

MOUNT PLEASANT TOWN COUNCIL

TOWN COUNCIL AGENDA

Tuesday, July 10, 2018 at 6:00 p.m.

Park West Gym

Park West Recreational Complex

1251 Park West Boulevard

Mount Pleasant, SC 29466

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 Linda Emanuele 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 of the Freedom of Information Act.

IV. APPROVAL OF AGENDA

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

V. PUBLIC HEARINGS, AWARDS & PRESENTATIONS

A. Administration of Oath to Municipal Judges

Mayor Haynie administered the Oath of Office to Municipal Judges Hon. Tanya G. Staubes, Hon. Thomas H. Hesse and Hon. David L. Michel.

B. Recognition of Mount Pleasant Special Olympians

Recreation Committee Chairman, Mr. Santos joined by Mayor Haynie and Town Council members recognized the 2018 Special Olympics. Mr. Santos stated that the Town's Recreation Department Unified Sports Program provides year-round programming for youth and adults with and without disabilities. The Town partners with Special Olympics of South Carolina to offer athletes opportunities to compete locally, Statewide, nationally, and even internationally. This year, four athletes, one unified Partner and one coach from Mount Pleasant were chosen to represent the State of South Carolina at the 2018 Special Olympics USA Games in Seattle, Washington June 30th – July 7th.

Mr. Chris Conant with his Unified Partner, Ms. Ansley Pridemore won Bronze Medals in the category of golf.

Ms. Anna Stonesifer and Ms. Katie Beck played as members of the Dorchester Dragons, winning Silver Medals in soccer.

Shelli Davis was selected as the Head Swimming Coach for Team South Carolina which included:

Ms. Emily Jose, 25 back stroke Gold Medal; 50 freestyle Silver Medal; 25 breast stroke Participation Ribbon; and 4x100 freestyle relay 5th Place Ribbon

C. Recognition of Oceanside Collegiate Academy State Championship

Mr. Santos, along with Mayor Haynie and Town Council members, recognized Oceanside Collegiate Academy's Lacrosse team as State Champions.

D. Blessing of the Fleet Check Presentations

Ms. Nicole Harvey, Special Events Manager, along with Mayor Haynie and Town Council members, presented checks to East Cooper Community Outreach and the Wando Band Boosters.

E. Longevity Awards

Mayor Haynie and Town Council members joined Planning Director, Jeff Ulma in recognizing **Lynnette Lynes**, Executive Office Manager in the Planning Department for 20 years of service and **Kent Prause**, Division Chief and Zoning Administrator for 30 years of Service. They also joined Recreation Director, Steve Gergick in recognizing **John Rhodes**, Recreation Coordinator for Football, Track and Lacrosse, for 20 years of service.

F. Employee of the Month

Mayor Haynie and Town Council members recognized **Inspector Chip Googe**, of the Police Department as Employee of the Month for his life-saving efforts.

VI. APPROVAL OF [MINUTES](#) FROM THE JUNE 12, 2018 TOWN COUNCIL MEETING, AND THE JUNE 2018 FINANCIAL STATEMENT.

Ms. Landing moved for approval of the June 12, 2018 Town Council minutes and the June 2018 Financial Statement; seconded by Ms. Whitley. All present voted in favor.

VII. CORRESPONDENCE AND PUBLIC STATEMENTS

Glyn Cowden, 737 Bloomfield, stated that would like to avow his undying support and admiration for Mayor Will Haynie. He said that one of his prayers were answered this morning when the remaining boys were rescued from the cave in Thailand. He said the second prayer has yet to be achieved, which is for Council members to come together with one voice, cohesively and work with the Mayor to protect the livability of our Town.

Roger Hopkins, 1090 Marsh Court Lane, stated that he would like to echo Mr. Cowden's statement to support Mayor Haynie, who is transparent and cares about people. He hopes Council members will support him in moving the Town forward. He would also like to address the Attorney General's letter. He said this is really important for our Town. He said there are things in there that have to do with Council and the agenda. He said the agenda is what the residents go

by to see what is going to happen. He said when residents feel that they have had the wool pulled over their eyes, it is bad for everyone. He reiterated that Mayor Haynie has his support.

Howard Yates, 42 Broad Street, stated that he is here representing John Cooper, who resides at 702 Nomad Lane. He met with Town Council last month to discuss the drainage problems on his street. He said unfortunately, nothing has happened. He has asked under the Freedom of Information Act, for a copy of the plans that are drawn. He was first told that they are not ready, then that he could not obtain him. He stated that he has yet to receive the plans. He stated that Mr. Cooper has called the Town's engineering division several times and left messages; however, no one has responded. He spoke to Mr. DeMoura this evening and is hoping tomorrow that he can get some direction as to where the Town of Mount Pleasant will go as to the two drainage easements that are not open that are adjacent to Mr. Cooper's property.

David Shimp, 1551 Ben Sawyer Boulevard, stated that he would like to discuss the proposal to have an outside Council review the Atlantic project settlement. He believes the now discredited advice from the Town Attorney and his law firm, in their role in the process to approve the settlement agreement, requires an independent review. He respectfully recommends three actions: (1) Since the Town Attorney and his law firm were the source of bad advice and guidance, it would be a conflict of interest for them to represent the Town in the review of their own mistakes. The Town Attorney and his law firm should self-disqualify in this situation. If they do not, it would be a breach of any reasonable standard of propriety and professional ethics; (2) The original decision to disapprove the Atlantic proposal was made based on many considerations, such as adverse impact assessments in violation of the master plan for areas nearest the marsh. Public support for the original decision to disapprove the project was overwhelming. He encourages in engaging an outside counsel to allow legal review by an attorney who was not a party to the bad advice and guidance that directly led to the wrongfully settled Atlantic

agreement; (3) Since Middle Street Partners has a direct interest in the outcome of an independent review, he assumes that Councilman Santos will recuse himself. He stated that this Council is a newly constituted Town Council, a Council that must bring control to the runaway development that was supported by previous Town Councils. He asked Council to use their common sense and do the right thing for our Town and support an independent legal review for the Atlantic Settlement process that was determined by the Attorney General to be improper. To do otherwise in essence, supports a discredited process of the previous Town Council that Council members, as candidates, and the residents, as voters, worked so hard to change. To do otherwise removes any hope of changing the project now planned on our beautiful marsh that would rival the architectural atrocities of the Boulevard and the Shem Creek parking garage.

Lori Bauer, 506 Live Oak Drive, would like to ask Council to see Shem Creek Overlay District as a local tourist destination and an ideal location for approving short-term rentals. The Comprehensive Plan of 2009 to 2019 states that the target strategy was, or is, to expand water access to the Town residents as well as the tourists. Shem Creek is ideal for pedestrians, retail, restaurants and lodging opportunities. She said her short-term rental guests walk and create a lively vibrant atmosphere. They use public transit, ride bikes and Uber once they arrive at their destination. She stated that her guests create a minimal amount of traffic and are going to spend their money in the area. She said the short-term rental situation is confusing to many and she wanted to state for the record that she plans to move back into her house after her vacation this month and has unlisted one of her short-term rental listings to attempt to comply as a Bed and Breakfast. She stated that she has paid over \$6,000 in accommodations taxes this year, which would be \$12,000 for the whole year, should she continue to rent it.

Mike Bauer, 200 Riverlanding Drive, stated that he would like to reiterate what his wife, Lori, stated. He said she has created a wonderful short-term rental in the Marine District at 506 Live Oak. He

said they review the guests that come, and they are unbelievable. They stay in the Shem Creek area, Uber into Town and spend a lot of money in Mount Pleasant. He said all the guests love the experience and want to come back. It is different from a hotel or other places they could have stayed. He said it is affordable and whatever Council decides, he hopes that it is fair and equitable and that they are provided ample time to implement any additional restrictions or regulations. He said they would be happy to follow any and all of them.

Robert Pickard, 572 Savannah Highway, stated that he is scheduled to speak on Item 1.A. in Planning New Business, but would like to take the time to thank members of the Planning Committee and Town Council for working with him on that item, and will reserve his comments for that time.

Walter G. Brown Jr., 437 Venning Street in the Old Village stated that he has lived there for 53 years. He has served on various commissions in the Town in his 53 years. He stated that yesterday, he attended a meeting of the Old Village Historic District Commission and was appalled at the attitude and demeanor of the Chairman of this Commission. The protocol for Commissions is that you open the meeting, present the minutes and allow the citizens present two minutes for comments. He said that this was not done yesterday. He said a Caucasian female was provided two minutes and an African American male, Frank Ancrum, who was born and reared in the Old Village of Mount Pleasant was shut down and not allowed to speak. He said following Mr. Ancrum was a Caucasian female that went over the two-minute limit and was allowed to do so. He said that this is not the Town that he has lived in and contributed to for fifty-three years. He said that he is here to voice his displeasure and advise the Mayor and Town Council members what was displayed yesterday.

