, South Carolina, who provided parts. He said they also owe a huge thanks to Chief Tetor, who saved this truck from going to the scrap pile and brought it back to the Town where it rightly belongs. He thanked Chief Jeff Madden with the Awendaw Fire Department, who was a former Mount Pleasant Firefighter, worked on the truck when it first arrived and assisted with the project. He said he cannot thank Chief Mike Mixon, Chief Oliveras, and Chief Simpson enough for their continued support. He said out of this, they were fortunate to meet some of the past volunteers that ran this truck when it was frontline. He said

they are blessed this evening to have two of them present, Mr. Ebi Frampton, whose father actually purchased this truck and Mr. Joe Coates. He said they spoke about the truck, but also shared their stories. He said Chief Tetor, Ebi Frampton and Joe Coates are Town history and if we do not write this down somewhere, it will be lost. He said to the volunteers mentioned previously, we are all good friends – we were all born and raised in the Town and live here and will likely retire here. He said they are proud of this department and everything it does. He said they are proud of this Town that they live in which is their reward for doing this.

B. Longevity Awards

Mayor Haynie and Town Council joined Police Chief Carl Ritchie in recognizing Sgt. Michael Johnson, for 20 years of service and Lt. Jennifer Backman for 25 years of service in the Police Department.

VI. APPROVAL OF [MINUTES](#) FROM THE JANUARY 31, 2019 COUNCIL RETREAT, FEBRUARY 12, 2019 TOWN COUNCIL MEETING AND THE FEBRUARY 2019 FINANCIAL STATEMENT.

Mr. Santos moved to approve; seconded by Ms. Landing.

Mayor Haynie stated that the way we are doing minutes, and our staff is doing a very good job of doing minutes, as instructed. He said the problem he has is how Council is instructing them on how to do the minutes. He said minutes are supposed to include who was present, what the topic was, what the motions were and the outcome of the votes. He said what we are having staff do is record the minutes and transposing them verbatim. He asked how many pages the Council Retreat minutes were.

Clerk of Council, Ms. Barrett stated that they were 108 pages.

Mayor Haynie stated that in 108 pages of minutes there were very few votes. He stated that he spoke to the staff individual who typed the minutes and it took 2 ½ weeks of solid staff time. He stated that he intends to vote “no” on this, because there is no way he can vouch that every word in that novelette can exactly represent what people said. He

stated that the minutes are not intended to record what Council thinks or says but are intended to record what Council votes on.

Mayor Haynie opposed. All others present voted in favor. Motion to approve carries 7-1, with Mr. O'Rourke absent.

Mr. Bustos moved to approve the February 12, 2019 Town Council minutes and the February 2019 Financial Statements; seconded by Mr. Santos.

Mayor Haynie was opposed. All others present voted in favor. Motion carries 7-1, with Mr. O'Rourke absent.

VII. CORRESPONDENCE AND PUBLIC STATEMENTS

David Shimp, 1551 Ben Sawyer Blvd, stated that he appreciates the opportunity to speak about the new Comprehensive Plan that is currently in draft. He said in the last five years, there have been three major opportunities for the citizens of our Town to voice their direct and unfiltered opinions regarding the direction that development has taken in Mount Pleasant. He said there were two Town Council elections and the survey inputs as part of the comprehensive plan and revision process. He said the voters spoke loud and clear in those two elections and the citizens responded clearly to the numerous surveys. He said a member of the Citizen Forum went to great lengths to distill these survey results and using this as a guide, he re-read the draft comprehensive plan. Unfortunately, there were many variances. He said two examples are: Limit higher residential densities and heights - 77% approval. Maintain restrictions on density and development - 83% approval. He offers these inconsistencies of which there are many for Council's consideration as Council reviews the draft of the comprehensive plan.

Mary Ricozzi, 615 Baytree Court, stated that she has been avidly following the short term rental issue. She stated that she is awed and amazed at all the time, energy, education and preparation that has been applied to this issue. She extends her thanks to all the members of the Planning Committee and all of Town Council for their diligence and commitment to drafting an ordinance geared towards what is best

for all. She has listened and learned from comments, both for and against short-term rentals. Her hope, especially after last week's arduous Planning Committee meeting, is for an ordinance that regulates just enough to maintain the integrity of our community, while allowing this industry to continue within Mount Pleasant.

Tom Kerrigan, 2953 River Vista Way, stated that he extends his support for emergency services in the Town, more specifically, the minimum staffing for the Fire Department. He stated that he is a retired State Trooper and knows what it is like to respond to an emergency situation when there is not enough manpower and no one else is available. He knows what it is like to be held over because the staffing is not there, whether someone was sick or had an emergency situation. Our Fire Department, much like our Police Department needs a healthy minimum staffing at best. He said when you look at the Town, it is very professional, and they want to look at the infrastructure as well and say that it is just as professional, too. He said there is an aging population in the Town, and a friend told him that he went to change his fire smoke detector in his home and could not change it. His wife got up on the step ladder and changed it. He said as she was coming down, she tripped and fell and received a gash in her head. He said no one was available so he took her to the emergency room. He said this is something that is needed and something that Council should really consider.

Kevin McNamara, 2484 Darts Cove Way, stated that he is a retired career Fire Chief who is now a resident of the Town. He said he would like to talk about four-person minimum staffing. He said in the fire service, time is the enemy. He said saving time, saves lives. He said in the past decade, the National Institute of Standards and Technology, a division of the US Department of Commerce, did two landmark studies on the effect of crew size on a residential and high-rise building fire. He said critical tasks necessary to control the fire were performed 25% faster with four-person crews in the residential study and twelve minutes faster in the high-rise study, compared to three-person crews. He said the NFPA standard of four-person staffing on apparatus is based

on science and science alone. He stated that every single piece of equipment on the apparatus in the Mount Pleasant Fire Department has a tag that states that it meets NIOSH or NFPA standards. He said that if the Town purchases the equipment that meets these standards, why does the Town not meet the staffing standards of the most important piece of equipment on those rigs – the firefighters. He said four-person staffing will also allow the Mount Pleasant Fire Department to comply with OSHA's two in-two out policy. He said this will allow a single apparatus to aggressively attack a fire while complying with federal regulations. He said the faster water is placed on the seat of the fire, the better the chance of a positive outcome for civilians and firefighters. He said the final concern is that currently each day the Mount Pleasant Fire Department is ten members short of the recommended number of firefighters needed to successfully fight a high-rise fire as per national standards set by NFPA 1710. He stated that four-person staffing is the minimum national standard. Mr. McNamara repeated this statement. He said if the Town truly cares about the safety of its citizens and firefighters, the Town must do everything possible to comply with NFPA 1710. He said this Town does everything first class and first-class public safety should be everything the Town cares about.

DeAudre Gregg, 433 Venning Street, stated that she wanted to make some historical comments related to item A.1, the rezoning of 520 King Street from Public Institutional to Light Industrial. She stands as a member of the Old Village Settlement Community. She said unbeknownst to many, they are a settlement community of African Americans who have always been residents in the Town of Mount Pleasant. She said they purchased where they could purchase between Hibben Street, Ferry Street, Boundary Street, which is Simmons Street and Whilden Street. She said that piece of property is the heart of their community, both geographically and it has been Public Institutional not just because of the water tower, but because the historical Laing Elementary School was there for decades. She stated that her mother, along with all African American residents who reside in the Old Village attended this elementary school. She said that the current zoning

makes sense. She said as the Town moves forward with the comprehensive plan, she asked Council to be mindful of the precedent that the Town is setting. She said when Rivertown had a cellular phone tower, it came before Council several times and had to be visually attractive and in a remote location, not in the heart of their community. She stated that the Town wants other settlement communities to annex. She said they are not planned developments and would come in potentially as regular neighborhoods. She said that the Town needs to be mindful of the historical character in the meaning of the land that is in the heart of their communities.

Hamlin O'Kelley, Buist Byars & Taylor, 652 Coleman Boulevard, stated that he is here to speak about the matter that is pending before Council involving Earl's Court, listed under executive session. He said they were recently in front of Council on this very issue last week. He said he submitted to Council this week a packet and has highlighted the relevant sections of the following: SC Code Section 629.840, the cases of Bain vs. the Town of Sullivan's Island; Newton vs. the Board of Zoning Appeals and Austin vs. the Board of Zoning Appeals. He said that Council may not like it, but that is the law that was submitted to Council about the standards of review for Boards of Zoning Appeals. He said should Council choose to appeal the matter that was decided by their appointed Board of Zoning Appeals on the 25th, he is afraid that Council will have a hard road to hoe and an uphill battle that, frankly, the Town will lose, because there is an abuse of discretion standard that is applied. He stated two Council members are attorneys and understand this matter very well and understand the standards that will be applied. He said as they stated last week, if Council chooses to appeal, there is no automatic stay of the provisions that allow his client to go forward. He said the Town would be forced to seek an injunction which would require substantial bond, upwards of \$10 million dollars. He knows that some of the matters before Council this evening includes funding extra firefighters, funding the Town in general, and this is money that could be better spent for the Town's purposes. He urged Council to look at the packets that were submitted, read the law and make the right decision.

