THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444
Appellate Case No. 2017-001221

Stow Away Storage, LLC and
MSC MTP, LLC,

Appellants,

v.

George W. Sisson, 4.0, LLC,
The Sisson Foundation Limited
Partnership, Sweetgrass Hardware,
Inc., and Timarand, Inc.,

Respondents.

RECORD ON APPEAL
VOLUME II

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STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Stow Away Storage, LLC Plaintiff, vs. George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc., Defendants.	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 2011-CP-10-2444 **PLAINTIFF'S BRIEF ON DAMAGES AND RESPONSE TO DEFENDANTS' MOTION TO QUASH DEPOSITIONS**

FILED
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JULIE J. ARMSTRONG
CLERK OF COURT
BY

This case concerns an Access Easement granted by the Plaintiff, Stow Away Storage, LLC ("Stow Away") to the Defendant George W. Sisson on October 17, 2000, involving property on Highway 17 at its intersection with Porcher Drive in Mt. Pleasant, South Carolina. In exchange for the Access Easement, Sisson agreed to abandon the pre-existing access to his property.

Subsequently, on January 3, 2007, the Defendant Sweetgrass entered into a 20 year lease of a parcel adjacent to Sisson's property, owned by Defendant Timarand. Sweetgrass renovated and enlarged a commercial building on the property and opened it for business as a hardware store. Sweetgrass allowed and encouraged its customers to use Sisson's pre-existing access for ingress to and egress from the store, notwithstanding Sisson's agreement to abandon it. The South Carolina Department of Transportation (SCDOT) eventually shut off the pre-existing access, whereupon the customers began using the easement granted by Stow Away to Sisson. After objections by Stow Away, Sweetgrass secured a License Agreement from Sisson and granted its customers the right to continue use of Stow Away's easement, despite language in both the Access Easement and the License Agreement prohibiting it. Stow Away filed suit on April 12, 2011.

This matter came before the Court in a trial before The Honorable Judge J.C. Nicholson on August 14, 2013. At the outset of the trial, counsel for the Defendants stipulated that the allegations of Paragraphs 1-29 of Stow Away's Complaint were admitted and constitute the facts on which the case should be considered.

At the trial, Judge Nicholson bifurcated the legal issues from the damages. He went on to rule in favor of the Plaintiff in an Order dated November 22, 2013, holding "the increased volume of vehicular traffic as a result of the License materially increased the scope of the easement and the burden on the servient estate, thus expanding the dominant estate in violation of the Easement Agreement between Plaintiff and Defendant Sisson and the law of South Carolina."

This ruling was appealed by the Defendants. The Order was subsequently affirmed by the Court of Appeals in an unpublished opinion dated January 13, 2016; it was remanded to this Court for further proceedings. This matter is now before the Court for a determination of damages.

I. As to the Defendants George W. Sisson, 4.0, LLC, and The Sisson Foundation Limited Partnership

Against the Defendants, George W. Sisson, 4.0, LLC, and The Sisson Foundation Limited Partnership (hereinafter "Sisson"), the Plaintiff has proven breach of contract and claims actual and punitive damages, as well as attorneys' fees under a cause of action for equitable indemnity.

A. Actual Damages

Under the breach of contract claim, Stow Away is entitled to recover its actual damages for the direct and natural consequences of the breach. *Collins Music Company, Inc. v. C.W. Smith*, 503 S.E.2d 481 (1998). Attached to this brief is an Itemized List of Damages, which lists the expenses to which Stow Away went to protect its property interest, including but not limited to building a gate to prevent Sweetgrass customers from crossing its property and hiring an attorney. Because the Plaintiff's efforts to depose the Defendants have been met with Motions to Quash, the

Plaintiff is unable to quantify what rent or other consideration Sisson received in exchange for the License he granted to Sweetgrass for the use of Stow Away's property. Stow Away contends that such rent or other consideration represent a loss to Stow Away that was a natural consequence of the breach of contract.

B. Punitive Damages

Furthermore, because the breach of contract was accompanied by a fraudulent act, Stow Away is entitled to punitive damages. "In an action for breach of contract accompanied by a fraudulent act, the fraudulent act element is met by any act characterized by dishonesty in fact, unfair dealing, or the unlawful appropriation of another's property by design." *Perry v. Green*, 313 S.C. 250, 254, 437 S.E.2d 150, 152 (Ct. App. 1993).

C. Attorneys' Fees

Stow Away claims that the Defendants George W. Sisson, 4.0, LLC, and The Sisson Foundation Limited Partnership are liable to it for the attorneys' fees and costs that arose as a natural consequence of the breach under a theory of equitable indemnity. In support of its claim for damages arising out of the theory of equitable indemnity, Stow Away cites *Town of Winnsboro v. Wiedmann-Singleton, Inc.*, 307 S.C. 128, 414 S.E.2d 118 (1992). In that case, the Supreme Court affirmed the trial court's grant of attorney fees under a theory of equitable indemnification. The Court noted, "'where the wrongful acts of the defendant have involved the plaintiff in litigation with others, or placed him in such relations with others as to make it necessary to incur expenses to protect his interest, such cost and expenses should be treated as the legal consequences of the original act.'" *Id.* at 131, 120, *quoting McGaw v. Acker, Merrall & Condit Co.*, 111 Md. 153, 73 A. 731 (Md. 1909). In the case at hand, Sisson wrongfully granted to Defendant Sweetgrass Hardware the right to use Sisson's easement across Stow Away's property. Sisson's action

resulted in hundreds of additional vehicles crossing Stow Away's land on their way to the Sweetgrass Hardware store. Stow Away objected to the use of the easement by Sweetgrass customers, including in letters and phone calls to both Sisson and Sweetgrass. When both parties ignored Stow Away's objections, Stow Away was forced to bring a lawsuit against Sweetgrass, among others, to protect its interest. This Court ordered, and the Court of Appeals affirmed, that Sisson's actions "materially increased the scope of the easement and the burden on the servient estate, thus, expanding the dominant estate in violation of the Easement Agreement between Plaintiff and Defendant Sisson and the law in South Carolina." *Order*, November 22, 2013, Civil Action No. 2011-CP-10-2444.

The Court observed in *Winnsboro* that a special relationship must exist between the parties in order to sustain a claim for equitable indemnity. "[A] sufficient relationship exists [for indemnification] when the at-fault party's negligence or breach of contract is directed at the non-faulting party and the non-faulting party incurs attorney fees and costs in defending itself against the other's conduct." 307 S.C. at 132, 414 S.E.2d at 121. Here, a sufficient special relationship exists for indemnification in that Sisson had previously contracted with Stow Away for the right to use the easement across its property, which access was limited in scope. Sisson breached that contract when he attempted to grant a license to use the easement to Sweetgrass. This breach of contract by Sisson ultimately resulted in Stow Away having to incur expenses, including but not limited to legal expenses, to defend its property against Sweetgrass's use.

In summary, a contract for indemnity is not necessary in order for Stow Away to recover from Sisson for the costs and fees it incurred when Sisson's actions left it with no choice but to bring a lawsuit to protect its interests. "The very nature of equitable indemnification is that a contract for indemnity is unnecessary. Recovery is allowed when as a result of defendant's breach

of contract or tortious activity the plaintiff is required to either defend itself or bring an action against a third party." *Winnsboro* at 132, 121.

II. As to the Defendant Sweetgrass Hardware, Inc.

Against the Defendant, Sweetgrass Hardware, Inc., the Plaintiff has demonstrated tortious interference with contractual relations, which damaged Plaintiff by subjecting its property to voluminous traffic that was ongoing for approximately 6 years. A letter dated 11/8/08 from Defendants' attorney, writing to Plaintiff's attorney on behalf of Sweetgrass, specifically states, "I have visited the site, and reviewed the recorded easement by and between Stow Away Storage, LLC and George Sissons...our position is that Sweetgrass Hardware, Inc. and its patrons have a legal right to utilize the are subject to the Easement, and intend to do so. Any further attempts by Stow Away Storage, LLC to interfere with this right will result in action for injunctive relief, and damages for any lost business." *Complaint*, Paragraph 25, Exhibit 9 (stipulated to at trial by Defendants).

A. Actual Damages

Plaintiff incurred the expense of gating its access in an attempt to thwart the unlawful use of its easement. Defendants' actions further necessitated the expenditure by Plaintiff of substantial sums for legal fees, costs and expenses to protect its property interest. Plaintiff is entitled to actual for Defendant's willful interference with its contract with Sisson. The attached Itemized List of Damages demonstrates the actual damages suffered by Plaintiff.

B. Punitive Damages

"Punitive damages ...serve to vindicate a private right of the injured party by requiring the wrongdoer to pay money to the injured party." *Clark v. Cantrell*, 529 S.E.2d 528, 533 (2000). As to punitive damages, this Court should consider the following: "(1) defendant's degree of

culpability; (2) duration of the conduct; (3) defendant's awareness or concealment; (4) the existence of similar past conduct; (5) the likelihood the award will deter the defendant or others from like conduct; (6) whether the award is reasonably related to harm likely to result from such conduct; defendant's ability to pay; and....(8) other factors deemed appropriate." *Gamble v. Stevenson*, 406 S.E.2d 350, 354 (1991).

Paragraphs 1-29 of the Complaint, which were stipulated to by the Defendants at trial, provide ample evidence for this Court to find that Sweetgrass's conduct was intentional and in willful disregard of Stow Away's property interest and rights under its contract with Sisson. At trial, Plaintiff presented evidence that some 200-300 customers a day crossed Stow Away's property on their way to the Sweetgrass Hardware store; this heavy traffic went on daily for at least 6 years. Sweetgrass was aware that its customers used the easement, over Stow Away's many objections, and in fact encouraged its customers to enter via the easement by building and landscaping a large gate between its parcel and Sisson's. As to Sweetgrass's ability to pay: this defendant owns a large and very successful hardware store. The success of the business can surely be attributed in part to the unlawful use of the easement as a means of its customers' access, as is demonstrated by the high volume of customers traversing Stow Away's property on the way to the store.

III. As to the Defendants' Motion to Quash and its relevance to Plaintiff's Damages

The actual damages for breach of contract by Sisson and tortious interference with contract by Sweetgrass may be elucidated by examining the value to Sweetgrass of the use of the easement. Sisson entered into a License Agreement with Sweetgrass for the use of Stow Away's property, to the detriment of Stow Away. The parties to the License Agreement cited "other good and valuable consideration" as payment for granting use of the access easement to Sweetgrass.

Stow Away has twice noticed the Depositions of George Sisson and Sweetgrass Hardware in an effort to enumerate the "other good and valuable consideration" paid by Sweetgrass to Sisson for the use of Stow Away's property. Both Notices have been met by a Motion to Quash.

Stow Away maintains that, without first deposing the Defendants, it is unable to assess the value of the easement to Sweetgrass. This value, paid to Sisson by Sweetgrass for the unlawful use of Stow Away's property, constitutes actual damages arising out of Sisson's breach of the Easement Agreement with Stow Away.

Stow Away therefore requests that this Court would deny Defendants' Motion to Quash or, alternatively, allow Stow Away to obtain and present expert testimony as to the value of the use of the easement to Sweetgrass. Considering that, without use of the easement, potential customers would be unable to approach and access the Hardware Store from Highway 17 North, Stow Away contends that the value of the use of the easement is considerable.

CONCLUSION

Stow Away prays that this Court would grant its plea for actual and punitive damages, as well as attorneys' fees, against the Defendants. Stow Away further requests that this Court would deny Defendants' Motion to Quash and allow further testimony, either by the Defendants or an Expert Witness, as to the consideration given by Sweetgrass to Sisson for the unlawful use of Stow Away's easement.

Respectfully submitted,

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Attorneys for Stow Away Storage, LLC

Charleston, South Carolina

November 4, 2016

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	CIVIL ACTION NO.: 2011-CP-10-2444
	)	
Stow Away Storage, LLC	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**ITEMIZED LIST OF DAMAGES**
	)	
George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc.,	)	
	)	
Defendants.	)	

EXPENSE SUMMARY:

9/19/07	Removed rope and posts in parking lot and installed concrete curb	$2,000.00
10/9/07	Trespassing signage at entrance. Signs, posts, hardware, and labor	568.21
Sept.-Nov. 2007	Installation of concrete landscape boxes on both sides of driveway entrance. Materials and labor	1,890.32
1/4/08	Curb along bushes at left of parking lot and along front entrance at concrete landscape boxes	1,826.00
6/26/08	Removal of swing gate support post on right curve at driveway entrance in preparation for increase in radius.	60.00
7/7/08	Removal of rope and posts at curve in preparation for bollard post installation and increase in radius	112.50
8/22/08-11/25/08	Installation of 3 bollard posts at right side of entrance. Materials and labor	1,034.81
September 2008	Contracted James White Construction to increase radius in asphalt turning right in driveway after entering	2,700.00

November 2008	Installed Swing Gate at curve on right of entrance	8,412.49
5/8/09	Signage for entering and exiting traffic driving through Stowaway property at curve shared with Sisson at entrance. Signage, hardware, and posts	352.54
9/18/09	Speed bump at curve shared with Sisson at entrance on right as entering	1,425.54
	(Total landscaping and construction expenses)	$20,382.41
2008- 10/2016	Attorney's fees (ongoing)	$97,692.30
2008-2014	Value of the "good and valuable consideration" paid by Sweetgrass for the License Agreement that purported to allow entrance by its customers over Stow Away's property, including but not limited to any rent paid for that use	Cannot be determined without first taking depositions of Defendants or by expert testimony

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	CIVIL ACTION NO.: 2011-CP-10-2444
	)	
Stow Away Storage, LLC	)	
	)	
Plaintiff,	)	
	)	**THE DEFENDANTS' MEMORANDUM IN OPPOSITION TO DAMAGES AND IN SUPPORT OF ITS MOTION TO QUASH DEPOSITION NOTICES**
vs.	)	
	)	
George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc.,	)	
	)	
Defendants.	)	
	)	

TO: THE HONORABLE J.C. NICHOLSON, JR.

BACKGROUND

This case came before this Court for trial on August 14, 2013, regarding the interpretation of that certain Access Easement (the "Easement") granted by the Plaintiff Stow Away Storage to the Defendant George W. Sisson on October 17, 2000 (Order, Nov. 25, 2013). At that trial, this Court bifurcated the legal and equitable issues to determine if the Easement has been in any way unduly burdened by the Defendants, including Sweetgrass Hardware, Inc., due to persons accessing its business by way of the Easement from Highway 17. (*Id.*) Sweetgrass Hardware obtained a License Agreement in 2008 to use the Easement from the Defendant 4.0 LLC as signed by the Defendant George Sisson. (*Id.*). This Court ruled that there had been an increase in the Easement even though the language of the Easement specifically stated that any assignment "shall not be deemed an unlawful increase or burden on [Stow Away's] property." (*Id.*) The Court ordered that there was a material increase on the servient estate, that the Plaintiff had the right to shut off access of traffic entering the Easement from Highway 17, that the Defendant Sisson could

use the Easement, and the Defendants were restrained from interfering with any ability to shut off traffic. (*Id.*)

Nowhere in this Court's Order was there any finding of breach of contract accompanied by any fraudulent act as the Plaintiffs now claim. (*Id.*)

The Defendants appealed this Court's Order. (Unpublished Op. No. 2016-UP-014). The South Carolina Court of Appeals affirmed this Court's Order by way of its Unpublished Opinion dated January 13, 2016. (*Id.*). In that Unpublished Opinion, the Court of Appeals made numerous citations to the case of *Rhett v. Gray*, 401 S.C. 478, 736 S.E.2d 873 (2012). The Plaintiffs have not cited this case in their Brief to this Court.

After the case was remitted, the Plaintiff served Notices of Deposition on April 1, 2016, for Sweetgrass Hardware, Inc., and George Sisson. The Defendants move to quash those notices on April 5, 2016. This Court granted the Motion to Quash and ordered that the Defendant would produce a monetary amount received for the use of the Easement. (Order, June 17, 2016). On July 14, 2016, the Defendants responded with their Reply to the Court's Order and advised there were no monies exchanged for the use of the Easement. (Reply, filed July 18, 2016). On July 28, 2016, the Plaintiff served another set of Notices of Deposition for Frank R. Fletcher and George W. Sisson. On August1, 2016, the served another Motion to Quash. (Motion, Aug. 1, 2016). This motion was based upon compliance with this Court's order of June 17, 2016.

This Motion to Quash and an alleged claim for damages are pending before this Court.

MOTION TO QUASH

Based upon this Court's Order of June 17, 2016, and the Defendants' compliance therewith, the depositions notices should be quashed. The Defendants informed the Plaintiff's counsel that there was no money paid for the use of the Easement. Period. No deposition would

render any further evidence on the matter, and the subpoenas should be quashed as this Court quashed them in June, 2016.

DAMAGES

The Plaintiff cannot prove damages in this case, especially as relates to its claim for attorneys' fees. Generally, attorneys' fees in South Carolina are not recoverable unless authorized by contract or statute. *Baron Data Sys., Inc. v. Loter,* 297 S.C. 382, 383, 377 S.E.2d 296 (1989). In the case cited extensively by the Plaintiff, *Town of Winnsboro v. Wideman-Singleton, Inc.*, 307 S.C. 128, 414 S.E.2d 118 (1992), the Court allowed a party to recovery attorneys' fees and costs expended in defending the negligence of another when the other party negligently performed on is contract, which led to having to defend an action brought by a third party. *Id.* That case arose in the context of negligence with a claim for equitable indemnification due to the acts of another party. *Id.* The case of *Addy v. Bolton,* 257 S.C. 28, 183 S.E.2d 708 (1971) relied upon in the *Town of Winnsboro* case also arose in the context of negligence where an owner recovered costs for a contractor who set fire to a building. *Id.* Neither the *Town of Winnsboro* case nor the *Addy* case arose from the interpretation of the use of an easement.

There is no right to attorneys' fees in a case interpreting an easement. In *Rhett v. Gray,* 401 S.C. 478, 736 S.E.2d 873 (2013), landowners brought an action against their neighbor to enforce rights in an easement. The trial court found that the Rhetts were not entitled to attorneys' fees due to Mr. Gray's having placed them in a position to bring suit. *Id.* at 497, 736 S.E.2d at 883. The Court of Appeals specifically analyzed both the *Town of Winnsboro* and *Addy* cases in *Rhett v. Gray, id.* The Court of Appeals went through a lengthy discussion of indemnity creating the right to seek attorneys' fees which must arise from a special relationship between the parties. *Id.* 401 S.C. at 498 -499; 736 S.E.2d at 873. The Court determined that in an easement dispute,

such cases are distinguishable arising out of implied indemnity, and, subsequently, upheld the denial of attorneys' fees. *Id.* This case, too, arises out of an easement dispute with no claims or causes of action for implied indemnity. Accordingly, any claim for attorneys' fees in this case should be denied.

The Plaintiff cannot make any showing of punitive damages. This Court found no willful, wanton or outrageous conduct that would justify punitive damages. *Gamble v. Stevenson*, 305 S.C. 104, 406 S.E.2d 350 (1991). There are no findings of breach of contract by any fraudulent act as referenced by the Plaintiff in its Brief to this Court. (Order, November 25, 2013). Without any finding of culpability or willful conduct by this Court, there can be no award of punitive damages. *Id.* There was no evidence presented or ruled upon by this Court to warrant any punitive damage award as there must be at least a finding of recklessness or some wanton conduct to warrant such an award. *S.C. Farm Bureau Mut. Ins. Co. v. Love Chevrolet*, 324 S.C. 149, 478 S.E.2d 57 (1996).

The Plaintiff cannot prove any actual damages in this case. If anything, the ownership of the property upon which the Easement ran resulted in a windfall and large gain to the Plaintiff. The Plaintiff purchased the subject property on June 22, 1999, for the sum of Four Hundred Fifty Thousand and No/100 ($450,000.00) Dollars. (Deed, Buffalo Creek Landing Co., LLC to Stow Away Storage, LLC, Deed Book Z328 at Page 662). On January 23, 2014, while the appeal of this matter was ongoing, the Plaintiff sold the property to MSC MTP, LLC, for Five Million and No/100 ($5,000,000.00) Dollars. (Deed, Stow Away Storage to MSC MTP, LLC, Deed Book 0385 at Page 727). The Plaintiff made a substantial profit on the sale of the property and should not be allowed to claim damages when a profit was made. Further, there has been no evidence

presented that the Defendants caused any alleged damage to the Plaintiff. For these reasons alone, the Defendants request that the Plaintiff's claims for damages be denied.

