

OK 1/26/15

**TOWN OF MEGGETT
COUNCIL MEETING MINUTES**

Date: November 24, 2014 **Time:** 7:00PM **Location:** SCPA Building 4770 Highway 165

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| Call to order by: | Mayor Buster Herrington |
| Type of Meeting: | Council Meeting |
| Facilitator: | Mayor Buster Herrington |
| Notes: | Ellie Brabham |

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| Roll Call: A = Absent P = Present | Mayor Herrington | P | Matt Zender | A |
| | Tom Hutto | P | Andy Gowder | P |
| | Tommy Butler | A | Ellie Brabham | P |
| | Keith McCarty | P | | |

Prayer given by: Resident David Smoak

Pledge led by: Mayor Buster Herrington

Approval of *Minutes from previous meeting held on: October 27, 2014 Council Meeting*

Motion made by: Council Member Keith McCarty

Seconded by: Mayor Pro Tem Tom Hutto

In Favor: Mayor Buster Herrington
 Mayor Pro Tem Tom Hutto
 Council Member Keith McCarty

Opposed:

Conclusion: *Minutes were approved as written*

CHARLESTON COUNTY COMMUNITY SERVICES: URBAN ENTITLEMENT PROGRAM

Mayor Herrington introduced Johnna Murray of Charleston County Community Services.

Ms. Murray stated that she is the Community Development Director of the County of Charleston. This is the time of year that she normally comes out to tell the municipalities about this program. She stated that her department manages HUD funds the county gets on behalf of multiple jurisdictions in the community. The sole purpose of these funds is to benefit low to moderate income individuals. Five years ago they went out into the community and did a survey all the way from Lincolnville all the way up to McClellanville and all the way out into this area to identify for them out of all of the HUD eligible activity areas in which they could fund, what the top three of four priorities were. Overwhelmingly the outcome was sub standard housing that needed to be rehabilitated, affordable new housing construction and access to clean water,

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whether it is well upgrades, which there are a lot of folks in this area. There are still over a hundred households in the St Paul's area that do not have clean water. Also, septic systems, connections to water in Awendaw, and new water lines in Hollywood. They receive grant applications every year from non-profit organizations. Ms. Murray added that they generally get twenty to thirty five applications a year. She said that they have over a million dollar short fall they are unable to fund due to high need in the community and dwindling HUD funds. Next year will be the fifth year of their five year strategic plan and so when the board comes together and recommends to county council these next slew of projects for funding, that will close out this five year strategic plan. She will probably come back in the spring or summer according to what they see in our neighborhood or town that is needed for the low to moderate income households. The new five year strategic plan will then be released in 2016. The plan is so important because that is the mechanism which all funding is directed. The only things that are requested for funding is what the communities say they need. Ms. Murray asked if there were any questions or comments from council. Council Member Keith McCarty asked on the well upgrades if they had identified the source of the bad water, if it was in a particular area or was it just a well that had gone bad in a particular area. Ms. Murray stated they had done a well and septic program in 2008 and a huge over haul in 2010; they put well and septic applications all over the county and received over 500 applications back. The majority of the clientele on the applications that came back were African Americans Mothers with at least three children and the well had gone dry and needed to be capped and another well put in. The applications are based on income. The home has to be owner occupied homes and the person has to be eligible. They then go by the date of the application. The largest areas are Awendaw, Wadmalaw, Hollywood and Adams Run. County Council does set aside \$175,000 just for that program. Council Member McCarty said that you are just seeing old and worn out wells, no chemical contamination or anything like that. She said that they are not finding that sort of problem.

Lowcountry Open Land Trust/ Conservation Easement for Roxbury Park:

Mayor Pro Tem Tom Hutto introduced Ashley Demonthenes with the Lowcountry Open Land Trust. She and the Mayor Pro Tem have been working on a Conservation Easement for Roxbury Park. He added that when the town received funding for the park, one of the conditions was to place a conservation easement on the property, which was counted in our favor for those who voted to give us the funding. The way the grant is written the town could change their mind later and try to do something different or county council could change its mind later and change the use of the park, so what a conservation easement does is add another level of protection to make sure that Roxbury stays a passive park forever.

Ashley thanked Tom for the introduction and stated that she is the Director of the Lowcountry Open Land Trust. The Land Trust is a local conservation organization which was founded in the 1980s. The land trust works across the entire coastal plain of South Carolina, which is about a 17 county geographic area. She added that the trust has protected over 300 properties in their 25 plus year history. They are primarily conservation easements but also a few simple acquisitions and deed restrictions. They also own several properties, a great deal of marsh land up and down the Ashley River and around Seabrook and Kiawah Islands that will be protected forever for scenic enjoyment and protected from activities that might be undesirable. They just closed last year on the Angel Oak acquisition of about 35 acres surrounding the majestic Angel Oak Tree, which had been planned for development on the order of about 700 units right next to the Angel Oak tree. That is an excellent example of community conservation as is Roxbury Park. She further stated that they are thrilled to be partnering with the Town of Meggett on a project that offers public access to the community and a Conservation Easement will insure that it stays in park use in perpetuity so that it is going to be there for the next several generations and forever. She explained that a Conservation Easement is an agreement between a land owner and a land trust on the specific uses of the property. It is a volunteer agreement and spells out what the conservation values of the property are. This property has been a major priority for the conservation community with its gorgeous waterfront on Toogoodoo Creek, its diverse wildlife habitat that exists and the recreational amenities that it offers with the ponds, waterfront and the dock. She feels that what they have designed is a document that really compliments what the Town of Meggett wants to do to operate it as a passive park while also protecting those conservation values. Putting a Conservation Easement on a property is a way of stabilizing its purpose and capturing those conservation values and protecting them in perpetuity.