Laurie Bixler, 144 3rd Avenue, stated that a decade has passed quickly. She said it was approximately nine years ago that she began discussions with Mayor Harry Hallman, regarding short-terms rentals. She believes Mr. Santos was on Council at that time, as well as Mr. Bustos. She said she is here today to say how impressed she is with Council and to thank them for the open-mindedness, commitment and thought that our Planning Committee, under Chairman Bustos, has given so far to the topic of short-term rentals in Mount Pleasant. She said she is deeply grateful to those who have kept an open mind and did their homework. She said she knows the topic is still continuing but wanted to thank Council and is available for any input. She thanked Michele Canon, principal planner, for her incredibly hard work and all her research. She looks forward to continuing the topic and to paying a license fee and registration fee and abiding by common sense regulations.

Nathan Hammis, 1700 Whipple Road, stated that he would just like to back up the minimum standard for the Fire Department staffing. He said four firefighters to a truck is an absolute must. He stated that he was caught in a situation where he had to provide CPR to an individual for 9 minutes and 10 seconds before help arrived and he was completely exhausted. He said he did not know how to stop wanting to help him, as his ten-year-old daughter was standing behind him. He said there was no way he was going to give up. He said they arrived and were able to save him. He said that it was a great thing, but scary with as he did not have a pulse and was not breathing. He stated that he would really like to see this (four firefighters per truck), happen and would appreciate Council's help on this.

Michele Whitbeck, 712 Hibbens Grant Boulevard, stated that she would like to thank the members of the Planning Committee for their dedication and willingness to listen to the public comments and emails coming to them each month regarding the regulations on short-term rentals. She said as a short-term rental owner who already has a state retail license and submits accommodations tax, she appreciates the Planning Committee's decision to slow things down, analyze the definition of a short-term rental with regards to who should be required

to be licensed and make every attempt to grandfather those who are legally operating. She said thankfully, Mount Pleasant is in good shape at this time and does not have a detrimental issue with short-term rentals. She is confident that the Planning Committee will create a good plan that will be fair to all involved. She said for the Town to keep up the good work.

VIII. PLANNING – Mr. Ulma

[Planning Committee Minutes](#)

[Planning Commission Minutes](#)

A. NEW BUSINESS

1. **First Reading:** An Ordinance to rezone from PI-2, Public Institutional-2 District, to LI, Light Industrial District, an approximately 2.66 acre tract of land located at 520 King Street; property to remain in the SR2-OD, Special R-2 Overlay District. (Ord. No. 19009)

Mr. Bustos moved for denial; seconded by Ms. Whitley.

Mr. Owens asked Mr. Ulma to briefly provide the public with the purpose for the zoning change.

Mr. Ulma stated that the request was from Public Institutional (PI-2) to Light Industrial LI and MPW would be removing the existing water storage tank and replacing it with a concealed monopole communications tower that would be able to host the existing three carriers that are on the tower now. He said there were some options for MPW's request for Light Industrial. Under the existing zoning it would have to go through the Board of Zoning Appeals for special exception use. He said under Light Industrial it would be reviewed administratively still meeting the same standards. He said at the Planning Committee meeting MPW staff requested this again. He stated that the Planning Committee asked staff to look at ordinance amendments. Staff will be investigating this

further under the existing zoning. Planning Committee recommended denial at their meeting last week.

Mayor Haynie asked Mr. Bustos what the vote was at the Planning Committee meeting.

Mr. Bustos stated that it was 4-0 in favor of denial.

Ms. Landing directed her comments to Mr. Ulma and said that how the ultimate project ends up, has nothing to do with the zoning in this case. She said if Council votes against this zoning tonight, will there still be other options available that are not Council's decision.

Mr. Ulma responded in the affirmative and stated that there will still be additional work to be done.

Mayor Haynie stated that this has nothing to do with MPW's decision on the existing water tower and is only to enable another cell phone tower.

All present voted in favor of denial. The motion fails.

2. **First Reading:** An Ordinance providing for the annexation of an approximately 0.86 acre tract of land located at 1593 Boston Grill Road and depicted in Plat Book BQ, Page 032, Charleston County ROD. (Ord. No. 19010)

Mr. Brimmer moved to approve; seconded by Mr. Owens. All present voted in favor of approval. Motion carries.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

3. **First Reading:** An Ordinance providing for the annexation of an approximately 0.98 acre tract of land located on Labor Camp Road and depicted as Lot B1A in Plat Book L18, Page 0563, Charleston County ROD. (Ord. No. 19011)

Mr. Brimmer moved for approval; seconded by Mr. Bustos. All present voted in favor of approval.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

- 4. First Reading:** An Ordinance to zone PI-2, Public Institutional-2 District, an approximately 0.98 acre tract of land located at Labor Camp Road and depicted in Plat Book L18, Page 0563, Charleston County ROD. (Ord. No. 19012)

Mr. Bustos moved for approval; seconded by Mr. Brimmer. All present voted in favor of approval. Motion carries.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

- 5. First Reading:** An Ordinance to amend Chapter 156 of the Mount Pleasant Code of Ordinances, Section 156.325 (C), Principal Use Table, to allow Duplex Dwellings, Multi-Family Dwellings and Single Family Dwellings as a Conditional Use in any nonresidential zoning district, subject to the conditions of Section 156.326(C)(2)(e), as proposed to be amended, and to amend Section 156.326 (C)(2)(e), Principal Use Conditions to include Duplex Dwellings and Single-Family Dwellings as a Conditional Use, subject to the conditions enumerated therein. (Ord. No. 19013)

Mr. Brimmer moved for approval; seconded by Mr. Santos. All present voted in favor of approval. Motion carries.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

- 6. First Reading:** An Ordinance to repeal Sub-Paragraphs (1) and (2) of Paragraph (A) of Section 156.224 of Chapter 156 of the Mount Pleasant Code of Ordinances pertaining to tree conditions as the basis of providing exceptions to tree removal and replacement and replace the same with new language addressing the same topic. (Ord. No. 19014)

Mr. Brimmer moved for approval; seconded by Mr. Bustos. All present voted in favor of approval. Motion carries.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

- 7. First Reading:** An Ordinance to provide for a moratorium on certain multi-family structures. (Ord. No.19015)

Mr. Bustos stated that there is a moratorium in effect and it appears that apartments are not as full as some believe they may be. He said he believed that the moratorium should be extended so that the Town can continue to work on the Town's infrastructure without multi-family. He said this is not to say that if the Town does experience a shortage at some point in those two years, the Town can change it. He believes that going forward, it would be a good idea to extend that moratorium.

Mr. Bustos made a motion to approve.

Mr. Pagliarini asked if Mr. Bustos would like to attach the pending ordinance.

Mr. Bustos responded in the affirmative and said because it ends this month.

Mayor Haynie clarified that this motion is to approve item #7 with a pending ordinance doctrine. He stated that this came from the Planning Committee and therefore it does not require a second.

Mr. Santos asked Mr. Ulma how many multi-family dwelling units are allowed to be built at this time through development agreements. How many are already approved, so that the public is aware?

Mr. Ulma stated that there are some that staff has listed. He said the ordinance under the language that is in it allows certain projects to proceed if they were vested or there was some type of legal agreement that allows them to continue. He said two of those include Legacy at Patriots Point with a vested rights request, which would be able to proceed. He said the Atlantic Beach House on Ben Sawyer Boulevard is subject to a legal agreement, so this is moving through. He said approval from DRB (Design Review Board), was expected yesterday; however DRB was unable to meet. He said there are a few existing multi-family projects that will proceed even with the moratorium extended.

Mr. Santos stated that Midtown and Carolina Park are also two major projects as well.

Mr. Ulma stated that Carolina Park has no further multi-family so the project under construction near the roundabout near the new library is already part of Carolina Park. He said Mid Town continues to work on some but shifting now to other product types.