René Stauffer, 529 Live Oak Drive, stated that she owns a residential/commercial property in the AB zoning district. She owns the corner property of Live Oak Drive and Simmons directly across from the Bambu Restaurant, which is now Juju and has the large

protected oak tree in her yard. She has lived in Mount Pleasant for 30 years and at this location since 1994. When she first moved to this property, it was considered residential/commercial and now it is being changed to AB, which is commercial. She is respectfully requesting that she be allowed to continue her short term one-bedroom studio apartment rental as a Bed and Breakfast to operate in the AB zone under this UCOD. She stated that she resides on the property and accommodates parking, as required, and does not have any signage. She is a few houses from the boat landing on the Shem Creek Waterway Overlay District and per section 156.314 feels that this qualifies as a small scale mixed-use scenario in line with what the Town aims to achieve in that neighborhood. Some renters specifically choose her rental because they desire to kayak and walk to the nearby restaurant. She asks that Council take into consideration this unique situation of this rezoning, starting off as a residential zone, which is now being changed to AB, Area Business Commercial in the Urban Corridor Overlay District. She asked to approve her property as well as the other short -term rentals on her block and allow for Bed and Breakfast properties in that zone. She has gone to every neighbor and acquired their signatures stating that they do not oppose this and in fact, some of them approve it. She has also had to deal with the constant shaking from the construction for the past six months and would like Council to please take that into consideration while Council is hopefully approving her request.

Betty Royall, 626 Rue de Muckle, stated that those that have the Bed and Breakfast properties are very encouraging to everything about the land and the sea and she has no objections to their short-term businesses.

Robert Donaldson, 322 Lapwing Lane, stated that he would like to ask Council to temporarily halt any enforcement of the outdated Bed and Breakfast ordinance that requires special exception approval through the Board of Zoning Appeals. He said this is obviously a very important topic and hopefully the Town will have updated regulations that better reflect the true nature of short-term rentals. He looks forward

to these new regulations and is happy to pay for any permitting and licensing fees. He said having a few guests per month is the equivalent of having a roommate and it helps pay for the mortgage. He said this is income that he has budgeted for and to lose this would cause a financial hardship. He said that he would not have purchased his current home without the expectation of short-term rental income. He said those who stay at Airbnb's are good people, excited to visit the Town and they put money into the local economy. He stated that the Airbnb Guest Review System helps keep guests accountable and his guests have never caused any disruption. He has spoken to a number of individuals who have called the Town for guidance on the short-term rental laws and they have received different or conflicting responses. Since it appears that going through the Special Exception process and the Board of Zoning Appeals is a lengthy process, and the Town is currently in the process of crafting new regulations for short-term rentals anyway, he would ask that the Town not impose any violations or fines on any currently operating short-term rentals. Doing so would unnecessarily take away a very important revenue stream for him and others like him.

Maddie Donaldson, 1604 Lauda Drive, stated that she is in opposition to any drastic or overreaching regulations on short-term rentals in the Town of Mount Pleasant. She has seen that a driving factor for regulating short-term rentals is a concern over affordable housing. She said to please remember that Mount Pleasant was facing affordable housing issues long before Airbnb came about and we all know that even if the strictest regulations were placed on short-term rentals, housing costs would continue to rise, simply because our Town is such a desirable place to live. She stated that strict regulations on short-term rentals will have a counter-productive effect on many of the Town's constituents by stripping them of a vital source of income. Many young residents depend on short-term rentals in order to afford to live in Mount Pleasant, a place where she grew up and would like to raise her family. She stated that they are willing to abide by fair and reasonable regulations and understand that this is a complicated issue. She said when considering this, please know that short-term

rentals provide numerous benefits to the Town and its constituents and are rarely the issue that the vocal minority may make them seem.

Tony Geisman, 1343 Fairmont Avenue, stated that he has lived at his residence for 38 years. He does not have a short-term rental at present; however, as retirement circumstances near, he may want to get one in the future. He does not wish to build one at this time, until all the legalities are sorted out. He stated that if he added a wing onto his home and put a kitchen in, would it be an ADU or B&B. If he built a standalone ADU, but decided to live in the ADU, would he be able to use his home as a short-term rental. He asked if the primary residence is the one he lives in. He lives by a short-term rental property and would much rather have happy vacationers than questionable long-term renters. He hopes that Council does not impose some type of moratorium on building or other restrictions on short-term rentals that would prevent him at a later date from building.

Barbara McClellan Geisman, 1343 Fairmont Avenue, stated that she was born and raised here. She is part of the old part of Mount Pleasant and said that the Town is changing. She and her husband bought their home in 1980 and it is 950 square feet; however, they are on .33 acres on a corner lot. She said there is plenty of room for an addition to the house to rent out to happy vacationers. She said her neighbor has a short-term rental and they barely know they are there. They are wonderful people.

Frank Ancrum, 107 Rose Lane, stated that he has lived in Mount Pleasant all his life. He stated that he is a Vietnam Veteran, and was never so hurt yesterday at the Old Village Historic District Commission. He said they let the Caucasians speak and the black cannot speak. He said it is disrespectful. He said he did not get the opportunity to say what he wanted to say. He said it is very disrespectful to a black man and has never said that before in public. He said the night prior to the start of construction at St. Andrews Church, there was a fire which was unusual. He stated that he lives on the adjacent lot to the church. He said when the easement goes down the church property line, the buffer is 15 feet for the two Caucasians that live there, but when it

gets to the black person's property, it is eight feet, and then there is a sidewalk, too. He said when he comes out of his house, he must look at the Shem Creek Parking Garage in his backyard. He may not be able to change the drawing of the church or what happened during the approval process, but it is not fair for the two Caucasians on the adjacent lots to have a fifteen-foot buffer and he gets eight feet and a sidewalk, so he can look at a brick wall. He said this depreciates his property and any Caucasians here that have property, would fight this. He stated that he is being taken advantage of, and it is not fair. He said this is wrong and God sees everything.

Alicia Lockwood, 316 Lapwing, stated that she is here to address the short-term rental issue. She said it has been operating below the radar for years quite successfully. She said the reason why much has not been done is because it did not need it. She understands that Mount Pleasant is reviewing the regulations because of the volume now and would hope all those involved take sufficient time to understand what it is. She said there is a system of checks and balances in place with public reviews that very readily eliminate those that do not belong in the system. She thinks that the primary concerns that the Town is dealing with are the neighbors' fear of something new and unknown and Council must carefully balance this with owner's rights to peaceful possession. She said all those homeowners are paying their taxes already and are paying for the services that are being provided. She also finds that given the new uproar, it is difficult for people to navigate through the system and information people are receiving is wrong and misleading. She would like to request for Council to consider adding a moratorium on the enforcement of any current rules and regulations of past or current short-term renters until Council has determined what it is going to be and then guide people through the process successfully.

Mary Ricozzi, 615 Baytree Court, stated that she also has a short-term rental. She has been following the short-term issue closely and believes setting rules and regulations can be a good thing. She also has strict rules and regulations for her guests. Her rental is a large house

and draws families that wish to vacation together in our beautiful Town. Staying in a home is what families prefer over a hotel when planning vacations. Whether it is a long or short-term rental, it is a business. She said it is hard work and requires a commitment to excellence that all are not cut out for. She believes in controls to help those of us who are serious about running this short-term rental business.

Donald Wicks, 1551 Ben Sawyer Boulevard, stated that he is here regarding an item under Committee Reports, J.2, the Attorney General's letter. He urged Council to support the proposal to have an independent outside legal firm that has experience with local government activities and has no connection with Mount Pleasant or any of the elected officials connected to this situation. The firm should provide opinion and advice on the recent Attorney General's letter concerning the rookie conditions that preceded the decision on settling the dispute over the Atlantic Development. Of particular importance to him is the question of personal liability of Town Council members and the impact they had on the decision. He read in the minutes of the Committee meeting that the Town Attorney feels that the Council Members were provided adequate advice, yet one member of the Council recused himself over fear of personal liability. As for the procedural process that followed that evening regarding executive session, it is questionable and may have caused confusion in the minds of Council members and could have possibly affected the validity of ultimate decisions made that evening. This question also needs clarification. The cost of an outside law firm should be a minor consideration to the Town of Mount Pleasant and the major consideration of transparency in our Town Council is all important.

Stephanie Zweben, 3631 Spindrift Drive, stated that she would like to raise concerns about several new commercial buildings being built around the Town that are close to streets which may expand in the future. She said two examples would be the Home Depot being constructed on the corner of Highway 17 and Six Mile Road. She said the supporting wall along Six Mile Road is almost immediately on Six-

Mile Road, which is only a two-lane road at this time. She said another example is the veterinarian building being constructed on Park Avenue, which is right up against the street. She said Park Avenue is two lanes in some areas and four lanes in other. She said regarding these two examples, as we continue to grow, we may need to widen those two roads; however, the Town is allowing these new businesses to build the physical structure of their business so close to the roadway that it is boxing the Town in and will not have an easy time when desiring to widen those roads. She would like to recommend that going forward, even for land that has been purchased, prior to allowing construction, that the Town look at how closely the commercial building is going to be sited on the property.

Lucy Gordon, 1551 Ben Sawyer Blvd., stated that she is here to speak on the Attorney General's letter regarding the events surrounding the settlement of the Atlantic property. She stated that it was a painful and low point in the Town's recent history. She said they also had serious consequences and raised legitimate questions. We are unable to erase how it happened but can see if corrections can be made going forward. She would like to commend all Council members on their willingness to step up as opposed to going around these questions. She said that self-examination is never easy, but it is best done in an atmosphere of support and mutual regard. She said regarding the cost of a legal opinion, running the government is expensive and realizes that there is no line item for clearing up errors, because residents do not expect them to happen. However, if and when they do, it is incumbent upon the Town to try their best to fix it, and it becomes a cost of doing good business. She said there is an issue of public trust, which is difficult to put a price on. She said the Town wishes to be frugal with taxpayer funds; however, it would seem that within reason, it is money well spent. She strongly supports Council's initiative to enlist additional expert legal counsel regarding the Attorney General's letter.

