

MOUNT PLEASANT TOWN COUNCIL
AMENDED TOWN COUNCIL AGENDA
Tuesday, March 13, 2018 at 6:00 p.m.
Municipal Complex, Council Chambers
100 Ann Edwards Lane
Mount Pleasant, SC 29464

MINUTES

Mayor Haynie called the Town Council Meeting to order at 6:03 p.m.

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

I. PRAYER

Chaplain Joanne Gilmore led Council in prayer.

II. PLEDGE

Mayor Pro Tempore, Gary Santos, 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

Mayor Haynie stated that he would like to ask Council to consider moving two items on the agenda to fall after VII. Correspondence and Public Statements, which are Item XI.A.1, First Reading of an Ordinance amending Title V (Public Services) by adding a new Chapter 53 pertaining to environmentally acceptable packaging and products; and Item XI.B.2, Follow-up discussion on Council vote from November

14, 2017 Town Council Meeting for Attorney General opinion and consideration of draft inquiry letter.

Mr. Bustos so moved to amend the agenda; seconded by Mr. O'Rourke. All present voted in favor.

Mr. Bustos moved to approve the amended agenda; seconded by Mr. Owens. All present voted in favor.

V. PUBLIC HEARINGS, AWARDS & PRESENTATIONS

A. A Public Hearing: A Public Hearing to receive input on a proposed Fifth Amendment to Development Agreement By and Between CDM Of Charleston, LLC and Town of Mount Pleasant, South Carolina which is summarized below:

Proposed is to delete in its entirety Exhibit C (Governing Regulations) of the Development Agreement, including all exhibits to the same, and to supplement with a new Exhibit C with all of the exhibits thereto.

Carolina Park is comprised of approximately 1,608.50 acres of land and whose location is generally described as being on the north side of US Highway 17 between the Park West and Pepper Plantation developments.

Mr. Ulma stated that this requires two public hearings. He said that there are not changes to land uses, increases in density or those elements. He said this is being accomplished to have a clean 2018 version of the Development Agreement and the Planned Development.

Stuart Whiteside, Seamon Whiteside, stated that he will speak later if necessary.

There being no other speakers, the public hearing was closed.

B. A Public Hearing: A Public Hearing to receive input on a grant application for the South Carolina Department of Parks, Recreation & Tourism (SCPRT) Recreation Trails Program. This program provides grant funding to construct new recreational trails, improve/maintain existing trails, develop/improve trailhead or

trailside facilities and acquire trail corridors. The Town of Mount Pleasant in coordination with Charleston County Parks and Recreation Commission is submitting for the maximum allowable grant application of \$100,000 for the development of trails, parking lot and trailhead at Rifle Range Road Park. This project is intended to provide public access to the property for recreational hiking, biking, running and enjoyment of nature. The proposed trailhead and parking lot will be located at 2334 Rifle Range Road near the southwest corner of the property providing access to approximately 3 miles of trails within the park. Project sponsors must initiate their approved projects with their own funds and be reimbursed up to eighty percent of allowable costs. Grant awards will be announced in June of 2018 and project sponsors have eighteen months to complete the project.

Steve Gergick, Recreation Director, presented the grant details.

There were no public speakers and the public hearing was declared closed.

C. Presentation of the Distinguished Budget Award

Ms. Marcy Cotov, Chief Financial Officer, introduced Jonathan Edwards, Deputy Chief Financial Officer and Rachel Wagner, Budget Manager. She said it is their pleasure to present to Mayor Haynie and Town Council, the National Government Finance Officers Association Distinguished Budget Award. This award represents a significant achievement by the Town and reflects the commitment of the Finance Department's staff to meet the highest principals of budgeting. In order to receive the budget award, the Town has to satisfy nationally recognized guidelines. These guidelines are designed to assess how well the budget serves as a policy document, a financial plan, an operations guide, and a communications device. Ms. Cotov said Mayor and Council's guidance and support, along with the efforts of Jonathan Edwards and Rachel Wagner created a budget that received 17 out of 27 outstanding recognition and criteria and the Distinguished Budget Award.

D. Red Cross Proclamation

Mayor Haynie and Town Council presented a Proclamation to Sid Boone, Board Member, and Nicole Krupka, recognizing March as the American Red Cross Month.

E. Longevity Awards

Jeff Ulma, Planning Director, recognized **William “Bill” Jennings**, Division Chief, Building Inspections, for 25 years of service.

Marcy Cotov, Chief Financial Officer, recognized **Ronald Hughes**, for 20 years of services.

Police Chief, Carl Ritchie, recognized Senior Patrol Officer, **Paula Wilson**, for 20 years of service, and Senior Patrol Officer, **Sean Webber**, for 20 years of service.

F. Days of Remembrance Proclamation

Mayor Haynie and Town Council presented the Days of Remembrance proclamation to **Rabbi Refson and Reggie Guigui**. Holocaust survivor, **Joe Engal**, was present for the proclamation reading, as well as six children of Holocaust survivors.

VI. APPROVAL OF [MINUTES](#) FROM THE JANUARY 31, 2018 TOWN COUNCIL RETREAT, THE FEBRUARY 5, 2018 AND FEBRUARY 16, 2018 SPECIAL TOWN COUNCIL MEETINGS, THE FEBRUARY 13, 2018 TOWN COUNCIL MEETING, AND THE FEBRUARY 2018 FINANCIAL STATEMENT.

Mayor Haynie asked for a motion to defer the January 31, 2018 Town Council Retreat minutes and a motion to approve the remaining stated minutes.

Mr. O’Rourke so moved; seconded by Mr. Santos. All present voted to approve. (Mr. Bustos was not present for the vote)

VII. CORRESPONDENCE AND PUBLIC STATEMENTS

Barry Wolfe, 1468 Pocahontas Street, stated recently that he was tired of Town Council business being litigated on Facebook and is still tired of

it. He said it should be done in Committee or in Chambers. He asked to keep the Town Business within the Town.

Jimmy Bagwell, 41 Vincent Drive, said that he has spoken about this topic several times, which is the Coleman Boulevard plan that we are now in the process of constructing. He has said in the past that it is a great idea to improve the drainage into Shem Creek, which everyone is in favor of. However, he has not spoken to anyone yet who is in favor of the plan, as it is now being constructed. He believes that the Town should review the medians, as well as the access to the businesses there. He said at the Town Council Retreat, Mr. Gregorie of GDC and Mr. Brewer from the Moultrie Shopping Plaza, came forward in opposition to the project as it is now being constructed. He said he agrees with them 100% and believes the Town should take a look at it and improve access to the businesses and make it easier for people to get to where they would like to go. He said he does not believe it is too late. He said if we are going to redesign to eliminate parallel parking, then the Town needs to take a look at redesigning, not only to eliminate parallel parking, but to also change the median structure as it is now being constructed. He said he is in favor of the bicycle paths and the sidewalks, making Coleman Boulevard more beautiful. He said that while reviewing the agenda, he saw that Council was going to consider the Coleman Urban Overlay. He said that he is very much in favor of eliminating this as it has caused a lot of the issues that have been argued about for the past several years. He believes there is a way to protect property owners and neighborhoods. He said to do what is right for the Town of Mount Pleasant, and people over the last two elections have expressed their concern over the urbanization of this Town. He said that he also agrees with Council's agenda item this evening to take a look at the motion that was made back in November 2017 to take a look at the decision to mitigate and mediate the Atlantic proposal on Ben Sawyer Boulevard. He said the last thing he wants is density right on the marsh. He asked to review this closely on how this process was accomplished. He said he also agrees with the elimination of plastic bags but asks Council to take a hard look at how to accomplish this, because businesses are concerned, and this could be a hardship for them.

Lawrence Mahorney, 749 McCants Drive, stated that Mayor Haynie has drafted a letter to the Attorney General inquiring into the legality of the procedure that took place at the Council meeting where the Atlantic project was approved. He was also asking an opinion on whether Council members can personally be sued over their votes. He said the Town is still in shock over the proceedings that evening, and hundreds of attendees left that meeting believing the Mayor when she said, “no action taken”. He said even Channel 4 News reported, “no action taken and that the case would proceed to Court”. He said what a shock to find out after all attendees left that a second executive session was called, and a vote was taken, and the measure passed. He said there is also little doubt in his mind that if Town Attorneys had not put the fear of God into Council members opposed in regard to personal lawsuits, the outcome would have been different. He said he cannot understand how anyone could possibly be opposed to getting clarity on these issues. He said secondly, Council will be voting on the plastics ban to keep dangerous debris out of the marshes and waterways. He said that there has been a great deal of misrepresentation and some fear tactics. He said to be clear, this proposal will not put undue burden or unreasonable costs on individuals or businesses and some say it is government overreach. He asked what our air quality would be if government had not set guidelines for auto emissions back in the 1960’s. He said our air quality would resemble China’s. He asked for Council to look at Folly Beach and Isle of Palms who have passed similar legislation, and they appear to be adapting nicely.

Lucy Gordon, 1551 Ben Sawyer Boulevard, said she would like to thank this group for their willingness to tackle several issues that are on the agenda. First, the elimination of the Urban Corridor Overlay District. She said this is a priority for a number of residents. She said whatever the good intentions of this corridor once were, they have not materialized, and it has been the basis of a number of issues and exacerbated the ones they already had. She said those who live near the corridor are acutely aware of it, but also the citizens of the Town, in general. They do not want Mount Pleasant to be urbanized. Secondly, she would like to support Council’s initiative to obtain clarification and

feedback on some of the procedural questions that did surround the settlement agreement on the Atlantic. She said there was a great deal of public questions and concern over the entire process of the settlement agreement, including the meeting that was in question. She said any clarification of those issues would be very positive in terms of fostering confidence in the process for the future. She said that she also supports Council's efforts on the plastic ban. She said she appreciates the leadership of Council, because the Town does not receive much support from the State, but the perseverance of Council is appreciated. She said that it is nice to come to a meeting where she is able to support and thank Council for things they are already doing.

Chris Donato, stated that he wanted to address Item 8, under New Business, which has been before Council several times. He said that he would like to remind Council that these are lots that have already been under final plat or preliminary plat approval. He said that what they are asking for does not increase density, lot size, or building coverage. He said it simply allows for flexibility in home placement. He is available if there are questions.

Sean Barnes, 1418 Barbara Street, said that he knew Joe Manigault since middle school and he was a good man. He said he was loyal and did what he said he was going to do. He hopes that Town Council will name a road after the Manigaults because they have been there forever.

Ron Stroh, said that he would like to give Council a gentle reminder of the traffic situation on McCants relative to the school busses picking up and dropping off children. He said the traffic continues to get worse and is assuming it is due to the traffic on Coleman Boulevard. He is not sure what other mitigation calming measures there are, because it is a safety situation for the children.

Denis Blythe, 610 Pelzer Drive, said he has one thought regarding Coleman Boulevard and the new 35 mph speed limit. It is not very well adhered to by the general public. He said typically a new speed limit will have some type of markers or signage indicating "new speed limit" which makes it very obvious. He asked if the Town could make them

more obvious. He said he would also like to thank Councilman Santos and the staff of the Recreation Department, Steve Gergick, Stacy Harrington, Molly Hubbard and the lifeguards that were on duty, for their support of Boy Scout Troop 20 with requirements they had for swimming classifications. He said he would also like to thank Council for their quick action on school safety issues and the SROs (School Resource Officers). He said there should be some funding from the School District or the Sheriff's Office for this. He would like to request that the Town confirm Council's unanimous decision last year to send an inquiry to the Attorney General. He believes that the questions regarding the executive session last July and Council's individual possible personal liabilities are very good questions to have satisfied. He said that he was the next to the last citizen in Chambers that night, leaving at 11:36 p.m., at the start of the third executive session. He said that lastly, he does support the plastic litter ban and thanked Council for helping Shem Creek in an environmental way as opposed to only economic.

Glyn Cowden, 737 Bloomfield Drive, said on the Atlantic, he was there for that meeting; however, he departed before it ended. He said it has been a fiasco from the beginning and would encourage this Council and Mayor to get a letter to the Attorney General in Columbia to discuss it, review it, review the minutes and notes to see what was done wrong, because it was definitely done wrong. He said regarding the Urban Corridor Overlay District, when the CRAB was presented to the stakeholders of this community, he is sure it looked wonderful, but this has changed. He said that we need to look at the Overlay District and eliminate it. He said regarding the plastic bag ban, we can get rid of them. He said he has used cloth bags for years. People will complain, but they will get over it. He said that the Creekers are having their ECCO (East Cooper Community Outreach) food drive on the 24th and would like all to come.