Ms. Landing stated being the mother of two individuals who have used apartments fairly recently, one of the things that came up in Planning Committee was a question, because they were at a ribbon cutting for Midtown recently, and Ms. Whitley recalling the percentage of occupancy that they were told. She said that company is MMR and they not only run Midtown, but also run Riverwalk and Runaway Bay. She stated that their average occupancy is at least 91%. She said this is just one company with three large properties. She said another one is Bridgeside and that company also owns several different complexes. She said Bridgeside is quite new and it runs between 91% and 95% and it only opened three years ago. She said like many people, she is not crazy about seeing all the huge buildings that have been constructed, especially when driving through Midtown. She said there are a number of tall buildings which are a bit overwhelming. She said what we must remember are two things: First, where are people supposed to live that are working in our hospitality and in starter jobs - and even career positions. She said her son recently got a job but is in no position to purchase a home. She asked where they are supposed to live if we want them to be on this side of the bridge, so they do not need to add to the traffic. She said we all know it is expensive to purchase a house. She said the second thing we need to keep in mind is that we just passed a permit allocation and it was a unanimous vote. She said part of this was 100 units a year for multi-family housing as part of that allocation. She said those that have been mentioned have already been permitted so they are not included in the allocation, nor would they be included in this moratorium. She said those projects happen to be on this side of the Town, but what if in the north end of Town there is a property that could put in 50 or 100

units, they would not be able to do so for the next few years. She said there could also be a business coming up there or an industry – plus there is a legal side to this. She said in 1999, Town Council passed an ordinance here in Mount Pleasant regarding its authority to use moratoriums. She said one of the things it indicated was to consider before issuing. She said it indicated, “A moratorium is from one perspective a most extreme land use action that a municipality can take, because it suspends completely the rights of owners to use that property. Seeing it in this light, it is advisable to precede the adoption of a moratorium by findings that confirm the necessity. What are the conditions that mandate the imposition of a moratorium?” She stated that we could say that there is a great deal of traffic and the Town is trying to have the infrastructure catch up. She said, again, only 100 units are going to be allowed to be permitted per year under our new program. She said if we have already taken care of something, in this case we have already created the permit allocation, then why do we need to do this as well. She said, in fact, it could invite legal action and there is no reason for it. She asked if there are other alternatives that are less burdensome on property rights available? Why are the existing land use plans and ordinances not adequate? What recent circumstances have occurred that justify the adoption of the moratorium? How serious and urgent are these circumstances and what hard evidence is there to document the necessity of the moratorium? She said the bottom line is that it is not that she is against limiting or slowing more apartments. She realizes that many people feel that we do not need anymore. She said that we need to know those numbers, because if there is 91% to 95% occupancy in some of the large complexes and we should get the information on all apartment complexes before we make this decision, because this means that people need them as a way to live in Mount Pleasant until they can afford a home. She said we are doubling up here and is not sure that we need to do this. She said sometimes you make a rule because it is really needed and sometimes, maybe, it

is because it sends some sort of political message and she is not sure that we need to be in the business of the latter.

Mr. Bustos said just so everyone knows, there are exemptions to this for senior housing and affordable housing, if someone will build them. He said Carolina Park is exempt from anything, because they have a development agreement. He said this is an extension of the moratorium, not a new moratorium, so all the research that was done was for the first moratorium. He said all those things were done. He stated that it has not gotten any better. He said they are still building apartments to work through this. He said from the last moratorium just like this one, we need to let all those buildings work through so that we can find out what we have. He said we do not know if we are reaching a tipping point, because no developer or person renting an apartment is going to say, "I have 40% occupancy". He asked why they would do this. He said they are all going to say that they have 90% occupancy, and everything is wonderful. He said that we do have infrastructure that is lacking. He said all we have to do is look at Coleman Boulevard with the Boulevard dumping traffic onto it and King Street with a lot of traffic. He said this is an extension of the moratorium that is in place and is not a new one.

Ms. Whitley asked Mr. Ulma if Affordable Housing is exempt or if it is just senior housing.

Mr. Ulma stated that it is just senior housing as currently listed. He stated that the affordable housing provision is in the building permit allocation. He stated that it could be senior and affordable; however, affordable housing is covered in the building allocation ordinance, not in the moratorium.

Ms. Whitley stated that the Town needs to update that ordinance to include affordable housing, which would make her more comfortable.

Mayor Haynie asked Legal Counsel that if Council wished to do this, would there be a need to do this tonight or can it be done at second reading.

Mr. Pagliarini stated that it is required to be done at second reading.

Mayor Haynie stated that the motion is as written this evening, so if Council wanted to change it, it can be changed at second reading.

Mr. Cunnane stated that workforce housing should also be added in for the Town employees as we discuss all the time. He said some builders on the building permit allocation program advised the Town that they are not going to be able to build for the first responders if it is passed, and here we are close to 60 or 90 days later and he has not seen anyone flying in to Town to build those, but believes it should be exempt as well, which can also be done at second reading. He said just to create the opportunity; however, he is not overly optimistic that they are going to jump at it but asked to make it as amenable as possible to get the people that serve the Town to live close to where they are needed in an emergency.

Ms. Landing stated that many people do not realize that even the least expensive apartments in our community are running \$1,200 to 1,250 per month range and many of them are in the \$1,500 or more per month range which means that someone just getting out of high school and getting their first job or graduating from college and getting their first job, are really going to struggle. She said one of the things that happens when you do not have 91% to 95% occupancy, is that it creates competition in price. She said; however, we do not know the numbers, which is the problem. She said from an affordability viewpoint, having a little bit more supply is good. She said there is a lot of thought in this community that we have an unbalance of apartments and multi-family dwellings. She said the reality is that the national average is

approximately 27% multi-family versus single family and believes we are right at those numbers.

Mr. Ulma stated that he is unsure of the national average, but Planning does track and monitor the Town's split between multi family and single family. He stated that he believes it was in the 25%.

Ms. Landing stated that the point is that the Town does not have an inordinate amount of multi family dwellings. She stated that she is not being an advocate for multi-family dwellings but feels like the Town has already dealt with this with the permits. She stated that she will not be supporting this motion, but it is not because she wants to see more apartments but believes that we are going overboard.

Mr. Ulma stated that one clarification on one of Ms. Landing's comments is while projects may have been exempt from the existing moratorium, they are not exempt from the building permit allocation system. He said for instance, the two projects he just spoke of, they both equal 400 dwelling units, which would be 400 of the 500 available for the next five year period, so they are exempt under one ordinance, but were not exempt under the permit allocation system.

Mayor Haynie stated that he asked Mr. DeMoura about the recent numbers and it showed 73% single family and 27% multi-family.

Mr. Owens asked Mr. Ulma if there have been any inquiries from developers to build multi-family. He asked if the Planning office has received calls or inquiries regarding the moratorium or their interest in building multi-family.

Mr. Ulma responded in the affirmative. He said they occasionally will have people who visit or call. He said he and Ms. Farrell were on a telephone call with a group a few months ago that was representing a multi-family developer out of another state. He said when he described some of the requirements the Town had,

they indicated that they would wait, rather than pursue anything. He said there are occasional inquiries about apartment multi-family development.

Mr. Owens asked if the property on Ben Sawyer was a result of the mediation agreement?

Mr. Ulma responded in the affirmative.

Mr. Owens asked if this was item #2 in the ordinance.

Mr. Ulma responded in the affirmative and stated that this was the exemption. He stated that it was either subject to an agreement or had vested rights, so it was exempt.

Mr. Owens stated that he believes it was both.

Mayor Haynie stated that for clarification, the Atlantic did not have vested rights, but was part of the negotiated settlement.

Ms. Landing was opposed. All others present voted in favor.

Motion to approve carries 7-1, with Mr. O'Rourke absent.

Mr. DeMoura read *FIRST READING BY TITLE ONLY*.

B. OLD BUSINESS

1. **Final Reading:** An Ordinance to annex an approximately 0.66 acre tract of land in Charleston County comprised of three parcels: I) a 0.12 acre parcel at 1259 Foxtail Lane; II) a 0.31 acre parcel at 1251 Foxtail Lane; and III) a 0.23 acre parcel on Melvin Bennett Road shown on Plat Book BJ, Page 169, in the Charleston County ROD. (Ord. No. 19002)

Mr. Brimmer moved for final reading; seconded by Ms. Landing.

Mr. Cunnane asked Mr. Ulma to go over some of the things that are allowable in Areawide Business 2. He said, in particular, he would like a rundown on what that allows and also, are hotels allowed.

Mr. Ulma stated that hotels are allowed. He said a variety of uses that come up with AB-2 are group living facilities, continuing care

retirement centers, community and civic uses, cultural facilities, educational facilities such as pre-school or daycare, government facilities, recreation uses, and commercial uses and activities, animal care, artist workshops and studios, eating and drinking establishments – some conditional, lodging – hotels are allowed.

Mr. Bustos stated that later on in the agenda Council is going to have an idea coming from the Planning Committee, because uppermost in everyone's mind is that they are going to aggregate some of the properties and build a hotel and this has been a concern. He said that it has happened in Charleston several times and it has happened here in Mount Pleasant at least once. He said later in the agenda, in a report, Council will hear that the Planning Committee has asked the Planning staff to go back and take hotels out of the normal planning process so that someone wishing to develop a hotel will be required to both find a commercial piece of property and then come back and ask Town Council specifically to build a hotel. He said this way we will not be approving something like an office building and the developer will instead want to build a hotel. He stated that the Planning Committee has asked Planning staff to go back and excise this from AB and make it a stand alone if a developer is going to build a hotel. He said this may help Mr. Cunnane's thoughts on this.