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Mayor Pro Tem Hutto stated that an example of that is Remley's Point in Mt Pleasant, which was a beautiful park with a great waterfront site that eventually was sold. It became a subdivision of large houses. He added that the Conservation Easement on Roxbury will ensure that doesn't happen there. Ms. Demonthenes stated that the one thing they have noticed in areas that are close to urban centers is the lack of public access to water. She added that they have been searching for a project on John's Island that offers public access to water. The island is huge and they only have one public boat landing. This is a great opportunity for the Town of Meggett and the entirety of Charleston County to offer public access to water, and what also could be at some point a blue trail. There is a lot of excitement around creek and water corridors that offer those public access opportunities and this property offers excellent educational opportunities because it is right in the Ace Basin, which is obviously a world class renowned conservation landscape, and the opportunities for school groups to participate and get them outside is tremendous.

Mayor Pro Tem Hutto stated the easement says we can't have motor boats on the lakes, but we can have cabins, an interpretive center, we can rent it, we can sell it, but it cannot be subdivided. The easement goes with the property; it will be on it forever. There are quite a few properties that have easements on them in the area.

Council Member Keith McCarthy made a motion for the Mayor to sign the Grant of Conservation Easement, which was seconded by Mayor Pro Tem Tom Hutto. Mayor Herrington asked all those in agreement to signify by saying I, all agreed, motion was passed. The Mayor thanked Ashley for her presentation and all of her help with the town on the easement.

Potential Development of TMS:162-00-00-069

Mayor Pro Tem Tom Hutto stated the property is known as Summerhouse Plantation, which is off of Wilson Rd. The property is about 98 acres with most of it in the Town of Hollywood and some in the Town of Meggett. A potential developer would like to develop the property with a hundred and five houses. He met with us previously here and we told him we would prefer a somewhat smaller development, after the meeting council suggested to him, maybe more like 50. He and his partner tried to get sewer taps from Hollywood but were turned down initially. They have purchased sewer taps from third parties but do not have enough so they have asked Hollywood for additional taps. They also will have to upgrade a pump station and put in new lines. There is a good bit of work to do just to put these taps in. Hollywood Town Council came back and gave first reading approval to a resolution and put conditions on it such as it will not be a gated community and has to have all of the upgrades to the pump station and lines done to get the capacity they asked for. Mayor Pro Tem Hutto stated that last week he showed up for Hollywood's Town Council meeting for about 15 minutes, watched, the resolution was passed and he left without saying a word to anyone. He said that the developer made representations about the Town of Meggett in the Council Meeting. The developer called Mayor Herrington the next day and threatened to sue the Mayor Pro Tem and threatened to disparage Mayor Herrington's name very aggressively. Mayor Herrington and Mayor Pro Tem Hutto are not sure why. This person, who refused to tell council his name when he met with them, only to say his last name was Hutson, has been instructed to contact our Attorney, Andy Gowder, should he have any further words with this town. The Mayor Pro Tem added that there is a Public Hearing on the 15th at Hollywood Town Hall at 6pm in reference to this development. Mayor Pro Tem Hutto stated he is not opposed to development of this tract but the question is, is a dense subdivision in this area the right thing. Council Member Keith McCarty asked Attorney Andy Gowder if John Austin had any idea what they were going to do. Attorney Gowder said Hollywood's council is inclined to do what they indicated they would do at the last meeting which was to sell the developer however many taps he requires over and above the taps he bought from Lawton Limehouse. Right now as the sewer capacity as that translates into taps is a matter of calculation so it is not clear how many taps he bought. The town is willing to sell what he needs to him with a lot of conditions; unfortunately we are a little hampered to assess what they have done because they have never written an ordinance. They basically said what the terms were in their council meeting and it is being written up now. This has gone back and forth, it still has to have two readings and he feels they would be open to additional conditions. This council could appear and make recommendations on further conditions that would