James Scott, 415 Church Street, said that he would like to speak out on the Atlantic requesting the Attorney General to examine the way the meeting was handled that evening. He said he was present for the meeting, but like many, left thinking that the issue had been resolved,

only to find out that it has not been. He said there are a number of questions as to the way this meeting was conducted. He said Council originally voted unanimously to send this letter to the Attorney General which is a great move for transparency but have heard there is now some hesitation and that it may open up the Town for some liability. He believes this is nonsense. He said Mr. Pagliarini should be able to look at everyone that was up there and tell you whether or not the advice he provided that night was valid. He said this is an opportunity for checks and balances and for the State to review it. He said that if this was not handled correctly, he believes the liability for anything such as this should fall on Mr. Pagliarini's malpractice insurance, not on the Town. He said at the end of the day, the taxpayers are the ones who elected Council to represent the Town, not the Town attorneys. He would like to remind Council who they look out for and to do the right thing.

Nancy Wicks, 1551 Ben Sawyer Boulevard, said she is here to briefly comment on the Urban Corridor Overlay District. She is not sure what is behind the discussion item and its purpose, but any discussion about removing these roads from the urban corridor would be greeted with overwhelming positive support from residents of these neighborhoods and likely residents of Sullivan's Island. She said a reduction in the heights and density would help contain the impact to our roads and improve the livability in our surrounding neighborhoods. She hopes larger and more reasonable setbacks from these roads would be a part of this change.

Ashley (inaudible last name), said she was here representing the interests of the owner of 119 Simmons and small businesses and landowners in the overlay district. She said it was established through an extensive Town planning process and removing it would roll back years of hard work and create even more hurdles for small business owners and property owners in the area. She thanked staff for their hard work on this process and hopes that the decision is weighed with the experts who created the overlay's guidance in mind.

Troy Sedalik, 1424 Poe Avenue, speaking on behalf 1135 Chuck Dawley Boulevard, said that he does not support elimination of the Urban Corridor Overlay District for Ben Sawyer Boulevard, Coleman Boulevard or Chuck Dawley Boulevard. He said a great deal of thought went into those for a number of years and removing the overlay district and going back to the base district would create inconsistencies in development patterns and be harmful for the property owners. He believes there will be more speaking in opposition once the word gets out.

Mayor Haynie stated that this concludes this portion of the agenda and as the agenda was amended earlier, the next item will be:

XI. COUNCIL BUSINESS

A. New Business

- 1. First Reading:** An Ordinance amending Title V (Public Services) by adding a new Chapter 53 pertaining to environmentally acceptable packaging and products. (Ord. No. 18024)

Mayor Haynie explained that first reading of the ordinance cannot be amended; however, it can be amended before final reading. He said that Council is here to consider first reading as written and to hear from the public.

Mr. Owens stated that he is pleased to introduce this ordinance for first reading. He stated that this has been a great deal of work and is a tremendous opportunity for the Town to take the lead with regards to the State as the State is currently looking at House Bill 3529 which is in Committee currently with further discussion later this week and another hearing as well. He said the Town is moving forward with this ordinance, as it is an opportunity to clean up our marshes, rivers and creeks and eventually the ocean.

Mason Smith, 2030 Shell Ring Circle, said he is a resident and a business owner. He would like to speak against this ordinance. He said there is no doubt there is an issue with litter and issues in terms of how it gets into our waterways, which need to be

addressed. He believes the way the current ordinance is written it is too broad and a better approach needs to be taken in terms of implementing and looking at some of the unintended consequences that could occur if passed in its present form. He said that Isle of Palms and Folly Beach have passed an ordinance. He said those areas are unique because they have broad areas of access where the public can take items with them onto the beach. Mount Pleasant does not have the same number of access points to the water and if we have a very pointed way of dealing with those access points to control the type of litter that could occur at those points, would make more sense than a total ban across the Town. He stated that one of his patients has arthritis and said it is much easier for them to carry a plastic bag than a paper bag.

Michael Lawrie, 165 Historic Drive, said much like everyone, he appreciates the consideration given to the environment and local businesses and wants to ensure appropriate proportional consideration is given to what is good to residents of the Town. He said quality of life means being surrounded by people who trust one another. That trust in each other contributes to the close knit feeling of a community and a local government contributes to setting that tone. However, it concerns him that Town Council appears to be turning a corner in deciding their neighbors in this Town are not worth the risk to trust; in this case, to throw away their plastic bags. Coercion with threats of legal consequences instead of a last resort is apparently the first step of how we address an issue. He said this does not represent his experience to how people in this Town interact with one another on a regular basis. He asked if this would be a much better story to have an impact without resorting to threats and punishment. He asked if the Town is certain local businesses would resist making changes on a voluntary basis. He asked Council to consider how important mutual trust is to a community's character and consider how Council's actions can contribute to setting that tone.

Barry Wolff, 1468 Pocahontas Street said he believes we need to understand what “first reading” means, which means we are working in the direction of getting something positive going. He does not believe the Town is going to ban everything, because that is not what is happening. He said when living in Santa Fe, there was a voluntary program which worked well. He said the Town may not have the mentality to be voluntary. He said we have all had the opportunity to get a reusable bag and perhaps for meat, it should be amended to put your meat in a plastic bag. He said the Town is perfecting the ordinance, not passing it tonight.

Richard Ebeling, 1604 Gray Marsh, said he is a professor of economics at The Citadel and what he attempts to relay to his students is that there are few things in life that do not involve trade-off's, and everything has a cost. He said when reading the draft ordinance, there was a focus on the proposed benefits of the banning of plastic items and bags, but less consideration in the cost. A number of studies have shown that often the manufacturer of paper bags can be anywhere from 40% to 50% more cost inefficient than the manufacturer of plastic bags. That the concern about the landfills, when in fact, because of the compressibility of plastic bags, they often occupy less than 3% of landfill space. He said there is also the fact that if one shifts, not just in bags, but in the use of cups and utensils in restaurants, etc., items that are supposed to be recycled, they must be clean. He asked about the concern of the extra water that has to be used in the cleaning process, the detergents that will be going through the water system. He said there is also the additional concern of the inconvenience. He said one former speaker mentioned that you cannot trust people to show social consciousness. He said this is a very undesirable paternalism in a free society. He said the presumption of a free society is that people associate, cooperate, reason, discuss, agree. He said the last resort should be the compulsion of activities, not the first. He said there is the fact that if people switch to cloth bags to carry groceries home, when

the banning of plastic bags was done in San Francisco, the year after that, they noticed a correlation of a 25% increase of e-coli cases in San Francisco hospitals, because the bags were being used, but not cleaned.

Bruce Johnson, 1062 Deer Park Way, said that bans, as a whole, are an over action by a government that causes its citizenship to lose freedoms. As such, any ban put out by government should have the highest requirements before it goes into effect. He said he can support a ban when it meets that threshold; however, looking over the draft ordinance, it seems to be based upon thirty small scale individual clean up efforts. He said on average they found 72 pieces of miscellaneous plastic and 14 pieces of Styrofoam per collection. He said that this is not an epidemic. He asked if we had higher concentrations of litter in some areas than others. He asked if it was cyclical and if it was growing, static or reducing. He said we do not know these things, because we do not have a good baseline of data to derive these decisions from. He said that we do not know that the mitigations that we put in place for a ban are actually successful, because we do not have a baseline to look back on. He stated that the ordinance states, "incentive-base education and voluntary programs are not significant, effective tools to address the problem of litter". He said he guesses this is one of those political half-truths, because it is dependent upon whether or not those programs have actually been designed to effect local issues, based upon the data in the local area. He said there is no time crunch on this particular topic and no need to rush to a decision. He suggested getting the data, define a process, then start small and implement up. He said once the Town has the data and information and starts small, then we can see if the mitigation controls are actually doing something. Then when you get to the end, you effect a ban.

Adele Fisher, 1216 Winnwood Court, said that back in the 1980's, she had a first-grade class and at the beginning of the term, with every year, she had them bury plastic, banana peels, leaves, grass,

etc., and at the end of the term, they would dig it up to look at what happened. She said the dangers and problems of plastic have been around and known for a very long time. She said to rely on people to police themselves has not worked and we are in a crisis situation. She said there are a lot of waterways in Mount Pleasant and you still see plastic bags flying around. Some say imposing a ban on businesses will hurt them and jobs will be lost. She said the same was said when seatbelts were implemented, and airbags were required, which did not happen. She said when the ban on smoking occurred, it was said that jobs would be lost, and businesses will be hurt, which did not happen. She said that Aldi's in Mount Pleasant does not have bags, except to sell for 99¢, and people bring their bags. She said they can be sanitized. She said spraying the bags with vinegar will sanitize them and they can be used again. She said we are in this together, whether we have a liberal or conservative point of view, we are all hurt by seeing the waste and microplastics in our food supply, which are harming us all.

Janet Zimmer, 129 Cooper River Drive, said she is opposed to the ban in its form at this time, because it is being described as a plastic bag ban and it is so much more than that. She said most of those supporting this ordinance have not even read it and do not understand the breadth of it and to what businesses it would apply. She said it is far more than the Chamber of Commerce members, food supply stores, so she would suggest for Council not to approve first reading and disseminate it much more broadly, so people understand what this ordinance is that they are or are not supporting. Additionally, she does agree with some of the prior comments that banning something and the costs to the businesses who likely do not know what is even being discussed. She said if they do not use plastic bags, they are likely not aware that this also includes plastic utensils. She asked if the public will even be able to purchase plastic utensils at the stores. She doubts it under the current ban. She said she is a lawyer but would encourage everyone to read this. She agrees that passing

a ban at this time without knowing if it would be effective without exploring some alternatives is not a good idea. She said people are already saying that a voluntary compliance will not be effective but believes you can try some of those things first.

Ashley Woody, 110 Friend Street, said that a “yes” vote would at least keep it in the works and hopefully later on, we can negotiate some win-win situations, so all residents can get their needs met. She encourages Council to approve first reading.

Kristi Hollins, 196 Hibben Street, said she is fortunate to live by the water, but the amount of plastic waste is appalling. She has participated in several marsh sweeps with Surf Rider organization and it is primarily plastic bags and plastic waste. She said she has also spent significant time in areas where plastic bag bans have been put in place. She said these places function beautifully, it’s clean and it can be done – we can do it.

Kelly Thorvalson, South Carolina Aquarium, said she has spent the last 15 years of her career rehabilitating sick and injured sea turtles that have washed up along the coast here in South Carolina and has witnessed firsthand the alarming increase of plastics that they have ingested while feeding in the ocean. She said the majority of these samples contain plastics consistent with single use plastic bags and they make their way into the ocean because of their lightweight nature. They are so lightweight that they get tossed around by wind into the waterways and taken by rain into storm drains into the waterways, which all lead to the ocean. She said in addition to her professional experience, there is a growing amount of data regarding animals throughout the food chain from plankton to whales consuming plastic and just last night, she met a College of Charleston masters student that is studying plastic ingestion of commonly caught food fish right here off of our coast. She said that it is an issue here. She said the SC Aquarium is one of hundreds of organizations educating the public on harmful effects of plastic, but unfortunately, these efforts are not effective, especially when you consider the

amount of time and money that is spent on these efforts. Alternatively, as stated in Marine Policy Journal and seen in local communities that have enacted these bans, they are effective in reducing plastic litter. She said in just under a year and very limited reach in communities across the coast and a few upstate, they have documented through the SC Aquarium's litter App 42,000 pieces of plastic pollution that have been removed. Styrofoam was the second most common element that has been documented throughout litter sweeps with over 16,000 pieces removed in less than one year, 4,500 bags have been removed and it is not sustainable.

Caroline Brabner, 328 East Bay Street, Coastal Conservation League, said the CCL supports this ordinance and applauds Mount Pleasant for their leadership on the issue, particularly with the proposed anti-home rule bill in Columbia. She said that it is an important time to continue exercising the Town's right to solve local problems with local solutions. She said effectively addressing pollution is a multi-faceted approach. She said what is used currently are incentives, litter fines, beach and marsh sweeps and other efforts, which should continue. She said research shows that an ordinance such as this one is the most effective by a staggering margin. She said that it has been seen in other states and other areas and we are seeing the proof right now at Folly Beach, which has seen more than a 78% decrease in recovered litter since the ban was enforced. She added that ordinances work, and CCL is so grateful to the Town for thoughtfully considering the problem and working to address it in a meaningful way. She said the ordinance has been the subject of twelve local press pieces since February 6th when the Post and Courier first published a draft of the ordinance and has been in the Post and Courier five times, the Moultrie News, the City Paper and in local television news several times. She said that it has also been a discussion on Facebook, Next Door and other platforms and hopes Council will continue the effort to gain feedback from the public through all these avenues and Town meetings and

ultimately approve this ordinance in a form that everyone can be excited about.