Mr. Cunnane stated that the gentleman directed his inquiry to him. He thanked Mr. Bustos for that information. He said the issue he really has is that there are already two hotels there now and a sign for a third right across the highway and this would create a fourth. He said what his concern becomes when they have four hotels, and there is all this talk about zones and he does not like the zones and hub concept, and does not like four hotels in one place, because what happens then is you have a grading of the hotels. You have a higher end, a medium end and you end up with some point that someone is not able to compete at the higher end, so they just do a real cheap hotel and that attracts things such as prostitution, drug use, meth labs and other things. He

thinks that Council needs to be really careful to keep cramming in hotels, for that reason, zoning-wise. He said the secondary reason is that the Town just does not have 43 firefighters on duty that are required for that type of occupancy and we are rolling the dice every day. He stated that he will be voting no, mostly because of that reason.

Ms. Landing stated that she reached out to the owner of the property to find out, because the Town does not have any control once annexed and zoned. She said that she asked some questions and A to Z Rental bought Hughes Rental and they have a five year lease agreement. She stated that they spent quite a bit of money just to buy Hughes Rental. She said they have an option to extend for an additional two years. She said it seems unlikely that they would spend a significant amount of money to purchase the business and then lease the space, so they could have it torn down to build a hotel. She said the owner's goal after that is to build class A office space specific to the shipping industry, because as we all know, the Port Authority has moved over to Mount Pleasant and there is hopefully going to be, with the deepened harbor, a lot more shipping potential industries. She said this would be an economic development project down the road. She said this is speculative, but we are also speculating that if we say it is a hotel, and believes it is better to at least ask the owner of the property what the conditions are.

Mr. Brimmer stated that as a reminder, the motion on this item is for annexation, so if Council can vote on the annexation first.

Mr. Ulma stated that the applicant did contact staff and as many do, was concerned about being annexed and then not receiving the zoning that was being requested at the same time.

Mayor Haynie stated that Council is unable to zone property that is not in the Town's jurisdiction; therefore, applicants must take that risk.

All present voted in favor of annexation.

Mr. DeMoura read *FINAL READING BY TITLE ONLY*. This Ordinance *SIGNED, SEALED and DELIVERED* this date.

2. **Final Reading:** An Ordinance to zone AB-2, Areawide Business-2 District, an approximately 0.66 acre tract of land comprised of three parcels: I) a 0.12 acre parcel at 1259 Foxtail Lane; II) a 0.31 acre parcel at 1251 Foxtail Lane; and III) a 0.23 acre parcel on Melvin Bennett Road Shown in Plat Book BJ, Page 169, Charleston County ROD. (Ord. No. 19004)

Mr. Santos stated that the Town cannot condition zoning, so if Council approves the zoning requested, they are able to put on the property what is approved under that zoning. He said this happened across the street from the property. He said the property owner came in and wanted to connect two properties and get the same zoning. He stated that he asked the property owner if he intended to do a hotel and the property owner said no. Mr. Santos stated that he understands that a hotel is, in fact, being built on that property. He said there is nothing the Town can do about it. He said regarding the five year contract, most contracts have termination clauses, and if there is one in the contract and he gets the zoning, who knows. He believes it is a roll of the dice. He said that he does not blame the property owner, but Council must do what is best for the Town and the surrounding areas. He added that with all the hotels coming up in that area, it is going to become congested very soon. He said that intersection is already difficult in the mornings and afternoons and sees it worsening if another hotel is built.

Mr. Cunnane asked Mr. Ulma to explain what zonings exist for office uses outside of AB.

Mr. Ulma stated that this request is for AB2.

Mr. Cunnane asked if there are other ways to do office.

Mr. Ulma stated that there is OP Professional Office and stated that there are a couple of districts that would allow office use.

Mr. Cunnane stated that this may require Mr. Ulma to be a mind-reader, but asked Mr. Ulma if he knew why they would seek AB2 when a limited office zoning would allow an office.

Mayor Haynie stated that he spoke to the owner who stated that he wanted to do a food truck court there, as well, so that people do not have to leave Midtown or Central Mount Pleasant and get on the roads. He said that is a business parkway and that is what the owner said he wants to put there.

Mr. Cunnane stated that the owner also said he wants to put an office. He said that we do not know. He said the thing about AB is that the Town is giving them a blank check to build whatever they would like. He said some of those are intense uses that really do impact people nearby.

Mr. Owens stated that he also spoke with the property owner as well and said the property owner advised him that he was looking to put an office professional building into the parcels of property. He asked Mr. Ulma if he knew what the acreage is in the triangular piece of property. He asked if it was approximately three to three and a half acres.

Mr. Ulma stated that it likely is approximately that size.

Mr. Owens asked if Mr. Ulma knows what the development standards are for a hotel. He asked if an 80 room hotel would be in accordance with the development standards on 1.7 acres.

Mr. Ulma said it is possible that it is equivalent to what has occurred across the street.

Mr. Owens stated that a 140-room hotel would require 2.5 acres. He said he has no doubt that the owner is going to perform what he promises, but again, it comes down to the zoning being administered to that property and things can change over time and then can collectively develop on that three to three-and-a-half acre site and it leaves a lot to be desired. He is unsure he is able to support this. He said there is a great deal that can happen

in seven years and he is concerned that perhaps a food truck may not work out.

Mr. Ulma stated that one clarification that may assist, because of the existing uses on the property, primarily that it has outdoor storage and activities, the AB-2 zoning would be needed now to accommodate the existing uses that are there. He stated that the property owner is likely attempting to deal with what is currently on the property and then in the long term, what kind of uses could be located there.

Ms. Landing stated that there is a lot of discussion regarding the hotel that went in across the way. She said this is already what was Hughes Rental. She said the side road is what goes back behind Mediterranean Shipping. She said we are discussing a very small portion where the A to Z Rental is going to stay now. She said you can change five-year leases; however, they paid a great deal of money for the business and the land. She said for a while a hotel would not be considered. She has another concern as there are a number of donut holes that are unincorporated areas all throughout Mount Pleasant. She said Council has had a great deal of discussion about the importance of bringing in some great industry to diversify our economy which hopefully will involve annexing in property that is currently donut holes. She said there are at least two that the Town is currently working on. She said if we get in the habit and create a reputation of bringing people in under annexation and then turning them down for the zoning that they asked for, no one is going to ask to annex in. She asked what will happen when nothing annexes in. She said there will be no taxes, no revenue, or anything will come to the Town, but the Town will still be required to provide emergency services and everything else, because they are within the Town limits. She stated that Council needs to be very careful about what kind of signal is being sent if the Town will annex in, but then turn down the request to become the property zoning that is needed.

Mr. Brimmer stated that at this point, Council voted in favor of annexation, which means this property comes in at R1 if nothing else is done. He stated that if this request for rezoning does not happen, then this will be a residential piece of property that is zoned. He stated that surrounding this property on three sides is AB2 which is what they are requesting. He said there is some surrounding AB, but primarily it is surrounded by AB2, so this would be consistent with what is currently surrounding this property.

Mr. Bustos stated that there appears to be a number of questions.

Mr. Bustos made a motion to defer this until it is sent back to the Planning Committee for answers on the zoning changes which may allay some fears that people have, but there has been enough talking and questions that we likely need to ask more.

Mayor Haynie stated that he would like to request a legal ruling, because the property has already been annexed, which means it now comes in as R1. He said we would now be creating a piece of R1 property that we know is being used for AB2.

Mr. Ulma stated that he does not believe that the pieces that Council would be zoning are actually being utilized for the AB2. He said it would be AB2 next to the R1 and ultimately when it is potentially zoned to AB2 it could then be combined for the entire property. He stated that it is currently R4 residential in the county which is four units to the acre.

Mayor Haynie asked about the total acreage.

Mr. Ulma stated that it is 2/3 of an acre combined.

Mayor Haynie stated that if the owner desired, he could build residential units in the county on the business parkway.

Mr. Ulma stated that the property has already been annexed, so it is in the Town now.

Mayor Haynie stated that the question is whether the Town wants a piece of R1 property there.

Mr. Santos stated that there is a great deal of residential around this property.

Mayor Haynie stated that having driven past this property a number of times, it is not residential property, it is commercial property on a business parkway, in his opinion.

Mr. Cunnane stated that someone on the prevailing side could make a motion to reconsider the final reading.

Mr. Pagliarini responded in the affirmative.

Mr. Cunnane stated that this would solve the problem that Mayor Haynie is referring to.

Mayor Haynie stated that it would need to be in this meeting.

Mr. Bustos withdrew his motion to defer.

Mr. Santos made a motion to deny; seconded by Mr. Cunnane.

Mr. Santos, Mr. Cunnane and Mr. Owens voted in favor of denial.