Respectfully submitted,

BUIST, BYARS & TAYLOR, LLC

Mount Pleasant, South Carolina

Nov. 8, 2016

By: _____

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CERTIFICATE OF MAILING

I hereby certify that on November 8 2016, a copy of the foregoing was electronically mailed to all counsel of record in this matter, as follows:

Eainsley@yahoo.com
G. Dana Sinkler, Esq.
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Attorney for Plaintiff Stow Away Storage, LLC

G. Hamlin O'Kelley, III

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Stow Away Storage, LLC, Plaintiff, v. George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc., Defendants.	IN THE COURT OF COMMON PLEAS CASE NO.: 2011-CP-10-2444 **AFFIDAVIT OF FRANK R. FLETCHER**

FILED
2016 NOV 17 PM 2:27
JULIE J. ARMSTRONG
CLERK OF COURT

PERSONALLY appeared before me Frank R. Fletcher, who, being duly sworn, deposes and states as follows:

1. I am over the age of twenty-one years, and I make this Affidavit on my own personal knowledge and not upon any information or belief.

2. I am the owner of Sweetgrass Hardware, Inc., a named Defendant in this action.

3. Sweetgrass Hardware, Inc., is a party to that License Agreement dated November 13, 2008.

4. I operate a hardware store out of the space leased from the Defendant Timarand, Inc.

5. I entered into a License Agreement with 4.0, LLC for the assignment of 4.0, LLC's rights in the Access Easement and Abandonment of Encroachment Permit.

6. The License Agreement assigned 4.0, LLC's rights in the Access Easement with the Plaintiff dated October 17, 2000.

7. No consideration was paid by me for the License Agreement.

8. No stock shares were issued in Sweetgrass Hardware, Inc., to 4.0 LLC, or any member of 4.0 LLC, nor were any given to anyone for the License Agreement.

9. No money, stock, shares, or anything of value was exchanged by and between Sweetgrass Hardware, Inc., and 4.0 LLC for the execution and delivery of the License Agreement dated November 13, 2008.

FURTHER THE AFFIANT SAYETH NOT.

Mt. Pleasant, South Carolina
Nov. 14, 2016

Frank R. Fletcher

SWORN TO before me this 14th
day of November, 2016

Notary Public for South Carolina
My Commission Expires: _____

JILL E. MOSS
Notary Public-State of South Carolina
My Commission Expires
August 29, 2026

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Stow Away Storage, LLC, Plaintiff, v. George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc., Defendants.	IN THE COURT OF COMMON PLEAS CASE NO.: 2011-CP-10-2444 **AFFIDAVIT OF GEORGE W. SISSONS**

FILED
2016 NOV 17 PM 2:27
JULIE J. ARMSTRONG
CLERK OF COURT

PERSONALLY appeared before me George W. Sissons, who, being duly sworn, deposes and states as follows:

1. I am over the age of twenty-one years, and I make this Affidavit on my own personal knowledge and not upon any information or belief.

2. I am Member of 4.0 LLC , a named Defendant in this action.

3. 4.0, LLC, is a party to that License Agreement dated November 13, 2008.

4. 4.0 LLC entered into a License Agreement with Sweetgrass Hardware, Inc., for the assignment of 4.0, LLC's rights in the Access Easement and Abandonment of Encroachment Permit.

5. The License Agreement assigned 4.0, LLC's rights in the Access Easement with the Plaintiff dated October 17, 2000.

6. No consideration was paid to 4.0 LLC by Sweetgrass Hardware, Inc. for the License Agreement.

7. No stock shares were issued in Sweetgrass Hardware, Inc., to 4.0 LLC, or any member of 4.0 LLC, nor were any given to anyone for the License Agreement.

8. No money, stock, shares, or anything of value was exchanged by and between Sweetgrass Hardware, Inc., and 4.0 LLC for the execution and delivery of the License Agreement dated November 13, 2008.

FURTHER THE AFFIANT SAYETH NOT.

Mt. Pleasant, South Carolina
Nov. 14, 2016

George W. Sissons

SWORN TO before me this 14th
day of November, 2016

Notary Public for South Carolina
My Commission Expires: _____

JILL E. MOSS
Notary Public-State of South Carolina
My Commission Expires
August 29, 2026

BUIST BYARS & TAYLOR LLC
ATTORNEYS AT LAW

652 Coleman Blvd., Suite 200
Mount Pleasant, SC 29464
T 843.856.4488 F 843.856.0613 W buistbyars.com

November 15, 2016

AMANDA C. TAYLOR
PARALEGAL
Amanda.taylor@buistbyars.com

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 100
Charleston, SC 29401

Re: Stow Away Storage, LLC, et al. v. George W. Sisson, et al.
C/A No. 2011-CP-10-2444
Our File No. 1001.0001

Dear Ms. Armstrong:

Enclosed please find an original and one (1) copy of the Affidavit of Frank R. Fletcher and Affidavit of George W. Sissons in the above-referenced matter.

Kindly file the originals and return the file-stamped copies to us in the return envelope provided. Should you have any question, please feel free to contact our office at your convenience.

Sincerely,

Amanda C. Taylor
Paralegal to G. Hamlin O'Kelley, III

/act
Enclosures

cc. (w/ Encl.):

G. Dana Sinkler, Esq.
The Honorable J.C. Nicholson, Jr.

{00810205.DOC}

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON Stow Away Storage, LLC, and MSC MTP, LLC Plaintiff, vs. George W. Sisson, 4.0, LLC, et. al. Defendant.	)	IN THE COURT OF COMMON PLEAS Ninth JUDICIAL CIRCUIT CASE NO.: 2011-CP-10-2444 **MOTION AND ORDER INFORMATION** **FORM AND COVERSHEET**

Plaintiff's Attorney:	Defendant's Attorney:
Ainsley Tillman, Bar No. 70551 Address: 29 Brisbane Drive Charleston, SC 20407 Phone: 843-277-4497Fax ____ E-mail: ainsley@tillmanlawgroupllc.com Other:	Hamlin O'Kelley, Bar No. ____ Address: 652 Coleman Blvd Mt. Pleasant, SC 29464 Phone: ____ Fax____ E-mail: hamlin.okelley@buistbyars.com Other:

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Rule 59 SCRCP
Estimated Time Needed: 20 minutes Court Reporter Needed: ☒ YES/☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☒ Plaintiff /☐ Defendant 4/21/2017 Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $ 25.00
☐ EXEMPT: (check reason)
- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☐ Indigent Status ☐ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
- ☐ Motion for Stay in Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
  Name of Court Reporter: ____
- ☐ Other: ____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:	JUDGE CODE ____ Date: ____

CLERK'S VERIFICATION

Collected by:____ Date Filed: ____
☐ MOTION FEE COLLECTED: $ ____
☐ CONTESTED – AMOUNT DUE: $ ____

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CIVIL ACTION NO.: 2011-CP-10-2444
)	
Stow Away Storage, LLC and)	
MSC MTP, LLC)	
)	
Plaintiff,)	
)	
vs.)	**PLAINTIFF'S MOTION TO RECONSIDER PURSUANT TO RULE 59(e) SCRCP**
)	
George W. Sisson, 4.0, LLC,)	
The Sisson Foundation Limited Partnership,)	
Sweetgrass Hardware, Inc., and)	
Timarand, Inc.,)	
)	
Defendants.)	
)	

FILED
2017 APR 21 PM 1:27
JULIE J. ARMSTRONG
CLERK OF COURT
BY

Pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, Plaintiff Stow Away Storage, LLC (hereinafter "Stow Away"), hereby moves this Honorable Court to reconsider its judgement as to punitive damages and attorneys' fees, and to award Stow Away damages for lost rent.

This easement dispute concerns three actors: (1) Stow Away, which owned the servient estate, over which ran an appurtenant easement belonging to (2) the Defendant Sisson, who accessed his property (the dominant estate) by means of the easement, and who—in breach of his easement agreement with Stow Away—granted a license to (3) the Defendant Sweetgrass Hardware, Inc., which leased a non-appurtenant parcel and sought to allow its 300 customers a day to cross the easement by virtue of its—illegal—license agreement with Sisson.

This Court's *Order on Damages*, dated March 22, 2017,[1] should be altered so as to award the attorneys' fees accumulated by Stow Away over the course of seven years of litigation in

[1] Although the *Order on Damages* is dated March 22, 2017, counsel did not receive notice until April 13, 2017. The Clerk of Court's records show that it was filed on April 14, 2017.

defending it property and contract rights against access by a party outside the contemplation of the easement agreement entered into by Stow Away and Sisson. Furthermore, this Court's Order should be amended to provide punitive damages against Sweetgrass, which willfully, recklessly, and in conscious violation of hornbook law, allowed 300 customers a day to cross Stow Away's property, over its many objections. Finally, this Court's Order should be amended to allow Stow Away to recover the fair market value of the diminution in property value that it suffered over the course of the 68 months that the Defendants used the easement without recompense.

I. This Court should alter its judgment because Sisson is equitably responsible for the attorneys' fees incurred by Stow Away in protecting its property against Sweetgrass.

Defendant Sisson is liable to Stow Away for the attorneys' fees and costs that arose as a natural consequence of Sisson's breach of the Easement Agreement. In its Order, this Court cites *Rhett v. Gray*, 401 S.C. 478, 736 S.E.2d.873 (Ct. App. 2013), for the proposition that attorney's fees are not allowed in an easement dispute. (*Order on Damages*, 3/22/17, p.5). However, the Court of Appeals made no such holding. Instead, the Court of Appeals compared the facts of that particular case with prior Supreme Court case law in order to find that the theory of implied indemnity did not apply to the suit between the two parties involved in that case.

In *Rhett v. Gray*, the Court of Appeals did cite the following holding by the Supreme Court: "It is generally held that where the wrongful act of the defendant has involved the plaintiff in litigation with others or placed him in such a relation with others as makes it necessary to incur expenses to protect his interest, such costs and expenses, including attorney's fees, should be treated as the legal consequences of the original wrongful act and may be recovered as damages." *Id* at 883, quoting *Addy v. Bolton*, 257 S.C. 28, 33, 183 S.E.2d 708, 709 (1971).

Furthermore, the *Rhett* Court quoted, "[i]n order to recover attorneys' fees under this principle, the plaintiff must show: (1) that the plaintiff has become involved in a legal dispute

either because of a breach of contract by the defendant or because of the defendant's tortious conduct; (2) that the dispute was with a third party—not with the defendant; and (3) that the plaintiff incurred attorneys' fees connected with the dispute." *Id.* at 883-884, quoting *Addy* at 33, 709-10 (emphasis added). Upon considering the particular facts of *Rhett v. Gray*, which involved an easement dispute between two parties—Rhett, the owner of the dominant estate, and Gray, the owner of the servient estate—the Court of Appeals held that the dispute did not meet the criteria for equitable indemnity.

However, the dispute between Stow Away and Sisson does meet all three of the Supreme Court's criteria: (1) Stow Away became involved in a legal dispute because of Sisson's breach of contract; (2) Stow Away's dispute was with a third party (i.e. Sweetgrass); and (3) Stow Away incurred attorneys' fees connected with that dispute.

The *Rhett* Court also quoted the Supreme Court's language in *Town of Winnsboro v. Wiedmann-Singleton, Inc.*, which noted that a special relationship must exist to sustain a claim for equitable indemnity, and that such requirement is properly met "when the at-fault party's negligence or breach of contract is directed at the non-faulting party and the non-faulting party incurs attorney fees and costs in defending itself against the other's conduct." *Rhett v. Gray*, at 884, quoting *Winnsboro*, 307 S.C. 128 at 132, 414 S.E.2d 118 at 121 (1992).

The facts of the dispute at hand perfectly align with the Supreme Court's requirements: Sisson was at fault in breaching his easement agreement with Stow Away. His breach of contract was directed at Stow Away in that he sought to allow Sweetgrass, a party outside the contemplation of the contract, to access a non-appurtenant parcel over Stow Away's property. And Stow Away incurred attorneys' fees in defending itself against the 300 daily new users unduly burdening the servient estate because of Sisson's breach.

"If the attorneys' fees were incurred as a result of a breach of contract between plaintiff and defendant, the defendant will be deemed to have contemplated that his breach might cause plaintiff to seek legal services in his dispute with the third party." *Addy v. Bolton*, 257 S.C. at 33, 183 S.E.2d at 709 (quoted by *Rhett v. Gray* at 884).

Sisson is equitably bound to indemnify Stow Away for the attorneys' fees it incurred in bringing a suit to defend its property against Sweetgrass, and this Court's Order should be altered accordingly. "Recovery is allowed when as a result of defendant's breach of contract or tortious activity the plaintiff is required to either defend itself or bring an action against a third party." *Winnsboro* at 132, 121.

II. This Court should amend its judgment so as to allow Stow Away to recover punitive damages against Sweetgrass for its tortious interference with the easement agreement between Stow Away and Sisson.

In denying punitive damages to Stow Away, this Court states: "the Defendants were acting on their interpretation of the easement and the License Agreement without any willful, wanton, or reckless actions on their part." (*Order on Damages*, 3/22/17, p.4). However, both their interpretation of the easement agreement and their attempt to supervene that agreement by drafting a license were patently in violation of the established law of easements and licenses, and, as such, are ample evidence of their reckless disregard of the property rights of Stow Away.

First, the easement agreement is on its face described as an "Access Easement for Sissons Property," and grants an appurtenant easement, burdening Stow Away's property and benefiting Sisson. It is hornbook law that an appurtenant easement concerns two estates: servient and dominant, and that it cannot be extended beyond the dominant estate. Yet, that is exactly what Sisson and Sweetgrass attempted to do, with the advice of counsel, by drafting a License Agreement that purported to allow Sweetgrass customers to cross the servient estate to access an

unrelated parcel. But license agreements, by their very nature, are personal to the holder and unassignable; they simply cannot be extended by the holder to 300 customers a day for six years. *See Briarcliffe Acres v. Briarcliffe Realty Co.*, 262 S.C. 599 at 615, 206 S.E.2d 886 at 894-895 (1974) (citing 25 Am.Jur.2d *Easements and Licenses* § 123 (1966) for the proposition that licenses by definition are personal and not assignable). Furthermore, the very terms of the License Agreement, in paragraph 10, state that it is non-transferrable and cannot be assigned or given to any third party. (See *License Agreement*, attached hereto as "Exhibit A").

Furthermore, this Court, in its Order dated November 22, 2013, made numerous findings of fact tending to demonstrate Sweetgrass's reckless disregard for the rights of Stow Away. Before Sweetgrass even leased the property on which it built its store, the owner of the property approached Stow Away about the possibility of extending Sisson's easement for access to what became the hardware store. (*Order*, 11/22/13, p. 6, paragraph 15). Stow Away did not agree to the extension. *Id.* Thus, the parcel leased by Sweetgrass had access to Highway 17 North only to the east of Sisson's property. (*Id.*, p. 6-7, paragraphs 16-17). Nonetheless, in the course of preparing its leased property for use as a hardware store, Sweetgrass constructed a gate west of its property line, encouraging its customers to enter the store from the access to Highway 17 that Sisson had agreed to abandon in his contract with Stow Away. (*Id.*, p. 7, paragraphs 19-20). SCDOT sent a letter to Sweetgrass, informing it that it would be removing that access, and that Stow Away would not permit access to the store from its driveway. (See *Letter from SCDOT to Royall*, July 21, 2008, attached hereto as "Exhibit B") (*Order*, 11/22/13, p.7, paragraphs 21-22). SCDOT then erected barriers extinguishing that access by Sweetgrass customers. (*Id.*, paragraph 22). Thereupon—over Stow Away's many objections, with knowledge of the terms of the easement agreement between Stow Away and Sisson, with the advice of counsel, and with reckless

disregard for Stow Away's property rights—Sweetgrass and its hundreds of customers began crossing Stow Away's property to access the hardware store. (*Id.*, p. 8, paragraphs 23-29.) This unsanctioned use of Stow Away's property went on for 68 months.

Sweetgrass acted willfully, with consciousness of its wrongdoing, and with reckless disregard for Stow Away's property and contract rights. Therefore, punitive damages are warranted, and the Order of this Court should be amended so as to award them.

III. This Court should alter its judgment to allow Stow Away to recover the value of the rent of the easement.

For the six years that Sisson purported to allow Sweetgrass and its customers to unlawfully use the easement to access the hardware store, they did so as if it were their right to intrude upon Stow Away's property, and without any compensation to Stow Away for the use of its land. In so doing, Sweetgrass benefitted greatly from the influx of hundreds of customers per day, while Stow Away was burdened with the upkeep and maintenance of road and landscaping damaged by uncontemplated users.

The cost that should properly have been incurred by Sweetgrass for the use of Stow Away's land for 68 months should be awarded to Stow Away as damages for tortious interference with contract by Sweetgrass and/or for breach of contract by Sisson. Under either cause of action, the award of lost rent would be proper.

a. Sisson justly owes Stow Away lost rent as damages for his breach of the easement agreement.

Damages recoverable for a breach of contract are those which follow as a natural consequence of the breach, and are such that should be within the contemplation of the parties as arising as a result of the breach. When Sisson sought to allow hundreds of customers a day to cross the servient estate on their way to an unrelated parcel, in breach of his appurtenant easement

agreement with Stow Away, Sisson should have reasonably contemplated that such breach would result in damage to Stow Away's property. Stow Away submitted a report, prepared by Raymond Murphy, an expert in the appraisal of commercial real estate in Mount Pleasant, South Carolina. (*Order on Damages*, 3/22/17, Exhibit 1). Murphy concluded that the damage to the property could properly be calculated as the fair market value of the rent that could have been charged for the use of the easement, which amounted to $13,124.00. The judgment of this Court should be altered to allow Stow Away to recover that amount.

b. Sweetgrass justly owes Stow Away lost rent as damages for its intentional interference with contract.

Sweetgrass used Stow Away's property for six years without compensation, benefitting daily from the many customers which accessed its hardware store by means of Stow Away's land. This daily, uncompensated use amounts to unjust enrichment. As such, and for the reasons set forth above, the judgment of this Court should be altered to allow Stow Away to collect the $13,124.00 in rent, which its expert estimated that it could fairly have collected from Sweetgrass for the use of the easement.

For the reasons set forth above, Stow Away prays for the relief requested herein.

Respectfully submitted,

Ainsley F. Tillman
29 Brisbane Drive
Charleston, SC 29407
(843) 277-4497
and
G. Dana Sinkler
2180 Rosebank Plantation Road
Wadmalaw Island, SC 29487
(843) 224-1758
Attorneys for Plaintiffs

Charleston, South Carolina
April 21st, 2017

EXHIBIT "A"

After recording please return to:
Gray B. Taylor, Esq.
Buist, Byars & Taylor, LLC
652 Coleman Boulevard, Suite 200
Mount Pleasant, South Carolina 29464

STATE OF SOUTH CAROLINA)
) LICENSE AGREEMENT
COUNTY OF CHARLESTON)

THIS LICENSE AGREEMENT ("Agreement") is made this 13th day of November, 2008, by and between 4.0 LLC ("Licensor"), and Sweetgrass Hardware, Inc., (the "Licensee").

WHEREAS, the Licensor is the holder of certain non-exclusive rights under that certain Access Easement and Abandonment of Encroachment Permit dated October 17, 2000 and recorded in the Charleston County RMC Office at Book U358 at Page 109 (the "Easement Agreement"), which grants to the Licensor a non-exclusive and perpetual easement over, one and through that certain portion of Stow Away Storage, LLC's ("Stow Away") property as described in the Easement Agreement (the "Easement"); and

WHEREAS, the Licensor desires to authorize Licensee to use the Easement for ingress and egress access from Highway 17 to Licensee's property, as described on the attached Exhibit "A" (Licensee's Property"), and to grant an exclusive license to the Licensee for the same; and

NOW, THEREFORE, for and in consideration of the foregoing recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, Licensor and Licensee hereby agree as follows:

1. License for Use of Property. Licensor hereby grants to Licensee, for so long as Licensee leases the Licensee's Property, an exclusive license for ingress and egress access from Highway 17 to Licensee's Property.

2. Limitations on Use. The foregoing license shall be subject to:

a. The right of Licensor to adopt and amend reasonable rules and regulations pertaining to the use of the Easement, including, without limitation, rules establishing hours and vehicle or other limitations.

b. The right of Licensor to temporarily rescind this license for limited periods of time for the convenience of the Licensor.

c. Maintenance Responsibility. Licensee shall not have any maintenance responsibility for the Easement, but shall immediately repair any damage resulting from Licensee's exercise of this license.

3. Extension. This license may NOT be extended or renewed except with the express written permission of the Licensor. Licensee acknowledges that Licensor may refuse to extend this license beyond the initial term for any or no reason. Licensee also acknowledges that the Licensor is under no obligation to extend this License and that unless an extension is agreed to in writing, this License ends upon the conveyance of Licensee's Property to a third party.

4.