Joe Calandra, 2514 Harriets Island Court, said that he did sit through approximately six hours of the eight-hour retreat and was very impressed that this Council is the most cohesive, intelligent and forward thinking that he has seen in his 22 years in Mount Pleasant. He said he is generally not in favor of government intervention. He said shame on the gentleman on Shell Ring Court, because Shell Ring Court has at least one mile of access to water and his neighborhood, Dunes West, has approximately 10 miles of access to water. He said there are hundreds of miles of access to water in Mount Pleasant. He said another gentleman said that we need to take care of ourselves. He said plastic bags do not jump into the water, but it is “us” who are not responsible. He said sometimes we need the government to help us be more responsible. He said he is in favor of the plastics ban. He said when a small municipality such as Isle of Palms or Folly Beach sets this up, it is great; however, when you have the fastest growing municipality and one of the biggest in the State, this is taking a tremendous leadership role and people will stand up all along the east coast and say if Mount Pleasant can do it, then we can, too. He added that plastic is a disaster and there is currently 15 tons of plastic in the harbor. He said this local government needs to pass this plastics ban to rid plastics from the water. He cares about fish and turtles, but also cares about his health as well as his children and future grandchildren.

Eddie Pagan, 2320 Kings Gate Lane, said that it is nice to see that everyone cares about the environment; however, he is not in favor of the ban on plastic bags. He said that they were invented as an alternative to paper bags to protect trees and prevent clear cutting of our forest. He said there have been numerous studies to demonstrate that plastic bags are better for the environment than paper bags, just the manufacturing process alone. He said that paper bags also have a greater mass and weigh five to seven

times more than plastic bags, so they add five to seven times more tonnage to the waste stream for municipalities to manage, not to mention that this additional volume correlates directly to significant increases in the amount of greenhouse emissions produced to transport it. It takes approximately seven waste trucks to transport two million paper bags versus one truck to carry two million plastic bags. He believes this is an important issue and is more of a growth-related issue. He said the increase in littering is due to growth. He said perhaps this should be looked at. He said in 2006 Taiwan rescinded a ban on plastic bags because the ban led to an increase in waste management costs and greenhouse gas emissions. He stated that this is not an easy issue but is glad that the Town is addressing it and asked Council to continue looking at it.

Andrew Wunderly, Charleston Water Keeper, said that he is in favor of this ordinance. He said we know the plastic pollution is a big issue in our waterways and the most common types of plastic pollution are all convenience items that are the bags, Styrofoam, food wrappers, etc., which is why this ordinance is narrowly tailored to address this problem. It also has a focus on two of the worst types; the plastic bags and Styrofoam, for which there are acceptable alternatives available. It contains a long list of exceptions for plastic material that is not part of the plastic pollution issue and it also contains a one-year period where businesses are able to work through their existing stock and implement cost effective alternatives. He said there is also a hardship exception. He stated that this ordinance has been vetted and debated before Town Council, the Public Services Committee, the Economic Development Committee and the Police, Legal and Judicial Committee. He said the Economic Development Committee meeting was well attended, and the Charleston Chamber and the Mount Pleasant Chamber invited their members, and there was no opposition. He said in the Police, Legal and Judicial Committee, Chief Ritchie spoke and said it would not take any additional resources or staff in his department

to implement this ordinance. He said this fits with the experience of the City of Folly Beach and the Isle of Palms. He said businesses make the switch with little difficulty. He named a number of establishments in Mount Pleasant, Isle of Palms and Folly Beach that have implemented this. He said that Mount Pleasant is ready for this, the waterways are ready for it, the shrimp, fish and oysters are ready for it. He asked Council to support this ordinance.

Matt Yates, 1563 Cable Street, stated that he owns a very busy restaurant here in Mount Pleasant. He said his restaurant serves 3,000 to 5,000 guests each week in neighborhoods surrounding Highway 41. He said he has read the proposed ordinance in regard to the plastics ban and does not support it in its current form, because it will mean a tremendous financial hardship to smaller businesses like his. He said this will ultimately be passed on to the consumer. He said this ordinance is much more than plastic bags. He said his research indicates that costs for completely replacing all “to go” materials with proposed approved materials will result in a cost increase of over 100% and in some cases 200%. Serving food items in Styrofoam, plastic and other such materials being considered for ban has had his attention for years; however, because there are no affordable options available, it is something he has not been able to address. He does not believe this proposal has been well thought out and is simply too broad at the onset and is particularly punitive to small businesses. He asked if grocery stores are going to cease selling two-liter bottles and all plastic wares. He is all for protecting the environment and agrees that incremental changes can be made to help improve the situation. He just does not believe that such a broad and wide ordinance is the answer. He said he makes a large effort to recycle and is out at the beach every year cleaning up with his family, because it is important that we live in a clean environment.

Irvin Evans, 2144 Shell Ring Circle, said the flames before you are flames of remembrance. He said he would like to suggest another

symbolic reference which is the flame of liberty; something that has been slowly extinguishing in our country for many years. Here in South Carolina, we have a long history of defending liberty and it takes many manifestations that are currently applicable, including civil rights. The civil rights of honest citizens and of tax paying businesses should be considered. He said the Town's fantastic Public Services Department does a great job of collecting litter and in fact, empirically, the source of plastic pollution in the environment is not from Mount Pleasant. He said generally speaking the refuse department of the Town does a fantastic job of collecting litter and garbage and the citizens of Mount Pleasant adhere to the law. He said if we want to attach environmental pollution, to focus on the actual causes and not be engaged in symbolism but be effective. He said effectiveness would include maximizing the liberty of the citizens of this Town whenever the opportunity is available.

Lia Cabello, 558 Palmetto Battery Way, said she is speaking in favor of the environmental packaging ordinance. She said for the last five years she has worked with the premier researchers of marine plastic pollution and has worked around the world studying this issue as well as educating youth, consumers, policy makers and businesses. She said businesses have been so interested in understanding how they can reduce their use of single use plastics that she created her own consulting firm. She consults with organizations all over the world about how to reduce their single use plastic footprint. She said plastic pollution has four major solution categories. She said policy is the most effective globally. She cited a study in the North Sea, where they have had a plastic bag legislation in effect since 2002, that recently came out of the UK. She said plastic bags found littering the seafloor of the North Sea has declined significantly since all the policy measures were put into place. However, other single use plastic items that were not included in these ordinances are up dramatically. This suggests that policy is incredibly effective. She said locally, we can point to the SC Aquarium, Data Point, Surf

Rider Foundation and Water Keeper as strong indicators of the efficacy of policy. She said plastic pollution impacts industry immensely. She said we have discussed tourism and fishing, but it also extends to cattle and cotton and she would be happy to speak of the inland industries at another time. She said that alternatives exist. She said a previous speaker cited points from an industry funded study. She said anti-bacterial bags do exist. She said Life Cycle Analysis (LCA) that was cited with regards to paper bags do not discuss the plastic bags that are collected and sent to China or litter our seafloors. She said if we are talking about economics, she would like to point out that what is free and convenient today, costs much tomorrow and taxpayer burden, industry impacts, environmental impacts and the “as yet unknown” human health impacts.

Dr. Jason Annan, 1997 Belair Court, said that he would like to provide Council members with a handout. He said that every bit of the research is in the handout. He said the plastic bag ordinance is so poorly written. He said in the preambles to this ordinance, the Town cites statistics that are demonstrably false. He said if Council rewrites the ordinance, he asked to rewrite it in a way that passes the cogent test. The ordinance indicates that the plastic bags are the most environmentally sound method, prove to be wrong. He said that it also indicates that litter is a significant problem. He said there are great studies by the “Keep America Beautiful Foundation”, which proves that litter has been reduced by 60% over the last forty years and that single use plastic bags only make up 4% to 7% of all litter. He said by passing this ordinance, the Town is attacking a very small portion of the problem. He said the Town cannot cite this in the ordinance as a reason for passing this legislation. He said it needs to be written to pass the logic test. He said every jurisdiction that has passed the ban on plastic bags exclusively, has seen an increase in the use of paper. He said he has done the calculation to show that Mount Pleasant will have an 800 ton increase in paper in the solid waste stream, which corresponds to 67 garbage trucks every year that

must make an extra route through the Town to the landfill. He said fortunately Bees County Landfill does not charge a tipping fee to the Town, but someone is going to have to pay for it. He said if you look online, there are seven available openings for the Public Services workers that have not been filled since November. He asked how the Town will find extra employees to deal with extra trash. He said there are other alternatives to fixing the litter problem, which is what this is. He asked to make sure the stormwater system is up to date and working. He suggested that Council recruit people to clean up parks, adopt a park, adopt a road and do these first before Council passes an ordinance banning a product that people use every single day of the week.

Alec Cooley, 1071 Cottingham Drive, said that he supports this ordinance and spends a great deal of time on the waterfront, canoeing in creeks in the area. He sees that the litter is a very prevailing issue. He said that we have heard from several individuals talking about the issues of marine debris, which is a massive problem worldwide and there is more than enough evidence, as well as for himself having seen this on our own coastline. He supports this effort.

Jana Davis, 1251 Center Lake Drive, said that she is now head of the Surf Rider Ocean Family Restaurant program, but the reason why she started and proposed that this be done in the Charleston area, was because she felt the plastic pollution was impacting her quality of life here in Mount Pleasant. She does not believe this is a litter problem, but we must work at the core of this issue. She is personally exhausted from spending so much of her spare time out picking up trash, which is what most do on the weekends, because we care about our communities. She said regarding the restaurant program, this is a voluntary program with 32 restaurants on board, but it takes a great deal of work to stay on top of those restaurants due to all the turnover. She said that we need to raise the level and do education across the board to enable the restaurants to participate. She said that Ms. Cabello

made a comment about the health impacts. She is also a registered dietician and a certified diabetes educator and when working as a health educator, she spends a great deal of time studying this issue. She said that this is referring to endocrine disruptors, so when we are discussing insulin and thyroid, everyone has an immune related disease now. She provides her patients with mini education materials and she has one written by a Harvard professor on breast cancer reduction and one of the points is “only use plastics with recycling codes 1, 2 and 4 and avoid plastics with codes 3, 6, and 7”.

Roger O’Sullivan, 1551 Ben Sawyer Boulevard, said that he is very happy that the Town has this effort against plastics. He said that he is not in favor of thoroughness, and the exhaustive pressure and the legal slant that the Town wants to put with it, but he is in favor of cleaning up our ocean. He said that he is also unhappy that there is almost no pressure being put on the collection of litter. He said when garbage trucks dump trash, the bags fly away and there should be some pressure on this. He said that he picks up trash and there should be an equal effort put along side of this that deals with trapping the trash that you are unhappy with, picking it up, organizing efforts in the community in an incentive type way whether it is wholesome recognition or true incentives to communities that organize it. He said there should be an equal parallel effort, timely at the same time, with trapping and picking up trash. He said that the Town puts out almost no public litter cans and when he picks up litter, he must take it to a business who has one available.

Sarah “Sally” Jacob, 1152 Village Creek Lane, said that the State is going to tell us what to do if we do not do something on our own. She said the State has legislation telling us that we cannot do what we need to do locally. She said that she does not want to be told by the State that the Town of Mount Pleasant cannot make up its own mind.

Susan Thompson, 323 Bayview Drive, said that she would like to ask Council to support the ban on plastic bags, because it is an important issue. She said it is so important that she attended a Town meeting in February and again at Committee meetings. She also called Linda Tucker, City Administrator at Isle of Palms, to ask how they are handling this. She said they implemented the plastic bans at checkout and it has been a resounding success with no issues or resistance. She said the only resistance she had was from the plastic bag manufacturers industry who wrote letters against it and sent representatives to speak at one of the meetings. She said Ms. Tucker felt that the residents, visitors and the businesses on the Isle of Palms were proud to have this ordinance in effect. She asked about Harris Teeter and Ms. Tucker said they went along with it immediately without any issues. She would like to again ask Council to do the right thing and make all the residents proud that we live in Mount Pleasant.