Mr. Brimmer, Mr. Bustos, Mr. Landing, Ms. Whitley and Mayor Haynie were opposed to denial.

Motion to deny fails 3-5.

Ms. Landing made a motion to approve the request for the AB2 zoning; seconded by Mr. Bustos.

Mr. Cunnane, Mr. Santos and Mr. Owens were opposed.

Mr. Brimmer, Mr. Bustos, Ms. Landing, Ms. Whitley and Mayor Haynie were in favor.

Motion to approve the request for R2 zoning carries 5-3.

Mr. DeMoura read *FINAL READING BY TITLE ONLY*. This Ordinance *SIGNED, SEALED and DELIVERED* this date.

IX. COMMITTEE REPORTS

A. [Accommodations Tax Advisory Committee](#) (No Meeting)

Report

B. [Bids & Purchases Committee](#)

Report

The Committee unanimously approved the following recommendation:

- Approval to contract with Rhythm Engineering in the amount of \$279,298.50 to provide InSync system upgrades for nine intersections and hardware to three intersections for a total of 12 intersections as part of the Coleman Boulevard project.

The Committee received an update on the Construction Manager at Risk process, which is a new construction procurement method for the Town and is being utilized for the Fire Station Number 4 project.

The Committee received the quarterly Local Vendor Report. For the second quarter of Fiscal Year 2019, \$4.7 million, or 18%, of the Town's expenditures were to local Town of Mount Pleasant vendors, for a total year-to-date amount of \$5.4 million, or 19% of all Town expenditures.

C. [Economic Development Committee](#)

Report

The Economic Development Committee went into executive session to discuss contractual matters related to an Economic Development Incentive Grant. The Committee recommended sending this item to Council for consideration by a unanimous vote (with the exception of Rick Crosby who was not present).

The Committee provided an update on proactive Economic Development measures being considered. These measures will allow landowners and developers to collaborate on building Economic Development projects.

ACTION ITEMS:

The Economic Development Incentive Grant application will be sent to Council for approval in executive session later on this evening.

D. [Education Committee](#) (No Meeting)

Report

E. [Finance Committee](#)

Report

1. The Finance Committee discussed using the General Fund fund balance for the purchase of a fire ladder truck and pumper.
2. The Finance Committee discussed the pursuit of a Staffing for Adequate Fire and Emergency Response (SAFER) grant for the hiring of firefighters.
3. The Finance Committee listened to a presentation from Catherine Main, Executive Director of the East Cooper Land Trust, requesting the Town allow the East Cooper Land Trust to apply for the Town's Greenbelt funding to purchase a conservation easement on the Geechee Dock property.

Recognition

The Committee recognized:

Brad Walbeck, Benefits Manager, for five years of service with the Town of Mount Pleasant.

F. [Fire Committee](#)

1. Approval to amend the Fire Department Strategic Plan to include 4-person minimum staff.

Mr. Brimmer stated that this first action item is a recommendation to amend the 2019/2023 Fire Department Strategic Plan to meet the minimum National Standards of four-person staffing on each apparatus.

Mr. Cunnane so moved.

Mr. Brimmer continued his report and stated that the Fire Committee reviewed and discussed a potential Firefighting Staffing Ordinance, which was the agenda item, which would require a minimum daily staff of four personnel on each engine and the ladder truck. He stated that the Committee recommended that instead of an ordinance to amend the Fire Department Strategic Plan to reflect this staffing model. He stated that it is important to note that this involves a great deal of funding; millions of dollars, that the Town is unable to fund in year one and is not sure that the Town is able to reach this in year five. However, it is aspirational that we would like to move the Fire Department to that higher standard over time. He said that each year, the Town would expect that the Administrator would bring forward, steps towards that goal to get as close to that as possible during the five-year strategic plan. He said to note that this is a very large ticket item that will require a multi-year investment going forward.

Mr. Brimmer moved that Council accept the amended Strategic Plan reflecting the minimum National Standards of four-person staffing on each apparatus; seconded by Mr. Owens.

Mayor Haynie stated that this motion came from Committee and does not require a second.

Mr. Santos stated that he believes this item came to the Finance Committee first and was sent over to the Fire Committee. He believes that a decision with this amount of funding needs to go back to the Finance Committee, which is what the Finance Committee expected. He is surprised that Council is making a motion on this when it should come back to the Finance

Committee in order to determine how this will be funded. He said Mr. Brimmer advised that this is a tremendous amount of money.

Mr. Brimmer stated that Mr. Santos is correct, which is why the Fire Committee made the decision not to make it an ordinance, but to put it in the strategic plan. He said this does not commit the Town to a certain amount of funding this year or future years. He said as the Town Administrator brings forward budgets each year, the Finance Committee will then need to weigh in with that priority versus all other budget items. He said this is just a way for us to say that this is the ultimate goal to move toward in the future. He stated that the Town has already added Fire personnel this year and believes there is a request for some additional positions next year and there is also a grant that will request six more positions. He said the Town is taking steps to add positions in the coming year already but are not asking for those dollars to be added to the budget necessarily with this motion. He said this is just to change the plan to say that this is the direction we are moving towards.

Mr. Bustos began to ask about the Town possibly receiving this grant.

Mr. Brimmer stated that the next agenda item addresses the grant and respectfully requested Mr. Bustos to hold his question until that time.

Mayor Haynie stated that the motion is to approve a change to the strategic plan. He said this is an administrative function and is aspirational. He said it does not tie the Finance Committee.

Ms. Whitley asked if Council could hear from Fire Chief, Mike Mixon, and what his thoughts are on this.

Chief Mixon stated that the Fire Department brought their strategic plan to Council initially, which Council supported in December 2018. He said they believed it was an aggressive plan, but yet, not too much so that they would not be able to fund it

all in the five-year cycle. He said if it is Council's will for the Fire Department to take on the four-person staffing, they will do so, but they do worry that if they take on too much, that their plan will not be funded entirely. He said their focus is really on the first plan. He said they do support staffing just as any other department in the Town, but their first priority is their plan in the strategic plan. He said whatever direction Council will provide, the Fire Department will follow and do their best. However, they brought Council the plan that they believed in.

Mr. Cunnane directed his comments to Chief Mixon and stated that he spoke with the Chief two weeks ago, and they spoke again at the Committee meeting last week. He said the question was if there has been any credible fire department source, whatsoever that Chief Mixon is aware of that pushes for three Firefighter staffing as opposed to four. He said we know that NFPA 1710 is, without question, the nationally accepted minimum standard and it has been proven by many bad fires that this is the way to go. He said five departments in this area made a change as a result of a horrific fire. He said somehow Mount Pleasant did not. He believes that the Town was much smaller at the time and now it has grown significantly. He said his concern was the five-year lookout where we will be approaching 100,000 residents or more in Mount Pleasant and we still do not have the staffing in Town for the buildings the Town has, let alone having two incidents at once. He said the question is if the Chief has learned of any others pushing for three (staffing) as opposed to four in the Fire Service community at all.

Chief Mixon stated that he has not. He said the NFPA outlines this as their minimum and that is the national standard that pretty much everyone accepts. He said that he has had discussions with Mr. Cunnane and their trucks are specified under this and it is a really broad thing that encompasses a great deal and would take a great deal of funding to be fully

compliant. However, to answer Mr. Cunnane's question, no, he has never seen anything that pushes for three staffing.

Mr. Brimmer stated that this motion is what this Council wants. He said coming from Committee, it was decided that in the future, we would like to move towards this standard. He said it is a national standard that is recognized and will only make the Fire Department stronger as we get there. He said Council will trust the Administrator and the Fire Department staff year-by-year to prioritize those things in the plan and bring forward in the budget those items that are most appropriate for the Town of Mount Pleasant.

All present voted in favor.

2. Approval to apply for a SAFER grant for the hiring of 6 firefighters

Mr. Brimmer stated that this item is a recommendation to apply for the FY2018 SAFER grant and funding for six additional Firefighters. He said the Fire Committee reviewed and discussed this staffing for adequate Fire and Emergency Response Grant. He said the Committee recommended to instruct staff to apply for the SAFER grant and request funding for the six additional firefighters. He said the original request was for 15 or 16 firefighters; however, after discussion at Committee, they felt that six would be more appropriate for the coming year. He said there was an attachment to the Fire Committee minutes with a breakdown of the costs involved. He said the total for six firefighters is \$327,087 for year one and the match for the grant, if awarded, would be \$81,700. He said year two would be the same and by year three it is \$212,000 and by year four, \$376,000, which would be the full cost of those firefighters. He said the Finance staff advised that the \$81,000 could be incorporated into the coming year's budget. He said that this is a request to apply for this grant and have not been guaranteed the funding. He said we must wait for approval.

Mr. Brimmer moved to apply for the SAFER grant.

Mayor Haynie stated that this is only for an authorization from Council to apply for the Council. He stated that this came from Committee; therefore, it does not require a second.