Paul Mount, 1481 Center Street, stated that he would also like to address the Attorney General's letter. He was at the Town Council

meeting that precipitated all this and the word “fiasco” does not begin cover it. He said the citizens deserve to know what happened at that meeting and what can be done to prevent it. He said the Town needs an independent legal review to ensure they are getting unbiased advice. He said the Town pays a great deal currently for legal services so he wants to ensure the Town gets what they pay for. He said no one should be concerned about obtaining a second opinion, and if the current legal counsel is concerned about this, then this is a sign that the Town needs to get new legal counsel.

Katherine Bernard, 1300 Hermit Crab Way, stated that she would like to thank Council for bringing the Town Council meeting to northern Mount Pleasant and making it convenient for the residents. She would also like to thank the Committees for getting the minutes of meetings out much quicker for those that desire to read them. She would also like to thank Council for writing to the County of Charleston to take the widening of Dunes West Boulevard off the table as an alternative to widening Highway 41. She said the last item she would like to address is the new Home Depot. She attempts to keep up with the different Committees and Council and does this because she believes that Mount Pleasant is in a growth stage that must be very carefully managed. She also lives in the northern portion of Mount Pleasant which is feeling much of the growth. She said the new Home Depot is such an eyesore and the request to build it as shown should have never been approved. From what she has read regarding the buffer requirements, it looks as if Home Depot is in compliance with the Town’s regulations; however, common sense would tell that the sheer magnitude of this building does not compare to anything around it. Those in charge of this project should have required greater buffers for a building of this magnitude, as well as buffers all the way around, not just on a major thoroughfare such as Highway 17. The new Lowe’s is a good example of what the Home Depot should have looked like as it is set back much further than Home Depot. She said she realizes that many of the Council members are not responsible for this error; however, Council may prevent this from happening again. She said when she read the minutes when this entire fiasco was approved, she

was not there and did not comment; however, she was unaware of it. She stated that she reads the agendas and attends meetings when she is able and does not sit at home completely unaware, yet she did miss the Home Depot approval. She said there are many like her and even more who do not take the time to read the various agendas. She said the residents elected this Council to watch out for our beautiful Town and they are relying on Council to make sure that this does not happen again.

Laurie Bixler, 144 3rd Avenue, stated that she goes back almost ten years with Zoning Administrator, Kent Prause, in interpreting the zoning regulations to attempt to sort out ten years ago, what was a bed and breakfast and what was a short-term rental and there was no such thing as a short-term rental and nothing about Airbnb. She said this is how long this topic has been alive and how long she and her husband have been paying into accommodations and sales tax on their properties, which is well over \$100,000 now. She said many of those on Council are aware; however, many in the public do not know where accommodations taxes go, which is very specific. She knows this because she sits of the Accommodations Tax Advisory Committee (ATAC). She said ATAC allocated \$33,000 towards the fireworks show on July 4th. She would like Town Council and Committees of Council to take into consideration, the bonuses given to the Town. She stated that she is speaking about this now, because the Town does not have a Citizens Advisory Commission for the decisions that are being made. She stated that she would like to thank Councilman Joe Bustos, who is Chair of the Planning Committee and the rest of the committee for their hard work and asked that they listen very hard, because serious decisions are being made that effect the financial well-being of their constituents. She asked that Council pay attention to the statistics that are on the AirBnB, so they are interpreted correctly and ensure they do not misunderstand the tie-in between affordable housing and short-term rentals. She said if the Town puts together a Citizens Advisory Committee she would be happy to serve on it and provide her thoughts.

Jeanne Jamme, 674 Ferry Street, stated that she and her husband have lived in their house for over 24 years and converted it to a legal whole house rental last fall. She said before doing so, they discussed their plans with neighbors and none of them had any objections. She said some were here this evening in support. She said that they pay the 13% accommodations tax and also switched this property to the 6% non-owner-occupied property, so they are paying almost three times more in property taxes. They support creating a process for licensing, regulating and for penalizing the industry as Mr. O'Rourke brought up at the Planning Committee meeting last week. She added that she wants to be a participant in these discussions and on how to accomplish this. She and her husband manage their own property and have a five-star record and a strong screening process for guests. Her fear is that if the business license fees and the cost to comply with the regulations are too cost prohibitive then this will feed into the hands of what the Town is trying to avoid, which is the large corporate groups buying up houses in neighborhoods to rent for short term rentals. These corporate groups will be the only ones able to afford the fees. The Town will also lose the screening process and the basic intent of a vacation rental by owner or VRBO. She said another fear is if the Town limits the number of days that a property may be rented which encourages those who are not skilled at screening or managing their guests. She stated that downtown Charleston has experienced this already. There is no consequence if that owner creates an issue for the rest of those doing this as a business. She said that they all have unique reasons for doing this business and encourages Town Council to create a Citizens Committee to follow this process.

Dean Feltman, 190 4th Avenue, stated that he would like to share the success of short-term rentals, as he has been doing this for a very long time. He added that if it is done correctly, it works. He stated that it not only works in Mount Pleasant, but all over the country. He asks Council that as they go through the process of rules and regulations, to make the rules up to how it works. He said he has a whole house rental and does not stay there when his guests are there. He said they typically have approximately twelve people who are grandparents,

parents and their families. He said during the day, they are out and about. He would like to encourage Council to do the right thing, because they pay a lot of taxes.

Diane Vincent, 242 6th Avenue, stated that she has lived in Mount Pleasant for 53 years and is here to support the short-term rentals and the ability to rent out ADU's (Accessory Dwelling Units). She built a home and an ADU specifically to rent out for their income. She began renting the ADU this January and has had wonderful renters who are quiet and very respectful. She is more than happy to comply with any fees and have the ADU listed as a 6% assessment. She would ask that Council continue to support the short-term rentals and ADU rentals.

VIII. PLANNING – Mr. Ulma

[Planning Committee Minutes](#)

[Planning Commission Minutes](#)

A. NEW BUSINESS

1. **First Reading:** An Ordinance to amend the Dunes West PD, Planned Development District Ordinance (Ordinance R-13-90, as amended), by rezoning an approximately 14.50 acre tract of land comprised of 33 parcels from R-1, Low Density Residential District, to PD, Planned Development District and designated within the PD as DW-R-3, Dunes West R-3. Parcels affected are located off Bessemer Road within the development known as Covington at Park West, Identified by TMS Nos. 583-00-00-003 and 583-03-00-254 thru -281, and 583-03-00-286, and depicted on a plat recorded by the Charleston County ROD Office in Plat Book L17, Page 0033. (Ord. No. 18047)

Mr. Ulma stated that the intent of the zoning change would be to reduce the setbacks for these lots in this subdivision, but no increase in the total number of lots would be allowed or change to the lot sizes which are 10,000 sf minimum under the existing zoning. The intent would be to utilize smaller setbacks on these lots in order to locate different homes and product types on these particular parcels of land. The proposed ordinance places

some conditions on this request including limitations on the lot coverage, no addition of ADU's and no increase in density or additional subdivision of the lots that are either already platted or already approved. In response to review by the Planning Committee last week, an additional condition has been submitted. This would require that the setback along the shared property line with the Arlington subdivision, which is to the north, remain the same as already shown on Phase I and Phase II. The Planning Commission and Planning Committee provided no recommendation to full Council.

Ms. Landing stated that this has gone around and around for a number of months and has taken a significant amount of time. She does not believe this is that complicated of a request. She said these homes are going to be built with the same number of lots and all the houses will likely sell and people will live there. She said what this does, if we rezone from the R-1 to R-3, is allow it to come into the PD (Planned Development), that will use up some of the allotment that is already available through the Dunes West Planned Development. She added that it does not increase the number and will also allow people to choose whether they want a bigger front yard or a bigger backyard. She said that is what she feels is the main issue.

Ms. Landing made a motion to approve; seconded by Mr. O'Rourke.

Mr. Brimmer stated that this is not a terrible proposal and will not ruin the neighborhood; however, there were some concerns. He said in the process of approving this development, it is important to listen to the neighbors' concerns and attempt to address them. He stated that he gives credit to the developer, because there have been a number of discussions attempting to address the concerns of the neighbors in Park West and in the Arlington neighborhood. He directed his question at Mr. Ulma and said he noticed that when this first came through the process on the initial request, there were eight property owners

involved who have all signed off on the first request. He asked if all the property owners have signed off on the modified request.

Robert Pickard, 572 Savannah Highway, stated that since the previous process, there are additional homeowners, and all have signed off on the modification.

Mr. Brimmer stated that for clarification on the issues that have been raised, this request would have the requirements of not setting the homes in Covington back any further on the lot than approved currently along the Arlington neighborhood property line.

Mr. Pickard responded in the affirmative and stated that along the shared property line, given the concerns of that community (Arlington), they would keep the current approved setbacks in place.

Mr. Brimmer also confirmed that no ADU's would be allowed in the neighborhood.

Mr. Pickard responded in the affirmative and stated that by coming into the PD, it would negate any ability for ADU's.

Mr. Brimmer stated that in the staff comments from the Planning Commission, they discuss buildable area and although it was indicated that there is no change in coverage area, the numbers that were in the presentation showed the difference from 35% to 50%. He asked if they are looking to change the coverage requirements of these lots.