Tony Bell, 921 Pine Hollow Road, directly on Shem Creek, said that he observes the direct effects of this toxic plastic that is dumped in the water, flies out of boats, thrown out of restaurants, blows out of cars, as well as bottles, cans, cigarette lighters and other debris. He fills a 40-gallon trash can in approximately one to two weeks. He said that this is just in his 100 yards of the creek. He said he would also like to point out that these products are extremely toxic to humans and are a suffocation hazard to toddlers, as are the plastic bottle caps. He said the animals and wildlife are always impacted by the plastics. He said he believes we are more intelligent than this, and are smart enough to come up with a way to get around the plastics issue and get rid of the toxic product that has been introduced into the environment that lasts for decades and longer.

Denis Blyth, 610 Pelzer Drive, said that the amount of access we have to the water resources in the Mount Pleasant area are greater than the Isle of Palms. He said to think of all the public access points we have in the Town that they do not. He said to

think about all the boats on Fridays, Saturdays and Sundays on the waterways and all the plastic bags being blown out of coolers, vehicles and boats. He spends a great deal of time on the waterways in many remote locations and there are plastic bags everywhere. He also spends time with Mount Pleasant Presbyterian Church and Troop 20 Boy Scouts and they do sweeps from Shem Creek to the Arthur Ravenel Bridge and plastics are not the heaviest items collected, but by volume it is the most. He thanked Council for their forward-thinking.

Mayor Haynie called for a short break at 7:48 p.m. and reconvened at 7:59 p.m.

Mr. Owens said he appreciates everyone coming out to discuss this very important issue with regard to plastics in general. He said there are serious concerns in the lowcountry and Mount Pleasant, in particular. He said there are straws, polystyrene and single use plastic bags. He said Mount Pleasant is a very unique coastal community and promotes boating and water activities; however, there is a plastics issue. He said the chemicals from the plastics are now being found in humans, because they are in our shrimp, oysters, fish, and wildlife and we must do something that is significant enough to reduce those concerns. He said if it was a voluntary program, we would not be having this discussion. He said that it is very important that we address this now. He said this is first reading and much will take place prior to final reading in order to refine the ordinance. He said we also need to send a clear message to the State Legislature that we want them to succeed, but we would also like to have the right to protect our environment, waterways and marshes, as well as the health and welfare of our community and the citizens who reside here. He believes this will send a resounding message to our legislators, so they know the Town is taking steps to protect the environment, marshes, creeks, rivers and eventually the ocean. He said we are taking a responsibility and accountability position.

Mr. Owens made a motion to approve the environmentally acceptable packaging and products ordinance; seconded by Mr. Santos.

Mayor Haynie stated that as the chairman of the Police, Legal and Judicial (PLJ), this item was sent back to two Committees when it was first addressed, one being PJJ Committee and the other was Economic Development to review it. He said they wanted to hear from law enforcement, since they would be involved, if it would be a burden on the Police Department or require more funding, personnel or training and the answer they received was that it would not. He said it would fit in with other enforcement.

Mr. Brimmer said as Chairman of the Economic Development Committee he wanted to provide an opportunity for the local businesses to weigh in on potential impacts that this ordinance would have on them. He said he invited the Charleston Metro Chamber of Commerce as well as the Mount Pleasant Chamber of Commerce and was told they reached out to their membership. He said the meeting room was filled; however, business owners were not present to speak in opposition to the ordinance. He does not feel that everyone is in agreement; however, the message that was received was that they would be willing to comply with whatever Council passed. He said some business members that were present were supportive.

Ms. Landing stated that she also sits on the Economic Development Committee and was opposed during the Committee meeting. She said the information published was very truncated. She believes that most small business owners, especially fast food and food service industry owners and managers are working hard at noon on any given weekday and were not afforded the opportunity to attend a Committee meeting. She does not believe that very many of them are members of the Charleston Metro Chamber of Commerce, because she is a board member and does not believe there are many restaurants or fast food members. She said one of the

reasons for voting in opposition that day was because she did not think enough research was done and felt there should have been more representation from the community. She said that more people needed to see the ordinance in its proposed form. She said at the Economic Development Committee meeting, she believes that this ordinance might have passed all the way through without even being considered in all the detail. She said this is not to take away from her fellow Council members. She felt that no one had an issue with this ordinance at that time. When it was presented to the public in various forums, it was not to cause any issues, but to be transparent and let the community know what is being addressed, and the response was quite different. She believes this ordinance needs a lot of work. The idea of passing first reading and seeing what happens at second reading, where it could become law, is not the right direction. She believes it should go back to Committees and work on it more. She said additionally, there are other alternatives. She had meetings with environmental groups and they provided great information on programs that can work very well if they are done on a widespread basis throughout Mount Pleasant. She said there is also 11.5% food taxes, which are some of the steepest taxes paid on prepared food. She said that this ordinance will increase costs. She is not saying we should not to do anything, but instead to consider and do all the research. She said that this ordinance will be one of the most sweeping pieces of policy that will have been passed in years. Her concern is that we need to have more input from more of the community, because it will impact every person in Mount Pleasant.

Mr. Cunnane said he wanted to clarify a few concerns he has heard. He said that Council does have other things to do. He said police were put in schools, and Council does have their priorities in order and people have been working on this for years. He said this is not the only thing Council is working on. He said he has a number of concerns with the ordinance which he has passed along. He said some have been accepted and some are still being

considered. He does not favor language that has the Town strongly recommending things and said it is either a law or it isn't. He said the ordinance should be the law. He said of course the police are going to enforce it, but an alternative would be to have a special enforcement unit for plastic bags, which he thinks is silly and not something that lines up with the Town's values. He said there is a proposed bill in Columbia that can help the Town that give a range of fines for different types of littering and would change the nature of community service so that unsupervised community service was allowed. He said you could assign an individual that was caught littering to a certain section of the road and go back to see if it was cleaned. He said there is a bill in Columbia for this and he would like Town Council to support this and work on how to make changes across the board on the littering problem. He said we have heard about voluntary measures and believes this ordinance is perfect to work on these, because there is a full year to show that something else works. He said there are small niches in the market that can be addressed. He said there are other things that can be done in totality, such as more enforcement. He said business recycling is something we should encourage businesses to do, which would help the whole process. He said he would like to see more trash receptacles around the Town, both private and public, and more adopt-a-place litter collection efforts. He said regarding the liberty issue that an earlier resident spoke on, there is no right to litter; however, the idea that the State is going to order us not to have a law such as this or any law is un-American. He said Mr. Owens will be going to Columbia and would like to join him, regarding Home Rule, because we have the right to make our own laws here. He said he will be supporting first reading but believes it does need to be amended.

Mr. Bustos said that he supports a plastic bag ban and has asked several times about the title of this ordinance. He said that the title of "environmentally acceptable packaging and products", goes too broad. He said it is so broad that it will be detrimental to

the very good thing that a plastic bag ban can do. He said he supports the plastic bag ban but said there is still much work to be done. He will support first reading, but we need to find what the exceptions are and how it will be enforced. He said one question that comes to mind is that people who come into Mount Pleasant cannot possess a plastic bag or is it that grocery stores will not issue plastic bags any longer. He said there needs to be answers to questions before an ordinance can be effective and enforced. He said if it is too difficult to enforce, then it should not be written. He said there is much more work to be done.

Ms. Landing asked if there would need to be another motion if other options are to be considered or to change the way the ordinance reads.

Mr. Pagliarini said that there is a motion on the floor which will need to be addressed. He said there are also a number of options and that motion may be amended. He said that any member or Chair can request it be put on a committee between now and final reading. For final reading, it can also be deferred until work of Committee is done. He said that Council is not restricted to vote this month and next month.

Mayor Haynie said that if first reading is approved as written, this does not preclude it from going to the Committees for possible changes prior to second reading. He asked Legal Counsel if it will be on the agenda for final reading in April.

Mr. Pagliarini said that it will be on the agenda unless otherwise dictated by Council.

Mayor Haynie said that if the work has not been completed in Committees on this issue, this item could then be deferred.

Mr. Pagliarini responded in the affirmative.

Mr. Brimmer thanked Mr. Owens for all his work as this is not something that was thrown together on short notice and has been a project for quite some time. He also thanked all those who have written emails, posted on social media, and made telephone

calls. His views on this item have evolved. He said publicly that he likes the idea of this; however, he has some serious concerns about how the current ordinance reads and has submitted some changes to the legal department and Mr. Owens for what he believes will make a better ordinance. He would like to see the scope of this ordinance narrowed down and is in favor of the bag ban and Styrofoam ban now; however, going beyond that is going to be difficult for him, because there is too much information on the other areas. He said there is also language that recommend businesses do things a certain way and he would like to see those removed from the ordinance and does not believe Council should be telling businesses how they should be handling a ban such as this if it were to pass. He also has concerns about some of the penalties and does not believe it should be a misdemeanor offense but should incur a fine similar to the littering fines. He said it is his understanding that currently we are not going to be in compliance with the State law if this passes because this is not approved by Council prior to January 31st. He does not believe there is a rush to do this and it may benefit Council to take their time and work though some of these issues and come to some consensus. He looks at this ban as being a first step. He suggested starting off with some items that are well supported and researched and build upon them. He is attempting to look at all the options; however, where he is today is supporting a plastic bag and Styrofoam ban and anything beyond that is still a question for him.

Mr. O'Rourke said that this will likely pass this evening and be sent on but hopes that we are able to articulate all the concerns that we have in one type of document, send it to the individuals who are going to work on it and address them, no matter how long it takes. He said during second reading, it can either fail or be approved. He said that Council should do their job by ensuring that Mr. Owens has all the concerns in advance in order to begin addressing them.

Ms. Landing said that she had much to say in the Public Services Committee meeting; however, she was told that she was not on record as saying much at all. She said that she has not reviewed those minutes. She did not say much in the last Council meeting, because it was sent back to Committees. She said she wants the public to know that when her vote comes out this evening, she believes that Council needs to do a lot of other things. She said there is also a lot of discussion of work that has been done for several years and perhaps that is the case. She said that she is very environmentally concerned and spent a great deal of time with the environmental experts because she is so passionate. She believes that there is a different approach that could be the starting point. She said a ban is a last approach if other things do not work and since it would not take effect for a year, why pass a ban now when we could start some positive and very exciting alternatives immediately not having to wait a full year. She said that this may be a moot point because of the State. She said if she does not support first reading, it is because she does not believe this is the first step.

Mr. Santos stated that he works on the waterfront and sees, every day, plastics in the marshes and is tired of seeing turtles with plastics wrapped around their neck and the wildlife affected. He sees Styrofoam containers that people get for lunch that end up in the marshes and it needs to be cleaned up. He said when he wrote the no smoking ordinance, he had people speaking against it, but soon after, thanked him. He said there are going to be some negative comments, but the majority of residents are in favor of this ordinance. He said when they were studying Shem Creek, they found that a lot of the issues were from people using plastic bags to clean up after their dogs and throwing them into ditches and drains which were going into the waterways. He said that he is not trying to make people behave, but if we are able to use things that are environmentally friendly, then it will make the environment cleaner and healthier. He said we should leave it cleaner for our children and grandchildren and this is a start. He

said he supports Home Rule and does not believe Columbia should be telling the Town what to do. He said when he wrote the smoking ordinance he was told not to do so because Columbia was going to write one. He said they never did and the one in Mount Pleasant is still standing strong.

Mr. Owens said that through this process, he spoke to a number of businesses, big box stores and restaurants and they already have things in place from other areas within the state or around the country that have dealt with similar ordinances. He said that they are ready to participate and use this as a PR campaign to remind people that they are environmentally friendly and encourage their patrons to visit their stores and restaurants. He said they want to be responsible partners and make a difference locally. He said this is a great opportunity to lead and he believes in Home Rule and we have a duty to govern ourselves and not be governed by someone outside of the Town.

Ms. Landing said that she also believes in Home Rule and met with our congresswoman who supported home rule. She also believes that if you stand outside any grocery store where everyone has a choice to bring a reusable bag, to use a paper bag or a plastic bag, which she has been doing ever since this was first proposed, she said that 90% of the people choose plastic. She said it is not for her to say whether it is the right choice or not, but she is saying that there is a better way. She said if all the businesses are already on board, then they should go ahead and implement this and become environmentally friendly. She said with the positive promotion that we would have in the Town such as an expansion of the Ocean Friendly Platinum Partners program, we could make this a wonderful bringing together of the community to do an environmentally friendly, eco-friendly effort town-wide with a lot of PR and effort behind it and she would be one of the big champions of this. She is not convinced that imposing a fine, a penalty and the threat of law against the people in this community is the right way to go about this.