Mr. Santos stated that he would like to speak on behalf of the Finance Committee since the chair, Mr. O'Rourke is not present this evening. He stated that when this grant terminates, will the Town then be responsible for paying for the firefighters.

Mr. Brimmer responded in the affirmative.

Mr. Santos stated that once again, this is a Finance Committee item and believes it should be referred to the Finance Committee. He said we are spending money here, but the Finance Committee has not had the chance to review it.

Mayor Haynie stated that this grant has a March 22nd deadline, so the Town can apply, be awarded the grant and as he understands it, the Town could still turn it down for those reasons. He said this motion is only to apply for the grant. He said if the Town is awarded this grant they can decide to turn it down based on the Finance Committee's recommendation. He said the unfortunate nature of this item is that the deadline is March 22nd, unless the Finance Committee would like to call a special meeting. He asked if the deadline is to submit the application and does staff have enough time to put the grant application together.

Chief Mixon responded in the affirmative.

Mr. DeMoura stated that if this is Council's desire, staff will complete it.

Mr. Cunnane stated that as he discussed in prior meetings, we had four months of discussions about where the Fire Department is and discussed engines individually, the ladder truck, then redundancy, then station placement and the big picture is that the Town needs to move the Fire Department

forward in staffing. He said this is not to look back and blame anyone or anything, just a forward look that says we need to improve based on the size of the Town. He said we have expanded in population dramatically, but the department has dipped a little in the apparatus availability, so it is time. He said he tried twice to ask for a Fire Committee meeting and for various reasons, it was not held. He said here we are up against a deadline, which is why we are up against a deadline. He said we just agreed to reach the standard. He said the way to reach the standard is not to hire 18 or 20 firefighters in one year. They need to be spread out and this is a good way to do it, because we are getting some of the money back. He said even if the Finance Committee may want to opine on it, Finance will have plenty of time over the five years to opine on the whole thing. He said maybe it stretches to seven or eight years to get it done. He said the idea is that we have a funding source sitting there for the taking. He said the five-year plan that was approved includes a new ladder company to be purchased and staffed in hopefully the beginning portion of the five-year plan. He asked Chief Mixon to correct him if he is wrong. He said to get this done, firefighters must be hired. He said we have used very similar grants for Police hiring in the past and it is really not that controversial. He said the FEMA grant provides that the Town pay a portion for five years and then the Town picks up the full cost at the end, but FEMA is picking up along the way, significant amounts of money that the Town would basically be throwing away by not doing this.

Ms. Landing stated that in the Finance Committee, they did discuss this and had to refer to the Fire Committee first for their input. She said one of the things they noticed, which Councilmember Cunnane has shared, is that if we were to hire more firefighters, that having the grant money would certainly help offset costs for the next three years – not entirely, but it would be a declining scale. She stated that four years out is when we would be responsible for the full cost. She would hope

that based on the strategic plan change, that the Fire Department would have six more, at least, by then. She said this portion all seems very reasonable. She said when applying for various grants from FEMA or anyone else based on emergency needs and first responder needs is, to her knowledge up until this point, all of the needs we had for first responders has come from the Chiefs themselves.

Mr. Santos stated that he would appreciate that when a Committee asks for another Committee to respond back to them with the information, that it happens – not during a Council meeting. He does not think it is right for a Committee to come to full Council when they were asked to report back to the Finance Committee. He said it appears as if Council is moving this through rather quickly and it does not go through the proper channels.

Mr. Owens stated that the reason for the sense of urgency is because time is of the essence; we are running out of time.

Mayor Haynie stated that the Finance Committee may take a look at this and weigh in at the next meeting. He asked when the Town would hear back on whether the Town has been approved.

All present voted in favor.

Mr. Brimmer stated that based on the conversation of these items, he would like to provide two quick updates on two other agenda items.

3. Report

Committee discussed placing the Fire Department Strategic Plan in a priority funding position. Committee agreed that a semi-annual review of the plan would help ensure that the plan was completed on time. Staff will keep the Fire Committee abreast of milestones within the plan.

Fire Committee discussed the purchase of ladder truck and pumper from fund balance. A spend down plan of the discretionary funds is used by other municipalities and one-time capital purchases are viable options in such a plan. He stated that a presentation by Ms. Cotov indicated that there was no motion to move forward with the purchase of any vehicles in this coming budget year, because there is a plan for the replacement of those vehicles and newer vehicles in future years in the strategic plan.

G. [Human Resources](#) (No Meeting)

Report

H. Patriots Point Development Authority

Report

Mayor Haynie stated that there is a meeting this Friday that he will not be attending, as he will be out of state. He said one of the items they will be hearing this month is the proposed master plan of Patriots Annex. He stated that he is unaware of the time it will take to make decisions or authorize approval. He stated that he did advise them that he would not be voting on it there, because he must vote on it at Council. He said it may come before Council in two to three months. He said the Medal of Honor Society and Patriots Point are discussing some future plans and will come before Council to advise what their plans are for the Town's remaining \$1.2 million that the Town had approved for the moving of the road. He advised Patriots Point that the Town needs direction on this and once plans have or have not been approved, to advise Council so that action may be taken on those funds.

I. [Planning Committee](#)

Report

Discussion of hotels, storage unit buildings, and zoning regulations

Committee members raised questions about hotel and self-storage uses. An interest in understanding the current regulations and how these might be amended to provide greater control of their location was expressed. Staff was requested to provide this information at the April Planning Committee meeting.

Discussion of building heights in the Johnnie Dodds and Chuck Dawley portions of the Boulevard Overlay District

Committee members expressed some concerns about the height limits along these two roadway corridors as they related to the scale of buildings. In particular, the line of demarcation between 80-foot buildings and 55-foot buildings along Johnnie Dodds in the vicinity of the Houston Northcutt/US 17 intersection was questioned. Staff was asked to present historical and other information at the next Committee meeting in April.

Discussion of first draft of Short-Term Rental regulations

Staff summarized the draft provisions contained in the new ordinance as crafted in response to prior Committee direction. They also shared information about the potential costs and revenues related to any new program.

Following an extensive discussion, the Committee members expressed concerns that the draft, while it started with good intentions, might now be overly broad and complicated. The members agreed that a few aspects of the ordinance were of the highest priority and asked that staff generate a simpler, less burdensome version. The key components which are still desired include:

- An annual permit & fee
- A business license requirement
- “Grandfathering” provisions and/or a way to phase in the regulations
- Applicability to owner-occupied dwellings
- A reduced safety inspection program
- A 1% cap on the number of STR’s in proportion to all dwelling units in town

The staff team will return to the April committee meeting with a modified version of the ordinance.

J. [Police, Judicial & Legal Committee](#)

1. Approval of a resolution supporting H3355 also known as the hands free while driving bill (See Council New Business XI.A.1)
2. Approval to improve the structure of the Town Council Agenda (See Council New Business XI.A.2)
3. Report

K. [Public Services Committee](#)

1. Approval of amendments to the Environmentally Acceptable Packaging and Products ordinance (See Council New Business Item XI.A.3)
2. Report

The Committee approved the minutes from the January 3, 2019 meeting.

There were three topics discussed during the meeting.

The first topic was a presentation given by Jody Peele and Davis and Floyd providing a review of the Public Services Department Facilities Master Plan. The Committee approved the plan and

directed the Department to proceed with design and construction as part of the approved FY19 Capital Improvement Plan.

The second presentation was given by Thomas and Hutton and provided an update on the Old Village Drainage Improvement Project design for the Edwards and Royall drainage basins.

L. [Recreation Committee](#) (No Meeting)

1. Report

M. [Transportation](#)

Report

Mayor Haynie stated that he would like to mention that there are now two alternatives for Highway 41 and there will be public meetings. He said the window is closing and the recommendation for the preferred alternative will be in late summer, early fall. He said as we get into spring, not to lose focus on the stakeholders and public meetings in order to get this moving in the right direction.

Mayor Haynie stated that in the Committee meeting, they viewed a presentation on design concepts for Park West Boulevard and Stockdale Drive intersection.

The Committee also viewed design concepts for the Long Point Road Maritime district, which was strictly conceptual.

He stated that they also reviewed the status of the possible improvements at Park Avenue and Faison Road and whether traffic signals are warranted, and the timeframe involved.

Consultants spoke to Committee regarding the residential parking permits study in the Old Village. He said six residents attended; however, no action was taken by the Committee. He said they will review more closely the findings of the consultants. The

consultants did not feel that the parking permit system would be very successful.

He stated that there were discussions regarding the Lucy Beckham High School bicycle and pedestrian access.

N. Waterworks Commission

Report

Mr. Bustos stated that they attended the semi-annual retreat where they were provided with a broad overview of the Mount Pleasant Waterworks. He said that the cellular tower remains an item of interest and expects it will be back on the agenda in April 2019 with a different request.