Mr. Pickard stated that per the application the lot coverage would remain the same as well; therefore, none of that changes.

Mr. Brimmer stated that it appears that the concerns expressed to him have all been addressed, so he is happy to support this item.

Mr. Santos stated that in reference to impervious surfaces, it is 40% and asked if this development will also be at 40%.

Mr. Pickard stated that the currently approved lot coverage will not change which is 35%.

Mr. Cunnane asked Mr. Ulma for an estimate of how many homes are left in the original PD for Park West and Dunes West.

Mr. Ulma stated that they are divided into the different lot sizes and types.

Mr. Cunnane stated that it would be done if they ran out of land there. Mr. Ulma responded in the affirmative.

Mr. Cunnane stated that adding land would set a precedence for someone else to add another fifty acres next month.

Mr. Ulma stated that the boundaries of a zoning district could always change, acreage could be added or subtracted from the area that is zoned. He said another request could be made to add additional property to an area included within a PD. He said in this particular case, it does not increase the number of units. He said typically, when someone wants to add, they will bring in property and additional units in order to be covered by the PD, which is not happening in this case.

Mr. Cunnane stated that in Park West/Dunes West there is extra property available.

Mr. Ulma responded in the affirmative. He stated that most will not be usable due to topography and drainage.

Mr. Cunnane asked if Mr. Ulma would consider this project as a precedence to allow someone else in the future.

Mr. Ulma responded in the negative and does not believe the Town has experienced it previously; however, as staff, it would be viewed as a zoning change in the zoning district.

Mayor Haynie stated that he understood from Mr. Brimmer that all the neighbors' concerns were addressed; however, those were different concerns than the concerns that came before the Planning Committee.

Mr. Brimmer stated that not all of the conditions were agreed to at the Committee level and have been doing work since the Committee meeting to get those conditions in place.

Mayor Haynie stated that new conditions existed this evening that did not exist then. He asked Mr. Ulma if those conditions are enforceable, as the main issue for him was the setback as it went down to fifteen feet.

Mr. Ulma responded in the affirmative and stated that in the rear it stays at thirty and is enforceable because it is a requirement of the ordinance that would be adopted if Council so wishes.

All present voted in favor.

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

2. **First Reading:** An Ordinance to amend the Johnson Development PD-MU-SU (Ord. No. 14084, as amended) also known as Indigo Square, by adding Workout Studios, including Dance, Yoga, Barre, Pilates, and the like to the -00-933. (Ord. No. 18048)

Mr. Bustos moved for approval; seconded by Mr. Brimmer.

Mr. Cunnane asked why this was not originally included. He stated that the discussion was to “walk to the businesses – to live, work and play”. Why was this not included in this concept.

Mr. Ulma stated that uses are specified within a zoning district and in this case, the list was very specific. He said as they were working on rental and leasing spaces for tenants, staff stated that the uses do not include uses such as Pilates, Yoga, Dance, etc., so the recommendation was to make it clear by adding it in as an explicit use.

Mr. Santos was opposed. All others voted in favor. Motion carries 8-1.

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

3. **First Reading:** An Ordinance to amend Chapter 156 of the Mount Pleasant Code of Ordinances pertaining to signs by adding Political Signs to Section 156.151, Definition of Sign and amending Sign Area definition and adding a new Paragraph (Q) to Section 156.162 prohibiting signs located within the public right-of-way and providing for their removal by authorized officials. (Ord. No. 18049)

Mr. Ulma stated that this is a proposed text amendment regarding political signs and consists of three different parts. The first deals with definitions and expands the definition of a sign to clearly cover political signs in addition to commercial signs. The second deals with the calculation of a sign area so it specifies that a sign cannot be produced or cut into different sections in order to avoid meeting either a numerical limit or a size limit for a sign. He said the third section clarifies and explicitly precludes signs from being within road rights-of-way and instead of the typical process of a series of notices and letters for enforcement, it allows for immediate removal of any signs located within the right-of-way that would violate this particular section of the ordinance.

Mr. Cunnane moved to deny; seconded by Mr. Santos.

Mr. Cunnane stated that using the right-of-way as an enforcement mechanism is problematic. He asked the Transportation Director if he knew what the rights-of-ways were across the Town and stated that he knew general rules, but not all the rights-of-ways. He said how is a young person who wants to run for Town Council going to know what the rights-of-ways are and what the boundaries are. He does not believe it is a fair or enforceable mechanism to use the rights-of-way as the basis for signage. He stated that State law said that if it is in the right-of-way and blocks vision, then it is a fair enforcement, because now you are talking about the usage of the road. He said rights-of-way vary across the Town that it is impossible to have a fair

enforcement. He said people begin to think it is unfair and when they begin to think this way, the Town should not be doing it.

Ms. Whitley said she initially recommended approval of this ordinance in the Planning Committee and still supports it in the first portion, but when thinking about the public right-of-way, something more limiting indicating 20 to 30 days prior to the election to allow the political signs to be placed out there. She stated that voter turnout is so low already and we want to encourage the public to be engaged in the political process, especially for newcomers who do not have the name recognition of an incumbent, providing the opportunity to get their name out there in the public right-of-way is a positive thing for thirty days leading up to an election. She would be in support of approving first reading and amending it prior to second reading to state twenty to thirty days prior to an election to permit political signs to be placed in rights-of-way.

Mr. Santos stated that this came up some time ago when there was a limit on when political signs could be put out. He stated that he thought it was changed.

Mr. Bustos stated that he does not believe it was ever changed. He said during elections if anything is perceived to be in the right-of-way, it is removed and placed behind Town Hall. He would prefer to have a timeframe as stated by Ms. Whitley, for the signs to be placed and then taken up. He added that he voted against this in the Planning Committee; however, believes that anything that will help the public vote and understand that there is an election coming up is a good thing. He said having signs erected for a specific time is a small price to pay as long as it does not block vision.

Mr. Santos stated that the Code Enforcement officer removed a number of his signs that were perceived to be in the right-of-way, so he thought there was already a law for that in place. He stated that this issue was addressed several years ago and recalls that a time limit could not be placed on the signs.

Mr. Pagliarini stated that there are limits and the concern that he has is, was it properly advertised and part of a public hearing, if there is going to be a date or a time limit under consideration. He said this may be the appropriate way to go about this, if Council desires to do so.

Mayor Haynie asked Legal Counsel to clarify.

Mr. Pagliarini stated that Ms. Whitley mentioned a date or time limitation and the concern is that if Council were to approve first reading and address an amendment at second reading, it would not have been part of the advertised Public Hearing that was out of Planning Commission; therefore, the process would need to be repeated.

Mr. Santos stated that he recalls several years ago there was an attorney that challenged the time limit of thirty days, and thought the attorney won the case and it was removed. He wants to ensure that something previously was not already done.

Mr. Pagliarini stated that this is part of the review process that would need to take place, because one thing with signs that we are limited is by content and we cannot discriminate by content and therefore, if political signs are treated different than others, we have some problems. He stated that the issue is, can we regulate this within the right-of-way as opposed to private property and believes that is the issue that legal and staff would need to review if this comes back to Council with a time limit.

Ms. Landing stated that during the elections, one of the items they quickly learned is that in the northern portion of the Town, almost every single housing area has a prohibition against signs in people's yards, so they cannot put signs on their own private property. This made it almost impossible to get the word out on the northern portion of Town unless you received permission from businesses or put them in rights-of-way. She said if this motion is denied, then what do we have now. She asked if

Council will need to start the process over to include the thirty days, because this sounds more sensible.

Mr. Pagliarini stated that if the question is regarding time limits, this will need to go back through the process and Legal can work on this if Council will provide direction, assuming that it is denied and is not saying it should or should not. He said if it is denied, it should be brought up again in Committee to discuss options and get into a deeper discussion.

Mr. O'Rourke said that the way he reads this is, that the Town has a sign ordinance for everyone except politicians. He stated that he has a problem with this. He believes in consistency and fairness and feels that politicians should adhere to the same rules that the Town makes citizens adhere to all year. He has received a number of emails. He stated that Mr. Cunnane ran against a nice man who grew up in Mount Pleasant and has lived here for 60 years and had a billboard on Highway 17 and Mr. Cunnane defeated him. He said he does not believe Mr. Cunnane won because of his sign strategy, but because of what he stood for and what he believed in. He said to give the voting public some credit in doing research on who they are going to vote for and make the choice. However, to say that the more signs that we have in the rights-of-way will convince people to vote is a stretch. He added that he is all for consistency in how things are done in the Town and does not believe Council should be treated any different.

Mr. Cunnane stated that he has seen Town signs from the Police Department to lock your car doors, as well as for the Sweetgrass Basket Festival and it seems as if the Town does what they want already, and the politicians are lumped in as wrong. He appreciates Mr. O'Rourke's comments; however, what is the alternative. He said it is to introduce money into the process. He said people are going to begin bringing outside money to purchase airtime on the radio and when you bring money into the process, it gets dirty which happens at every level of

government and is not unique to the Town. He stated that signs are the cheapest grassroots way to get your name out there without introducing any potential questionable money.

Mr. Ulma stated that there are prohibitions or limitations in other areas of the Town code. What is being done here is to clarify and make it explicit in Chapter 156 for the Zoning Code Enforcement Officer, who enforces it (the removal of signs). He said removal was done in the past under another provision of the Town Code and this puts it under the Zoning Ordinance.