Mayor Haynie called for the vote. Ms. Landing was opposed. All others voted in favor.

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

XI. COUNCIL BUSINESS

B. Old Business

2. Follow-up discussion on Council vote from November 14, 2017 Town Council Meeting for Attorney General opinion and consideration of draft inquiry letter

Mr. Bustos made a motion to approve the draft letter to be sent to the Attorney General; seconded by Mr. O'Rourke.

Mayor Haynie asked if any Council members are going to recuse themselves.

Mr. Santos stated that he would like to hear discussion first.

Mr. Cunnane stated that he would like to amend the motion in light of the fact that there has been a great deal of contention regarding this issue. He said the Town has a paid legal team and asked if they can review the letter before it is sent and if it matches what the agenda indicated in the November 2017 meeting, to have them send it to the Attorney General; seconded by Mr. Santos.

Mayor Haynie asked Mr. Bustos if he would be willing to amend his motion.

Mr. Bustos responded in the negative.

Mr. Pagliarini stated that the motion to amend the motion on the floor is a proper motion.

Mr. Santos stated that he seconded Mr. Cunnane's amended motion which is what is now on the floor.

Mr. Pagliarini stated that any Council member may move to amend a motion on the floor and that amendment, as long as it

is seconded, would be voted upon. He said if the amendment fails, then it will go back to the original motion made. He said if the amendment is successful, then the vote would be on the motion as amended.

Mr. Cunnane said the reason for this is because he read the letter by Attorney Bender and also read his text books in law school and is equally as befuddled. He believes this can have more clarity by having it written by the Town's legal team.

Mayor Haynie stated that since what is in question is the legal advice that Town Council received from the Town's legal team, Council is going to ask this legal team to oversee and recommend to Council an inquiry to the highest legal authority in the State other than the Supreme Court, to review and provide an opinion of their own work. He added that this appears to be counterproductive.

Mr. Cunnane stated that in the event the Town's legal counsel has a conflict, then they should refer it out to outside counsel at their expense.

Mayor Haynie stated that this would be like asking our financial department to audit themselves.

Mr. Cunnane asked if there is an allegation against the Town's Legal Counsel.

Mayor Haynie stated that there is no allegation against the Town's Legal Counsel, but a question about the parliamentary advice that Council received and the clarification of legal advice that Council received about voting.

Mr. Cunnane stated that he read the fact pattern in Mr. Bender's outline and it is difficult to follow and he was at the meeting all the way through. He stated that he would like to make this as simple and clear as possible so that when Council has completed this letter, they are able to show the public that this is what was asked from the Attorney General, and when the

response is received, it will be easy to see the difference. He stated that it is very convoluted in how it is presented.

Mayor Haynie asked Mr. Cunnane to clarify his motion.

Mr. Cunnane stated it is to have the letter that is already written reviewed by our Counsel for clarity and conformance with the November 2017 action of Council directing the sending of the letter. Mr. Santos seconded.

Mr. Santos said that he believes there are issues in the letter that are not accurate which is why he is happy to second the motion.

Mr. Cunnane said he is not saying there is anything inaccurate, but confusing.

Mr. Santos said that he is saying it is inaccurate. He said on the first page it reads, ***“a second member who had voted in the negative had retired from the meeting”***. Mr. Santos stated that this was referring to him, because Mr. Gawrych was already mentioned as not voting. He said in the minutes of the meeting on page 36.

Mayor Haynie stated that he believes this is referring to Mr. Gawrych, because he had voted against it; whereas, Mr. Santos abstained.

Mr. Santos said that the letter states, ***“one member who had voted in the negative on the initial motion for executive session to discuss proposed settlement, had recused himself after being advised that he faced personal legal liability”***.

Mayor Haynie stated that this was referring to Mr. Gawrych.

Mr. Santos said that it further states, ***“a second member who had voted in the negative had retired from the meeting”***, however he never voted, because if you look at the minutes, it clearly says on page 36, ***“Mr. Owens, Mr. Bustos, Mr. Haynie and Mr. Gawrych voted no. Mr. Santos abstained”***. He said during the second reading on page 48, it states ***“there being no***

questions, Mayor Page called for the vote. Mr. Brimmer, Mr. Carrier, Mr. Smith and Mayor Page voted yes. Mr. Owens, Mr. Bustos and Mr. Haynie voted no. Mr. Gawrych and Mr. Santos abstained". He said the letter that is written and that Mayor Haynie is sending is not factual. He said if the letter is sent to the Attorney General that is not factual, it could be a liability to the Town; therefore, he agrees with what Mr. Cunnane is saying that this letter needs to come back to Council to be fully vetted so that when the letter is sent, it is accurate, because the proposed letter is not accurate.

Mayor Haynie asked Mr. Santos why he is participating now when he had to abstain on that issue.

Mr. Santos said it is because we are not voting on that issue. He said we are voting on whether to bring the letter back to Council or not. He said that he has abstained all throughout on the other issue, but this is more about procedure and this letter is wrong and needs to be reviewed fully by all Council members before it is sent anywhere.

Mr. Bustos stated that Mr. Santos said he was going to recuse himself on this vote and had no agendas and made that as a public comment. He said secondly, Mr. Bender is known in the State as one of the foremost authorities on FOIA. He said we have been operating under a very dark cloud and that cloud was the legal advice that was provided to Council that they could all be sued and be personally liable for decisions that Council members make. He said this is why Mr. Gawrych recused himself, because Council members were told that they could be personally liable. He said then there was an executive session which Council adjourned in to. He said following the executive session, there was no action taken. He said two to three hours later, there was another executive session and after that executive session, there was a vote to approve the Atlantic, although that was not the subject of the second executive session. He said he believes this is an error and that there should

be a third person to determine whether Council is liable or not, because it may affect a great many votes in this Town if Council is going to be personally liable. He said he does not see what could possibly be wrong with asking unless someone feels that there may be a problem. He said for him, this is to remove this cloud, and feels our legal team would be in support removing the cloud attached to this. He said until this is accomplished, and we have that opinion, that cloud remains, and no one can say whether the legal advice was good or not. He said this is what needs to be determined and does not see why Council, the legal team or anyone else should feel ill at ease having the Attorney General look at this.

Mr. Santos reiterated that the letter is inaccurate. He said if Mr. Bender wrote this, he wrote it because the information was provided to him, but it is not accurate or researched properly. He said the Town does not want to send a letter up to him that has not been researched properly. He said additionally, the vote of Council was to send it to Council before it goes to the Attorney General. He said he is not a lawyer, but if a Council member went to Mr. Bender to prepare a letter for Council, then they have gone outside of this strong Council system. He said that Council is who authorizes people to go up and do letters for the Town. He said if you go up there and ask another attorney to prepare a letter for Council, he believes this is going outside of the scope of what Council is supposed to be doing with our attorneys. He said that this could be confidential information that should not be shared with other attorneys and to go hire another attorney, although he was not paid, this is seeking the benefit of another attorney and no one on Council approved this. He said that what was approved was that the letter be brought back to Council for approval. He said this is not what happened. He stated that this went up to the Attorney General's office first for them to write the letter to send to Council. He said in his 18 years on Council, this is not how we do business and has never seen this happen.

Mayor Haynie said that if Mr. Santos will look at the minutes from that meeting (November 2017), it says that, "**Mayor Haynie is asking for a motion to approach the Attorney General with this question and draft the letter**". He said that this is exactly what he did. He said he approached and he drafted, and he does not know how many inquiry letters Council has handled, but anyone can approach the Attorney General. He said that the Attorney General will only give you an answer when you have the vote of the majority of Council. He said one Council member cannot go to the Attorney General asking questions about an action of Council. He stated that he acted in accordance with that motion and brought it back to Council and showed what was accomplished. He advised Councilman Santos that if he had anything to hide, he would not have told Council he did this. He said his question is, does this Council wish to send to the whole State of South Carolina, by this being a public meeting, that we do not think the foremost authority in the State of South Carolina, who teaches this in law school, is not capable of drafting this letter for Council and secondly, any action we took which was public or legal advice that the Town pays dearly for, we do not trust in the hands of the Attorney General or the foremost authority. He said this is a bad message and wishes it was not being sent out this evening.

Mr. Santos stated that Mr. Bender prepared something that was inaccurate.

Mayor Haynie said Council can request that he change that sentence and keep the rest of the draft. He stated that he will ask that the sentence be changed and send it back out to be considered.

Mr. Santos stated that he will do what Council wishes but cannot vote on a letter such as this that is inaccurate. He said he has not researched it very thoroughly, but at the first read, he found an error. He believes it needs to be vetted well and believes the

Town's attorneys also need to vet it as well. He said at the end of the day, they do represent Council, not Mr. Bender.

Mr. O'Rourke stated that for someone who was not there and was not involved personally or emotionally, he appreciates everyone's passion; however, at the end of the day, we must act. He said there are two issues. One, is that no one is against obtaining an answer from an Attorney General, but the second is accuracy in what is sent to the Attorney General. He said if we are able to sift through the accuracy portion to obtain a letter that is as factual as it can be, he thinks that we will have unanimous approval to do so. He said it is a great idea to get opinions from an Attorney General, but what he is hearing is the accuracy of the information in the letter. He said if we can figure out a way to ensure the letter's accuracy, then he believes it will be okay.

Mayor Haynie stated that the motion on the floor is to send it to our own attorneys.

Mr. Cunnane said that the spirit of it is to avoid what we are seeing here. He said there are pieces of this that are not clear. He said it is not about the opinions, but getting the questions cogent, answerable and digestible by the people who want to know the answers. He said he mentions the Town's attorneys, because although there may be buzz on social media that they did something wrong, he does not see where they did anything wrong. He was not in the executive session, so he does not know. He said if we are able to get those questions defined better and get it sent to the Attorney General, that is the goal. He said he is not against sending a letter to the Attorney General, or against Mr. Bender assisting us to write the letter but would like to ensure that what is sent to the Attorney General is accurate to what was already voted on in November. He said he sees four issues.

Mayor Haynie stated there is a vote of Council on what questions to ask. He said in the context of what Mr. Cunnane is

stating, some have been voted on, but what Mr. Cunnane is listing and what the letter can address and what the Attorney General's office will address is what this Council voted on unanimously twice, which was two questions.

Mr. Cunnane said with the letter that was floating around, he spoke to another attorney, who was as confused as he was. He believes the letter can be written better which is his goal. He said if Mr. Pagliarini's firm is unable to accomplish this, then his firm should support the cost for another attorney to do so, as a good faith measure. He said he is confident the Town Attorneys will exclude themselves if they feel there is a conflict.

Ms. Landing stated that when she was running for office, she met with the Town Attorneys, because understanding the importance of voting on policy and discussions, she wanted to know if she and her husband needed an umbrella policy. She said the attorneys told her it was not necessary. She said that if a Council member is doing their job in the context of the Town's business that they are not personally liable for the votes you take. She is not sure if Council really wants the Attorney General to also weigh in on this but feels it is such a simple question. She said if it was advised incorrectly at that time and Council members need clarification, then it is understandable.

Mayor Haynie stated that what Ms. Landing just said is not the issue and is not the understanding if she looks at the memorandums that were sent to Council and the questions that were asked in the minutes. There were Council members that felt they were advised that, yes, they were still personally liable on that issue.

Mr. Brimmer said that he cannot support the letter. He is in support of sending a letter and getting opinions on the issues; however, his first concern of the letter is (1) legality of post executive session actions by Town Council. He said he is not an attorney, but when Council is asking whether something was done illegally or not, and we send that to the Attorney General's

office, which then becomes public, if that opinion comes back that the Town acted illegally, it would indicate that the Town is handing over a playbook to anyone who wants to initiate litigation. He said this sounds highly inappropriate. He said if we are discussing legality or illegality, we should be covered by attorney/client privilege to protect the Town, not individual members. He said he is agreeable if we are attempting to get a question answered about whether the way it was handled was appropriate or not. However, to say whether Council acted illegally or not, he said this needs attorney/client privilege protection. He said this is a big concern for him that it discusses legalities instead of the appropriate process that was handled in terms of executive sessions. He said the other issue of potential personal legal liability needs to be answered. He believes the letter could be shorter by just posting the questions, attaching the minutes and documentation to it and allowing the Attorney General's office to take that information as it is and provide an opinion. He said that his experience with the Attorney General's office is generally when we ask for opinions, it is asking for guidance moving forward and is not generally asking for the appropriateness or legality of what has happened in the past. He said if the question is if it was handled properly during that meeting and should we handle it in a different way going forward, it would be helpful guidance for Council. However, to ask if Council acted illegally and how that was handled, it likely should not go to the Attorney General's office and probably should not be made public for the protection of our taxpayers and our Town. He said with the right letter, he would support it.