Mayor Haynie stated that he would also like to mention that at the MPW's Commission meeting next month (April), they will be briefed by their attorney specifically regarding the Snowden Community and the fact that it is an unusual situation where Phase I, which was a Federal Grant, was not held to the annexation law of the Town of Mount Pleasant. He said the Town has not rescinded this law. He said Phase II in Snowden now requires annexation into the Town and it is up to the MPW Commission to decide how they want to apply the Town's ordinance to annex. He said the Town was advised that they have no authority to enforce their law outside the limits of the Town of Mount Pleasant.

O. Water Supply Committee (No Meeting)

Report

X. ADMINISTRATOR'S REPORT

Vacancies on the Old Village Historic District Commission and the Historical Commission

XI. COUNCIL BUSINESS

A. New Business

1. **Adoption:** A Resolution requesting the State General Assembly to pass H.R. 3355 to protect the citizens of this state from distracted drivers using electronic devices while driving. (R.19031)

Mr. Brimmer moved for adoption; seconded by Mr. Owens.

Ms. Landing stated that she discovered that many are not aware of this but is similar to a public service announcement. She said if you have a teenager who has any doubt as to whether it is fair for this to be an issue, she would encourage them to rent the movie "7 Pounds". She stated that it was not a well-known movie, but starred Will Smith. She said it is an unbelievable story of a rocket scientist who thought he was smart enough to text and drive.

All present voted in favor.

Mr. DeMoura read the *RESOLUTION BY TITLE ONLY. This Resolution SIGNED, SEALED and DELIVERED* this date.

2. **First Reading:** An Ordinance to amend Code of Ordinances Sections 30.21, 30.29, 30.33, 30.34, 30.35 and 30.46 and to create new sections 30.33 and 30.36 all related to Public Meeting Procedures. (Ord. No. 19016)

Mayor Haynie stated that the Committee reviewed and voted unanimously to recommend approval to Council.

Ms. Farrell stated that this ordinance has been considered for the past two months in the Police, Judicial and Legal Committee. She stated that the following illustrations are some of the proposals.

J. 2. Approval to improve the structure of the Town Council Agenda

- **30.21:** Change the start time of the Council meeting from 6:00 to 5:30
- **30.29:** Amend the Order of Business to:
 - Remove confirmation of compliance with FOIA
 - Reorganize and rename Awards and Presentations, Public Hearings, and Public Comments
 - Add a Consent Agenda section
 - Change Committee Reports to Committee Action Items
 - Remove Administrator's report
- Add a new section for the Consent Agenda rules and procedures
- **30.34(C):** Amend to require all public comment at the beginning of the meeting rather than allowing public comment with each item as it appears on the agenda
- **30.35:** Amend for consistency with public comment, maintaining the ability that the public may speak at all public meetings
- **30.46:** Amend so that ordinances may be read by ordinance number rather than title

TOWN OF MOUNT PLEASANT, S.C.



Ms. Farrell stated an exhibit of what this would look like is shown if the following agenda sample.



PROPOSED AGENDA CHANGES EXAMPLE

MOUNT PLEASANT TOWN COUNCIL
TOWN COUNCIL AGENDA
Tuesday, XXX XX at 6:00 **5:30** p.m.
Municipal Complex, Council Chambers
100 Ann Edwards Lane
Mount Pleasant, SC 29464

- I. PRAYER
- II. PLEDGE
- III. ~~COMPLIANCE WITH FREEDOM OF INFORMATION ACT~~
- IV. APPROVAL OF AGENDA
- V. AWARDS & PRESENTATIONS (limit to significant awards and community presentations)
 - A. Presentation of the 2017 National Service and Sacrifice Award to the Lowcountry Community Chaplaincy
 - B. Announcement of 2018 Hermes Creative Award Recipients
 - C. Longevity Awards (limit employee recognitions to 25 and 30+ years of service only; remove employee of the month)
 - D. Employees of the Month

I. PUBLIC HEARINGS

II. ~~CORRESPONDENCE AND PUBLIC STATEMENTS~~ **PUBLIC COMMENT** (all public comment would be limited to this section. There would not be public comment for each item later on the agenda)

III. APPROVAL OF **MINUTES** FROM THE APRIL 10, 2018 TOWN COUNCIL MEETING, AND THE APRIL 2018 FINANCIAL STATEMENT.

IV. **CONSENT AGENDA ITEMS** (Consent agenda items should be limited to those that came out of Committee with unanimous approvals and where no discussion is expected. Any Council member will have the right to remove a Consent Item from this portion of the agenda.)

1. **Final Reading:** An Ordinance providing for the annexation of an approximately 5.32 acre tract of land owned by the Town of Mount Pleasant, located at 3745 Highway 17 North,
2. **Final Reading:** An Ordinance to zone PI-2, Public Institutional-2 District, an approximately 5.32 acre tract of land owned by the Town of Mount Pleasant, located at 3745 Highway 17 North,
3. **Final Reading:** An Ordinance to amend Section 114.06 of Chapter 114, Accommodations Fee, of the Mount Pleasant Code of Ordinances pertaining to the distribution of funds. (Ord. 18033)
4. **Final Reading:** An Ordinance authorizing the issuance of a not exceeding \$10,000,000 Stormwater Utility System Revenue Bond, Series 2018 of the Town of Mount Pleasant, South Carolina. (Ord. No. 18040)

TOWN OF MOUNT PLEASANT, S.C.



She stated that there will be a hyperlink to the Committee minutes, as one of the proposals is to remove the Committee Reports and only have Committee “action items” on the agenda. She said the awards and presentation will be more limited. She said on the Longevity Awards, they will only recognize those

employees with 25 or more years. Those employees up to 20 years will be recognized at the Committees. She said they would also recommend removing Employee of the Month and the Employee Relations Committee has been working diligently to come up with other ways to recognize Town employees for their great work.

- I. **PLANNING – Mr. Ulma**
[Planning Committee Minutes](#)
[Planning Commission Minutes](#)
 - A. **NEW BUSINESS**
 1. **First Reading:** An Ordinance to rezone two parcels from AB, Areawide Business District, to AB-2, Areawide Business-2 District, an approximately 1.00 acre tract of land located at 1124 and 1126 Venning Road
 2. **First Reading:** An Ordinance to amend Chapter 32, Section 32.23, Chapter 150, Section 150.003, Chapter 156, Sections 156.400, 156.410, 156.420, 156.430 and 156.441 of the Town of Mount Pleasant Code of Ordinances related to attendance requirements for appointed Boards and Commissions. (Ord. No. 18035)
 3. **First Reading:** An Ordinance providing for the annexation of an approximately 0.53 acre tract of land located at 1108 Graddick Road,
 4. **First Reading:** An Ordinance to Amend Sections of Chapter 152: Flood Damage Prevention and to Adopt the "Builders Guide for Stormwater Management in the Old Village Study Area." (Ord. No. 18039)
 - B. **OLD BUSINESS**
 1. **Final Reading:** An Ordinance to rezone from R-1, Low Density Residential District to AB, Areawide Business District, an approximately 1.00 acre tract of land comprised of one parcel in its entirety and portions of two parcels, described as follows: (i) an approximately 0.07 acre parcel in its entirety located on Melvin Bennett Road
- IX. **COMMITTEE ACTION ITEMS REPORTS** (Committee reports would be removed. Only Committee action items would be included in this section. For an update on other Committee discussion or actions, the minutes for Committees are linked in the toolbox at the top of the agenda.)
- XI. **ADMINISTRATOR'S REPORT**

 Culture, Arts and Pride Commission vacancy
- XII. **COUNCIL BUSINESS**
 - A. **New Business**
 - a. First Reading: XXXXXXX XXXXXXX
 - B. **Old Business**
 - C. **Final Reading:** An Ordinance to adopt and appropriate a Budget for the Town of Mount Pleasant for Fiscal Year 2019 (July 1, 2018 through June 30, 2019). (Ord. No. 18032)
 - C. **Executive Session**
 1. **Legal and Contractual**
 - Contractual matter related to the possible purchase of property
 2. **Personnel**
 - Appointments to the Accommodations Tax Advisory Commission and the Historical Commission
 - D. **Post Executive Session**

She stated that the consent items will be listed in an entirely new section. She said if all Council members are agreeable with all the items listed, there will be no discussion or debate and will have a consent approval.

She stated that Planning will remain the same, although some of the items may move to the consent area for consent approval. She said the Administrator’s Report will also be removed.

Mayor Haynie stated that when discussing with Legal Counsel, this is listed as one ordinance. He said if there are any changes or amendments to be made, they will be made at final reading. It must be voted on as presented this evening. He asked Legal Counsel if this Council can make these changes effective in 60

days, beginning with the May 2019 Council meeting. This will provide ample time to inform the public.

Mr. Pagliarini stated that this was discussed and one of the considerations that Council should consider.

Mr. Brimmer asked if there was any discussion about adding any of the annexations to the consent agenda.