Ms. Whitley asked if the proper procedure in order to move with the time limit would be to deny this ordinance and then move to send it back to Committee.

Mr. Pagliarini stated that it can simply be added to any Committee that Council desires.

Mayor Haynie stated that when he ran for Town Council in 2015, the individual with the biggest signs should have won; however, that person was near the bottom, so he does not believe that signs sway elections in this era of social media. He said that there needs to be something fair which applies to everyone. He believes it needs to go back to Committee in order to get it right.

Mr. Brimmer and Mr. O'Rourke were opposed. All others present voted in favor. Motion to deny carries 7-2.

4. **First Reading:** An Ordinance providing for the annexation of an approximately 0.29 acre tract of land located at 2188 Gulf Drive, identified by TMS No. 577-05-00-003 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book L, Page 73. (Ord. No. 18050)

Ms. Whitley moved to approve first reading of items #4, #5, #6, #7 and #8; seconded by Mr. Owens. All present voted in favor.

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

5. **First Reading:** An Ordinance providing for the annexation of an approximately 0.10 acre tract of land located at 960 Bulls Bay

Blvd., identified by TMS No. 632-00-00-128 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book EG, Page 522-523. (Ord. No. 18051)

[Approved with Item #4]

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

6. **First Reading:** An Ordinance providing for the annexation of an approximately 0.28 acre tract of land located at 1159 Dingle Road identified by TMS No. 578-00-00-475 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book EL, Page 639-640. (Ord. No. 18052)

[Approved with Item #4]

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

7. **First Reading:** An Ordinance providing for the annexation of an approximately 0.02 acre tract of land located at 1647 Rifle Range Road, identified by TMS No. 560-00-00-053 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book EC, Page 736. (Ord. No. 18053)

[Approved with Item #4]

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

8. **First Reading:** An Ordinance providing for the annexation of an approximately 0.06 acre tract of land located at 4162 Tobacco Road, identified by TMS No. 632-00-00-124 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book EG, Page 109-113. (Ord. No. 18054)

[Approved with Item #4]

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

B. OLD BUSINESS

1. **Final Reading:** An Ordinance to rezone from R-1, Low Density Residential District, to OP, Office Professional District, an approximately 1.17 acre tract of land located at 1503 Mathis Ferry Road, identified by TMS No. 559-0000-072, and depicted as Tract J-1-A in The Woodlands Subdivision on a plat recorded by the Charleston County ROD Office in Plat Book L, Page 153. (Ord. No. 18041)

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

Ms. Whitley recused herself. Mr. Santos was opposed.

All others present voted in favor. Motion to approve carries.

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 2174 Gulf Drive, identified by TMS No. 577-05-00-006 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book L, Page 73. (Ord. No. 18042)

Mr. Brimmer 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.

3. **Final Reading:** An Ordinance providing for the annexation of an approximately 0.25 acre tract of land located at 1152 Graddick Road, identified by TMS No. 559-00-00-007 and depicted on a plat recorded by the Charleston County ROD Office in Plat Book AP, Page 121. (Ord. No. 18043)

Mr. Santos moved for approval; seconded by Mr. Owens.

Mr. Brimmer opposed. All others present voted in favor. Motion to approve carries.

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

IX. COMMITTEE REPORTS

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

Report

B. [Bids & Purchases Committee](#)

Mr. Owens stated that Committee unanimously approved the following recommendation:

- Approval to contract with Utility Asset Management, Inc., in the amount of \$430,341.75 to perform the pipe replacements in the North Point Subdivision

C. [Economic Development Committee](#)

Mr. Brimmer stated that the Committee had an executive session to discuss an incentive package, which is on the agenda later this evening (XI.C.1.A).

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

Report

E. [Finance Committee](#)

Mr. O'Rourke stated that there is one item that will be addressed in Council New Business. He said a member from the CARTA Board attended the Finance Committee meeting to discuss their budget. He said the Finance Committee felt it was more appropriate to send this to the Transportation Committee in August to ensure that the actual specifics of what this budget will be used for is taken care of

1. Approval of easement to SCE&G in support of the Mount Pleasant tennis complex on Whipple Road (See Council New Business Item XI.A.1)
2. Report

F. [Fire Committee](#)

Mr. Brimmer stated that Amanda Knight, Emergency Manager for the Town presented an update on training events that occurred in May and June. Fire Chief, Mike Mixon updated the Committee on an inter-agency agreement with the Awendaw Fire Department and also reported on the Annual Report which has been released. He stated that the Committee was also provided with an update on the Fire Department’s Strategic Planning process that they are currently engaged in.

Incident Report for June 2018

TYPE	NUMBER OF CALLS
Fires	9
Medical	463
Other	323
TOTAL	795

G. [Human Resources](#)

Ms. Landing stated that there was one item to report which was an executive session to discuss a personnel matter. She stated that this item will be addressed in executive session this evening under item XI.C.2.

H. [Patriots Point Development Authority](#)
Report

I. [Planning Committee](#)

Mr. Bustos stated that there was a discussion of the exclusion of certain uses from the 40% of pervious surface lot coverage requirement in the Old Village. Mr. Owens had asked that this be discussed and based on their discussion, the Planning Committee did not have any recommendations for changes to the ordinance

proposed. He said they found that other materials could be used to help mitigate the impervious surface by using pervious materials. He said if a homeowner wanted to rebuild a house to 40%, there are ways to offset enlarging the house by reducing a driveway with different methods. He said they also received a Comprehensive Plan update and there was discussion of Accessory Dwelling Units (ADU's) and Short-Term Rental properties. He stated that after much discussion, they decided to have a Special Planning Committee meeting which will be held on July 16, 2018 to cover those topics. He said lastly there was a recommendation to South Carolina Department of Transportation for the removal of twelve trees within the right of way of Mathis Ferry Road.

1. Approval to recommend to South Carolina Department of Transportation the removal of 12 trees within the right of way of Mathis Ferry Road

Mr. Ulma stated that Mathis Ferry Road is designated as a State Scenic Highway and removal of trees six inches and greater must be reviewed by a local governing body to provide a recommendation to the SCDOT before any work may be accomplished. He said the work is a roadway and intersection improvement project. He said it is required as part of the Southeast Spine Institute's new facility elsewhere on the property. He said that it is not adjacent to the Von Kolnitz / Mathis Ferry intersection, but the roadway improvement mitigation was required as part of the original approval of the larger development. He said the Committee reviewed this in both June and July. He said there were some questions regarding options or alternatives, whether the road could be widened in a different direction in order to save additional trees. He said this information was presented at the last meeting and while it does not affect as many trees (10 trees instead of 12), if you widen to the southside of the road, those trees are larger and more significant; therefore, the impact would be greater. He said all of this work occurs within the right of way, but there are

concerns regarding the health of the buffer area outside the right of way on private property, particularly as it relates to a number of vines growing that are covering the existing trees in that location. He stated that Mr. Bustos' Committee recommendation was to approve this particular request for tree removal, accept payment for mitigation to the tree bank and then look at a future date to attempt to do some work with the adjoining property owners to clean up the area and/or replant along the site of the funeral home and the cemetery.

Mr. Bustos stated that the mitigation for this is that they (developer) would pay into the tree bank and then the Town would go back and pay to have the area cleaned and trees replanted. He stated that these vines will eventually kill the trees, so it will need to be cleaned up prior to planting new trees. He said ultimately, the cost would be borne by the developer.

Mayor Haynie asked if this was an action item.

Mr. Bustos responded in the affirmative.

Mr. Ulma stated that it would be a recommendation to the State.

Mr. Bustos stated that the local government must make the recommendation to the State first, before the Scenic Highway does anything. He stated that the Committee recommended to advise the State that the Town has a mitigation plan.

Mr. Bustos put this in the form of a motion; seconded by Mr. O'Rourke.

Mr. Santos stated that the Town has seen enough tree removals over the past few years and he believes the developer should look at other alternatives instead of cutting the trees down. He said the Town has been losing so many trees lately across from the Town Centre and on Rifle Range Road, and he is not in favor of continuing to cut down trees. He stated that he will not be supporting this.

Mr. O'Rourke stated that the trees will be put back.

Mr. Santos stated that they are never replaced with the same size tree.

Ms. Landing stated that in sensitivity to what the citizens have been through, and for some, was a motivator to run for office when observing the clear-cutting that was happening in the Town. She believes that at the very least if we do vote in favor of this item, because Council feels it must happen, we need to make sure that it is extremely clear to the public, why this was necessary.

Mayor Haynie asked what would happen if Council were to vote this item down.

Mr. Ulma stated that this recommendation would go to the stated and SCDOT (South Carolina Department of Transportation) would take this into consideration. He stated that this is an advisory recommendation to SDCOT.

Mayor Haynie asked if the Town has the authority to say "no" to the cutting of the trees, and if the road improvements would be made anyway.

Mr. Ulma stated that the road improvement cannot be made without the removal of the trees.

Mayor Haynie asked if the tree removal must be done in order for the road improvements to be accomplished.

Mr. DeMoura stated that the other option was to push it towards the hospital and parking lot to the south.

Mr. Ulma stated that this would have affected fewer trees; however, the quality of the trees on the southside is more significant than what would be removed in the right-of-way in this location.

Mayor Haynie asked if any of the trees are large grand oak trees on this scenic highway.