Mr. Cunnane stated that if Council is not able to get consensus on the way the letter was written, he would ask that the four questions be outlined and sent to the Attorney General's office. He has no issue sending it to the Attorney General's office. He said he does not expect anything to come back that is going to change anything. He said what will change something is ordinances that will bolster what the State laws already state.

He said he would like to see the reason in writing of recusals and have them put into the record. He said the last-minute recusals, at several meetings, should have indicated the reason for their recusal. He said it should not be to strategically change the number of votes on an issue. He said we can all agree that that meeting was not one of the Town's finest moments, but we should address this going forward. He said that if the four questions can be more cogent, easier to identify, then it will be easier to receive a response.

Mayor Haynie requested a clarification on Mr. Cunnane's motion and asked if Mr. Cunnane was asking that the draft written by Attorney Jay Bender be reviewed or that a whole new draft be written.

Mr. Cunnane stated that Council could review what is available and come back with a more cogent document. He said that he feels there are four questions to be asked. He said for example fact pattern in the letter is a very long paragraph and resonated what a law school text books looks like and most people do not understand it.

Mayor Haynie directed his question to Mr. Pagliarini and asked if they have been the Town's legal Counsel for six years.

Mr. Pagliarini responded in the affirmative.

Mayor Haynie asked how many inquiry letters of this nature have been written to the Attorney General's office by the Town's legal counsel.

Mr. Pagliarini stated that he does not believe any inquiry letters have been done by vote of Council, although in their respective careers, individually they have done several.

Mayor Haynie stated that as Mr. Santos stated, we can clarify the letter, change a sentence, and edit the letter; however, for someone who does this for organizations all over the state and is a leading expert, Council is saying that our Town attorneys, who

have not done a letter such as this for this Council, we are going to hold them in judgment over Mr. Bender.

Mr. Cunnane stated that he is not saying it is judgment, however, the Town has a legal staff of three that the Town pays and if we present it back to the legal staff and ask them to edit it and ensure that the four questions in the agenda from November are included in the letter, it can be sent out quicker. He said this is not to insult Mr. Bender or that our legal staff is more competent than Mr. Bender, or anything of this nature. He said that it is simply to clean up the letter. He said that the November meeting was not a good meeting and he would appreciate the answers to the four questions.

Ms. Whitley stated that she hesitates to weigh in because she was not on Council during that time; however, it appears to her that this letter fundamentally questions legal advice that was provided to the Town by the staff attorneys. She believes leaving the Town attorneys out of the drafting of the letter is perhaps more appropriate and have someone from outside of the Town's attorneys or within Council themselves and perhaps to Mr. Brimmer's point, do a stripped down letter that simply attaches the minutes and allows the Attorney General to review the fact pattern himself would be more appropriate. She said because of the subject matter of the letter, she would not be in support of Mr. Cunnane's motion.

Mr. Owens said that he agrees with Mr. Cunnane's motion. He said that he was in the executive session at the November 2017 meeting and said there are only two members of Council currently that were there. He said there are some omissions in Mr. Bender's letter that should be added and if we provide the Town attorneys the opportunity to review it and clean the letter up, it will be completely transparent and have done exactly what Council has set out to do, which is to ensure full transparency. He said an example with regard to the Town's minutes, he interprets it one way and others may interpret it another. He

said in *item #4: Mr. Brimmer asked Mayor Haynie if the letter he drafted will be distributed to Town Council prior to being sent out to the Attorney General. Mayor Haynie responded in the affirmative. Under item #5, Mayor Haynie stated that he will draft the request to the Attorney General and forward it to Town Council for approval.*” Mr. Owens stated that in Mr. Bender’s letter, he asked a question *#1, Town Council entered into executive session, a public meeting*. This, in fact, alludes to all of Town Council convening into executive session when, in fact, only five of nine Town Council members entered into executive session. He stated that he would like for this to also be included or reviewed. He said in the second paragraph, *“this motion was adopted on a 4-3 vote”*. Mr. Owens stated that being one of the three votes, only one Council member actually entered into executive session. He said this also needs to be included. He said there are some omissions that need to be clarified in order to move forward as a Council, as a Town and start working on the productivity of this Town.

Mr. O’Rourke stated that this puts the Town’s legal counsel in a very difficult position if they are going to be responsible for coming out with the approval of this letter and will have nine Council members call them to change things and add things based on what they think and have experienced. He said it puts them in a negative position. He said that he is in favor of excluding them totally from this. He said to have the Town’s legal counsel be responsible for drafting a letter that all nine Council members will be in support of is going to be very difficult and the process will be too tedious. He said that he is not in favor of this going back to the Town’s legal counsel.

Mr. Pagliarini stated that this is the difficulty. Legal’s concern in reviewing the drafts, is that the facts are simply not accurate and do not reflect what happened at that meeting. He said he tells all of Council this now, because if you send this letter, as is,

and Legal Counsel would be the first to say that a review of procedure, if Council wishes, is entirely appropriate, the facts in that letter, are directly related to the response by the Attorney General or any other third party. He said however Council wishes to proceed, whether it is utilizing the Town attorneys or a third-party lawyer that is retained by Council, or Town Council themselves, the importance of getting the facts correctly is paramount.

Mr. Cunnane stated that as an ordinary course of business (and asked Mr. Pagliarini to also comment), if any new matter comes into their firm does he check to ensure there is no conflict.

Mr. Pagliarini responded in the affirmative.

Mr. Cunnane stated that if this issue was sent to Mr. Pagliarini as a case, would he be in a position to advise Council if he is able to take the case.

Mr. Pagliarini responded in the affirmative.

Mr. Bustos asked Mr. Pagliarini if Council was advised or were they not advised that they would be personally liable on how they voted on the Atlantic project. He asked what the advice was that was provided to Council that night.

Mr. Pagliarini stated that this is part of the issue, which is divulging confidential legal information.

Mr. Bustos stated that he is referring to what Mr. Hinchey stood up at the meeting and stated.

Mr. Pagliarini stated that Mr. Hinchey is in attendance and will respond.

Mr. Hinchey stated that he does not have clairvoyance and does not remember specifically everything that was said. He said that he does have a copy of the minutes as prepared by the Clerk. He said that this would be the most reliable source of what was said. He said that he will say, and Council is welcome to review the minutes and draw their own conclusion, that over the course

of the handling of this case, that issue was raised on several different occasions. He said what he advised in totality and was absolutely clear about, that at the time any of those comments were made, members of Council were named in that lawsuit and they were named personally, as well as in their representative capacity. He said that this was clear from moving papers in that lawsuit. He said Town attorneys brought a motion for summary judgment and in that motion, they raised several defenses, many of which he believed were viable and good, solid defenses as he expressed to Council in executive session. He said the Court decided against the Town and denied the motion for summary judgment leaving those Council members remaining in the lawsuit in a personal capacity. He stated that he is at a disadvantage, because he issued a confidential letter, subject to the attorney-client privilege to one of the Council members. He said if Council waives that privilege, he would be happy to discuss it on the record.

Mayor Haynie stated that there were two unanimous votes of Council to ask the question of when Council is personally liable or not and did not vote to make Mr. Hinchey explain that to Council or to defend himself on that case.

Mr. Hinchey stated that Mr. Bustos asked the question in the form of an insinuation and stated that it was not a friendly question. He said that from his perception, it did not feel like such a friendly question. He said to complete his answer, when he prepared the motion, he was asked whether it was a riskless proposition. He said that he was unable to tell anyone it was a riskless proposition when the court had just decided a motion for summary judgment against the Town, leaving those individuals still defendants in a lawsuit in their personal capacity. He said in addition, was the whole concept that Ms. Landing was referencing, which was the question of an "ultra vires" act. He said if Council does something outside the scope, you can be responsible for ultra vires acts.

Mr. Bustos stated that in Mr. Hinchey's answer is "the" answer why we need to have a third person look at this, which is the Attorney General. He said Mr. Hinchey gave an honest and straight-forward answer but was not clear. He said he understands that attorneys are paid not to make things clear but believes now we all see the reason why we need to have this cleared up if next month, we are to receive advice, we now know the question to ask; is this "ultra vires" or is this something else. He said if Council knows if they are liable for their vote, the answer is no, they are not. However, if they do something outside the scope of their office, then they are, if it effects the project they are voting on. He said that is why Council needs an answer. He said next month, if there are two executive sessions, Council should know that they cannot make a motion on an issue that took place in the first executive session, in the second executive session. He said that if this is correct, then it is correct; however, he believes that Council needs to have someone answer that question , because as a body, we do not know, and we need to know.

Mr. Cunnane stated that Council can change the procedures of the body, as well. He said that Council can simply state that they will no longer take that action.

Mayor Haynie asked to move to vote on the motion.

Ms. Whitley stated that based on the motions that are currently on the table, she believes that the letter still needs revision. She said she does not know what the procedure will be to ensure that the letter is revised prior to final approval. She said Mr. Cunnane's motion is to send it to the Town attorneys for revision and she would prefer it go elsewhere for revision. However, the motion that Mr. Bustos made was to send the letter to the Attorney General, as is.

Mayor Haynie stated that we can vote on Mr. Cunnane's motion, which sends it back to the Town's attorneys for their input and all of Council's input.

Mr. Brimmer stated that one question he has regarding Mr. Cunnane's motion is if Mr. Cunnane's intent is for this to go back to the Town attorneys for fact checking or to craft a revised letter.

Mr. Cunnane stated that if the Town attorneys find an issue, they should offer their revision. He said if it goes to the Town attorneys and they state they are conflicted on this issue, they should recommend outside counsel and keep this moving. He said the goal is to get the letter out.

Mr. Brimmer, Mr. Cunnane, Ms. Landing, Mr. Owens and Mr. Santos were in favor.

Mr. Bustos, Mr. O'Rourke, Ms. Whitley and Mayor Haynie were opposed.

Motion carries 5-4.

Mayor Haynie stated to clarify, this letter as drafted by Mr. Bender will be sent to the Town attorneys for clarification or modification.

Mr. Cunnane added, to ensure it is in compliance with what was voted on in November.

Mayor Haynie stated that Mr. Bender's draft is not being thrown out but asking the Town attorneys to work with the draft. He said his question now is what do we do after that point. He asked if it comes back for a vote.

Mr. Santos suggested sending it back to the Police, Legal & Judicial Committee to review it prior to coming back to full Council in April.

Mayor Haynie asked if Council would allow a majority vote of Police, Legal & Judicial Committee to approve the draft and get it sent to the AG.

Mr. Santos stated that he would prefer it go to full Council and does not feel the Committee should make the final decision. He

said the initial vote was for full Council approval prior to sending, and he does not wish to change that.

Mr. Bustos stated that if the will of Council is to send this to the Town attorneys to review it, that they do so and return it by the Budget Committee meeting, which is a Committee of the whole Council on the 29th of March for a vote; seconded by Mr. Cunnane. All present voted in favor.

VIII. PLANNING – Mr. Ulma

[Planning Committee Minutes](#)

[Planning Commission Minutes](#)

A. NEW BUSINESS

1. **First Reading:** An Ordinance providing for a *Fifth Amendment* to Ordinance No. 11064, the Development Agreement by and between the Town of Mount Pleasant and CDM Of Charleston, LLC (Carolina Park Development Agreement). (Ord. No. 18018)
(Mr. Bustos stepped out at 9:15 p.m.)

Mr. Ulma stated that the public hearing was conducted earlier on the Carolina Park Development Agreement CPDA amendments.

Mr. Brimmer made a motion to approve Items A.1 and A.2 because it does not involve any changes to these documents; seconded by Ms. Whitley. All present voted in favor. (Mr. Bustos was not present for the vote).