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give some security that the different services and different safeguards that he promised would actually be bonded and put in place prior starting construction or selling lots. Council Member McCarty stated that if they are not bonded, the conditions are not worth the paper they are written on because there would be no enforcement procedures. He asked if he was correct in stating that the only ingress and egress to this property is Wilson Rd. He added that if Hollywood is going to do this, he would prefer that traffic go out into Hollywood instead of on Meggett's roads. Mayor Herrington stated that currently they will have to enter off of Wilson and exit onto Wilson unless they do something connecting to Ethel P O and either way, they will end up on Wilson. Basically this will be the Town of Meggett's subdivision. Mayor Pro Tem Hutto said his concern is someone who has behaved somewhat unusual, has written letters to sue Hollywood's lawyer, has threatened Meggett, has threatened the Mayor and himself and is trying to intimidate everyone. The Mayor Pro Tem stated that the council needs to look out for what is in the best interest of Meggett's citizens. He further added that what he can see happening and this is not directed at the developer personally, but if you are not fully capitalized, you can end up with lots sold and a sewer system half way in and all sorts of bad things can happen, and the property owners end up here saying why did ya'll let that happen. Even though it is Hollywood's property it is in the middle of our town and becomes our problem. Council Member McCarty mentioned again that they would need a good bonding company, one that would not go out of business or there will be real problems and maybe that is a condition the town could suggest. Attorney Andy Gowder stated that if council were inclined, it would be appropriate to authorize someone to appear and state the interest of this town council at the next hearing. Mayor Herrington recommended that Attorney Gowder draw up a statement with Mayor Pro Tem Hutto's help to be presented by the Mayor Pro Tem at the next Public Hearing in Hollywood. Council Member McCarty stated that first we need to know what the conditions are and what Hollywood has in mind and go from there. All agreed.

Meggett Creek Bridge:

Mayor Herrington stated that he has not heard anything new since the last meeting as to when they are going to replace it other than the early part of next year.

Sewer Taps:

Attorney Andy Gowder stated that after a great deal of asking over the last couple of years, we have finally gotten to the right people that have the ownership of the 46 sewer taps that had been acquired by the Bank of Waltherboro for a bank in New Orleans, Louisiana. They are willing to sell them back to the Town of Meggett for what they were sold for originally which was \$2000 a tap. He has reviewed a Bill of Sale for the taps which is acceptable, but it is up to the Town Council to make the decision as to whether the town to spend the funds to purchase the taps back. The town does have an Ordinance that enables the town to accept the taps back if they are not being used for the amount for which they were sold. Council Member McCarty asked if there was a time limit as to when we needed to buy them back since we are missing two council members tonight. Attorney Gowder stated there was not, but they did want to move on this asap. Mayor Herrington stated that he felt council should go ahead and vote on this since he did not feel that the other two council members would have a problem with it. Mayor Pro Tem Hutto made a motion that the Mayor and Town Attorney go ahead and take whatever steps are necessary to purchase the taps back. Council Member Keith McCarty seconded the motion, all agreed. Mayor Herrington added that the funds will come out of the Wastewater Account not the main General Fund.

Christmas Tree Lighting:

Mayor Herrington stated that the Christmas Tree Lighting will be on December 6th and the Christmas Festival will be from 10a – 3p the same day with the Bakery and things set up next door. The actual Tree Lighting service will be at 7pm

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and we will have some of the young children from the Lowcountry Leadership Charter School singing for us again. Immediately following the Tree Lighting a reception will be upstairs. The Mayor encouraged everyone to attend.

Council Member Reports:

Building and grounds given by: Mayor Buster Herrington

Mayor Herrington stated that he did not have anything to update them on other than he and Carl Beck are looking at other alternatives to bring the cost down on the estimate on the street lights. He stated that Council Member Tommy Butler had mentioned LEDs but they are not sure LEDs are going to work, but are checking on them. Hugh Allston has been doing some wiring upgrades at Roxbury and hopefully will get the washer and dryer installed next week.

Grants and Special Projects given by: Mayor Pro Tem Tom Hutto

Mayor Pro Tem Tom Hutto stated Ashley Demonthenese's presentation was his report.

Communications: Council Member Keith McCarty

Council Member Keith McCarty stated that the website designer was suppose to attend the meeting tonight, however he had been out of the office and didn't call him today. Mayor Herrington asked if he would call Jerry tomorrow and find out he could have something done by the end of the year.

Attorney Gowder stated that the Municode site is operational, our code is there and searchable.

Financial report given by: Council Member Tommy Butler

Mayor Herrington stated that Council Member Butler is not here to give a financial report but you can see we have \$578,032.50 as our total revenue budget this year. Year to date we have spent \$272,125.00. On the Treasure's report for October, we have \$328,946.04 in our bank balance at First Citizens, we have \$74,433.69 in a CD at the Bank of Waltherboro and another CD with \$75,600 in it at the Bank of Waltherboro. In the Wastewater Project account and Bank Account we have a total of \$380,115.61 and \$10,345.10 in Meggett 1925

Utilities report given by: Council Member Matt Zender

Council Member Matt Zender was not in attendance due to a minor surgery the past week.

Public Comments:

Resident Bobby Shealy asked if the property on Wilson Rd had been sold. Mayor Pro Tem Hutto stated that it is under contract. The intention of the buyer is to get approval of his request from Hollywood before closing. Mayor Pro Tem Hutto stated the amount of property in Meggett was 2.3 acres in answer to a question from the audience. Mayor

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Herrington stated it is a little strip on the other side of Margaret Blackmer's property. The Mayor Pro Tem suggested that anyone opposing the project should attend the Public Hearing on December 15th.

With no other comments the meeting was adjourned at 7:55pm

Respectfully submitted by Ellie Brabham