Mr. Ulma stated that the largest on the northside is a thirteen-inch sweetgum tree.

Ron Crump, 755 Commerce Drive, with Contineo Engineering, the engineering firm working on the Southeastern Spine Institute and the roadway improvements with SCDOT.

Mayor Haynie asked if citizens are going to drive down Mathis Ferry and be upset.

Mr. Crump stated that he believes that they will not. He said the cutting is very minimal. He said SCDOT requires turn lanes and to do so, they must encroach into the ditch, which will become piped and have inlets in order to mitigate stormwater issues that currently exist. He said the trees that are being affected are small and grown over in vines and are in poor condition. He said as they move the roadway slightly to the north and the waterline and storm line are moved this is where the roots will be impacted and will kill the trees.

Mr. Bustos stated that the Committee agonized over this project and looked for every option possible and once the roadwork begins, it will kill the trees anyway. He said having the developer pay into the treebank fund and replacing the trees once the project is completed was the best option.

Mr. Brimmer asked for clarification that the roadwork is a requirement of the proposed development.

Mr. Crump responded in the affirmative.

Mr. Brimmer stated that if the Town and the State were to respond negatively to this request, would this stop the development from moving forward.

(Ms. Whitley departed the meeting at 8:16 p.m.)

Mr. Ulma stated that if they were unable to widen and meet that requirement, he would assume so.

Mr. Crump stated that this was a part of the impact assessment approval.

Mr. Ulma stated that it would stop the project. If they were unable to widen the road and make the required improvements, then the impact assessments zoning approval would not be met for the overall project.

Mr. Brimmer asked if the requirement for the road improvements and the size of the use is based on projected traffic counts and the size of the use.

Mr. Ulma responded in the affirmative and stated that it went above the threshold.

Mr. Brimmer asked if there could be other developments on this property that would not meet that threshold that would not require this road improvement.

Mr. Ulma stated that even a development that is fairly small would go above the threshold.

Mr. Crump stated that the development of regional impact study was prepared for the entire East Cooper Medical Center and as they build out more medical office buildings, it was a threshold. He said for each threshold they reach, more improvements are going to be required. He said they stopped less than 1,000 square feet shy of that threshold; therefore, any development anywhere on the entire East Cooper Medical Center would require another improvement. He said saying "no" to these roadway improvements would cap the East Cooper Medical Center where they are now.

Mr. Brimmer stated that although this parcel is on the side of the road, it is part of this.

Mr. Crump responded in the affirmative.

Mr. Owens asked if the trees that are being removed will be mitigated per caliper.

(Ms. Whitley returned at 8:18 p.m.)

Mr. Ulma stated that it is calculated in accordance with the Town's ordinance.

Mayor Haynie asked if this would come back to Council with another plan if it does not pass this evening. He stated that this is a scenic highway and feels that the citizens do not believe this happens on a scenic highway.

Mr. O'Rourke stated that this has been discussed at length and understands Mr. Santos comments; however, he feels that it looks really awful at this time. He stated that although we are talking about a scenic highway, it is not attractive. He said if we do nothing, the vines will eat away at every single tree there and said that Council has a responsibility to protect what is there. He said doing nothing at this time is not a good decision. He said we can call this a scenic highway; however, in that area, it is not scenic. He said the Town must do something and believes that a part of this is clearing out those vines and if the trees must be taken out, then we put them back according to the math that the Town has already established and five years from now, it will be a significant improvement than it is today.

Mr. Cunnane stated that while he wants to save the trees, this is also one of the biggest employers in the Town. He stated that the Town has an aging population and need the services of new offices in that area and eventually, the Town will need to address the growth at East Cooper Medical Center. He said he is not in favor of tree removal; however, believes this is a worthy project.

Mayor Haynie stated that he agrees with Ms. Landing's earlier comments that if this is approved this evening, he would request that the Town make a special effort to let the citizens know what is happening. He stated that the trees that are currently there may not be there in a year because of their poor condition. He said Ms. Landing's point is well taken, that citizens are going to be upset when they see a group of trees being removed on a scenic highway.

Mr. Santos stated that they do not have to kill the trees, but instead take the vines out.

Ms. Landing stated that we are going back and forth on this and asked for clarification once again. She said if this is voted down this evening, what happens.

Mr. Ulma stated that this is simply a recommendation by the Town. He said a vote to deny would be sent to the SCDOT stating that Town Council recommends denial for the removal of the trees.

Ms. Landing stated that Mr. Bustos' committee spent a great deal of time on this issue and this has been discussed in detail this evening as well.

*Mr. Santos was opposed. All others present voted in favor.
Motion to approve carries 8-1.*

2. Report

Mayor Haynie called for a short break at 8:23 p.m. and reconvened at 8:33 p.m.

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

1. Approval to require that municipal judges be subject to the same appointment process as the Town Council Boards and Commissions Appointments

Ms. Whitley stated that the current process for Municipal Judge's appointments has been a closed process where those currently in office simply write a letter and are approved. She said this is an attempt to move towards a more open application process where there is opportunity for other attorneys in Town to have a fair opportunity to apply for one of these positions as a municipal judge.

Ms. Whitley moved that Council approve to require that municipal judges be subject to the same appointment process as Town Council Boards and Commission appointments; seconded by Mr. Bustos.

Mr. Santos stated that this is how it was previously done years ago, so this is going back to the previous process.

All present voted in favor.

2. Consideration to hire independent legal counsel to review and provide advice with regard to the Attorney General's letter to Mayor Haynie dated June 28, 2018.

Mayor Haynie said he wanted to be specific and precise about this issue, because as Councilmembers know, much of what has gone on about this and what they have received recently is attorney/client privileged information. Mayor Haynie said he wanted to caution everyone that this is a recommendation from the Committee to simply hire independent legal counsel to review and provide advice to this Council about what this means and where we stand. He said it did not come from this Committee for Council to discuss in open session the opinion, how we feel about the opinion, how we feel about Council or how we feel about our lawyers. Everyone knows what the opinion says, everyone has seen e-mails going around and have received some from our attorneys that are labeled confidential and privileged attorney/client information. He stated it would behoove everyone to adhere to that and not divulge any of that publicly. He said he would like to remind everyone that the lawyers for Middle Street Partners who were part of the case that was involved have made a Freedom of Information Act request. He said for some reason there is indication they are concerned about this opinion and what may come of it, and that much of the advice or all of the advice we received in that case remains attorney/client privileged information. Mayor Haynie said we do not know what their reason for asking for that information is or if there could be possible legal action at a later date. Mayor Haynie stated thirdly, one of the things that came

out of the discussion is that privileged documents that are necessitated by the Attorney General inquiry and are associated with that are still privileged as is what Council received by e-mail yesterday. Mayor Haynie said by a three to one vote, the Committee felt that an attorney/client relationship needs to be established with a law firm who is in the business of giving legal advice, that what they give us would be attorney/client privileged information and not subject to Freedom of Information Act requests, and that the information that will be shared that is pertinent to the case that prompted this whole thing and was voted by a previous Council and this Council to seek an Attorney General's opinion will remain privileged. Mayor Haynie stated if an inquiry is made of the Municipal Association, they are not a law firm and do not have an attorney/client relationship with Town Council. Mayor Haynie stated the Committee recommended by a three to one vote, consideration to hire independent legal counsel to review and provide advice with regard to the Attorney General's letter dated June 28, 2018.

Mr. Bustos moved to direct Staff to hire an independent counsel to review and provide advice with regard to the Attorney General's letter; seconded by Ms. Whitley.

Mr. O'Rourke said he thinks this action is about Town Council and he is not sure Staff, or our attorneys are involved in any of this. He stated if five of the nine Council Members agree that this needs to be done, we need to agree on which law firm is utilized and more importantly what are the questions that will be asked that are different than the other questions that were asked. He said when we get the information back this time, Council will need to decide upon actions to be taken. Mr. O'Rourke said the Mayor mentioned that a letter was sent written by all nine members of Council and he is not certain that worked. He said it is hard to get nine people to write one letter, but we need to all agree on which law firm is chosen and what

are the specific questions so that we get a direction on which we can act.

Mayor Haynie said he asked Mr. DeMoura if there was a qualified law firm in the state that does not know the Town, our attorneys or the politics of the underlying case or the politics after the case. Mayor Haynie said we could define a question, but a good place to start is to send them the inquiry that was agreed upon by everyone with two questions in it, the privileged attorney/client information that was involved, the Attorney General's opinion, and ask them what the Town's exposure is. He said he would defer to Mr. DeMoura about the potential firms.

Mr. DeMoura said it is important that the firm has some distance from Mount Pleasant. They would have to acknowledge no relationships with members of Council or relationships with anyone involved in the documentation that would be provided. He said firms have been used in the past when independence and distance was needed, and there are some out there that have that, as well as familiarity with how governments operate. He said if there is a positive vote to move in that direction, then he would seek a firm and retain one.

Mr. Owens asked if we are looking for a firm that has municipal experience.

Mr. DeMoura said he would think that would be one characteristic.

Mr. Santos said he was the one vote against this question in Committee and he based his vote on the information that was received from the Municipal Association. He said for the eighteen years he has been on Council, the Town has looked to the Municipal Association for guidance on various matters including lawsuits, which is why he was comfortable with that. He said information was received from sixteen different attorneys around the state that agreed with the Municipal

Association's legislative attorney's (Mr. Tiger Wells) response, and he is the one that goes in front of the legislature for issues. Mr. Santos said that sixteen attorneys agreed with him, and he understands that the desire is to have the opinion looked at again, but he would recommend allowing the Municipal Association, of which we are a member, to give their opinion. If Council is not happy with that then an independent opinion could be sought. Since they have offered, he would recommend allowing them to review it.