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

2. **First Reading:** An Ordinance providing for a *Fifth Amendment* to the Planned Development District Ordinance pertaining to property known as Carolina Park. (Ord. No. 18019)

[Approved with item #1]

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

3. **First Reading:** An Ordinance providing for the annexation of an approximately 0.92 acre tract of land located at 4318 Royal New Kent Court, identified by TMS No. 632-00-00-098 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book EG, Page 761-765. (Ord. No. 18020)

Ms. Whitley made a motion to approve items A.3; A.4; A.5; and A.6; seconded by Mr. Owens. All present voted in favor. (Mr. Bustos was not present for the vote)

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

4. **First Reading:** An Ordinance providing for the annexation of an approximately 0.52 acre tract of land located at 355 Live Palmetto Bluff, identified by TMS No. 556-00-00-511 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book L13, Page 287. (Ord. No. 18021)

[Approved with Item A.3]

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

5. **First Reading:** An Ordinance providing for the annexation of an approximately 0.75 acre tract of land located at 395 Live Palmetto Bluff, identified by TMS No. 556-00-00-509 and depicted on a plat recorded by Charleston County ROD Office in Plat Book L13, Page 287. (Ord. No. 18022)

[Approved with Item A.3]

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

6. **First Reading:** An Ordinance providing for the annexation of an approximately 0.34 acre tract of land located at 520 Coaxum Road, identified by TMS No. 556-00-00-115 and depicted on a plat recorded by Charleston County ROD Office in Plat Book BD, Page 115. (Ord. No. 18023)

[Approved with Item A.3]

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

7. **First Reading:** An Ordinance to rezone approximately 6.97 acres of land from CC, Community Conservation District, to R-2, Low Density Residential District at 1843 Rifle Range, identified by TMS No. 561-00-00-012, and depicted on a plat recorded in the Charleston County ROD Office in Plat Book DA, Page 508. (Ord. No. 18004)

Mr. Ulma stated that no action was taken on this item. He stated that there is 6.7 acres of land and the request is to rezone from CC, Community Development to R-2, Low Density Residential. He said the applicants have asked to provide information in support of their request which has been included in Council presentation.

(Mr. Bustos returned at 9:19 p.m.)

Rhett Reidenbach, stated that he works with the Reveer Group and said that he would like to reset the Rifle Range Road project. He put together a briefing that he hopes will address the issues clearly and why the applicants are requesting the rezoning to R-2. He stated that it is right next to Page Tree Lane, in between Page Tree Lane and Seaside Farm. He said the property owners are the Joe Wilson family and they have ten heirs. He said the applicant is Rifle Range LLC. He said that he is here to keep the message clear and simple and hopefully dispel some of the conversations that have happened regarding this project. He said that they are only asking for a rezoning, no density change and simply going from Community Conservation to the Low Density Residential. He said that it has taken them a very long time to get to this point with this family and has taken since February 2016 when the conversations with the family first began and finally agreed on a power of attorney to give the applicant the right to come before Council to make this appeal for a rezoning. He said Planning Commission was split 3-3 and Planning Committee tied at 2-2, with Council pushing it back to the Planning Committee once they heard from the Page Tree residents. He said issue #1 was Page Tree Lane with nine parcels of unincorporated Charleston County property, driveway encroachment and Council

deferred this back to Planning to attempt to address the issue. They spoke to Mr. Rowland today and said that they have not been successful in their communications with Mr. Rowland and the residents of Page Tree Lane. He said the applicant has recorded a plat that has cleared up the encroachment of the driveway on the property at the entrance of Rifle Range, which was recorded on February 28th. He was just able to review the plat with Mr. Rowland today and unfortunately; the applicant did not take the time and energy to meet with those residents to clear up the issue. He apologized to both Mr. Rowland and the residents that there is one issue that he needs to further investigate about the driveway encroaching a little farther on the property, into the property. He said the 8th or 9th parcels at the end of the road are still concerned that the driveway encroaches on the Wilson's property. He said they are before Council to commit that they will continue to work with the Page Tree residents and ensure the issues are cleared up. He said he would like to discuss the lot size, which is a big issue. He said the Community Conservation lot size is 12,500 square feet with 35% lot coverage, which is in the zoning code. R-2, which is what is being requested is 8,000 square feet with 40% lot coverage. He said in a CC zoned parcel, 4,375 square feet is what you cover with impervious surface on that property. With R-2, 3,200 square feet. He said they are asking for smaller lots than what the current CC zoning allows. He said the reason they are asking for more lots is to have more flexibility in the design and minimize their environmental footprint on this property. He said on the 4th issue, lot size, the R-2 parcel layout is for 21 lots. He said there is a question regarding 21 lots or 20 lots. He said it may end up being 20 lots, but the survey they currently have indicates there are 7 acres, so the 7 acres times 3 is 21 lots. He said the R-2 parcel layout with a minimum of 8,000 square feet, means that the parcel is going to be larger, but not smaller than 8,000 square feet. He said you have a total of 67,200 square feet of area on the seven-acre site that is covered by houses and driveways. He said to meet the zone subdivision requirements,

you can put 17 lots on this property under the CC zoning, which is a minimum 12,500 square feet so that lot coverage is 74,375 square feet. You have less lots but more coverage on this land that has a more impactful footprint on the environment, risking trees, more runoff. He said the R-2 zoning, their position is that it provides more flexibility to locate the parcels as small as 8,000 but they will be larger in some instances where there are trees that they want to preserve. He said at the end of the day, the R-2 zoning will have a lighter environmental footprint on this property. He said another issue is context and does it match the area that surrounds this property. He said that the Franke at Seaside community is a small retirement area with at least four units to the acre and some of the parcels with dwellings on them are less than 6,000 square feet so it is a very dense area. He said the Seaside Farms neighborhood next to them have three units to the acre, similar to what they currently have. He said the lots are in the 8,000 square feet range similar to what they are proposing on R-2. He said Lakeshore across the street has some 6,800 sf lots and there are more than three units to the acre. He stated that the R-2 zoning with the 8,000 square feet size lots is within the context of what is surrounding this property. He said the Town's comprehensive plan designates this property either as R-1 or R-2 and he is requesting Council to rezone it so it is consistent with the comprehensive plan. He said the R-2 provides them with the flexibility to design this in order to preserve the trees and the environment around them. He said that it does allow four additional lots than the Conservation Community designation does. He said that he would like to offer to Council and Page Tree community, that if they have not accomplished what they told them they would do and get the survey to accurately show where the driveway is, obtain the easements in the other areas that Mr. Rowland and the neighbors would like to see resolved, then he would recommend at the pleasure of Council, to table it again and go back with the neighborhood, put the stakes in the ground, flag it, make sure everyone knows exactly what is transpiring, provide

the legal documentation to everyone on that road and take care of it.

Mr. Cunnane asked how much time would be needed to accomplish this.

Mr. Reidenbach stated that they completed it the first time in less than thirty days.

David Rowland, 1420 Page Tree Lane, stated that during the last Town Council meeting, he was not present. He said that he watched the video online and it was stated that the Planning Commission showed a 15-foot egress easement in the form of a plat. He said he never saw this document until this evening. He said when he spoke in January, his concern was to be able to have ingress and egress out of that road, because the property is over on Page Tree Road. He said that he heard more than once that all of the Page Tree residents are in complete communication and everyone is on board with this and is aware of what is going on. He said that they have had no communication with them. He said the only meeting they have had with them was during the January Town Council meeting. Mr. Berlinsky and Mr. Salmonsens summoned him out into the hallway and then advised what they would like to do. They assured him that all would be taken care of and to trust them. He said that is the only meeting he has ever had. He said a second meeting of any kind happened just now at the back of the room.

Mr. Santos made a motion to defer this item until the April Town Council meeting; seconded by Mr. Owens.

Mr. Brimmer asked Mr. Ulma to verify that this is, in fact, a seven-acre property.

Mr. Ulma stated that the information on the property indicates that it is 6.97 acres, but when looking at surveys, it could yield something slightly different. He stated that the Town did the math at 6.97 times 3 and rounded down to yield the 20 lots, versus the 21 lots.

Mr. Brimmer stated that this may not appear to be a significant difference; however, it is important. He said that he is looking at a supplemental order in the Court of Common Pleas which states that this is contingent upon obtaining rezoning for 21 lots. He said if it is not, in fact, seven acres and only 20 lots are allowed, does this negate the order.

Mr. Reidenbach said unfortunately he does not have the answer to that question. He said he would agree with what Mr. Ulma stated that he has seen a 6.97 acre plat, but he has also seen the Atlantic survey which shows a 7-acre plat. He said that he is a professional engineer and must go by what the surveyor provides. He said the spirit of the agreement is 20 or 21 lots.

Mr. Brimmer stated that it indicates 21 lots.

Mr. Reidenbach said that he is aware of what the document indicates, but if the equation does not work, then the 21 lots is not valid.

Mr. Brimmer stated that the supplemental order is part of the application that was attached, and he believes this is important. He said if the applicant is attempting to obtain 21 lots to ensure the project is approved, he has concern regarding this as opposed to doing what is right for the property. He said before he voted to approve this project, he would want to know what the actual acreage is here. He said that this does have an impact on this order.

Mr. Bustos said that some of the land was going to be utilized to ensure the Page Tree residents had a drive that would accommodate their needs, as well as property for their mailboxes. He asked if this would be included in the seven acres.

Mr. Reidenbach stated that it is included in the seven. He stated that typically easements such as this do not reduce the overall gross acreage that you base your calculations for density on. He said that the mailboxes, entrance and easement that was already recorded was approximately 410 square feet that was deducted

from what would be buildable area, but still part of the gross area that density would be calculated on.

Mayor Haynie asked Mr. Pagliarini if the applicant would still be within the time allowed if deferred until the April Town Council meeting.

Mr. Pagliarini responded in the affirmative.

Mr. Brimmer was opposed. All others present voted in favor for deferral. Motion carries 7-1.

Mr. Rowland stated that he would like to say for the record that 70% of the Page Tree neighborhood attended this Town Council meeting and all feel the same way, that they would like to be kept informed of what is going on. He added that the neighbors feel they have been left out.

8. **First Reading:** An Ordinance to amend approximately 12.3 acres of the Dunes West PD, Planned Development District Ordinance, by rezoning from R-1, Low Density Residential District, to DW-C-R-1, Dunes West Covington R-1 on Bessemer Road, identified by TMS Nos. 583-00-00-003 and 583-03-00-254 through -261, -263, and -265 through -281, and depicted on a plat recorded in the Charleston County ROD Office in Plat Book L17, Page 0033. (Ord. No. 18005)

Mr. Ulma stated that this is another zoning request Council is familiar with which is 12.3 acres in Dunes West and it would be considered for a new designation specifically for this property. He said that it has been deferred several times and staff recently received further information and a request from the applicant's attorney that Council consider approving a different zoning district designation versus the one they originally submitted. He said this would move it to R-3. He said at this point, staff and Mr. Pagliarini may explain further that changing this request in the middle of this process may not be appropriate.

Mr. Bustos asked if the applicant has any interest in coming back. He said as Chair of the Planning Committee, the committee went

through a lengthy process of making certain that submittals were not changed between Planning Committee and Town Council. He asked if the applicant would like to come back and resubmit with a different request.

Mr. Ulma stated that the applicant has not expressed this to staff at this time. He stated that this would be the mechanism to follow.

Mr. Pagliarini stated that if Council's wish is not to change the application as presented, then Council would vote to approve or deny what is currently before them. He said if Council does believe that there is room to change the request, both staff and legal have weighted on this previously and their position has generally been not to change those because of "notice to the public" issues, and that is the request. He further stated that whether deferred or not, is not staff's or legal counsel's decision, however, he is not sure where this gets us. He said if there is no change, then the reasons for deferral are just to move it back down and have the same discussion next month; however, this is Council's decision.

Mr. Bustos stated that his only reason for asking this is because Planning Committee voted to deny it and the recommendation is denial; however, he is not certain if the applicant has something that is more palatable in another submittal.

Ms. Whitley said that if Council moves to deny, then the applicant may reapply with the new letter and go through the proper procedure to bring that zoning before Council.

Mr. Ulma said only with prior approval to waive the one year waiting period.

Mr. Pagliarini stated that there is a waiver requirement that if the applicant wished to submit immediately, this would be within Council's discretion.

Ms. Whitley asked to clarify the zoning request.

Mr. Ulma stated that it was a customized zoning within the Planned Development that would mimic R-1 zoning.

Ms. Whitley said that they are now asking for R-3.

Mr. Ulma said they are asking because the front portion on Bessemer Road is already R-3 so they would be asking to match the R-3 rather than the R-1.

Ms. Whitley asked if this was a high density.

Mr. Ulma responded in the affirmative.

Ms. Whitley moved to deny the ordinance to amend the 12.3 acres; seconded by Mr. Cunnane.