Ms. Farrell stated that if at first reading it was unanimous, then this would automatically be put under the consent items for final reading.

Mr. Brimmer stated that at first reading, could the annexations be added as Council typically approves these without issue.

Ms. Farrell stated that this could be accomplished. She stated that often, the zoning follows the annexation and are discussed as one during first reading. She said if Council wishes to separate them, this could also be put under consent for first reading as well, if they are unanimous.

Mr. Brimmer stated that he may suggest this for second reading.

Mr. Pagliarini stated that staff's issue with this is that they may be generally unanimous; however, we do not know this and does not mean that any Council member cannot pull it out. He said he would just like to provide the "why" staff was not suggesting this for first reading; however, it is permissible.

Mr. Cunnane stated that he thinks this whole thing is based on a faulty premise - the idea that we have to have a short meeting. He stated that he looks at things through a prism of someone who wants to work 24 hour shifts and cannot just reconcile how elected officials that are asked to meet basically one night a month are trying to shorten the meeting. He has no problem with the consent agenda, because it can be more efficient, but he has a problem with moving public comment away from the agenda and back to the beginning, mainly because not everyone can get here at 6:00 pm. He said there is a parent waiting at

home in his neighborhood for their spouse to get home, so they can get here and may not get here by 6:00 pm due to the travel conditions across the Town. He thinks it is unfair to the people that live farther away so he does not think it is right or fair. In addition, the whole exercise is missing a key component which he thinks he discussed at the Police, Judicial and Legal Committee meeting, which is, how does a Council member get something on the agenda. He said on Committee, one Council member is the Chairperson and can put whatever they want on their agenda. He said another person is not a Chairperson and cannot put anything on the agenda. He said this creates a pecking order that the law of how the Town is created, under State law, really does not account for this. He thinks it is kind of a gray area and it could be considered an abuse of how the Town is supposed to run.

Mayor Haynie asked Mr. Cunnane to allow Mr. Pagliarini to clear up the legal aspect.

Mr. Pagliarini stated that on the second item about placing matters on the agenda, this will be going back to the Police Legal and Judicial Committee next month and was brought up, but it was not fully developed, and staff is working on this. He said this will essentially be part II.

Mr. Cunnane stated that it will be a second exercise to look at this.

Mr. Pagliarini responded in the affirmative.

Mr. Cunnane stated that namely the 30.34 and whatever changes to 30.35 that move public comment, he would take objection to namely because of the distances traveled and there are people at work until 5:00 pm in North Charleston. He asked if they were going to get here on time to speak? He believes it is only fair. He said Council is only being asked to work one night a week and both chiefs (Police and Fire), can tell Council that their people are working every single night of the month and a lot

longer hours than Council. He said Council should just suck it up and be ready to perform their duties that one night a month they are being asked.

Mayor Haynie stated that as the Chair of the Police Judicial and Legal Committee, he would respond that it is not about the Council and how much they work, but more about primarily when he saw the residents from John Bartram Way who showed up to hear Council address a safety issue about closing a public street for them for the safety of their families. He said they waited for hours and then he saw that several of the young families had to leave. He said this way, Council will get through their agenda without going on for 4 ½ or 5 ½ hours and secondly, when you come and speak, you will get to speak whether your item is deferred, delayed, tabled, or withdrawn. When you show up to speak you will speak under Public Comments and be heard.

Ms. Whitley moved to approve; seconded by Mr. Santos.

Mr. Cunnane was opposed. All others present voted in favor.

Motion to approve carries 7-1.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

- 3. First Reading:** An Ordinance to amend Section 53.06 of Chapter 53 of the Mount Pleasant Code of Ordinances pertaining to Environmentally Acceptable Packaging and Products. (Ord. No. 19017)

Mr. Owens stated that the Retail Association sent a letter to the Town asking for consideration for some amendments that they were suggesting. The Committee reviewed these suggested amendments and also met with the Publix Government Relations Manager and discussed those amendments. He said the Committee did not find anything that provided any indication that it would detract from the ordinance. He said, in fact, it would make the ordinance stronger. He said the

Committee wanted to recommend approval to full Council, as outlined in the agenda packet, pages 68 – 70.

Mr. Owens moved that the amendments be approved.

Mayor Haynie asked Mr. Owens to elaborate a little further for the public.

Mr. Owens stated that it is pertaining to South Carolina DHEC retail food establishment regulations 60-25 and it is also considering having clear plastic windows on products, such as the chicken boxes, as well as pastries. He said the grocery establishments are predominately made of paper, including wax paper. He said particularly to eliminate the cross-contamination possibility. He said these suggestions are prudent and they will stand to make the ordinance stronger.

Mayor Haynie asked if this was a motion from Committee, which does not require a second.

Mr. Owens responded in the affirmative.

All present voted in favor.

Mr. DeMoura read *FIRST READING BY TITLE ONLY.*

B. Old Business

1. **Final Reading:** An Ordinance to amend the Budget for the Town of Mount Pleasant, SC for the Fiscal Year commencing July 1, 2018 and ending June 30, 2019. (Ord. No. 19007)

Mr. Brimmer moved for final reading; seconded by Ms. Whitley.

Ms. Cotov stated that since the time of the first reading, there are three additional items presented for consideration. She said the first is a matching, up to \$50,000 for this fiscal year, for Housing for All Mount Pleasant; the second is an increase in judgment and losses account in the amount of \$2.6 million; and the final is the appropriation of \$4.4 million of fund balance for potential purchase of property.

Mr. DeMoura stated that the \$4.4 million must be appropriated by full Council; therefore, if Council requires staff to act in a way that Council is able to determine they are able to do this, and then do not have to wait for two more readings to be able to do this.

Mayor Haynie asked Mr. Pagliarini if the Town is past the point to elucidate a little bit about the judgment and losses, because the Town did not lose a case.

Mr. Pagliarini stated that as part of the allocation, as Council voted, Legal staff is working through resolution, a significant portion of which involves the purchase of property as it relates to Park West. In addition, it is part of that case, so it is not really allocated out in any specific way, but as Council is aware, that is the purpose.

All present voted in favor.

Mr. DeMoura read *FINAL READING BY TITLE ONLY*. This Ordinance *SIGNED, SEALED and DELIVERED* this date.

Mr. Brimmer asked if this motion gets Mr. DeMoura what he needs to move forward.

Mr. DeMoura responded in the affirmative.

- 2. Final Reading:** An Ordinance authorizing the sale of an approximately 0.2 acre portion of property located on Walt Miller Street, Town of Mount Pleasant. (Ord. No. 19008)

Mr. Owens moved for approval; seconded by Ms. Whitley. All present voted in favor.

Mr. DeMoura read *FINAL READING BY TITLE ONLY*. This Ordinance *SIGNED, SEALED and DELIVERED* this date.

C. Executive Session

Ms. Landing moved to adjourn into executive session; seconded by Mr. Bustos. All present voted in favor.

Council adjourned into executive session at 8:11 p.m.

Mayor Haynie declared that Council was out of executive session at 8:35 p.m. and that no action or votes were taken in executive session.

1. Legal and Contractual

a. Consideration of an economic development incentive grant

Ms. Landing made a motion that Council grant the Economic Development Grant as discussed in executive session; seconded by Mr. Bustos.

All present voted in favor.

b. Legal advice related to the Board of Zoning Appeals decision in Case A-3-18 Earl's Court

c. Legal advice related to the potential purchase of real property

Council may take action on any item, including any subsection of any section, listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

2. Personnel

a. Consideration of Applications to the Historical Commission

Mr. Bustos made a motion to nominate Antonio White, Deborah Sutherland and Courtney Theis, to the Historical Commission; seconded by Mr. Santos. All present voted in favor.

b. Consideration of Applications to the Commercial Design Review Board

c. Consideration of Applications to the Culture, Arts and Pride Commission

Ms. Whitley made a motion to nominate Kathryn Whitaker to Seat #2; Frank Sonntag, Seat #1; Bren Monteiro, Seat #3; and Ann McGahey, Seat #4; seconded by Mr. Brimmer. All present voted in favor.

d. Consideration of Applications for the Board of Zoning Appeals

Mr. Bustos moved to nominate Mr. Julian Hopkins; seconded by Mayor Haynie.

Mr. Bustos, Mr. Santos and Mayor Haynie were in favor.

Mr. Brimmer, Mr. Cunnane, Ms. Landing, Mr. Owens and Ms. Whitley were opposed.

Motion fails 3-5.

Ms. Landing moved to nominate Megan Finch Stevens; seconded by Ms. Whitley.

Mr. Bustos was opposed. All other presented voted in favor.

Motion carries 7-1.

Council may take action on any item, including any subsection of any section, listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

XII. ADJOURN

There being no further business, Council adjourned at 8:38 p.m.

Respectfully submitted,
Barbara Ashe
March 12, 2019