Mayor Haynie said he has copies of all the answers and emails that were given on ListServe and none of them address the question of our liability, which is one of the questions that we would like to have answered. He said they are addressing what process was used to amend the agenda. Mayor Haynie said one of the lingering questions is when are elected officials personally liable. He said there was one response that totally agreed with the conclusion in the Attorney General's report about personal liability of Councilmembers and that legislative immunity is absolute. Mayor Haynie added that with Mr. Santos' leadership, Ordinance 18009 was passed with respect to the role of lobbyists and attempts to influence votes of Council, and Mr. Wells is a registered lobbyist in Columbia. He said the minutes from the debate on that on February 5, 2018, when Mr. Pagliarini stated it applies to professional lobbyists. He said if Council has received information from someone who is a registered lobbyist and we are thinking about turning them into our attorney, he feels it violates our own ordinance. Mayor Haynie said the other thing we have that must be turned over so that someone can advise of what our exposure is would be attorney/client privileged information and he is not willing or able to give that to people that do not have an attorney/client relationship with the Town, so he does not believe that is an option.

Mr. Cunnane asked that the items that Mayor Haynie just described from the sixteen lawyers around the state be included in the minutes so that people know what is being discussed. [Omitted due to attorney-client privilege.] He said he agreed that the Municipal Association has their agenda which does not exactly align with ours. He said we may have commonality, but they are not the Town, they are representing the Municipal Association. Mr. Cunnane said regarding the lobbying ordinance, he believed there was an exemption for lobbyists that work for the Town.

Mayor Haynie said he was reading from the minutes and Mr. Cunnane was not on Council at that time, but as a citizen he expressed concern that if someone presented to Council they needed to identify themselves as a lobbyist.

Mr. Cunnane said in that same ordinance, he was almost one hundred percent certain there was an exemption for the ones the Town uses.

Mayor Haynie said we do not have a lobbyist contract with Mr. Wells.

Mr. Cunnane responded that we joined the association that employs him.

Mayor Haynie asked if we want to turn over our attorney/client privileged documents to a registered lobbyist in the State of South Carolina.

Mr. Cunnane said he would just like to have those two things added to the minutes, and to find out if there is an exemption in the lobbyist rules that allows us to talk to an association that we pay dues to every year. [Ordinance inserted at end of minutes.]

Mayor Haynie said gladly and as to the question Mr. O'Rourke raised, he asked if Council would like to put a limit as to the amount of money used for this inquiry with the caveat that if it approaches that limit or goes over, it would come back to Council for consideration of additional expenditure. He stated

he received from the Financial Staff, the budget for 2019 Contractual Services to Hinchey, Murray and Pagliarini and contracted legal work is \$463,860; Litigation Fees for litigation work, not necessarily for our retained counsel but could possibly be for others is \$220,265; Expert Fees to experts for litigation is \$150,588; and Legal Other which is mediators, transcribers and anything needed to litigate is \$25,000. Mayor Haynie said the whole budget for this is \$860,000. He stated this is about this Council so that we know going forward what our exposure is, and if our budget is \$860,000, what is two and a half to three percent of that amount in order to find these answers.

Mr. Cunnane said he agreed with Mr. O'Rourke's comments about how this is worded and what we expect to find. He said he keeps hearing the word exposure and we want to make sure we protect ourselves, but there may be a potential for a sword, and could there be some potential Plaintiff actions on behalf of the Town. He said he does not represent the lawyers or the politicians, he represents the people. He said if we can come back with an answer for the people, even though this current Council did not create this, we do the right thing by the people.

Mayor Haynie said for comparison recently, an outside law firm was hired to complete a Freedom of Information Act request of e-mails between Council Members and Staff, and asked Mr. DeMoura how much the estimate would be to get started.

Mr. DeMoura said it is hard to tell, but he would think that any type of work done by a firm, with the amount of work that must be undertaken to get a thorough review, would be around a cap of \$25,000.

Mr. O'Rourke stated in his opinion we should find the right group that is qualified to do this, but he would hate this to be a bid process for such important legal advice. He said we want a good answer and the last answer and the cost should not be an issue, but he did not think it should be too expensive.

Mr. Owens suggested placing a contingency on \$25,000.

Mr. DeMoura said discretion would be given to a cap amount, and hopefully it will come in much lower than that so that every time more work would need to be done, it would not need to come back to Town Council and be delayed another month for a meeting and approval.

Mr. Owens asked who would be formulating the questions, and if Council would get together as a group to solidify the questions that are essential to the process to eliminate any reservation and doubt.

Mr. Bustos said for him this is a matter of confidence and he hated to say his confidence is shaken. He said he believes he needs to know without reservation that the advice that is being received is good and sound advice, and we are going to do the best for our citizens based on that advice. He said he does not know that there needs to be a lot of questions for an outside firm to look at and give an opinion on the Attorney General's response. He said this will be a tie-breaker so that we will either have confidence going forward or we will not. If confidence is not restored, then we need to do whatever it takes to make certain that good decisions are being made.

Mr. O'Rourke said he agrees, but he has heard it appears that there is some disagreement among Council that the facts that went to the Attorney General might not have been consistent with everyone on Council.

Mayor Haynie said the letter was unanimously approved.

Mr. O'Rourke said if we think there is bad data, are we going to send bad data again to get an opinion on what the Attorney General has said.

Ms. Whitley said she thinks it is very important that independent legal counsel is hired to look at this, and there are a few documents that should be included which are the minutes of the meeting, which are not in question, a copy of the letter to the

Attorney General, the Attorney General's opinion, and even a copy of the opinions of the attorneys that have come through ListServe. She said all of that can be provided to independent legal counsel and ask of them to provide an assessment of the legality of what happened on that evening, in addition to an assessment of what are possible course of actions for the future and have that included in attorney/client privilege which is very important.

Mayor Haynie said he was getting ready to propose an amendment to the motion that would include those items. He said that attorney/client relationship would be established with the proposed attorney and they would then have access to the attorney/client privileged documents as they will be necessary to determine an opinion. Mayor Haynie said he thinks he is hearing the same thing from everyone which is that they look at the Attorney General's opinion, which is what came out of Committee, look at the Town's inquiry which is also public information, look at our privileged documents and then advise us on our exposure and what possible courses of action would be, and what possible legal actions could be coming to the Town as well.

Mr. Cunnane said we need to know what is possibly coming our way and what can be done to address this.

Ms. Landing said in the questions, one of the things asked was "if the item is voted on at a later time...is a decision by Council valid?" Ms. Landing said she did not think the Attorney General's opinion answered that question but said there was the potential for Council to have played "musical chairs" and she brings this up because the Freedom of Information Act is not just about following the letter of the law but following the spirit of the law. She said if something happened that confused everyone and created a situation where it did not seem that Council was being transparent, then the question is, is the decision valid. Ms. Landing stated she did not think the question

was answered, so having independent counsel take a look at it would be beneficial.

Mayor Haynie said this is a recommendation made from Committee, although there was a motion and a second. Mayor Haynie said he thinks an amendment to the motion should be offered regarding the items that were just listed; the Attorney General's opinion, the inquiry letter, the privileged documents, ask what Council's exposure would be, and what possible legal action we could be required or be prepared for and he is prepared to make that as an amendment to the motion if someone will second it.

Mr. Santos said he would like to include the information from the Municipal Association's ListServe responses that Ms. Whitley mentioned.

Mayor Haynie agreed to include that in the list.

Seconded by Mr. Bustos.

Mr. Brimmer said his first question is a legal question. He asked if the privileged documents between the Town and the Town's attorneys extends to the independent attorney.

Mr. Pagliarini responded in the affirmative, as long as Council approves, that privilege would apply.

Mr. Brimmer said he is not entirely clear on what we are trying to accomplish. He said there were concerns, a letter to the Attorney General's office was drafted, and a legal opinion was received. He said there are concerns about that opinion, but it is an opinion. Mr. Brimmer said he understands now that we are taking the same information, giving it to another attorney for another legal opinion which could either agree or go against the Attorney General's opinion. He said there is a possibility that we could have two different opinions and asked what would happen then – a third opinion sought? He asked what we are working toward by getting a second opinion. He said since the November 2017 meeting, it has been reiterated time and time

again that the point of these questions was for us to get guidance on future practices. Several of the speakers tonight either have the expectation or the understanding that this process is about going back and invalidating the vote on The Atlantic project. Mr. Brimmer said if that is the case, then let us say it out loud and acknowledge that. If it is not the case, let us say that out loud and acknowledge it. Mr. Brimmer said without that clarification, he is not sure what we are trying to accomplish. He said he would like to know what we are spending time and money on.

Mr. Santos said he agrees with Mr. Brimmer. He said he had abstained from all the Middle Street Partners issues, and that is a very important question he has been struggling with, whether or not he should recuse himself. Mr. Santos said he was told once it is tied to that vote, and once that it is not, so he would like to find out, so he knows whether or not he can vote.

Mayor Haynie asked Mr. Pagliarini if a Freedom of Information Act request was received from the attorneys for Middle Street Partners in relation to all of this.