Enforcement. Licensee stipulates and agrees that it shall be bound by the terms of this license, and that it has entered into this license agreement voluntarily, of its own free will, and for good and valuable consideration. Licensee further states that it has had ample opportunity to consult with legal counsel regarding this license agreement, and has substantially participated in the drafting of this license agreement, such that it shall not be construed as if it had been prepared by one of the parties, but rather as if both parties had prepared the same.

a. The venue and jurisdiction for any dispute arising out of this license agreement shall be the Charleston County Court of Common Pleas. All parties hereto agree to waive any right they may have to demand a trial by jury.

b. Licensee further agrees that, in the event of its breach of the license agreement, Licensor shall be entitled to a temporary injunction restraining Licensee from continued use of the license and from any operations in violation of the license terms contained herein, and that the temporary injunction shall be issued without requirement for a bond. Such temporary injunction is agreed to by the Licensee in favor of the Licensor upon the motion of the Licensor for a temporary injunction made to the Charleston County Court of Common Pleas.

c. Licensee further agrees that, in its defense of any action brought to enforce the terms of this license agreement or the Covenants, it shall not raise any defense that the terms of the license agreement or the Covenants violate public policy, constitute an unfair restraint of trade, an unfair trade practice, or any substantially similar statutory or common law defense.

Licensor _____ (initial here) Licensee _____ (initial here)

5. Amendment. This license may be amended only in writing by an instrument signed on behalf of the Licensor and Licensee.

6. Severability. Whenever possible, each provision of this license shall be interpreted in such manner as to be effective and valid, but if the application of any non-essential provisions to any person or to any property shall be prohibited or held invalid, such prohibition or invalidity shall not affect any other provision or the application of any other provision which can be given effect without the invalid provision or application and without defeating the intent hereof, and, to this end, the provisions of this agreement are declared to be severable.

7. Notices. Any notices provided for in this license shall be in writing and shall be delivered to the primary business address of each party.

8. Termination. If Licensee fails to perform any of its obligations herein contained, in whole or in part, or violates any condition or obligation of the license, Licensor shall have the right, but not the obligation, to cancel this license upon ten (10) days written notice to Licensee.

9. No transfer of ownership. The use being made of the Easement by reason of this license is strictly permissive, not adverse, and it is agreed among the parties that the same shall in no instance ripen into an interest adverse to the interests of the Licensor under the Easement Agreement, or ripen into a permanent right by or for any reason whatsoever, including without limitation the passage of time or the continued use by Licensee beyond the term of this license.

10. Assignment. This license is personal to Licensee and may not be sold, transferred, assigned or given to any third party. The sale or assignment of a majority interest in the Licensee entities shall constitute an assignment for the purposes of this provision and shall constitute a violation of this License.

IN WITNESS WHEREOF, the undersigned have executed this agreement as of the date first written above.

WITNESS:

Cristi I. On

CRISTI I ON

Dana Lynn Fletcher

Dana Lynn Fletcher

DANA LYNN FLETCHER
Notary Public, South Carolina
My Commission Expires
July 19, 2017

4.0 LLC

BY: George W. Sissons
Its: Member

SWEETGRASS HARDWARE, INC.

By: Frank R. Fletcher
Its: PRESIDENT

EXHIBIT A
(Licensee's Property)

ALL that certain piece, parcel, lot or tract of land located in Christ Church Parish, Charleston County, containing 1.93 acres, more or less, as shown and designated as Lot A on a "Subdivision Plat showing a portion of Oakland Plantation owned by Salah Hibri, situated in Christ Church Parish, Charleston County, South Carolina" prepared by James L. Owen, Jr., dated February 22, 1989 and recorded on July 15, 1991, at the Charleston County RMC Office in Plat Book CD at Page 139.

TMS No. 598-00-00-027

EXHIBIT 7

EXHIBIT "B"

SCDOT
South Carolina
Department of Transportation

July 21, 2008

Mr. John Royall
Royall Hardware
3008 N Highway 17
Mount Pleasant, SC 29466

RE: Gated Access Point

Dear Mr. Royall:

The location of an unpermitted paved access point that your business currently utilizes is dangerous to the travelling public given its close proximity to US-17 and its location within a signalized intersection. Therefore this access is being removed as required by the SCDOT. We are asking that you close the access point some of your patrons are currently using near the signaled intersection and utilize only the US-17 driveway as access to your business. The owner of the Stow Away Storage facility, which has the only permitted access point at this signalized intersection, will not allow access from his driveway. Please discontinue the use of this referenced drive.

If you have any more questions or need additional information, please do not hesitate to call me at (843) 740 – 1655 ext. 501.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2017, I served the foregoing Motion on all counsel of record by mailing a copy of the same, postage prepaid, addressed as follows:

G. Hamlin O'Kelley, III, Esquire
Buist, Byars, & Taylor, LLC
652 Coleman Boulevard, Suite 200
Mt. Pleasant, SC 29464

Ainsley F. Tillman

FILED
2017 APR 21 PM 1:27
JULIE J. ARMSTRONG
CLERK OF COURT
BY

Ainsley F. Tillman
29 Brisbane Drive
Charleston, SC 29407
(843) 277-4497

April 21, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Re: *Stowaway Storage LLC v. George W. Sisson, et. al*
2011-CP-10-2444

Dear Ms. Armstrong,

Enclosed for filing, please find the original and one copy of the Plaintiffs' *Motion to Reconsider Pursuant to Rule 59(e) SCRCP*, as well as the $25 filing fee.

I would appreciate your filing the original with the Court and submitting the copy to Ms. Brooklyn O'Shea, Law Clerk to The Honorable J.C. Nicholson, Jr.

By copy of this letter, I am serving the same on counsel for the Defendants.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Ainsley F. Tillman,
Attorney for Plaintiffs

cc: G. Hamlin O'Kelley, III, Esquire (w/ encl.)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444

FILED
2017 MAY 23 PM 2:34
JULIE J. ARMSTRONG
CLERK OF COURT
BY

Stow Away Storage, LLC and
MSC MTP, LLC,

Appellants,

v.

George W. Sisson, 4.0, LLC,
The Sisson Foundation Limited
Partnership, Sweetgrass Hardware,
Inc., and Timarand, Inc.,

Respondents.

NOTICE OF APPEAL

Stow Away Storage, LLC and MSC MTP, LLC appeal the Order of the Honorable J.C. Nicholson, Jr., filed April 14, 2017. Pursuant to Rule 203(b)(1), the time for appeal runs from receipt of written notice of entry of the Order denying Plaintiffs' Rule 59 SCRCP Motion. Appellants received written notice of entry of this order on May 8, 2017.

May 19th, 2017

Ainsley F. Tillman
29 Brisbane Dr.
Charleston, SC 29407
(843) 277-4497
and
G. Dana Sinkler
2180 Rosebank Plantation Rd.
Wadmalaw Island, SC 29487
(843) 224-1758
Attorneys for Appellants

Other Counsel of Record:
G. Hamlin O'Kelley, III, Esquire
Buist, Byars, & Taylor, LLC
652 Coleman Boulevard, Suite 200
Mt. Pleasant, SC 29464
(843)856-4488
Attorney for Respondents

FILED
2017 MAY 23 PM 2:34
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444

Stow Away Storage, LLC and
MSC MTP, LLC,

Appellants,

v.

George W. Sisson, 4.0, LLC,
The Sisson Foundation Limited
Partnership, Sweetgrass Hardware,
Inc., and Timarand, Inc.,

Respondents.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents George W. Sisson, 4.0, LLC, The Sisson Foundation Limited Partnership, Sweetgrass Hardware, Inc., and Timarand, Inc., by depositing a copy of it in the United States Mail, postage prepaid, on May 19th, 2017, addressed to their attorney of record, G. Hamlin O'Kelley, III, 652 Coleman Boulevard, Suite 200, Mount Pleasant, South Carolina, 29464.

Ainsley F. Tillman
29 Brisbane Dr.
Charleston, SC 29407
(843) 277-4497
Attorney for Appellant

Ainsley F. Tillman
29 Brisbane Drive
Charleston, SC 29407
(843) 277-4497

May 22, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401-2258

Re: *Stow Away Storage, et al. v. George W. Sisson, et. al.*
Case No. 2011-CP-10-2444

Dear Ms. Armstrong,

Enclosed for filing is a Notice of Appeal in the above case.

Very truly yours,

Ainsley F. Tillman,
Attorney for Appellants

cc: G. Hamlin O'Kelley, III, Esquire

WARREN & SINKLER, L.L.P.
ATTORNEYS AT LAW
SUITE 340
171 CHURCH STREET
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G. DANA SINKLER
JOHN H. WARREN, III
SCOTT Y. BARNES (SC & DC)
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ASHLEY DANTZLER WRIGHT
JACLYNN BOWER GOINGS
CAMERON SEMMES STOLL (SC & NY)
LAURA W. MOORE

Writer's Email: jdavis@warren-sinkler.com

June 7, 2011

G. Hamlin O'Kelley, III, Esquire
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464

Re: Stow Away Storage, LLC v. George W. Sisson, et al.

Dear Mr. O'Kelley:

I am enclosing herewith Plaintiff's Responses to Defendants' Requests for Admission in the captioned matter.

Yours very truly,

WARREN & SINKLER, LLP

Jo Davis
Assistant to G. Dana Sinkler

/jd
Enclosures

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHARLESTON)	CIVIL ACTION NO.: 2011-CP-10-2444
STOW AWAY STORAGE, LLC,)	
)	
Plaintiff,)	
)	
vs.)	PLAINTIFF'S RESPONSES TO DEFENDANTS' REQUESTS FOR ADMISSION
)	
GEORGE W. SISSON, 4.0 LLC, THE SISSON FOUNDATION LIMITED PARTNERSHIP, SWEETGRASS HARDWARE, INC. AND TIMARAND, INC.,)	
)	
Defendants.)	
)	

To: G. Hamlin O'Kelley, III, Attorney for Defendants

Pursuant to SCRCP 36, Plaintiff responds to the First Requests for Admission of Defendants George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership, and Sweetgrass Hardware, Inc. as follows:

1. Admit that the document attached hereto as Exhibit "A" is a true and accurate copy of an Access Easement and Abandonment of Encroachment Permit by and between Stow Aware [sic] Storage, LLC, and George Sissons a/k/a George w. Sissons.

RESPONSE: Admit.

2. Admit that the document attached hereto as Exhibit "A" was recorded in Book U358 at Page 109 in the Office of the RMC for Charleston County.

RESPONSE: Admitted that the first page of the document "attached hereto as Exhibit 'A' was recorded in Book U358 at Page 109 in the Office of the RMC for Charleston." The entire instrument was recorded at pages 109 through 117.

3. Admit that the Plaintiff Stow Away Storage, LLC, is named as the "Grantor" in that document attached hereto as Exhibit "A".

RESPONSE: Admit.

4. Admit that George Sissons a/k/a George W. Sissons is named as the "Grantee" in that document attached hereto as Exhibit "A".

RESPONSE: Admitted that "George W. Sissons*" is named as the Grantee in the first paragraph of the document, however, the execution page, which is recorded at page 111, is signed George W. Sisson, which is the Grantee's proper name, and the asterisk is explained by "aka George W. Sissons."

5. Admit that the Plaintiff Stow Away Storage, LLC, granted the following Grant of Access Easement as set forth in Exhibit "A":

> Grant of Access Easement. Grantor does hereby grant and convey unto the Grantee, his successors and assigns, forever, a non-exclusive and perpetual easement over, on and through that certain portion of Grantor's property designated and delineated as 'Access Easement for Sissons Property' and more particularly described on Exhibit B attached hereto (The "Access Easement"), for purposes of access, ingress, and egress by any and all pedestrian and passenger delivery vehicular means between Grantee's property and U.S. Highway 17.

RESPONSE: Admitted, however, the Grant contains the additional language as follows:

> The Access Easement herein granted is to run through property owned by the Grantor, situate, lying, and being as follows:
>
> See Exhibit A attached hereto and incorporated herein by reference.

The Access Easement and all rights granted in favor of Grantee herein are limited in nature and scope, such that the use of the Access Easement by Grantee shall not materially adversely affect the use, enjoyment, and operation of the Grantor or its property.

Grantor shall be responsible for maintaining the Access Easement at Grantor's sole cost and expense.

6. Admit that the document attached hereto as Exhibit "A" granted the Grant of Access Easement to George Sissons a/k/a George W. Sissons and his successors and assigns, forever.

RESPONSE: Admitted that that language is part of the Grant of Access Easement and that the purposes for which the easement was granted set forth in the Grant of Access Easement establish that the easement granted is an Easement Appurtenant to the property of Sisson, which is described in the complaint at paragraph 4.

7. Admit that the document attached hereto as Exhibit "A" granted the Grant of Access Easement so that the rights granted and agreed to therein "shall be perpetual and shall runt with title to the Grantor's Property and the Grantee, respectively."

RESPONSE: Admitted that that language is in the second page of the Access Easement, which is Record page 110, except that the word "runt" should be "run."

8. Admit that the document attached hereto as Exhibit "A" contains no restriction on assigning the Grant of Easement as

RESPONSE: Paragraph 8 is not a complete sentence and counsel for Plaintiff is not sure of the intent of the question and therefore denies the same.

9. Admit that the document attached hereto as Exhibit "A" is assignable.

RESPONSE: Denied.

10. Admit that assignment of Grantee's rights in the document attached hereto as Exhibit "A" shall not be deemed to be an unlawful increase or burden upon the Grantor's property or Grantee as applicable.

RESPONSE: As worded, paragraph 10 is denied.

WARREN & SINKLER, L.L.P.
Post Office Box 1254
Charleston, SC 29402
(843) 577-0660

By: _____
G. DANA SINKLER

Attorney for Plaintiff

Charleston, South Carolina
June 7, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2011, I served the foregoing Plaintiff's Responses to Defendants' First Requests for Admission on all counsel of record by mailing a copy of the same, postage prepaid, addressed as follows:

G. Hamlin O'Kelly, III, Esquire
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464

Jo Davis

Jo Davis, Legal Assistant

WARREN & SINKLER, L.L.P.
ATTORNEYS AT LAW
SUITE 340
171 CHURCH STREET
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MARK S. SHARPE
ASHLEY DANTZLER WRIGHT
CAMERON SEMMES STOLL (SC & NY)

Writer's Email: jdavis@warren-sinkler.com

July 13, 2012

G. Hamlin O'Kelley, III, Esquire
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464

Re: Stow Away Storage, LLC v. George W. Sisson, et al.

Dear Mr. O'Kelley:

I am enclosing herewith Plaintiff's Answers to Defendants' First Interrogatories and Responses to Defendants' First Requests for Production in the captioned matter.

Yours very truly,

WARREN & SINKLER, LLP

Jo Davis
Assistant to G. Dana Sinkler

/jd
Enclosures

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	)	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 2011-CP-10-2444
STOW AWAY STORAGE, LLC, Plaintiff, vs. GEORGE W. SISSON, 4.0 LLC, THE SISSON FOUNDATION LIMITED PARTNERSHIP, SWEETGRASS HARDWARE, INC. AND TIMARAND, INC., Defendants.	)	PLAINTIFF'S ANSWERS TO DEFENDANTS' FIRST INTERROGATORIES

To: G. Hamlin O'Kelley, III, Attorney for Defendants

Pursuant to SCRCP 33, Plaintiff answers the First Interrogatories of Defendants George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership, and Sweetgrass Hardware, Inc. as follows:

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

ANSWER:

E.L. (Bert) Pooser, III
One Surrey Court
P.O. Box 21427
Columbia, SC 29221-1427

Allison B. Walshe
Manager, Stow Away Storage
2988 U.S. Highway 17 N
Mt. Pleasant, SC 29466

George W. Sisson
Sisson Scale & Equipment Company
3018 Hwy. 17 North
Mt. Pleasant, SC 29466

JuLeigh B. Fleming
SCDOT – District 6
6355 Fain Blvd.
N. Charleston, SC 29406-4989

Frank Fletcher
Sweetgrass Hardware, Inc. (Party to suit as a Defendant)
3008 N. Highway 17
Mt. Pleasant, SC 29466

Richard L. Turner, P.E.
Resident Maintenance Engineer
SCDOT
2401 Maintenance Way
N. Charleston, SC 29408

No written or recorded statements have been taken.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relates to the claim or defense in the case.

ANSWER: In addition to the documents that were attached to the complaint as exhibits, Plaintiff has the following documents in its possession:

PLATS
Book BE, page 79, recorded June 13, 1985
Book BV, page 76, dated February 22, 1989
Book CO, page 8, recorded October 20, 1993
Plat of Stow Away Storage's Property dated March 2, 1999
Plat of Boat Storage and Self-Storage Facility Conceptual Master Plan dated June 24, 1999
Book ED, page 788, recorded February 9, 2000

Book EE, page 33, recorded May 25, 2000
Topographic and Boundary Survey, Lot A, dated January 30, 2007
Xerox of portion of plat showing intersection of Porcher Bluff Road and U.S. Highway 17
Small plat showing lots of Timarand, Sisson Foundation and Stow Away Storage

DEEDS
Ferdinand Gregorie, Jr. to Oakland Associates, Book C145, page 454, recorded May 8, 1985
Oakland Associates to Hibri, Book C146, page 698, recorded June 26, 1985
Master Deed, Book G189, page 263, recorded December 8, 1989 with plat attached
Hibri to Timarand, Book X209, page 316, recorded January 23, 1992
Hibri to Sisson, Book Y258, page 627, recorded August 24, 1995
Buffalo Creek Land Company to Stow Away Storage, Book Z328, page 662, June 22, 1999
George Sisson to 4.0 LLC, Book V431, page 449, recorded January 6, 2003
George Sisson to Double G Foundation, Book V431, page 453, recorded January 6, 2003
Double G foundation to Sisson Foundation, Book A447, page 099, recorded May 2, 2003
Double G Foundation to Sisson Foundation, Book A447, page 103, recorded May 2, 2003

LETTERS AND EMAILS
Email Allison Walshe to Bert Pooser dated September 27, 2007
Email Juleigh Fleming of SCDOT to Bert Pooser dated October 17, 2007 with email from Allison Walshe of Stow Away, dated October 17, 2007, attached
Email Bert Pooser to Juleigh Fleming dated April 9, 2008
Email Juleigh Fleming to Bert Pooser dated April 10,2008
Letter Bert Pooser to Robert Clark, SCDOT Engineering District 6 dated June 2, 2008
Letter Richard Turner, SCDOT Resident Maintenance Engineer, to Bert Pooser dated June 20, 2008
Email Allison Walshe to Bert Pooser dated July 2, 2008
Email Allison Walshe to Bert Pooser dated October 21, 2008
Email Allison Walshe to Bert Pooser dated November 25, 2008
Letter Bert Pooser to George Sisson dated January 6, 2009
Letter Richard Turner to Bert Pooser and George Sisson dated June 19, 2009

OTHER DOCUMENTS
Application for Encroachment Permit
Ordinance Providing for Annexation of Sweetgrass Hardware by Town of Mt. Pleasant
Photocopies of signs posted on Stow Away's property
Photograph of area
Photocopies of photos of the area
Photocopies of aerial photos of the area

Real Property Record sheets
List of damages and costs associated with the driveway use by Sweetgrass Hardware

3. Set forth the name of all insurance companies which have liability insurance coverage relating to the claims or counterclaims set forth in the case and the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

ANSWER: None.

4. Set forth an itemized statement of damages claimed to have been sustained by the party.

ANSWER: See list of damages and costs associated with the driveway use by Sweetgrass Hardware attached. In addition, Plaintiff is entitled to attorney's fees and costs against George Sisson and his LLCs under the doctrine of Equitable Indemnity. To date, the Plaintiff has incurred costs and attorney's fees totaling $42,052.25 and such fees and expenses will continue until the case is terminated. The Plaintiff is also entitled to expenses and damages sustained by it by virtue of the Defendant Sweetgrass Hardware, Inc.'s tortious interference with its contractual rights with George Sisson and its wrongful assignment and delegation of access to its customers pursuant to a license that, by its terms and by the law of licenses, was not assignable.

5. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.

ANSWER: Plaintiff has not, at this time, retained any expert witness but reserves the right to do so prior to trial.

6. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

ANSWER: The knowledge of the various witnesses is apparent from the emails identified in interrogatory number 2 above.

7. Set forth the names and addresses of any and all members of Stow Away Storage, LLC, from the time of its incorporation to the present.

ANSWER: E.L. Pooser, Jr. and E.L. Pooser, III, One Surrey Court, Columbia, SC 29212.

8. Set forth a list of all employees or agents of Stow Away Storage, LLC, from the time of its incorporation to the present.