Mr. Cunnane asked Mr. Ulma if he has a response with regards to the expansion of the footprint of Park West into the Dunes West Development. He said the PD requests for a certain number of units and they are getting close to running out of units to build. He said the land area is expanded in their PD. He asked if the Town is providing the ability to add more units than they would have had previously.

Mr. Ulma responded in the negative and stated that they are using the units that were already allocated and transferring them here.

Mr. Cunnane asked if both Park West and Dunes West are reaching a point where they are running out of space to put their units.

Mr. Ulma stated that there is still room to work within the overall approval of the PD.

Mr. Brimmer stated that it is his understanding that they still have 283 R-3 units still available. He said this is what he was advised by Park West.

Mr. Ulma stated that R-1 as well.

Robert Pickard, 527 Savanna Highway, said the engineer spoke earlier during the overall general comment period and he would

like to provide clarification on the application. He said there has been some discussion regarding an alternative and he would like to ask their counsel to provide some clarity.

Ellis Lesemann, 724 Angus Court, stated that part of the confusion is his. He said the applicant came forward with an effort to create a zoning classification that would allow for consistency within the neighborhood. He said as this went through the process, an alternative came forward as an option which is, with a portion of this already being R-3 and within the Dunes West/Park West PD, that they could express their consent to having the amendment made so that the remainder of the neighborhood would come into that same classification. He said the intention was not to change the application mid-stream, but to provide something that was already an existing zoning classification and would bring consistency on one side of the street and on the other side of the street. He said they understand the idea that the application remains consistent throughout the process. What they tried to do was make it more consistent and cohesive with the other zoning. They respectfully request, if Ms. Whitley might consider an amendment to her motion that would allow them to have a waiver of the one-year period. He stated that the applicant is attempting to move forward and improve this and make it consistent and not make things more difficult for Council or anyone else. He said if Ms. Whitley and Council would respectfully request waiving the one-year period, they will come back with a more consistent application, which would be more palatable.

All present voted in favor of denial.

Ms. Whitley made a motion to waive the one-year requirement for submitting an application; seconded by Mr. Owens. All present voted in favor.

B. OLD BUSINESS

- 1. Final Reading:** An Ordinance to rezone from R-1, Low Density Residential District, to PI-2, Public Institutional-2 District, an approximately 0.90 acre tract of land comprised of two parcels and described as follows: (i) an approximately 0.880 acre parcel located at 1643 Rifle Range Road, in Mt. Pleasant Subdivision, identified by TMS No. 560-00-00-007, depicted on a plat recorded by the Charleston County ROD Office in Plat Book L17, Page 0622; and (ii) an approximately 0.02 acre parcel located on Rifle Range Road in Gregories Subdivision, identified by MS No. 560-00-00-053, depicted on a plat recorded by the Charleston County ROD Office in Plat Book EC, Page 763. (Ord. No. 18013)

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

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

- 2. Final Reading:** An Ordinance providing for the annexation of an approximately 0.29 acre tract of land located at 2178 Gulf Drive, identified by TMS No. 577-05-00-005 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book L, Page 73. (Ord. No. 18015)

Mr. Santos made a motion to approve items #2 and #3; seconded by Mr. Owens. All present voted in favor.

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

- 3. Final Reading:** An Ordinance providing for the annexation of an approximately 2.11 acre tract of land located at 730 Darrell Creek Trail, identified by TMS No. 596-15-00-013 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book BU, Page 59. (Ord. No. 18014)

[Approved with item #2 above]

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

IX. COMMITTEE REPORTS

A. [Accommodations Tax Advisory Committee](#)

1. Funding Recommendations

Mr. O'Rourke stated that there are funding requests. He stated that staff was amazing and made the process much easier. He said the process was a very fair process.

The Committee met to make a recommendation for one additional funding request for the current fiscal year, FY2017/2018 for Charleston Race Week, held in Mount Pleasant. As the funding schedule was changed last year, the Committee granted a one-year grace period for applications submitted outside the appropriate funding period.

The FY 2017/2018 balance available is \$261,517. Council has received a summary of the request and the Accommodations Tax Advisory Committee's recommendation for funding the request of \$15,000. If Council accepts the Committee's recommendations, this will leave a \$246,517 balance.

Mr. O'Rourke moved that Council approves the funding recommendation totaling \$15,000 for the 2018 Sperry Charleston Race Week; seconded by Mr. Santos. All present voted in favor.

The Committee also made recommendations for thirteen (13) funding requests for FY 2018/2019. As a reminder, these funding requests will be presented to Council as line items within the proposed budget for the next fiscal year at the budget committee.

B. [Bids & Purchases Committee](#) (No Meeting)

Report

C. [Economic Development Committee](#)

1. Approval of an Ordinance for Environmentally Acceptable Packaging and Products (See Council New Business Item XI.A.1)
2. Report

The Economic Development Committee invited members of the business community to discuss the Ordinance for Environmentally Acceptable Packaging and Products. Invitations were sent out through the Charleston Metro Chamber of Commerce and the Mount Pleasant Chamber of Commerce, in addition to public notification. The Committee recommended approval of first reading of the ordinance by a vote of 2 to 1. This item is included for Council consideration and action during Council New Business.

Staff provided a brief update on meetings with the City of San Antonio and the San Antonio Chamber of Commerce. Although a much larger municipality, similarities with assets and challenges were noted.

The committee also received legal advice on an issue related to consideration of a settlement proposal for which it voted to send the information to the full council. The Committee recommended sending this item to Council for consideration by a vote of 2 to 1. This item is included for Council consideration and action during the Council executive session later in the agenda.

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

Report

E. [Finance Committee](#) (No Meeting)

Report

F. [Fire Committee](#) (No Meeting)

TYPE	NUMBER OF CALLS
Fires	11
Medical	388
Other	226
TOTAL	625

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

Report

H. [Patriots Point Development Authority](#)

Mayor Haynie stated that there is no report; however, he will say that there is a great deal of activity and much of this involves the complexities of the Medal of Honor Museum and the timetable.

I. [Planning Committee](#)

Mr. Bustos stated that the Planning Committee will be having a special meeting on March 19th at 10:00 am. He stated that the items they would be addressing are the Urban Corridor Overlay District and how that may be modified, as well as growth management. He stated that Short Term Rentals will likely be addressed in April.

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

1. Approval of an Ordinance for Environmentally Acceptable Packaging and Products. (See Council New Business Item XI.A.1)

Mayor Haynie stated that this Committee looked at the enforcement aspects of the proposed plastics ordinance. He stated that there will be further discussion on which model of legal representation works better for the Town.

Mayor Haynie stated that they are further drafting an ordinance with language relative to Boards and Commissions meeting attendance which will set a 75% rolling year average.

K. [Public Services Committee](#)

Mr. Owens stated that the Committee met and approved the minutes from the February 5, 2018 meeting.

There were two presentations scheduled to be given at the Public Services Committee Meeting. They were a “Review of Public Services Department Organizational Chart and Equipment” and a “Review of Ongoing Stormwater Maintenance”.

Because other Committee Meetings and the Special Town Council Meeting ran over their allotted time, the Public Services Committee Meeting began almost an hour late. In the interest of time, the Committee chose to defer the two scheduled presentations until the April Public Services Committee Meeting.

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

- Friday, February 9 – A Sock Hop was held at the Park West Gym. There were 178 participants.
- Wednesday, February 14 – The Culture, Arts & Pride Commission met and selected poems for the kick off *It's Raining Art!* at Towne Centre during ArtFest.
- Thursday, February 15 – The Farmers Market Advisory Board met to discuss and approve farmers and vendors for the upcoming Farmers Market.
- Monday, February 26 – Summer Camp Registration opened bringing in over \$333,000 in revenue on the first day, exceeding the first day registration total in 2017 by \$164,000.
- Wednesday, February 28-Thursday, March 1 – The Youth Basketball Championship concluded.

- Friday, March 2-Sunday, March 4 – The Mount Pleasant Junior Challenger Tennis Tournament was held at Whipple Road. There were 64 participants, ages 10-18 years old, from all over the state.
- Saturday, March 3 – The Recreation Department/Senior Center hosted the 23rd Annual Jim Ryckman 3-on-3 Basketball Tournament at the Park West Gym. There were 12 teams competing.
- Practices started for Spring Soccer, Lacrosse, Track, and Baseball.
- MPRD offered 341 swim lessons.
- For the month of February 158 youth and 276 adults participated in Athletic Programs.
- Senior Center current membership is 2,196.
- Tennis Center current membership is 834.

M. [Transportation](#)

Mayor Haynie stated that they reviewed the radar feedback sign data on McCants Drive and will look into the other items discussed, which was a traffic analysis of the Old Village and the Indian Village. He said all possible traffic measures are being addressed in light of the construction on Coleman Boulevard. He stated that they approved the traffic calming applications that met the criteria and received an update from TranSystems on a scope and fee and overall progress of the redesign of Coleman Boulevard. He said that Council approved to take the on-street parking out. He said that there is a 90-day process and the cost is \$73,000 and the approval has not yet been received and expect it will be. He said they also found out from the engineers that they will provide a scope and fee on what would be involved in a redesign if this Council were to discuss again, taking out the medians. He said they also discussed, on behalf of Mr. Cunnane, the idea of push trucks and refuge areas on Highway 41, and heard from the Police Chief that most of the squad cars already have push bars on them and do not anticipate

having Public Services vehicles on call similar to a wrecker service, but will look at refuge area so that when there is a fender bender, you are able to safely move the accident off of Highway 41 to allow traffic to continue moving.

N. Waterworks Commission

Mayor Haynie stated that there was no report; however, would like to mention that with the road projects in Mount Pleasant, whether it is Patriots Point realignment, Coleman Boulevard realignment, Highway 41 realignment and others, Mount Pleasant Waterworks is looking at \$29 million in unfunded realignment of utilities. He said the only place they are able to recover those expenses is from the rate-payers. He said as we review the Town's budget for next fiscal year, he asks Council to consider this with all other requests.

O. Water Supply Committee

Report

X. ADMINISTRATOR'S REPORT

Planning Commission vacancy

XI. COUNCIL BUSINESS

A. New Business

1. **First Reading:** An Ordinance amending Title V (Public Services) by adding a new Chapter 53 pertaining to environmentally acceptable packaging and products. (Ord. No. 18024)

[Addressed earlier in the agenda]

2. Consideration to eliminate the Urban Corridor zoning for the Coleman Boulevard-Ben Sawyer overlay districts including Chuck Dawley Boulevard

Mayor Haynie stated that has already been addressed as there is a special meeting scheduled to consider elimination of the Urban

Corridor zoning for the Coleman/Ben Sawyer Overlay District, including Chuck Dawley Boulevard.

Mr. Santos asked Mr. Bustos to provide details.

Mr. Bustos stated that staff was provided with this task in January and they have been working on it. He said that the Planning Committee has also called a special meeting on March 19th at 10:00 am to address this.

3. Approval to increase Police Department overtime expenditures to support school security

Mr. Santos moved to approve; seconded by Mr. Owens.

Mayor Haynie stated that this is putting school resource officers in every elementary school. He stated that this is already in the budget.

All present voted in favor.

B. Old Business

1. **Final Reading:** An Ordinance to amend Chapter 138, "Smoking and Tobacco Products," Section 138-03 – Definitions. (Ord. No. 18017)

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

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

2. Follow-up discussion on Council vote from November 14, 2017 Town Council Meeting for Attorney General opinion and consideration of draft inquiry letter

[Addressed earlier in the agenda]

C. Executive Session

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

Council adjourned into executive session at 10:00 p.m., and reconvened at 10:28 p.m.

Mayor Haynie declared that no action or votes were taken.

1. Legal and Contractual

Legal advice on any issue related to consideration of Settlement Proposal from Long Point Cooper

2. Personnel

Appointment to Commercial Design Review Board and the Historical Commission.

D. Post Executive Session

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

Legal advice on any issue related to consideration of Settlement Proposal from Long Point Cooper

Ms. Whitley moved to authorize legal counsel to negotiate as discussed in executive session; seconded by Mr. Cunnane.

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

Motion carries 7-1.

Appointment to Commercial Design Review Board and the Historical Commission.

Mr. Brimmer moved to appoint Brittany Lavelle Tulla to the Historical Commission; seconded by Mr. Owens. All present voted in favor.

Mr. Owens made a motion to appoint William O'Neal to the Commercial Design Review Board; seconded by Mr. Brimmer. All present voted in favor.

XII. ADJOURN

There being no further business, Council adjourned at 10:30 p.m.

Respectfully submitted,
Barbara Ashe
March 13, 2018