Mr. Pagliarini responded in the affirmative.

Mayor Haynie said it is up to Mr. Santos, and as to Mr. Brimmer's question, he does not think that we should say anything out loud about what we think we might do so as not to put our potential legal future out in public, and that is why he thinks this is privileged attorney/client information. Mayor Haynie said the Attorney General was very clear about the parameters of their opinion and the attorney that we retain could come back and say we have a problem, or we do not. Mayor Haynie said the other thing they could do is clear up the questions that many of us have that linger over a lot of that, and that is addressed by the Attorney General, but the way they addressed is to recite state law. Mayor Haynie said what he is looking for is an attorney to be in our corner and tell us where

we stand in regard to personal or potential personal liability, and that needs to be privileged.

Mr. Brimmer said he thought Council was going to get an independent attorney.

Mayor Haynie said when you retain an attorney they must act in your best interest, and they may tell us things we do not want to hear.

Mr. Cunnane said the Attorney General's opinion is an opinion of what a court could say about these issues. The next step is to have someone tell us what we can do about it because at some point it is going to come back to us and we must make a business decision to see if this is something we want to pursue.

Mayor Haynie said there is a motion and a second for the amendment to the original motion and the first vote will be on the amendment to add the items which are a \$25,000 cap, the Attorney General's opinion, the Town inquiry letter, privileged documents to advise Council on our exposure, and any information that has been received through the Municipal Association.

Mr. Owens said to clarify the end game that Mr. Brimmer is referring to, there is not much in his opinion that we can do until we receive the information from independent counsel. He said to say the end game is to look at the developer or the development is inaccurate.

Mayor Haynie stated that he is saying he does not know what they are going to say.

Mr. Owens said Mr. Santos had some issues in the past and none of that is being addressed this evening that he is aware of, and all that is being discussed is hiring an independent counsel to look into how we can best bring closure to the questions that remain. That is that the Town, and this body in particular, needs to provide clarity on that issue with regard to the November and the July minutes. He said to try to bring closure to that, we are

not at this point saying that we are looking at any particular development or developer and asked if that was correct.

Mayor Haynie said that was not in the motion being discussed.

Mr. Owens said nor is it on the agenda.

Mayor Haynie said it is for them to advise us with regard to the Attorney General's opinion.

Mr. Owens said he just wanted to clarify that for Mr. Santos.

Mr. Santos said he appreciates that, but Mr. Brimmer brought up a good question which was not answered, and that concerns him.

Mayor Haynie called for a vote and stated a yes vote would be in favor of the amendment.

Mr. Santos recused himself and all others present voted in favor. The motion passed with a vote of 8-0 with one recusal.

Mayor Haynie called for the vote on the motion to seek independent counsel as amended.

Mr. Brimmer opposed. Mr. Santos recused himself. All others present voted in favor.

The motion passed with a vote of 7-1, with one recusal.

3. Executive Session if needed to discuss potential hiring of independent legal counsel to review and provide advice with regard to the Attorney General's letter to Mayor Haynie dated June 28, 2018.
4. 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.
5. Report

K. [Public Services Committee](#)

Mr. Owens stated that there were two presentations given at the Public Services Committee Meeting. The first was titled “Update on Rollcart Distribution” and it provided an update on the distribution of approximately 8000 new rollcarts throughout the Town to support the Public Services Departments transition to fully-automated garbage trucks.

The second presentation was titled “Update on the Snee Farm Drainage Project” and it provided an overview of the Snee Farm Drainage Project funded through the State Revolving Fund (SRF). This project is set to begin this month and will take approximately 2 years to complete. He stated that the biggest concern were the trees that were in the route of the storm drainage.

L. [Recreation Committee](#)

Mr. Santos stated that Committee reviewed a 2016 presentation on Artificial Turf Fields. The Committee requested that staff provide a brief on the scope of the Carolina Park Phase III Project and provide an updated cost comparison of construction costs for artificial and natural turf fields at the August Committee Meeting.

The Committee discussed the status of The Neighborhood Sports Program.

M. [Transportation](#) (No Meeting)

Report

N. [Waterworks Commission](#)

Report

O. [Water Supply Committee](#) (No Meeting)

Report

X. ADMINISTRATOR'S REPORT

August 14, 2018 Town Council Meeting will be held at the Municipal Complex in Council Chambers

Two "At Large" vacancies on the Commercial Design Review Board

One vacancy on the Planning Commission

XI. COUNCIL BUSINESS

A. New Business

1. **First Reading:** An Ordinance authorizing and approving a *Grant of Easement* to South Carolina Electric & Gas Company on property known as the Whipple Road Tennis Center. (Ord. No. 18055)

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

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

2. **Adoption:** A Resolution authorizing a Law Enforcement Mutual Aid Agreement between the Town of Mount Pleasant Police Department and the College of Charleston Department of Public Safety. (R.18071)

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

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

3. **Adoption:** A Resolution authorizing a Memorandum of Agreement between Joint Base Charleston and the Mount Pleasant Police Department Victim Advocate for victim assistance. (R.18072)

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

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

4. Request from Owner of Liberty Hill development for amendment to development agreement.

Mr. O'Rourke asked Mr. Whiteside if he has the authority to speak for Stefan Hoyer.

Mr. Whiteside responded in the affirmative.

Mr. O'Rourke stated that there is a request from Stefan Hoyer who had performed a development agreement for the Liberty Hill project to start the project two years from the original date than indicated on the agreement. He said there would be no change to the development agreement or any particulars within the development agreement. He said the only request is to move the timeframe. He said with a Town that is attempting to catch up with rapid growth, this would help the Town, as well as Mr. Hoyer, that we approve the request so that more work can be done to improve the Town's infrastructure. He reiterated that it would not change the development at all.

Mr. O'Rourke moved to put that in the form of a motion; seconded by Mr. Owens.

Mr. Brimmer asked for additional information regarding the situation and why this request is coming forward.

Mr. Whiteside stated that the biggest issue is dealing with the Department of Transportation for the last year. He said they are approaching the finish line, but it has delayed the project from getting started.

Mr. Brimmer stated that as part of the development agreement there was a staggered build out per year for a specific number of units and asked if Mr. Hoyer is requesting a two-year extension.

Mr. Whiteside said he would like to push it out, so they are not building all those houses in a shorter period of time.

Mr. Brimmer stated that they would not start building the homes for two years or another year.

Mr. Whiteside responded that it would be another year and no other changes.

Mayor Haynie stated that he understands that this will help in the sense that it will slow growth, because instead of it all happening all at once, it would be spread out over more years than originally approved.

Mr. Whiteside responded in the affirmative.

Mr. Brimmer asked the Planning staff if they have any comments or concerns on this request.

Mr. Ulma stated that they have not reviewed it other than seeing it come up on the agenda this evening, so they have not expressed any particular concerns. He said it does meet objectives that Council has been discussing.

All present voted in favor.

B. Old Business

There is no Council Old Business.

C. Executive Session

1. Legal and Contractual

Mr. Santos moved to adjourn into executive session; seconded by Ms. Landing.

Mr. O'Rourke stated that the East Cooper Land Trust was asked to attend the Council meeting to present a plan. He asked if it would be fair for them to talk to them about the details of this prior to entering into executive session. He said having information prior to entering into executive session may make the discussion better.

Mayor Haynie stated that this is regarding the possible purchase of property and Council would not want this to be public.

Mr. Pagliarini concurred. He stated that it is also not on the agenda for public comment.

Mr. Brimmer asked if they would be able to join Council in executive session for this item.

Mr. Pagliarini stated that it is not advised.

Mr. DeMoura stated that the East Cooper Land Trust signed up with the expectation that they would be able to speak. He stated that staff had not indicated to them that they would not be entitled to speak.

Mr. Pagliarini stated that a public comment is allowable; however, the purpose of an executive session is to discuss the possibility of purchasing property. He said if Council wishes and votes to disclose that information to the public, that is Council's wish. He said that this is not how it is indicated on the agenda.

Mayor Haynie stated that it is highly inadvisable in public session for Council to be discussing someone else's property that is on the market and we are here in the public talking about buying it and does not feel this is prudent. Mayor Haynie directed his question to Legal Counsel and stated that if Council adjourns into executive session and have something in writing and if Council had a question knowing that their representative is here, can Council send word that they have a question that will assist in their deliberation.

Mr. Pagliarini stated that he believes Council may, but the most appropriate way is to discuss it and if there is a wish for Council to move forward, that is a public vote and Staff can be tasked with finding answers to all Council questions, because at this point, there is no action, contract or vote to move forward and all those items would be precontractual matters.

All present voted in favor.

Council adjourned into executive session at 9:25 p.m.

- a. Consideration of an economic development incentive grant
- b. Consideration of proposal from East Cooper Land Trust to purchase property

2. Personnel

Discussion of a personnel matter

Council reconvened at 9:50 p.m. Mayor Haynie declared that no votes were taken

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.

Mr. Brimmer moved to task staff to proceed with the economic development incentive package discussed in executive session; seconded by; seconded by Ms. Landing. All present voted in favor.

Ms. Landing made a motion to uphold the decision by the Administrator in regard to the personnel matter discussed in executive session; seconded by Mr. Brimmer. All present voted in favor.

XII. ADJOURN

There being no further business, meeting adjourned at 9:53 p.m.

Respectfully submitted,
Barbara Ashe
July 10, 2018