ANSWER:

Kathy Drake
Noriene Douglas
Peter Rouse
Allison B. Walshe

9. Set forth a list of any and all documents, letters, notes, memoranda, facsimiles, electronic mailings (e-mails) or other documents of any nature by and between Stow Away Storage, LLC, and the Town of Mt. Pleasant from July 13, 1999, to the present.

ANSWER: None.

10. Set forth a list of any and all documents, letters, notes, memoranda, facsimiles, electronic mailings (e-mails) or other documents of any nature by and between Stow Away Storage, LLC, and the South Carolina Department of Transportation or its predecessor the South Carolina Department of Highways and Public Transportation.

ANSWER: See answer to interrogatory number 2.

11. Set forth the terms and conditions of any and all agreements by and between Stow Away Storage, LLC, and the Town of Mt. Pleasant regarding any road or access to go over the property of Stow Away Storage, LLC, and to be built by the Town of Mt. Pleasant.

ANSWER: None.

12. Set forth the terms and conditions of any and all agreements by and between Stow Away Storage, LLC, and the South Carolina Department of Transportation regarding any road or access to go over the property of Stow Away Storage, LLC, and to be built by the South Carolina Department of Transportation.

ANSWER: None.

13. Set forth the terms and conditions of any and all contracts by and between Stow Away Storage, LLC, and any party or entity regarding the access complained of in their Complaint.

ANSWER: None.

14. Set forth a list of all litigation in which Stow Away Storage, LLC has been a party during the last five (5) years.

ANSWER: None.

15. Set forth a list of any and all documents which the Plaintiff proposes to use at the trial of this case.

ANSWER: Any or all of the documents attached to the complaint and any or all of the documents identified in response to interrogatory number 2.

WARREN & SINKLER, L.L.P.
Post Office Box 1254
Charleston, SC 29402
(843) 577-0660

By: _____
G. DANA SINKLER

Attorney for Plaintiff

Charleston, South Carolina

July 13, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2012, I served the foregoing Plaintiff's Answers to Defendants' First Interrogatories on all counsel of record by mailing a copy of the same, postage prepaid, addressed as follows:

G. Hamlin O'Kelly, III, Esquire
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464

Jo Davis, Legal Assistant

Driveway Expense Summary

9/19/07	Removed rope and posts in parking lot and installed concrete curb	2,000.00
10/9/07	Trespassing signage at entrance Signs, posts, hardware, and labor	568.21
Sept. - Nov. 2007	Installation of concrete landscape boxes on both sides of driveway entrance Materials and labor	1,890.32
1/4/08	Curb along bushes at left of parking lot and along front entrance at concrete landscape boxes	1,826.00
Early 2008?	Purchase of swing gate Invoice at corporate Installation of swing gate	
6/26/08	Removal of swing gate support post on right of curve at driveway entrance in preparation for increase in radius	60.00
7/7/08	Removal of rope and posts at curve in preparation for bollard post installation and increase in radius	112.50
8/22/08-11/25/08	Installation of 3 bollard posts at right side of entrance Materials and labor	1,034.81
September 2008	Contracted James White Construction to increase radius in asphalt turning right in driveway after entering	2,700.00
November 2008	Installed Swing Gate at curve on right of entrance Labor only - re-installation after radius increase	300.00
5/8/09	Signage for entering and exiting traffic driving through Stowaway property at curve shared with Sisson at entrance	192.00
	Signage hardware and posts	160.54
9/18/09	Speed bump at curve shared with Sisson at entrance on right as entering	1,425.54
Need invoices for Bert's legal related travel, attorney's fees, filing costs		
Total not including expenses paid directly from corporate		12,269.92

The following is a list of modifications to Stowaway Storage's property after Ace Hardware began developing their store, and necessary due to damage caused by the Ace-imposed increase in traffic from their contractors, customers, and employees.

Note: In all instances listed below, the actions and/or subsequent property damage were either witnessed personally by Stowaway Storage personnel or through Stowaway Storage's video monitoring system. Where it is stated that Ace Hardware's contractors, customers, and/or employees were the individuals committing the acts of property damage, those individuals were also observed leaving Stowaway's driveway and immediately entering Ace Hardware's property, and eventually either parking in their parking lot or at the back of their building at the end of Sisson's dirt road.

Landscape appearance prior to the development of Ace Hardware

Prior to Ace developing their facility, decorative rope and wood posts were lined around Stowaway Storage's sign up to Sisson's property line at the cut-over to what was at that time Sisson's dirt road, and down both sides of Stowaway's driveway, covering the entire length from Stowaway Storage's Hwy 17 property line to its parking lot on the left, and to the barrier arm on the right. Ace's building contractors and vendors, and eventually their customers, were observed many times a day making reckless u-turns at all points in the driveway when they realized there was no access from Stowaway's driveway (those that were unaware that Sisson's dirt road looped around the back of Ace). On many occasions, these same individuals were also observed either hitting the posts with their vehicles and breaking them off at the base, or catching the rope on their trailer hitch and tearing it out of the posts. As a result of the drastic increase of Ace-imposed traffic and subsequent property damage directly caused by its contractors, vendors, and/or customers, Stowaway Storage very quickly was forced into modifying many aspects of its driveway and landscaping.

1. Hwy 17 Entrance Signage

After consulting with Charleston County Sheriff's Department in September of 2007, Stowaway Storage was given the language required on signage to enforce trespassing charges. Per Lieutenant Jack Scarborough formerly of the Charleston County Sheriff's Department, Traffic Control Division, we had to have signage at our property corners stating that the property was private, under the jurisdiction of the sheriff's department, and that trespassers would be prosecuted. We had signage installed on both sides of the driveway near the property corners, facing incoming traffic from as far out as we could place it without entering the D.O.T. right of way.

2. Landscape on right side of driveway at barrier arm, and just before parking lot at last bush on left

During the development of Ace Hardware, Ace's contractors, vendors, and/or customers were routinely observed driving to Stowaway's parking lot to turn around (when they weren't randomly making reckless u-turns at all points in the driveway). On a number of those occasions they were also observed backing over the grass behind them and either catching the rope on their trailer hitch, or backing into a post and breaking it off at the base, or backing out of the parking lot at the first space on the left and running over the bush on the left with their left front tire. We had to remove the posts and rope opposite the parking lot, and install concrete curbs on both sides of the driveway at the parking lot to keep the Ace-imposed increase in traffic from destroying the grass, bushes, rope and posts.

3. Decorative shrubbery and grass on both sides of driveway at entrance

The bushes around the sign and to the left of the driveway entrance were on the ground and were not surrounded by any type of protective barrier prior to the development of Ace Hardware. Ace contractors, vendors, customers, and employees were routinely observed driving over them as they rounded the curve with their vehicles and/or towed trailers, both after turning in from Hwy 17 towards Sisson's dirt road, and when leaving from Ace on Sisson's dirt road, turning right (south) on Hwy 17 out of Stowaway's driveway. We had to install concrete cinder-block, raised boxes to protect the landscaping on both sides of the entrance. We had to tear out the dead or dying bushes and the remaining living bushes to do so, and replaced with new topsoil and shrubbery once the boxes were built. We also had to install a curb adjacent to the exiting side of the driveway to

keep Ace contractors, vendors, customers, and employees from running into the newly installed cinder-block landscape beds.

4. Installation of swing-gate
Upon the unpermitted paving of approximately 50 or so yards of Sisson's dirt road, and after the installation of an unpermitted gate on the side of Ace Hardware's property, and in an attempt to force Ace contractors, vendors, customers and employees to cease using Stowaway Storage's driveway, a swing-style gate attached to large, metal support posts was installed on Stowaway Storage's property, in the area adjoining Sisson's property line at the cut-over to his dirt road. The swing gate was closed and locked after installation, and multiple keys were sent via Fedex to George Sisson for his continued use of the easement.

5. Landscape between sign and first swing-gate post on right
We removed the rope and posts around Stowaway's sign as part of the swing-gate installation. Once the swing gate was installed and closed, Ace customers and employees started driving through the grass between the sign and first swing-gate metal support post to access Sisson's dirt road. We had to install three concrete bollard posts between the sign and swing-gate support post to try to force Ace's contractors, vendors, employees, and customers stop running over Stowaway's grass, and to prevent them from running into the cinder-block landscaping box surrounding the sign.

6. Signage at property line adjoining Sisson's former dirt road
Upon realizing that Ace Hardware was not going to comply with the D.O.T., Stowaway Storage placed additional signage facing both directions in that part of the driveway currently being used by Ace's customers, vendors, and employees, and which belongs to Stowaway Storage. The signage advises the general public as to whom the property belongs to, and that anyone entering or exiting for anything other than Stowaway Storage business, or a Sisson Scale vehicle using the easement, is trespassing. We felt this signage was necessary due to the overwhelming number of their customers, vendors, and employees that have no regard for Stowaway's property rights, and have no regard for the safe right of way belonging to Stowaway Storage customers, vendors, and employees.

7. Speed bump on Stowaway's portion of the cut-over to Sisson's former dirt road
After George Sisson threatened legal action against Stowaway Storage for violation of the easement agreement, and in compliance with D.O.T. instructions, Stowaway Storage opened the newly installed swing-gate. Since the opening of that gate, Ace contractors, vendors, customers, and employees, routinely, many times a day, six days a week, Monday through Friday, from opening until closing, speed across the cut-over to Sisson's former dirt road for the purpose of accessing or exiting the unpermitted Ace gate. They do so, still to this day, without reading any signage, and without looking to their left or right for Stowaway Storage's rightful traffic. We had to install a speed bump the width of the cut-over to Sisson's former dirt road as an attempt to create a safer right-of-way for Stowaway Storage's customers.

8. Increase in radius in portion of driveway shared with Sisson Scale
In September of 2008, the asphalt portion of the curve in Stowaway's driveway shared through an easement with Sisson Scale expanded the radius of the curve to accommodate Sisson Scale vehicles.

STATE OF SOUTH CAROLINA COUNTY OF CHARLESTON	IN THE COURT OF COMMON PLEAS CIVIL ACTION NO.: 2011-CP-10-2444
STOW AWAY STORAGE, LLC, Plaintiff, vs. GEORGE W. SISSON, 4.0 LLC, THE SISSON FOUNDATION LIMITED PARTNERSHIP, SWEETGRASS HARDWARE, INC. AND TIMARAND, INC., Defendants.	PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST REQUESTS FOR PRODUCTION

To: G. Hamlin O'Kelley, III, Attorney for Defendants

Pursuant to SCRCP 34, Plaintiff responds to the First Requests for Production of Defendants George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership, and Sweetgrass Hardware, Inc. as follows:

1. Provide copies of all documents listed in the Plaintiff's Answers to the Defendants' Interrogatories served contemporaneously herewith.

RESPONSE: The documents listed in Plaintiff's answer to Defendants' Interrogatory number 2 will be made available to Defendants for review and copying at the office of Plaintiff's counsel at a mutually convenient time.

2. Provide copies of all plats, deeds, diagrams or other documents referencing and describing the property described in the Plaintiff's Complaint.

RESPONSE: See response to number 1 above.

3. Provide copies of all agreements by and between the Plaintiff and either the Town of Mt. Pleasant and/or the South Carolina Department of Transportation.

RESPONSE: Plaintiff states that it has no responsive documents.

4. Provide copies of all agreements by and between the Plaintiff and any third party not described in the Plaintiff's Complaint regarding access over and to the property described in the Plaintiff's Complaint.

RESPONSE: Plaintiff states that it has no responsive documents.

5. Provide copies of all documents which the Plaintiff proposes to use at the trial of this case.

RESPONSE: In addition to any documents Defendants may produce, Plaintiff may use any or all of the documents listed in answer to Interrogatory number 2.

WARREN & SINKLER, L.L.P.
Post Office Box 1254
Charleston, SC 29402
(843) 577-0660

By: _____
G. DANA SINKLER

Attorney for Plaintiff

Charleston, South Carolina

July 13, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2012, I served the foregoing Plaintiff's Responses to Defendants' First Requests for Production on all counsel of record by mailing a copy of the same, postage prepaid, addressed as follows:

G. Hamlin O'Kelly, III, Esquire
Buist, Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464

Jo Davis, Legal Assistant

Charleston County
Sheriff's Office

Receipt#: 7117
Date of Request: 5/11/2011

Received From:BUSIT, BYARS

Amount Paid $13.5

Type of Request: FOIA Receipt Issued By Last Name: FLINT

Request From: FOIA Receipt Issued By First Name: PAULA

Pay Type Checks Case #:2010-005205

Number of Copies: 1
Comments:

CHARLESTON COUNTY SHERIFF'S OFFICE
3606 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7789 * (843) 202-1700

Al Cannon, Jr.
Sheriff

INCIDENT REPORT

SC0100000	DISPATCH NUMBER: 2010-006205	ORIGINAL CASE NUMBER: N/A	PAGE 1 OF 4 PAGES	NCIC ENTRY	INQ.	ENT.

INCIDENT

	INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UCR SUFFIX
1.	HIT AND RUN		☒ YES ☐ NO	☐ YES ☒ NO	BUSINESS	
2.	N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A	
3.	N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A	

TYPE VICTIM: ☒ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIG. ORG ☐ SOC./FRB. ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.

INCIDENT LOCATION: 2988 HIGHWAY 17 NORTH MOUNT PLEASANT, SC | ZIP CODE: 29466 | WEAPON TYPE: VEHICLE

BEGINNING INCIDENT DATE	24 HR. CLOCK	ENDING INCIDENT DATE	24 HR. CLOCK	RPT. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
03/27/10	1045	03/27/10	1050	03/27/10	1054	1106	1110	607-G

COMPLAINANT

NAME: (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
WALSH, ALLISON B	STRANGER	UNKNOWN	N/A	J	W	F	50	01/31/60	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
508	155	BRO	BRO	N/A	SC#008073593	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2988	HIGHWAY 17 NORTH	MOUNT PLEASANT	SC	29466	843-849-8110 H	843-849-8110 H

OCCUPATION	EMPLOYER	ALIAS	NIC #
MANAGER	STOW AWAY STORAGE	N/A	N/A

VICTIM(S)

NAME: (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
N/A				J					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		XXX	XXX			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H	H

☐ VISIBLE INJURY ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE ASSIGNED ☐ ALONE

EXPLAIN | DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #

SUSPECT

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
N/A				J					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		XXX	XXX			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H	B

☐ VISIBLE INJURY ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE ASSIGNED ☐ ALONE

EXPLAIN | DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER

ORIGINAL COPY

CHARGES

(A) CHARGE	(C) CHARGE
N/A	
(B) CHARGE	(D) CHARGE

NARRATIVE

(MOUNT PLEASANT) ON 03/27/10 R/D WAS DISPATCHED TO THE ABOVE ADDRESS(ACE HARDWARE) IN REFERENCE TO A HIT AND RUN INCIDENT.

UPON ARRIVAL, R/D COULD NOT LOCATE ANY INDIVIDUALS INVOLVED IN THE APPARENT INCIDENT. R/D SEARCHED THE PARKING LOT FOR THE COMPLAINANT AND/OR VICTIM HOWEVER COULD NOT LOCATE ANYONE. R/D THEN HAD CHARLESTON COUNTY COMMUNICATIONS ATTEMPT TO CONTACT THE LATER IDENTIFIED COMPLAINANT ALLISON WALSH. R/D WAS NOTIFIED THAT ATTEMPTS WERE MADE TO CONTACT WALSH, HOWEVER THE ATTEMPTS MET WITH NEGATIVE RESULTS. AT THIS TIME R/D MET WITH SUBJECT#1 JUDITH STERRETT WHO STATED SHE WAS INVOLVED IN THE INCIDENT. STERRETT STATED THAT SHE HAD MADE A LEFT HAND TURN AT THE TRAFFIC LIGHT AT PORCHERS BLUFF ROAD AND HIGHWAY 17 NORTH IN AN ATTEMPT TO GET TO WORK(ACE HARDWARE). WHEN SHE MADE HER WAY TO THE ACCESS ROAD SHE OBSERVED THAT THE GATE WAS CLOSED. ACCORDING TO STERRETT,

PROPERTY/EVIDENCE

TYPE (GROUP)	N/A					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN							N/A
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
GURRIERI, M	03/28/10	10127	S/SGT. N. MORRIS	03/28/10	5462
			FOLLOW-UP OFFICER		

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7769 * (843) 202-1700

J. Al Cannon, Jr.
Sheriff

PERSON SUPPLEMENT

SC0100000	DISPATCH NUMBER 2010-005205	ORIGINAL CASE NUMBER N/A	PAGE 2 OF 4 PAGES	NCIC ENTRY	INC.	ENT.

☒ ORIGINAL REPORT ☐ MODIFIES REPORT ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

SUBJECT

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☒ SUBJECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
STERRETT, JUDITH CARTER	N/A	STRANGER	N/A	J	W	F	63	9/30/46	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
504	165	BRO	BRO	N/A	SC#003291711	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
1523	BARQUETINE DRIVE	MOUNT PLEASANT	SC	29464	884-0407 H	884-0407 H

☐ VISIBLE INJURY YES ☒ NO ☐ COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES USING ALCOHOL UNK ☒ NO ☐ YES ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE APPLICANT ☐ OTHER ☐ ALONE

OCCUPATION	EMPLOYER	ALIAS	NIC #
RETAIL	ACE HARDWARE	N/A	N/A

ARREST

(A) CHARGE N/A (C) CHARGE

(B) CHARGE (D) CHARGE

SUBJECT

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☒ SUBJECT # 2 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
UNKNOWN	STRANGER	SELF	N/A	U	W	M	50	UNK	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
510	160	GRY	N/A	GLASSES	UNKNOWN	UNKNOWN

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
UNKNOWN	UNKNOWN	UNKNOWN	UNK	UNK	UNKNOWN H	UNKNOWN H

☐ VISIBLE INJURY YES ☒ NO ☐ COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES USING ALCOHOL UNK ☒ NO ☐ YES ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE APPLICANT ☐ OTHER ☐ ALONE

OCCUPATION	EMPLOYER	ALIAS	NIC #
UNKNOWN	UNKNOWN	N/A	N/A

ARREST

(A) CHARGE N/A (C) CHARGE

(B) CHARGE (D) CHARGE

SUBJECT

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
N/A				J					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		XXX	XXX			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H	H

☐ VISIBLE INJURY YES ☐ NO ☐ COMPLAINT OF NON-VISIBLE INJURY ☐ NO ☐ YES USING ALCOHOL UNK ☐ NO ☐ YES ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE APPLICANT ☐ OTHER ☐ ALONE

OCCUPATION	EMPLOYER	ALIAS	NIC #

ARREST

(A) CHARGE N/A (C) CHARGE

(B) CHARGE (D) CHARGE

ORIGINAL COPY

REMARKS

SHE WAS MET BY AN UNKNOWN FRANTIC WOMEN IN THE ROADWAY WHO WAS YELLING AT HER, INSTRUCTING HER THAT SHE COULD NOT USE THE ROAD. STERRETT STATED WHILE ATTEMPTING TO TURN HER VEHICLE AROUND, FOR AN UNKNOWN REASON, THE WOMEN INTENTIONALLY BUMPED INTO HER CAR AND STARTED STATING "HIT AND RUN, HIT AND RUN, IM GOING TO CALL THE POLICE". STERRETT STATED AT THIS TIME AN UNKNOWN MALE CAME OVER TO THE UNKNOWN WOMAN AND PULLED HER ASIDE, STATING "CMON ALLISON, JUST LET IT GO". AT THIS TIME R/D CLEARED THE CALL DUE TO THE COMPLAINANT NOT BEING ON SCENE AND CHARLESTON COUNTY COMMUNICATIONS NOT BEING ABLE TO MAKE CONTACT WITH HER. R/D CLEARED THE CALL HOWEVER STAYED ON SCENE FOR SEVERAL MINUTES IN CASE THE COMPLAINANT ARRIVED ON SCENE OR CONTACTED CHARLESTON COUNTY COMMUNICATIONS. THE COMPLAINANT DID NOT ARRIVE ON SCENE, NOR CONTACT CHARLESTON COUNTY COMMUNICATIONS UNTIL APPROXIMATELY TWO TO THREE

DISPOSITION

SUBJECT IDENTIFIED	SUBJECT LOCATED				
☒ YES ☐ NO	☒ YES ☐ NO	☒ ACTIVE ☐ UNFOUNDED	☐ ADM. CLOSED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

APPROVING

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
GURRIERI, M	3/28/2010	10127	SGT. N. MORRIS OFFICER	3/28/2010	8462
			FOLLOWUP INVESTIGATION ☐ YES ☐ NO		

CHARLESTON COUNTY SHERIFF'S OFFICE
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J. Al Cannon, Jr.
SHERIFF

ARTICLE SUPPLEMENT

SC0100000	DISPATCH NUMBER 2010-005206	ORIGINAL CASE NUMBER N/A	PAGE 3 OF 4 PAGES	NCIC ENTRY	NO.	ENT.

☒ ORIGINAL REPORT ☐ MODIFIES ORIGINAL ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☒ SUSPECT ☐ TOWED NO

TYPE: ☒ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
EPZ144	1FMCU02154DA19533			
SERIAL #		OWNER APPLIED #		
N/A		N/A		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
2010	2011	2004	FORD	SUV
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
ESCAPE	4S	FORD	BLUE	N/A
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
N/A	N/A	N/A	N/A	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: N/A		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: N/A		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

ORIGINAL COPY

REMARKS

HOURS LATER WHEN ANOTHER DEPUTY RESPONDED TO THE INCIDENT LOCATION. IT WAS AT THIS TIME THE COMPLAINANT WAS IDENTIFIED AS ALLISON WALSH, THE MANAGER OF STOW AWAY STORAGE. COMPLAINANT WALSH STATED SHE OBSERVED BOTH DEPUTIES ON SCENE AT ACE HARDWARE, HOWEVER DID NOT FLAG THEM DOWN. TO FOLLOW UP ON THE INCIDENT R/D MADE CONTACT WITH SUBJECT STERRETT AT HER RESIDENCE ON 03/28/10 TO GET A MORE IN-DEPTH ACCOUNT OF THE INCIDENT DUE TO COMPLAINANT WALSH REQUESTING A FURTHER INVESTIGATION INTO THE INCIDENT. R/D MET WITH STERRETT WHO PROVIDED A MORE IN-DEPTH

ADMINISTRATIVE

SUBJECT IDENTIFIED: ☒ YES ☐ NO | SUBJECT LOCATED: ☒ YES ☐ NO | ☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
GURRIERI, M	03/28/10	10127	S/SGT. N. MORRIS	03/28/10	8462
			FOLLOW-UP INVESTIGATION ☐ NO ☐ YES		

CHARLESTON COUNTY SHERIFF'S OFFICE
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Al Cannon, Jr.
Sheriff

INCIDENT SUPPLEMENT

SC0100000	2010-005205	N/A	PAGE 4 OF 4 PAGES			

☒ ORIGINAL REPORT ☐ MODIFIES ORIGINAL | ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE | ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS | ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL SUBJECTS | ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

NARRATIVE

ACCOUNT OF THE INCIDENT. STERRETT STATED THAT SHE HAD MADE A LEFT HAND TURN AT THE TRAFFIC LIGHT AT PORCHERS BLUFF ROAD AND HIGHWAY 17 NORTH IN AN ATTEMPT TO GET TO WORK(ACE HARDWARE). WHEN SHE MADE HER WAY TO THE ACCESS ROAD SHE OBSERVED THAT THE GATE WAS CLOSED. ACCORDING TO STERRETT, SHE WAS THEN CONFRONTED BY AN UNKNOWN FRANTIC WOMEN WHO WAS SCREAMING AND YELLING AT HER THAT SHE WAS ON PRIVATE PROPERTY, AND THAT SHE HAD TO USE THE OTHER ENTRANCE. WHILE BEING YELLED AT, STERRETT STATED SHE ASKED IF SHE COULD JUST USE THE ROAD TO GET TO WORK, HOWEVER THESE ATTEMPTS TO REASON WITH COMPLAINANT WALSH DID NOT WORK. STERREET STATED AT THIS TIME SHE HAD ALREADY TURNED HER VEHICLE PARTIALLY AROUND, HOWEVER NEEDED TO MAKE A THREE POINT TURN TO COMPLETELY TURN AROUND. STERRETT STATED THAT SHE PLACED HER VEHICLE IN GEAR AT WHICH TIME COMPLAINANT WALSH INTENTIONALLY LEANED INTO HER VEHICLE, WHICH STEREET STATES WAS NOT EVEN IN MOTION. STEREETT STATED THAT WALSH THEN STARTED SCREAMING "HIT AND RUN, HIT AND RUN, IM GETTING YOUR LICENSE PLATE AND CALL THE POLICE". STEREETT STATED THAT AT THIS TIME AN UNKNOWN WHITE MALE WITH GLASSES WHO WAS WITH WALSH DURING THE INCIDENT ATTEMPTED TO CALM DOWN WALSH STATING " CMON ALLISON, JUST LET IT GO". STERRETT BELIVES THAT EVEN WALSH'S UNKNOWN COMPANION THOUGHT THAT SHE WAS EXTREMELY OVERREACTING. STERRETT STATED SHE THEN LEFT THE AREA AND WENT TO WORK NOT THINKING ANYTHING OF THE INCIDENT. R/D ASKED STERRETT IF SHE WAS AWARE OF THE ONGOING CIVIL DISPUTE OVER THE ACCESS ROAD BETWEEN THE STOW AWAY STORAGE AND HER EMPLOYER ACE HARDWARE, SHE STATED SHE WAS NOT. STERRETT STATED THAT " THERE WAS NO HIT AND RUN". STERRETT STATED THAT SEVERAL HOURS LATER SHE WENT BACK TO STOW AWAY STORAGE IN AN ATTEMPT TO HAVE THE GATE OPENED DUE TO THE INFLUX OF CUSTOMERS AT ACE HARDWARE. SHE WAS MET BY THE UNKNOWN MALE WHO STERRETT STATED WAS VERY CORDIAL. THE UNKNOWN MALE STATED HE COULD NOT OPEN THE GATE, ONLY THE OWNER COULD APPROVE THAT. STERRETT ASKED IF COMPLAINANT WALSH WAS THE OWNER AND THE UNKNOWN MALE STATED NO, SHE IS THE BUSINESS MANAGER. STERRETT DID STATE HOWEVER THAT LATER THAT DAY AT APPROXIMATELY 1500 HOURS, THE GATE WAS OBSERVED OPEN, OPENED BY AN UNKNOWN SOURCE, POSSIBLY COMPLAINANT WALSH. R/D DID OBSERVE PAPERWORK ON THE DATE OF THE ORIGINAL INCIDENT FROM SCDOT INDICATING THAT THE GATE IN QUESTION WAS TO REMAIN OPEN FOR USE. R/D COULD NOT LOCATE ANY DAMAGE TO STERRETT'S VEHICLE THAT WOULD INDICATE SHE WAS INVOLVED IN A COLLISON. INVESTIGATION CONTINUES.

ORIGINAL COPY

PROPERTY TEST

TYPE(GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN	N/A						N/A
DAMAGED							
BURNED							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED							N/A
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☒ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
GURRIERI, M	03/28/10	10127	S/SGT. N. MORRIS	03/28/10	8462

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO | OFFICER

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7789 * (843) 202-1700

INCIDENT REPORT

SC0100000 | DISPATCH NUMBER: 2009-023529B | ORIGINAL CASE NUMBER: | PAGE 1 OF 1 PAGES | NCIC ENTRY: WKS ENT.

EVENT

INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UCR CODED	TYPE VICTIM
1. MALICIOUS INJURY TO REAL PROPERTY		☒ YES ☐ NO	☐ YES ☒ NO	BUSINESS	N/A	☐ INDIVIDUAL ☒ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIG. ORG ☐ SOC/PUB. ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.
2. N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A		
3. N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A		

INCIDENT LOCATION: 2988 HIGHWAY 17N MT. PLEASANT, SC | ZIP CODE: 29464 | WEAPON TYPE: N/A

BEGINNING INCIDENT DATE	24 HR. CLOCK	ENDING INCIDENT DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
12/05/09	1800	12/07/09	1100	12/07/09	1124	1141	1202	607-B

COMPLAINANT

NAME: (LAST, FIRST, MIDDLE) REED, TINA 0001363987 | RELATIONSHIP TO SUBJECT: #1 STRANGER, #2 N/A, #3 N/A | RESIDENT: J | RACE: W | SEX: F | AGE | DOB | ETH: N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
504	220	BLK	BRO		UNK	UNK

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2988	HWY 17N	MT. PLEASANT	SC	29464	849-8110 H	849-8110 H

OCCUPATION: ASNT. MANAGER | EMPLOYER: STOW-AWAY STORAGE | ALIAS: - | NIC #:

VICTIM #1

NAME: (LAST, FIRST, MIDDLE) STOW-AWAY STORAGE 049931 | RELATIONSHIP TO SUBJECT: #1 N/A, #2 N/A, #3 N/A | RESIDENT: J | RACE | SEX | AGE | DOB | ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		XXX	XXX			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2988	HWY 17N	MT. PLEASANT	SC	29464	849-8110 H	849-8110 H

☐ VISIBLE INJURY ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE ASSIGNED ☐ OTHER ☐ ALONE ☐ ARRESTED

EXPLAIN:

OCCUPATION: | EMPLOYER: | ALIAS: | NIC #:

SUBJECT(S)

☐ COMPLAINANT ☐ VICTIM # ☒ SUSPECT # _1_ ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE) UNKNOWN | RELATIONSHIP TO SUBJECT: #1 #2 #3 | RESIDENT: J | RACE | SEX | AGE | DOB | ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
		XXX	XXX			

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H	H

☐ VISIBLE INJURY ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE ASSIGNED ☐ OTHER ☐ ALONE ☐ ARRESTED

EXPLAIN:

OCCUPATION: | EMPLOYER: | ALIAS: | NIC #:

CHARGES

(A) CHARGE: N/A | (C) CHARGE: | (B) CHARGE: | (D) CHARGE:

NARRATIVE

(Mt. Pleasant) R/d dispatched to the incident location in ref to a vandalism to a fence. The complainant stated that an unknown suspect cut a hole into the chain link fence that surrounds the perimeter of the business. The damage to the fence is estimated at approx. 100 dollars. The complainant stated that she also located several plastic cups near the hole in the fence. R/d dusted the cups for finger prints with negative results. The compln stated that she did not observe any other damage or thefts inside the storage area. R/d provided her with the case number. Nothing further.

ORIGINAL COPY

PROPERTY TEST

TYPE (GROUP)	FENCE	N/A	N/A	N/A	N/A	TOTAL VALUE	JURISDICTION OF THIS LAW ENFORCEMENT AGENCY
STOLEN							N/A
DAMAGED	100					100	
BURNED							JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED							N/A
SEIZED							

ACTIVE

SUBJECT IDENTIFIED ☐ YES ☒ NO | SUBJECT LOCATED ☐ YES ☒ NO | ☒ ACTIVE ☐ UNFOUNDED | ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
M. SCREFFLER	12/07/09	10058	Sgt [illegible] OFFICER	12/08/09	8602

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO

CCSO-100

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7789 * (843) 202-1700

J. Al Cannon Jr.
Sheriff

PERSON SUPPLEMENT

SC0100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER 2009-023529B	PAGE 1 OF 2 PAGES	INCID ENTRY	INQ.	ENT.

☐ ORIGINAL REPORT ☐ MODIFIES REPORT ☒ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☒ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

SUBJ. I.D.

☐ COMPLAINANT ☒ VICTIM # 1 ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETH
BERMUDEZ, RICHARD CALDWELL	#1 STRANGER #2 N/A #3 N/A	J	W	M	50	12/16/59	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
604	225	BRO	BRO		004194562 - SC	UNK

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
1133	WINDSOME PLACE	MT.PLEASANT	SC	29464	270-1784 H	270-1784 H

☐ VISIBLE INJURY YES ☒ NO ☐ | COMPLAINT OF NON-VEHICLE INJURIES ☒ NO ☐ YES | USING ALCOHOL UNK ☒ NO ☐ YES ☐ | ☐ TWO-MAN VEHICLE ☐ DETECTIVE APPOINT ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ WAIVED

OCCUPATION	EMPLOYER	ALIAS	NIC #
COMPUTER TECH	ASTEN JOHNSON	-	

ARREST

(A) CHARGE N/A (C) CHARGE

(B) CHARGE (D) CHARGE

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☒ SUBJECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETH
WALSHE, ALLISON	#1 UNK #2 N/A #3 N/A	J	W	F	50	1/31/60	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
508	130	BRO	BRO		8073503 - SC	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2988	HWY 17N	MT.PLEASANT	SC	29464	849-8110 H	849-8110 H

☐ VISIBLE INJURY YES ☒ NO ☐ | COMPLAINT OF NON-VEHICLE INJURIES ☒ NO ☐ YES | USING ALCOHOL UNK ☒ NO ☐ YES ☐ | ☐ TWO-MAN VEHICLE ☐ DETECTIVE APPOINT ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ WAIVED

OCCUPATION	EMPLOYER	ALIAS	NIC #
MANAGER	STOW AWAY STORAGE	-	

ARREST

(A) CHARGE N/A (C) CHARGE

(B) CHARGE (D) CHARGE

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	DOB	ETH
UNKNOWN	#1 N/A #2 N/A #3 N/A	U	U	M			U

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
UNK	UNK	XXX	MUL		UNK	UNK

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
UNK	UNK	UNK	[illegible]	[illegible]	[illegible] H	UNK H

ORIGINAL COPY

☐ VISIBLE INJURY YES ☒ NO ☐ | COMPLAINT OF NON-VEHICLE INJURIES ☒ NO ☐ YES | USING ALC UNK | [illegible] ☐ DETECTIVE APPOINT ☐ ALONE ☐ OTHER ☐

OCCUPATION	EMPLOYER	ALIAS	NIC #
UNK	UNK	-	

ARREST

(A) CHARGE N/A (C) CHARGE

(B) CHARGE (D) CHARGE

REMARKS

(Stow Away Storage) The victim stated he last saw the listed motor of his boat intact on 11/24/09. When he returned on today's date, he observed that an unknown suspect had cut the fuel line of his motor, causing approx. 200 dollars in damage. He stated that he does not know if any fuel had been stolen.

R/d spoke with subject #1, Walshe, who is the manager of the business. She stated that on the business' surveillance system, she observed a suspect enter the property through a hole that had been cut in the back fence. She also observed the suspect carrying a six gallon gasoline can. She also stated that the suspect was deliberately trying to hide his face from view of the cameras. Walshe advised that she does not know who the suspect is.

R/d provided the victim with the case number and R/d will pass this information on to CID. Nothing further.

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED			
☐ YES ☒ NO	☐ YES ☒ NO	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
S.MIDGETT	2/21/2010	9510	S.RYWELSKI	2/21/2010	9709
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		

CCSO-103 3/1/99

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7709 * (843) 202-1700

J. Al Cannon, Jr.
SHERIFF

ARTICLE SUPPLEMENT

DISPATCH NUMBER	ORIGINAL CASE NUMBER	PAGE 2 OF 2 PAGES	NCIC ENTRY	NO.	ENT.
SC0100000	2009-023529B				

☐ ORIGINAL REPORT ☐ MODIFIES ORIGINAL ☒ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☒ VICTIM ☐ SUSPECT ☐ TOWED N/A

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☒ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A	N/A			
SERIAL #		OWNER APPLIED #		
14001C780406		N/A		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
N/A	N/A	N/A	MOTOR	
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
MAA761623	4 STROKE	SUZUKI	BLK	N/A
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
	N/A	N/A	N/A	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	N/A	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	N/A	

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

ORIGINAL COPY

REMARKS

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES ☒ NO | SUBJECT LOCATED ☐ YES ☒ NO | ☐ ACTIVE ☐ UNFOUNDED ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
S.MIDGETT	02/21/10	9510	S.RYWELSKI	02/21/10	9709
			FOLLOW-UP INVESTIGATION ☐ NO ☐ YES OFFICER		

CCSO-102 3/1/99

ORIGINAL

D.P.S. USE ONLY: 2009-00.1387 | Page 1 of 1

SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM TR-310 (Rev. 01/2001)

Of Units: 2 | Amended - Attach Copy of Original Report | Corrected | Notified: 0821 | Arrived: 0832

Date	Time	County	Collision Location (Rt # / Name)	Miles	Dir.	In / Near City or Town of:
01/22/09	0815	10	5 U.S. HWY 17 N	0		Mount Pleasant

Lane # / Dir.: 1 / 2 | Distance Offset: 50 Feet | Direction: N | Base Intersection (Rt. # / Name): From Porcher Bluff Rd | Latitude: ° ' "

R.R. Id.: N/A | From: N E | Ramp Only: 1 - Entrance | To: S W | 2 - Exit | Second Intersection (Rt. # / Name): Toward Airport Rd | Longitude: ° ' "

X-851626 — Driver/Pedestrian's Full Name: ATTAFI, HANNA LYNNE

Unit #	Sex	Race	Street	Birth Date	City, State, & Zip
1	F	W	932 TALL PINE Road	7-22-91	Mount Pleasant, SC 29464

State: SC | Driver's License #: 101 225140 | Insurance Company: STATE FARM

Year: 2001 | Body: 4S | Vehicle Make: ISU | VIN #: 4S2CK58W414359573

State: SC | Year: 2010 | License Plate #: BEN679 | Owner's D.L. #: UNKNOWN

Home Telephone: (843) 628-3101 | Owner's Full Name: ATTAFI, ABDELLATIF

Bus. Telephone: (843) 881-2789 | Street: 932 TALL PINE Road

Contributed To Collision: Yes (No) | City, State, & Zip: Mount Pleasant, SC 29464

Estimated Speed: 20 | Speed Limit: 55 | C.D.L. Req: Yes (No) | T/B S Req: Yes (No) | Alc/Drg Info (see back): Yes (No)

Summons #: N/A | Code | Summons #: N/A | Code | Towed By: N/A

X-851627 — Driver/Pedestrian's Full Name: LYNN, MARY KATHERINE

Unit #	Sex	Race	Street	Birth Date	City, State, & Zip
2	F	W	942 SEAGULL Drive	2-1-91	Mount Pleasant SC 29464

State: SC | Driver's License #: 101 040153 | Insurance Company: USAA

Year: 1999 | Body: 4S | Vehicle Make: Lexus | VIN #: JTBJS47E8X0083617

State: SC | Year: 2010 | License Plate #: 149 SNA | Owner's D.L. #: UNKNOWN

Home Telephone: (843) 884-0907 | Owner's Full Name: LYNN, THERESA Donald

Bus. Telephone: (843) 303-3507 | Street: 942 SEA GULL Drive

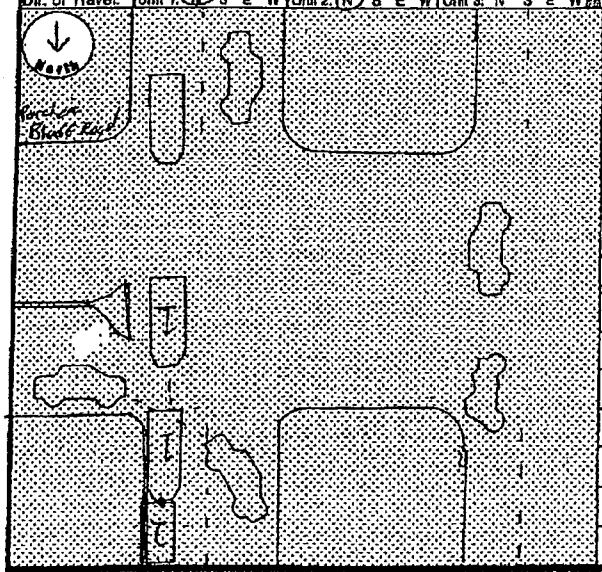
Contributed To Collision: Yes (No) | City, State, & Zip: Mount Pleasant SC 29464

Estimated Speed: 5 | Speed Limit: 55 | C.D.L. Req: Yes (No) | T/B S Req: Yes (No) | Alc/Drg Info (see back): Yes (No)

Summons #: N/A | Code | Summons #: N/A | Code | Towed By: N/A

X-851628

Dir. of Travel: Unit 1: (N) S E W | Unit 2: (N) S E W | Unit 3: N S E W



Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2
$ 4000	$ 1000	$ N/A	$ N/A	$

Property Owner/Witness: N/A | Property Owner/Witness

Address | Address

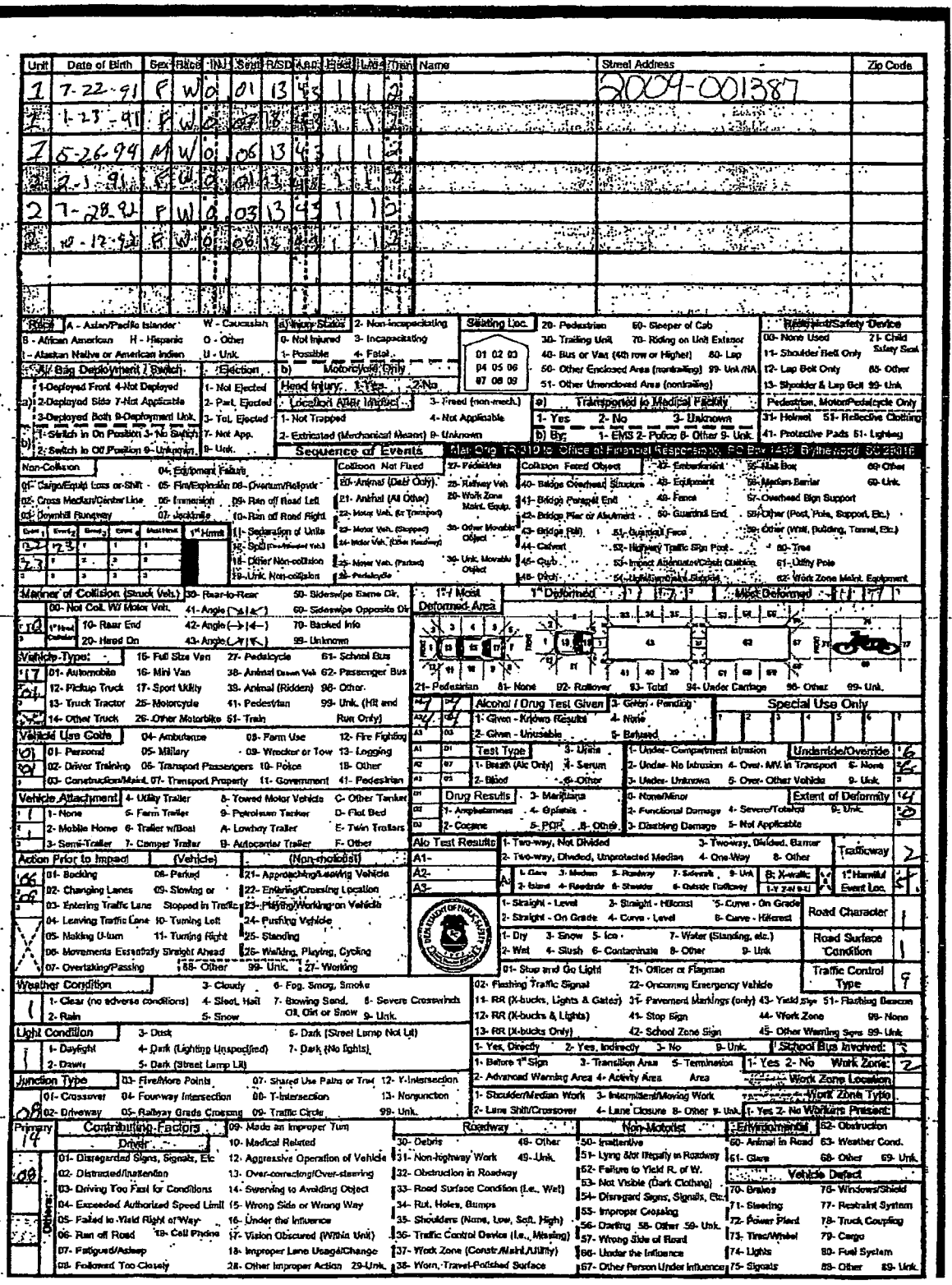
State | Zip | Phone | State | Zip | Phone

Photo: Y (N) | Describe What Happened (Refer to Units by Number)

Unit #1 while traveling North on HWY 17 was cut off by another vehicle in front of ending Unit # 2.

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE BELIEF COVERING THE COLLISION BUT NO WARRANT IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name	Rank	Badge #	Code	Date	Reviewer's Name	Rank	Internal Agency Code
Guerrieri, M	Dep	10127	0180000	1-22-09			2009-001387


Unit
Date of Birth
Sex
Race
INJ
Seat
R/SD
Age
Eject
Lock
Trap
Name
Street Address
Zip Code
2009-001387
Mail Orig TR-310 to: Office of Financial Responsibility, PO Box 7496, Blythe, Ga 30809
Sequence of Events
Alcohol / Drug Test Given
Special Use Only
Vehicle Use Code
Vehicle Attachment
Action Prior to Impact
Weather Condition
Light Condition
Junction Type
Contributing Factors
Driver
Roadway
Non-Motorist
Environmental
Vehicle Defect

ROA 541

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7799 * (843) 202-1700

J. Al Cannon, Jr.
SHERIFF

INCIDENT REPORT

SC0100000	DISPATCH NUMBER: 2007-017293-B	ORIGINAL CASE NUMBER:	PAGE 1 OF 3 PAGES	NOIG ENTRY:	INC.	ENT.

EVENT

INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	LOSS ESTIMATED	TYPE VICTIM
1. MALICIOUS DAMAGE TO REAL PROPERTY		☒ YES ☐ NO	☐ YES ☒ NO	BUSINESS	N/A	☐ INDIVIDUAL ☒ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIG. ORG ☐ SOCIETY/PUB. ☐ OTHER ☐ UNKNOWN ☐ POLICE OFF.
2. N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A	N/A	
3. N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A	N/A	

INCIDENT LOCATION:	ZIP CODE	WEAPON TYPE
2988 HWY 17 NORTH MT PLEASANT, SC	29466	N/A

BEGINNING INCIDENT DATE	24 HR. CLOCK	ENDING INCIDENT DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
8/17/07	1507	8/17/07	1530	8/17/07	1751	1836	1930	616-F

COMPLAINANT

NAME: (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
WALSHE, ALLISON BELL	STRANGER	N/A	N/A	J	W	F	47	1/31/60	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID # & STATE	SOCIAL SECURITY #
506	160	BRO	BRO	N/A	SCDL-008073593	UNK

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
6045	MOSSY GROVE LN	AWENDAW	SC	29429	849-8110 B	214-0230 H

OCCUPATION	EMPLOYER	ALIAS	NIC #
OWNER	STOW-A-WAY STORAGE	N/A	N/A

VICTIM #1

NAME: (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
STOW-A-WAY STORAGE				J					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID # & STATE	SOCIAL SECURITY #
XXX	XXX	XXX	XXX	N/A	N/A	N/A

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2988	HWY 17 NORTH	MT PLEASANT	SC	29466	849-8110 B	SAME B

☒ VISIBLE INJURY ☒ NO ☐ YES — COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES — USING ALCOHOL ☒ NO ☐ YES ☐ UNK — ☐ TWO-MAN VEHICLE ☐ DETECTIVE ASSIGNMENT ☐ ALONE

EXPLAIN N/A — DRUGS ☒ NO ☐ YES TYPE ☐ UNK — ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #
N/A	N/A	N/A	N/A

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☒ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
O'SHEA, TIMOTHY	N/A	N/A	N/A	J	W	M	31	11/10/75	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID # & STATE	SOCIAL SECURITY #
509	185	BLK	BLU	WHITE T-SHIRT, RED SHORTS, FLIP-FLOPS	SCDL-100076421	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
583	TARYN DT	CHARLESTON	SC	29492	224-7934 H	SAME H

☒ VISIBLE INJURY ☒ NO ☐ YES — COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES — USING ALCOHOL ☒ NO ☐ YES ☐ UNK — ☐ TWO-MAN VEHICLE ☐ DETECTIVE ASSIGNMENT ☐ ALONE

EXPLAIN N/A — DRUGS ☒ NO ☐ YES TYPE ☐ UNK — ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #
UNK	UNK	N/A	N/A

ARREST

(A) CHARGE	(C) CHARGE
N/A	N/A
(B) CHARGE	(D) CHARGE
N/A	N/A

NARRATIVE

(CHRIST CHURCH) On the above date and time, I was dispatched to the incident location in reference to the suspect damaging the property located at the incident location. Upon my arrival, the complainant showed me a concrete pillar that had been knocked down by a vehicle. There were tire rub marks on the pillar that appeared to have been made by a large truck or box van. The compl. told me that the damage was valued at approximately $950. The complainant then went back to the office and showed me a video recording of the incident. It shows the suspect entering a code into the gate keypad. He was driving a large, white Budget Truck rentals box van. The vehicle proceeded to the outer edge of the property, went down a long drive, then attemped to make a sharp corner while passing between the building and a small SUV. The van struck, then ran over a concrete pillar that was (cont)

ORIGINAL COPY

PROPERTY EST.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN		N/A					N/A
DAMAGED	950					950	
BURNED				N/A			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED					N/A		N/A
SEIZED						N/A	

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED			
☒ YES ☐ NO	☐ YES ☒ NO	☒ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
		☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
M/DEP D M POWELL	8/18/07	8508		081907	8458
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO — OFFICER		

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7789 * (843) 202-1700

J. Al Cannon, Jr.
Sheriff

PERSON SUPPLEMENT

SC0100000 | DISPATCH NUMBER: 2007-017293-B | ORIGINAL CASE NUMBER: | PAGE 2 OF 3 PAGES | NCIC ENTRY | INCL. | ENT.

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☒ SUBJECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE): UNKNOWN
RELATIONSHIP TO SUBJECT: #1 STRANGER #2 N/A #3 N/A
RESIDENT: U | RACE: W | SEX: M | AGE: 20 40 | DOB: | ETH: N

HEIGHT: 510 | WEIGHT: 190 | HAIR: BRO | EYES: BRO | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: WHITE SHIRT, JEANS
DRIVERS LIC / ID & STATE: UNK | SOCIAL SECURITY #: UNK

ADDRESS #: UNK | STREET NAME: UNK | CITY: UNK | STATE: UNK | ZIP CODE: UNK | DAY PHONE: UNK H | EVENING PHONE: UNK H

☒ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
EXPLAIN: N/A | DRUGS ☒ NO ☐ YES TYPE ☐ UNK

OCCUPATION: UNK | EMPLOYER: UNK | ALIAS: UNK | NIC #: N/A

ARREST

(A) CHARGE: N/A | (C) CHARGE: N/A
(B) CHARGE: N/A | (D) CHARGE: N/A

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☒ SUBJECT # 2 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE): UNK
RELATIONSHIP TO SUBJECT: #1 N/A #2 N/A #3 N/A
RESIDENT: U | RACE: B | SEX: M | AGE: 18 28 | DOB: | ETH: N

HEIGHT: 601 | WEIGHT: 190 | HAIR: BLK | EYES: BRO | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: BLK SHIRT, BLK PANTS
DRIVERS LIC / ID & STATE: UNK | SOCIAL SECURITY #: UNK

ADDRESS #: UNK | STREET NAME: UNK | CITY: UNK | STATE: UNK | ZIP CODE: UNK | DAY PHONE: UNK H | EVENING PHONE: UNK H

☒ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
EXPLAIN: N/A | DRUGS ☒ NO ☐ YES TYPE ☐ UNK

OCCUPATION: UNK | EMPLOYER: UNK | ALIAS: UNK | NIC #: N/A

ARREST

(A) CHARGE: N/A | (C) CHARGE: N/A
(B) CHARGE: N/A | (D) CHARGE: N/A

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☒ SUBJECT # 3 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE): UNKNOWN
RELATIONSHIP TO SUBJECT: #1 N/A #2 N/A #3 N/A
RESIDENT: U | RACE: B | SEX: M | AGE: 18 28 | DOB: | ETH: N

HEIGHT: 601 | WEIGHT: 180 | HAIR: BLK | EYES: BLK | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: BLK SHIRT, SHORTS
DRIVERS LIC / ID & STATE: UNK | SOCIAL SECURITY #: UNK

ADDRESS #: UNK | STREET NAME: UNK | CITY: UNK | ZIP CODE: [illegible] | DAY PHONE: UNK H | EVENING PHONE: UNK H

☒ VISIBLE INJURY ☒ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
EXPLAIN: N/A | DRUGS ☒ NO ☐ YES TYPE ☐ UNK

OCCUPATION: UNK | EMPLOYER: UNK | ALIAS: UNK

ARREST

(A) CHARGE: N/A | (C) CHARGE: N/A
(B) CHARGE: N/A | (D) CHARGE: N/A

ORIGINAL COPY

REMARKS

(Cont) protecting the side of the building from damage. The compl. switched the video display to another camera and the suspect was seen exiting the vehicle, inspecting it for damage, and then looking at the pillar. He then directs subj. #2 and #3 to enter his storage unit, and place several items into the rear of the truck. The suspect then leaves the storage building and exits the business. The compl. told me that she wants to press charges against the suspect. She said that she would not pursue the charges if he contacts her, appologizes, and pays for the damage to the property. She also told me that she would be able to produce copies of the video viewed in the office, but that it would take several days to do so. I also told her that I would have an affidavit waiting for her signature at Judge Lynn's office by August 20, 2007. She was given the OCA for this report.

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☐ YES ☒ NO | ☒ ACTIVE ☐ UNFOUNDED ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEARED UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
M/DEP D M POWELL	8/18/2007	9508		08/19/07	8458

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO | FOLLOW-UP OFFICER

CCSO-103 3/1/99

CHARLESTON COUNTY SHERIFF'S OFFICE
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J. Al Cannon, Jr.
SHERIFF

ARTICLE SUPPLEMENT

SC0100000	DISPATCH NUMBER 2007-017293-B	ORIGINAL CASE NUMBER	PAGE 3 OF 3 PAGES	NCIC ENTRY	INQ.	ENT.

☒ ORIGINAL REPORT ☐ MODIFIES ORIGINAL ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☒ SUSPECT ☐ TOWED N/A

TYPE: ☒ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
UNK	UNK			
SERIAL #		OWNER APPLIED #		
N/A		BUDGET RENTALS		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
UNK	UNK	UNK	UNK	AUTO
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
UNK	BOX VAN	UNK	WHITE	N/A
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
N/A	N/A	N/A	N/A	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: N/A		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: N/A		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED N/A

TYPE: ☒ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
UNK	UNK			
SERIAL #		OWNER APPLIED #		
N/A		N/A		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
UNK	UNK	UNK	FORD	AUTO
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
EXPLORER	2DR SUV	FORD	BLUE	N/A
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
N/A	N/A	N/A	N/A	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: N/A		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: N/A		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

ORIGINAL COPY

REMARKS

Vehicle #2 is the vehicle that the suspect passed immediately prior to hitting the pillar. The video could not provide enough detail to see the tag number for either vehicle. The compl. told me that the suspect used his number code to enter the gate and that she can identify him by sight. (Nothing Further at This Time)

ADMINISTRATIVE

SUBJECT IDENTIFIED: ☒ YES ☐ NO | SUBJECT LOCATED: ☐ YES ☒ NO | ☒ ACTIVE ☐ UNFOUNDED ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
M/Dep D M Powell	6/18/07	9508		08/9/07	8458
			FOLLOW-UP INVESTIGATION ☐ NO ☐ YES — OFFICER		

CCSO-102 3/1/99

KS

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE * CHARLESTON HEIGHTS, S.C. 29405-7789 * (843) 202-1700

J. Al Cannon, Jr.
SHERIFF

INCIDENT REPORT

SC0100000	DISPATCH NUMBER 2006-026385B	ORIGINAL CASE NUMBER	PAGE 1 OF 3 PAGES	INCIC ENTRY	INQ.	ENT.

EVENT

INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. PETIT LARCENY		☒ YES ☐ NO	☐ YES ☒ NO	RESIDENCE	
2. RECOVERED STOLEN PROPERTY		☒ YES ☐ NO	☐ YES ☒ NO	RESIDENCE	N/A
3. N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A	

TYPE VICTIM: ☒ INDIVIDUAL ☐ BUSINESS ☐ FINANCIAL INST. ☐ GOVERNMENT ☐ RELIG. ORG ☐ SOC./PUB. ☐ OTHER ☐ UNKNOWN ☐ POLICE ORG.

INCIDENT LOCATION: 2978 HIGHWAY 17N MT. PLEASANT, SC | ZIP CODE 29464 | WEAPON TYPE N/A

BEGINNING INCIDENT DATE	24 HR. CLOCK	ENDING INCIDENT DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
12/08/06	0250	12/08/06	0259	12/08/06	0259	0259	0259	003-F

COMPLAINANT

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
CCSO									

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
3505	PINEHAVEN DR.	N.CHAS.	SC	29405	202-1700	202-1700

OCCUPATION	EMPLOYER	ALIAS	NIC #

VICTIM #1

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
JEFFERSON, ALETHA MAE 0000678581	STRANGER	STRANGER	STRANGER		B	F	44	02/13/62	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
501	265	BLK	BRN		008352327 - SC	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2978	HWY 17N	MT. PLEASANT	SC	29464	971-0908	971-0908

☐ VISIBLE INJURY ☐ YES ☒ NO | COMPLAINT OF NON-VISIBLE PAINS ☒ NO ☐ | USING ALCOHOL ☒ NO ☐ YES ☐ UNK | DRUGS ☒ NO ☐ YES TYPE | ☐ TWO-MAN VEHICLE ☐ DEFENSIVE WEAPON ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER

OCCUPATION	EMPLOYER	ALIAS	NIC #
CAREGIVER	SELF	-	

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☒ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
FRISBIE, RENEE E. 0001274036	N/A	FRIEND	FRIEND		W	F	21	11/10/85	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
506	110	BRN	BRN		011550926 - SC	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
1301	LAUREL PARK TRL.	MT. PLS.	SC	29464	557-4532	557-4532

☐ YES VISIBLE INJURY ☒ NO ☐ | COMPLAINT OF NON-VISIBLE PAINS ☒ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☒ UNK | DRUGS ☐ NO ☐ YES TYPE ☒ | ☐ TWO-MAN VEHICLE ☐ DEFENSIVE WEAPON ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER

OCCUPATION	EMPLOYER	ALIAS	NIC #
WAITRESS	FONDULLY YOURS	-	

ARREST

(A) CHARGE	(C) CHARGE
N/A	
(B) CHARGE	(D) CHARGE

NARRATIVE

(MT. PLEASANT) AS R/D WAS PATROLLING NEAR THE INCIDENT LOCATION, R/D OBSERVED THE LISTED VEHICLE PARKED NEAR THE ROADWAY WITH IT'S PARKING LIGHTS ON. R/D ALSO OBSERVED SUSPECTS #2 (NOCE) AND SUSPECT #3 (WARREN) CARRYING SEVERAL PIECES OF CHOPPED WOOD ANR RUNNING TOWARDS THE VEHICLE. WHEN THE SUSPECTS NOTICED R/D, THEY DROPPED THE WOOD AND ENTERED THE VEHICLE. R/D THEN MADE CONTACT WITH THEM AND DETAINED BOTH NOCE AND WARREN. R/D ALSO MADE CONTACT WITH SUSPECT #1 (FRISBIE) WHO WAS IN THE DRIVERS SEAT. ALL PARTIES ADVISED R/D THAT THEY WERE TAKING THE WOOD BECAUSE THEY WANTED TO USE IT FOR A FIRE. ONCE DEP. HEILEMAN ARRIVED ON SCENE, R/D THEN MADE CONTACT WITH THE VICTIM AND ADVISED HER OF THE SITUATION. SHE STATED THAT SHE HAS HAD AN ONGOING PROBLEM WITH UNKNOWN SUSPECTS STEALING WOOD FROM HER YARD. R/D PROVIDED HER WITH AN OCA # AND ADVISED HER OF THE COURT DATE AND TIME. R/D THEN ISSUED CITATIONS TO ALL SUSPECTS FOR PETIT LARCENY.

PROPERTY TST.

TYPE (GROUP)		WOOD	WOOD					TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN		50						50	MPPD
DAMAGED									JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
BURNED									
RECOVERED			50					50	CCSO
SEIZED									

ORIGINAL COPY

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	REVIEWING OFFICER	DATE	BADGE NUMBER
S. MIDGETT	12/08/06	9510		12/20/06	8960
			FOR LOWER INVESTIGATION ☐ YES ☐ NO OFFICER		

KS

CHARLESTON COUNTY SHERIFF'S OFFICE
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J. Al Cannon, Jr.
Sheriff

PERSON SUPPLEMENT

SC0100000 | DISPATCH NUMBER: 2006-026385B | ORIGINAL CASE NUMBER: | PAGE 1 OF 3 PAGES | NCIC ENTRY | INQ. | ENT.

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☒ SUSPECT # 2 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE): NOCE, NICHOLAS 0001060903
RELATIONSHIP TO SUBJECT: #1 FRIEND #2 N/A #3 FRIEND
RESIDENT: 3 S O U | RACE: W | SEX: M | AGE: 24 | DOB: 9/30/80 | ETH: N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
510	180	BRN	BRN		011142570 - SC	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
315	JEAN ST.	CHAS.	SC	29407	607-3574 H / B	607-3574 H / B

☐ VISIBLE INJURY YES ☒ NO ☐ | COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☐ NO ☒ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☒ | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE SPLASHY ☐ OTHER ☐ ALONE

OCCUPATION	EMPLOYER	ALIAS	NIC #
BARBACK	PLEX	-	

ARREST

(A) CHARGE: N/A
(B) CHARGE:
(C) CHARGE:
(D) CHARGE:

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☒ SUSPECT # 3 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE): WARREN, ANDREW EDMUND 0001213705
RELATIONSHIP TO SUBJECT: #1 FRIEND #2 FRIEND #3 N/A
RESIDENT: 3 S O U | RACE: W | SEX: M | AGE: 19 | DOB: 7/14/87 | ETH: N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #
600	195	BRN	BLU		090542467 - SC	[redacted]

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
1301	LAUREL RIDGE TRL	MT. PLS	SC	29464	303-3540 H / B	303-3540 H / B

☐ VISIBLE INJURY YES ☒ NO ☐ | COMPLAINT OF NON-VISIBLE INJURIES ☒ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☒ UNK | DRUGS ☐ NO ☐ YES TYPE ☒ | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE SPLASHY ☐ OTHER ☐ ALONE

OCCUPATION	EMPLOYER	ALIAS	NIC #
WAITER	FONDULLY YOURS	-	

ARREST

(A) CHARGE: N/A
(B) CHARGE:
(C) CHARGE:
(D) CHARGE:

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME: (LAST, FIRST, MIDDLE): N/A
RELATIONSHIP TO SUBJECT: #1 #2 #3
RESIDENT: 3 S O U | RACE: | SEX: | AGE: | DOB: | ETH:

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC / ID & STATE	SOCIAL SECURITY #

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H / B	H / B

☐ VISIBLE INJURY YES ☐ NO ☐ | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK | DRUGS ☐ NO ☐ YES TYPE ☐ | ☐ TWO-MAN VEHICLE ☐ ONE-MAN VEHICLE ☐ DETECTIVE SPLASHY ☐ OTHER ☐ ALONE

OCCUPATION	EMPLOYER	ALIAS	NIC #

ARREST

(A) CHARGE: N/A
(B) CHARGE:
(C) CHARGE:
(D) CHARGE:

REMARKS

- R/D THEN HAD ALL SUSPECTS RETURN THE STOLEN WOOD TO THE VICTIM'S YARD. THEY WERE ALL ADVISED OF THEIR COURT DATE AND TIME.

NOTHING FURTHER.

ORIGINAL COPY

ADMINISTRATIVE

SUSPECT IDENTIFIED ☒ YES ☐ NO | SUSPECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED | ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	PROCESSING OFFICER	DATE	BADGE NUMBER
S. MIDGETT	12/8/2006	9510		12/20/06	8960
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER		

CCSO-103 3/1/99

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE • CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 202-1700

J. Al Cannon, Jr.
SHERIFF

KS

ARTICLE SUPPLEMENT

SC0100000	DISPATCH NUMBER 2006-026385B	ORIGINAL CASE NUMBER	PAGE 3 OF 3 PAGES	NCIC ENTRY	INQ.	ENT.

☒ ORIGINAL REPORT ☐ MODIFIES ORIGINAL ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☒ SUSPECT ☐ TOWED

TYPE: ☒ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ------

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
773SSU - SC	UNK			
SERIAL #		OWNER APPLIED #		
N/A		N/A		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
2006	2007	2000	NISSAN	PC
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
SENTRA	4DS	N/A	WHI	N/A
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
	N/A	N/A	N/A	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	N/A	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	N/A	

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ------

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ------

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
N/A				
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ------

LICENSE/REGISTRATION NO.	BOAT HULL			
N/A				
SERIAL #				
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

ORIGINAL COPY

REMARKS

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ UNFOUNDED ☐ ADM. CLOSED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
S. MIDGETT	12/08/06	9510		12/12/06	8460
			FOLLOW-UP INVESTIGATION ☐ NO ☐ YES — OFFICER		

INCIDENT REPORT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE • CHARLESTON HEIGHTS, SC 29405-7789 • (843) 554-4700

J. Al Cannon, Jr.
Sheriff

SC0100000 | DISPATCH NUMBER: 2006-01249-B | ORIG. CASE #: | PAGE 1 OF 2 PAGES | NCIC ENTRY: NO / EXT

EVENT

	INCIDENT TYPE	INCIDENT CODE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1.	ILLEGAL PARKED VEHICLE		☑ YES ☐ NO	☐ YES ☑ NO	BUSINESS	N/A
2.	N/A		☐ YES ☐ NO	☐ YES ☐ NO	N/A	N/A
3.	N/A		☐ YES ☐ NO	☐ YES ☐ NO		N/A

TYPE VICTIM: ☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Org. ☐ Soc./Pub ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION: 2988 HWY 17N MT. PLEASANT, SC | ZIP CODE: 29466 | WEAPON TYPE: NONE

BEGINNING INCIDENT DATE	24 HR. CLOCK	ENDING INCIDENT DATE	24 HR. CLOCK	DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME	TRACT #
05-17-06	0800	05-24-06	0800	05-24-06	0821	0829	0900	616-D

COMPLAINANT

NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
WALSHE, ALLISON	UNK	N/A	N/A	JSOU	W	F	46	12-31-60	N

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC.# & STATE	SOCIAL SECURITY #
5-08	130	BRO	BRO	NONE	8073543 SC	UNK

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
2988	HWY 17N	MT. PLEASANT	SC	29466	849-8110 (H)	H / B

OCCUPATION	EMPLOYER	ALIAS	NIC #
MANAGER	STOR AWAY STORAGE	NONE	

VICTIM #1

NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
				JSOU					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC	DRIVERS LIC.# & STATE	SOCIAL SECURITY #

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H / B	H / B

☐ VISIBLE INJURY ☐ NO ☐ YES — EXPLAIN | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK. DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE'S PLAINT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #

SUBJ. I.D.

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☑ SUBJECT # 1 ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	DOB	ETH
UNKNOWN				JSOU					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	DRIVERS LIC.# & STATE	SOCIAL SECURITY #

ADDRESS #	STREET NAME	CITY	STATE	ZIP CODE	DAY PHONE	EVENING PHONE
					H / B	H / B

☐ VISIBLE INJURY ☐ NO ☐ YES — EXPLAIN | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☐ UNK DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE'S PLAINT. ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION	EMPLOYER	ALIAS	NIC #

ARREST

(A) CHARGE	(C) CHARGE
(B) CHARGE	(D) CHARGE

NARRATIVE

MT. PLEASANT - COMPLAINANT STATED THAT LISTED VEHICLE WAS PARKED ON BUSINESS PROPERTY. COMPLAINANT DOES NOT KNOW WHO LEFT VEHICLE ON PROPERTY. COMPLAINANT WILL ATTEMPT TO CONTACT COMPANY THAT OWNS VEHICLE PRIOR TO HAVING VEHICLE REMOVED. R/D RAN LICENSE TAG ON VEHICLE AND IT CAME BACK NOT ON FILE. COMPLAINANT BELIEVES VEHICLE IS USED BY CONTRACTORS DOING CONSTRUCTION IN AREA. R/D WILL FOLLOW UP WITH COMPLAINANT.

PROPERTY EST.

TYPE (GROUP)						TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN							N/A
DAMAGED			N/A				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
BURNED							
RECOVERED							N/A
SEIZED							

ADMINISTRATIVE

SUBJECT IDENTIFIED ☐ YES ☑ NO | SUBJECT LOCATED ☐ YES ☑ NO | ☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
DEP. J. E. JACOBIK	05-24-06	9437		5/25/06	8246

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO — OFFICER

KS

ARTICLE SUPPLEMENT

CHARLESTON COUNTY SHERIFF'S OFFICE
3505 PINEHAVEN DRIVE • CHARLESTON HEIGHTS, S.C. 29405-7789 • (843) 554-4700

J. Al Cannon, Jr.
Sheriff

SC0100000	DISPATCH NUMBER 2006-011240-13	ORIGINAL CASE NUMBER	PAGE 2 OF 2 PAGES	NCIC ENTRY	INQ.	ENT.

☑ ORIGINAL REPORT ☐ MODIFIES ORIGINAL ☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED
TYPE: ☑ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
458 9VH	ITKJ04933Y8011589			
SERIAL #		OWNER APPLIED #		
NONE		NONE		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
2006	2006	UNK	TRAIL KING	TRAILER
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
HG SERIES		N/A	BLACK	N/A
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
N/A	N/A	N/A	N/A	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	N/A	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	N/A	

N/A

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED
TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

N/A

VEH. / GUN / ETC.

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LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

N/A

VEH. / GUN / ETC.

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ VICTIM ☐ SUSPECT ☐ TOWED
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LICENSE/REGISTRATION NO.	BOAT HULL NO. OR VIN NO.			
SERIAL #		OWNER APPLIED #		
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
MODEL	STYLE	BRAND NAME	COLOR	CALIBER
NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE	
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		

N/A

REMARKS

ADMINISTRATIVE

SUBJECT IDENTIFIED ☑ NO ☐ YES
SUBJECT LOCATED ☑ NO ☐ YES
☑ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED
☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER
☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE #	APPROVING OFFICER	DATE	BADGE #
DEP. J-E-JACOBIC	05-24-06	4433		5/25/06	8306

FOLLOW UP INVESTIGATION ☐ NO ☐ YES
OFFICER

ORIGINAL

D.P.S. USE ONLY: 2005-025703-B | Page # 1 Of: 1

SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM

TR-310 (Rev. 01/2001)

Of Units: 1 | Amended - Attach Copy of Original Report | Corrected | Notified: 1550 | Arrived: 1557

Date	Time	County	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary	Collision Location (Rt. # / Name)	0-Main 6-Connection 2-Alternate 7-Business 5-Spur	Miles: .1	Dir. N E S W	In / Near City or Town of:
11/05/05	1540	10	2	2988 S HWY 17N (PRIVATE PROPERTY)				Mt. Pleasant

Lane #	Of	Dir.	Distance Offset Miles / Feet	Direction	1- Interstate 4- Secondary 2- US Primary 5- County 3- SC Primary 6- Other	Base Intersection (Rt. # / Name)	0-Main 8-Connection 2-Alternate 7-Business 5-Spur 9-Other	ASRS Route	MP/Grid
								Latitude	° ' "
R.R. Id.	From	Ramp Only	To	1- Interstate 4- Secondary 2- US Primary 6- County 3- SC Primary 6- Other	Second Intersection (Rt. # / Name)	0-Main 6-Connection 2-Alternate 7-Business 5-Spur 9-Other		LongRude	° ' "

Q-243679

Driver/Pedestrian's Full Name: Ray - Patricia

Unit #	Sex	Race	Street/R.F.D.	Birth Date	City, State, & Zip
1	F	W	1616 Rifleranga Rd.	9/5/53	Mt. Pleasant, SC 29464

State	Driver's License #	Insurance Company
SC	003683311	Continental County Co

Year	Body	Vehicle Make	VIN #
02	TK	FORD	1FDWE35L62HB17727

State	Year	License Plate #	Owner's D.L. #
OK	05	724N649	Unknown

Home Telephone	Owner's Full Name
( )	Budget Rent A Car

Bus. Telephone	Street/R.F.D.
(405)863-9676	2704 S Meridian Ave

Contributed To Collision	City, State, & Zip
(Yes) No	Oklahoma City, OK 73108

Estimated Speed	Speed Limit	C.D.L. Req: Yes (No)	T/B S Req: Yes (No)	Alc/Drg Info (see back): Yes (No)	Summons #	Code	Summons #	Code	Towed By
5	15				N/A		N/A		N/A

Q-243680

Driver/Pedestrian's Full Name:

Unit #	Sex	Race	Street/R.F.D.	Birth Date	City, State, & Zip
N/A					

State	Driver's License #	Insurance Company

Year	Body	Vehicle Make	VIN #

State	Year	License Plate #	Owner's D.L. #

Home Telephone	Owner's Full Name
( )	

Bus. Telephone	Street/R.F.D.
( )	

Contributed To Collision	City, State, & Zip
Yes No	

Estimated Speed	Speed Unit	C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Drg Info (see back): Yes No	Summons #	Code	Summons #	Code	Towed By

Q-243681

Driver/Pedestrian's Full Name:

Unit #	Sex	Race	Street/R.F.D.	Birth Date	City, State, & Zip
N/A					

State	Driver's License #	Insurance Company

Year	Body	Vehicle Make	VIN #

State	Year	License Plate #	Owner's D.L. #

Home Telephone	Owner's Full Name
( )	

Bus. Telephone	Street/R.F.D.
( )	

Contributed To Collision	City, State, & Zip
Yes No	

Estimated Speed	Speed Unit	C.D.L. Req: Yes No	T/B S Req: Yes No	Alc/Drg Info (see back): Yes No	Summons #	Code	Summons #	Code	Towed By

Dir. of Travel: Unit 1: N S E W | Unit 2: N S E W | Unit 3: N S E W



Unit 1 Dam.	Unit 2 Dam.	Unit 3 Dam.	Prop. Dam. 1	Prop. Dam. 2
$ None	$	$	$ 5000	$

Property Owner/Witness	Property Owner/Witness
Sami Suaifan	
Address: 2988 HWY 17N	Address:
State: SC Zip: 29464 Phone: 849-8110	State: Zip: Phone:

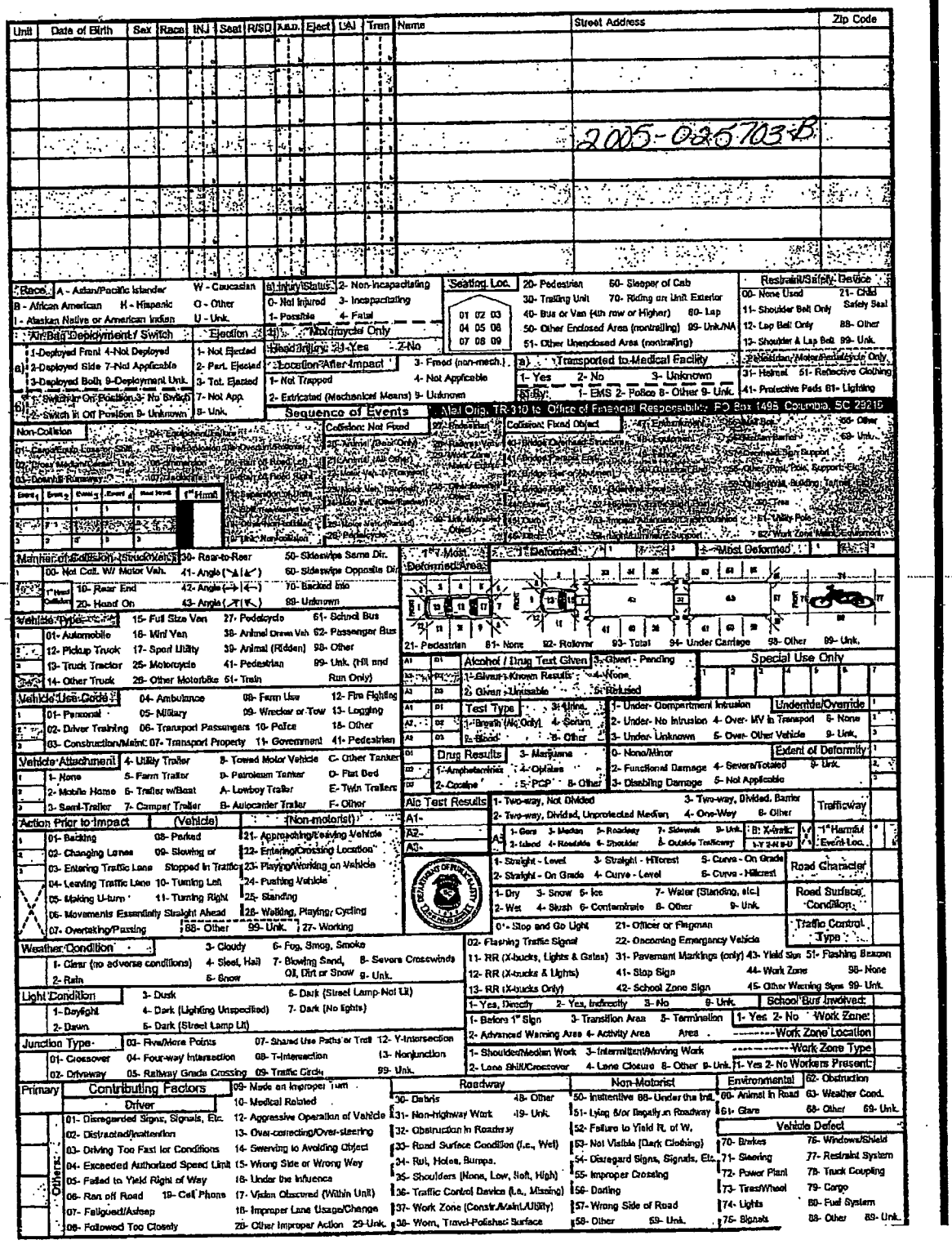
Photo: Y N

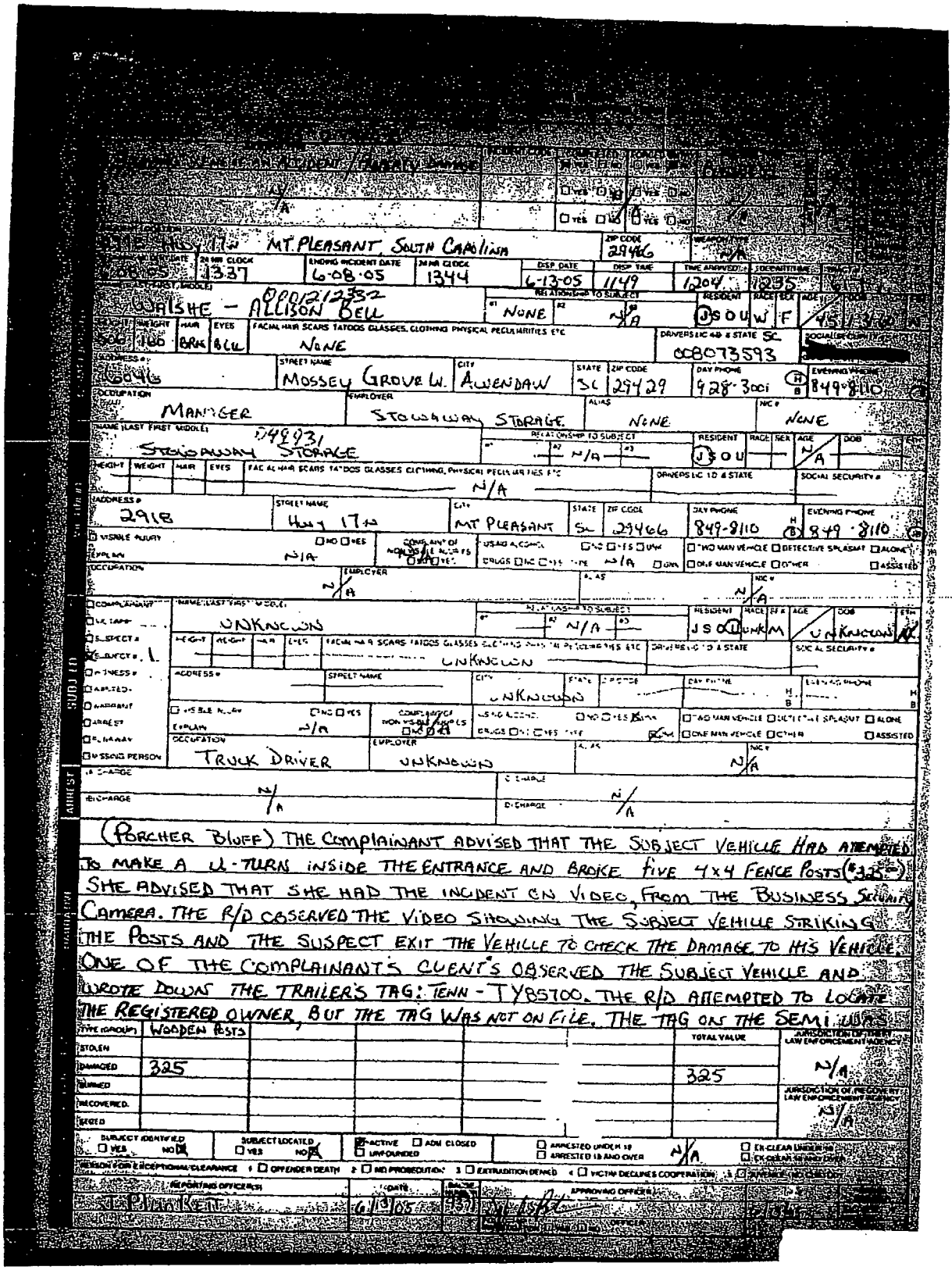
Describe What Happened (Refer to Units by Number):

Unit # 1 attempted to pass underneath an automatic gate. The automatic gate closed, striking Unit #1. The gate caught on the right, rear edge of the vehicle and was torn off - (Private Property)

NOTICE - THE TR-310 IS FOR STATISTICAL REPORTING PURPOSES ONLY AND IS A REFLECTION OF THE OFFICER'S BEST KNOWLEDGE, OPINION, AND BELIEF COVERING THE COLLISION BUT NO WARRANT IS MADE AS TO THE FACTUAL ACCURACY THEREOF.

Investigating Officer's Name	Rank	Badge #	Code	Date	Reviewer's Name	Rank	Internal Agency Code
S. C. Hudson	Dep	9895	01CCCAR	11/6/05	M. Anderson	Sgt	2005-025703-B


Unit
Date of Birth
Sex
Race
INJ
Seat
R/SD
Xsup.
Eject
TAI
Trap
Name
Street Address
Zip Code
2005-025703-B
Race: A - Asian/Pacific Islander W - Caucasian B - African American H - Hispanic O - Other I - Alaskan Native or American Indian U - Unk.
Injury Status: 0- Not Injured 1- Possible 2- Non-Incapacitating 3- Incapacitating 4- Fatal
Seating Loc.
01 02 03
04 05 06
07 08 09
20- Pedestrian 30- Trailing Unit 40- Bus or Van (4th row or Higher) 50- Other Enclosed Area (nontrailing) 51- Other Unenclosed Area (nontrailing) 60- Sleeper of Cab 70- Riding on Unit Exterior 80- Lap
Restraint/Safety Device
00- None Used 11- Shoulder Belt Only 12- Lap Belt Only 13- Shoulder & Lap Belt 21- Child Safety Seat 88- Other 99- Unk.
Air Bag Deployment/Switch
1-Deployed Front 2-Deployed Side 3-Deployed Both 4-Not Deployed 7-Not Applicable 9-Deployment Unk.
1- Switch In On Position 2- Switch In Off Position 3- No Switch 9- Unknown
Ejection: 1- Not Ejected 2- Part. Ejected 3- Tot. Ejected 7- Not App. 9- Unk.
Motorcycle Only
Helmet Worn: 1-Yes 2-No
Location After Impact: 1- Not Trapped 2- Extricated (Mechanical Means) 3- Freed (non-mech.) 4- Not Applicable 9- Unknown
Transported to Medical Facility
1- Yes 2- No 3- Unknown
By: 1- EMS 2- Police 8- Other 9- Unk.
31- Helmet 41- Protective Pads 51- Reflective Clothing 61- Lighting
Sequence of Events
Mail Orig. TR-310 to: Office of Financial Responsibility; PO Box 1498 Columbia, SC 29216
Non-Collision
Collision: Not Fixed
Collision: Fixed Object
Event 1
1st Harmful
Manner of Collision/Impact
00- Not Coll. W/ Motor Veh. 10- Rear End 20- Head On 30- Rear-to-Rear 41- Angle 42- Angle 43- Angle 50- Sideswipe Same Dir. 60- Sideswipe Opposite Dir. 70- Backed Into 99- Unknown
1st Point of Impact
1st Most Deformed
Most Deformed
Deformed Area
21- Pedestrian 81- None 82- Rollover 93- Total 94- Under Carriage 98- Other 99- Unk.
Vehicle Type
01- Automobile 02- Pickup Truck 03- Truck Tractor 04- Other Truck 15- Full Size Van 16- Mini Van 17- Sport Utility 25- Motorcycle 26- Other Motorbike 27- Pedalcycle 28- Train 38- Animal Drawn Veh 39- Animal (Ridden) 41- Pedestrian 61- School Bus 62- Passenger Bus 98- Other 99- Unk. (Hit and Run Only)
Alcohol / Drug Test Given
1- Given - Known Results 2- Given - Unknown 3- Given - Pending 4- None 5- Refused
Special Use Only
Vehicle Use Code
01- Personal 02- Driver Training 03- Construction/Maint. 04- Ambulance 05- Military 06- Transport Passengers 07- Transport Property 08- Farm Use 09- Wrecker or Tow 10- Police 11- Government 12- Fire Fighting 13- Logging 18- Other 41- Pedestrian
Test Type
1- Breath (Alc Only) 2- Blood 3- Urine 4- Serum 8- Other
Underride/Override
1- Under - Compartment Intrusion 2- Under - No Intrusion 3- Under - Unknown 4- Over - MV in Transport 5- Over - Other Vehicle 6- None 9- Unk.
Vehicle Attachment
1- None 2- Mobile Home 3- Semi-Trailer 4- Utility Trailer 5- Farm Trailer 6- Trailer w/Boat 7- Camper Trailer 8- Towed Motor Vehicle A- Lowboy Trailer B- Autocarrier Trailer C- Other Tanker D- Petroleum Tanker E- Twin Trailers F- Other
Drug Results
1- Amphetamines 2- Cocaine 3- Marijuana 4- Opiates 5- PCP 8- Other 0- None/Minor 2- Functional Damage 3- Disabling Damage 4- Severe/Totaled 5- Not Applicable 9- Unk.
Extent of Deformity
Alc Test Results
A1- A2- A3-
Trafficway
1- Two-way, Not Divided 2- Two-way, Divided, Unprotected Median 3- Two-way, Divided, Barrier 4- One-Way 8- Other
Action Prior to Impact
(Vehicle)
01- Backing 02- Changing Lanes 03- Entering Traffic Lane 04- Leaving Traffic Lane 05- Making U-turn 06- Movements Essentially Straight Ahead 07- Overtaking/Passing 08- Parked 09- Slowing or Stopped in Traffic 10- Turning Left 11- Turning Right 88- Other 99- Unk.
(Non-motorist)
21- Approaching/Leaving Vehicle 22- Entering/Crossing Location 23- Playing/Working on Vehicle 24- Pushing Vehicle 25- Standing 26- Walking, Playing, Cycling 27- Working
Road Character
1- Straight - Level 2- Straight - On Grade 3- Straight - Hillcrest 4- Curve - Level 5- Curve - On Grade 6- Curve - Hillcrest
Road Surface Condition
1- Dry 2- Wet 3- Snow 4- Slush 5- Ice 6- Contaminate 7- Water (Standing, etc.) 8- Other 9- Unk.
Traffic Control Type
0- Stop and Go Light 01- Officer or Flagman 02- Flashing Traffic Signal 11- RR (X-bucks, Lights & Gates) 12- RR (X-bucks & Lights) 13- RR (X-bucks Only) 21- Officer or Flagman 22- Oncoming Emergency Vehicle 31- Pavement Markings (only) 41- Stop Sign 42- School Zone Sign 43- Yield Sign 44- Work Zone 45- Other Warning Sign 51- Flashing Beacon 98- None 99- Unk.
Weather Condition
1- Clear (no adverse conditions) 2- Rain 3- Cloudy 4- Sleet, Hail 5- Snow 6- Fog, Smog, Smoke 7- Blowing Sand, Oil, Dirt or Snow 8- Severe Crosswinds 9- Unk.
Light Condition
1- Daylight 2- Dawn 3- Dusk 4- Dark (Lighting Unspecified) 5- Dark (Street Lamp Lit) 6- Dark (Street Lamp Not Lit) 7- Dark (No Lights)
School Bus Involved:
1- Yes, Directly 2- Yes, Indirectly 3- No 9- Unk.
Work Zone:
1- Yes 2- No
Work Zone Location
1- Before 1st Sign 2- Advanced Warning Area 3- Transition Area 4- Activity Area 5- Termination Area
Work Zone Type
1- Shoulder/Median Work 2- Lane Shift/Crossover 3- Intermittent/Moving Work 4- Lane Closure 8- Other 9- Unk.
Workers Present:
1- Yes 2- No
Junction Type
01- Crossover 02- Driveway 03- Five/More Points 04- Four-way Intersection 05- Railway Grade Crossing 06- Shared Use Paths or Trail 07- T-Intersection 08- Traffic Circle 09- Y-Intersection 10- Nonjunction 99- Unk.
Primary
Contributing Factors
Driver
01- Disregarded Signs, Signals, Etc. 02- Distracted/Inattention 03- Driving Too Fast for Conditions 04- Exceeded Authorized Speed Limit 05- Failed to Yield Right of Way 06- Ran off Road 07- Fatigued/Asleep 08- Followed Too Closely 09- Made an Improper Turn 10- Medical Related 11- Cell Phone 12- Aggressive Operation of Vehicle 13- Over-correcting/Over-steering 14- Swerving to Avoiding Object 15- Wrong Side or Wrong Way 16- Under the Influence 17- Vision Obscured (Within Unit) 18- Improper Lane Usage/Change 29- Other Improper Action 29- Unk.
Roadway
30- Debris 31- Non-highway Work 32- Obstruction in Roadway 33- Road Surface Condition (i.e., Wet) 34- Rut, Holes, Bumps 35- Shoulders (None, Low, Soft, High) 36- Traffic Control Device (i.e., Missing) 37- Work Zone (Constr./Maint./Utility) 38- Worn, Travel-Polished Surface 48- Other 49- Unk.
Non-Motorist
50- Inattentive 51- Lying &/or Illegally on Roadway 52- Failure to Yield R. of W. 53- Not Visible (Dark Clothing) 54- Disregard Signs, Signals, Etc. 55- Improper Crossing 56- Darting 57- Wrong Side of Road 58- Other 59- Unk. 68- Under the Influ.
Environmental
60- Animal in Road 61- Glare 62- Obstruction 63- Weather Cond. 68- Other 69- Unk.
Vehicle Defect
70- Brakes 71- Steering 72- Power Plant 73- Tires/Wheel 74- Lights 75- Signals 76- Windows/Shield 77- Restraint System 78- Truck Coupling 79- Cargo 80- Fuel System 88- Other 89- Unk.



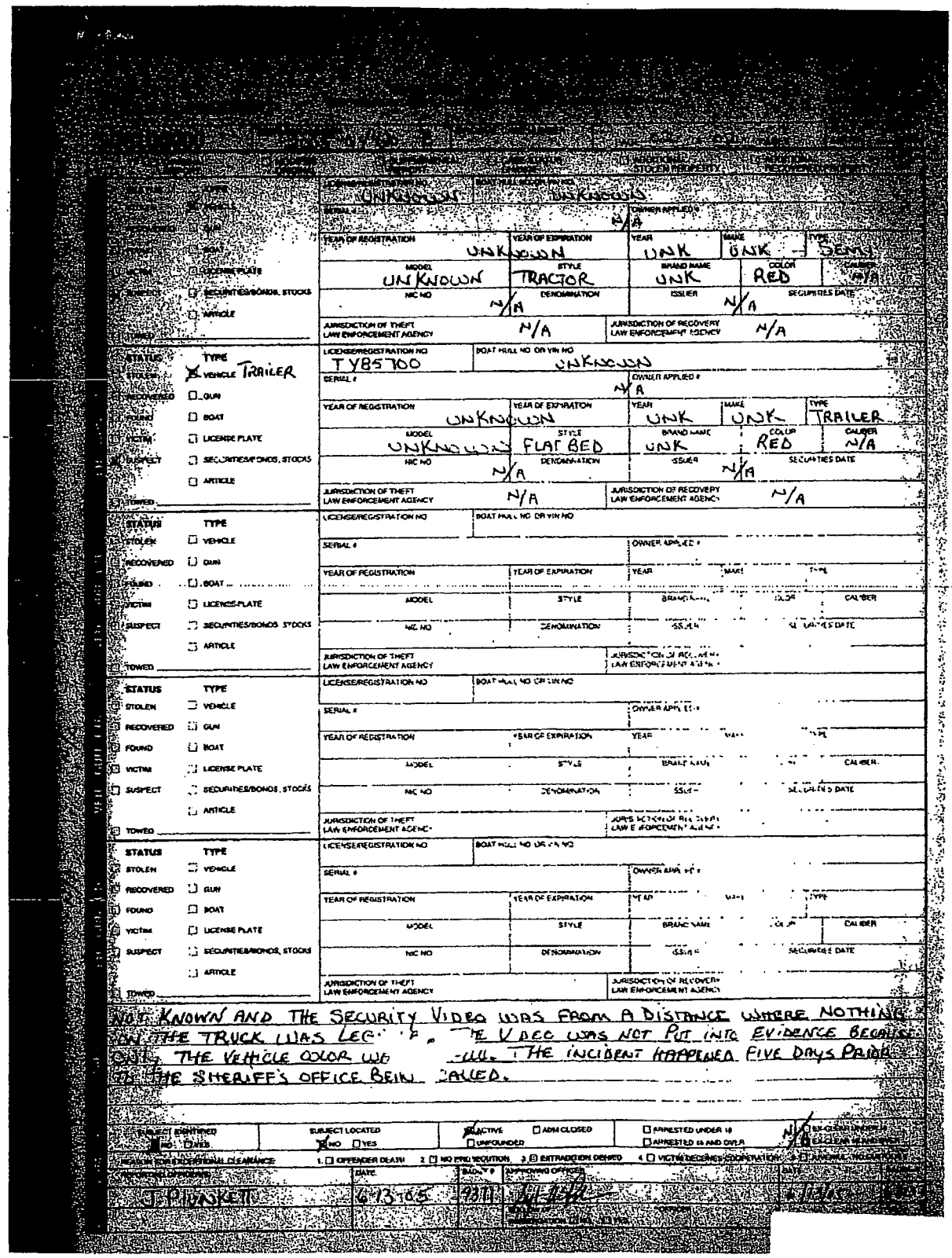
(PORCHER BLUFF) THE COMPLAINANT ADVISED THAT THE SUBJECT VEHICLE HAD ATTEMPTED TO MAKE A U-TURN INSIDE THE ENTRANCE AND BROKE FIVE 4x4 FENCE POSTS ($325.00). SHE ADVISED THAT SHE HAD THE INCIDENT ON VIDEO, FROM THE BUSINESS SECURITY CAMERA. THE R/D OBSERVED THE VIDEO SHOWING THE SUBJECT VEHICLE STRIKING THE POSTS AND THE SUSPECT EXIT THE VEHICLE TO CHECK THE DAMAGE TO HIS VEHICLE. ONE OF THE COMPLAINANT'S CLIENT'S OBSERVED THE SUBJECT VEHICLE AND WROTE DOWN THE TRAILER'S TAG: TENN - TY8S700. THE R/D ATTEMPTED TO LOCATE THE REGISTERED OWNER, BUT THE TAG WAS NOT ON FILE. THE TAG ON THE SEMI WAS

TYPE (GROUP)	WOODEN POSTS				TOTAL VALUE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
STOLEN						
DAMAGED	325				325	N/A
BURNED						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY
RECOVERED						N/A
SEIZED						

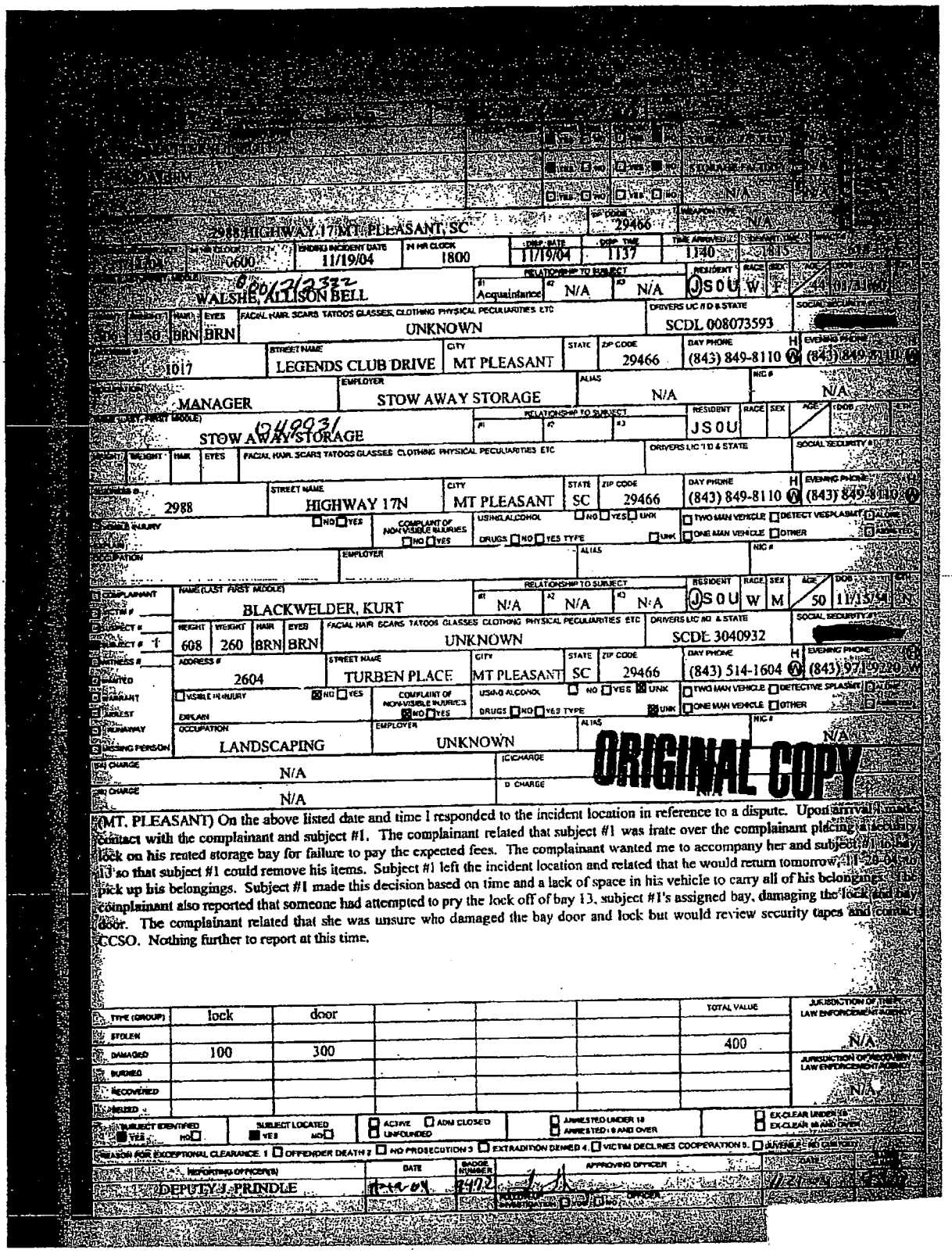
SUBJECT IDENTIFIED ☐ YES ☐ NO ☒ | SUBJECT LOCATED ☐ YES ☐ NO ☒ | ☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER N/A | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE NO CUSTODY

REPORTING OFFICER(S): S. BLANKENSHIP | DATE: 6/13/05 | TIME: 1521 | APPROVING OFFICER: M. Lisk



NOT KNOWN AND THE SECURITY VIDEO WAS FROM A DISTANCE WHERE NOTHING ON THE TRUCK WAS LEGIBLE. THE VIDEO WAS NOT PUT INTO EVIDENCE BECAUSE ONLY THE VEHICLE COLOR WAS KNOWN. THE INCIDENT HAPPENED FIVE DAYS PRIOR TO THE SHERIFF'S OFFICE BEING CALLED.



2988 HIGHWAY 17 MT. PLEASANT, SC

0600	11/19/04	1800	11/19/04	1137	1140		

WALSHE, ALLISON BELL — 8/20/1972 — Acquaintance — JSOU W F 32

UNKNOWN — SCDL 008073593

1017 LEGENDS CLUB DRIVE — MT PLEASANT — 29466 — (843) 849-8110

MANAGER — STOW AWAY STORAGE — N/A

STOW AWAY STORAGE — 10/4/1973 — JSOU

2988 HIGHWAY 17N — MT PLEASANT — SC — 29466 — (843) 849-8110

BLACKWELDER, KURT — JSOU W M 50 11/15/54

608 260 BRN BRN — UNKNOWN — SCDL 3040932

2604 TURBEN PLACE — MT PLEASANT — SC — 29466 — (843) 514-1604 — (843) 971-9210

LANDSCAPING — UNKNOWN — N/A

N/A

N/A

ORIGINAL COPY

(MT. PLEASANT) On the above listed date and time I responded to the incident location in reference to a dispute. Upon arrival I made contact with the complainant and subject #1. The complainant related that subject #1 was irate over the complainant placing a locking lock on his rented storage bay for failure to pay the expected fees. The complainant wanted me to accompany her and subject #1 to bay 13 so that subject #1 could remove his items. Subject #1 left the incident location and related that he would return tomorrow, 11-20-04, to pick up his belongings. Subject #1 made this decision based on time and a lack of space in his vehicle to carry all of his belongings. The complainant also reported that someone had attempted to pry the lock off of bay 13, subject #1's assigned bay, damaging the lock and bay door. The complainant related that she was unsure who damaged the bay door and lock but would review security tapes and contact CCSO. Nothing further to report at this time.

						TOTAL VALUE
TYPE (GROUP)	lock	door				
STOLEN						
DAMAGED	100	300				400
BURNED						
RECOVERED						
SEIZED						

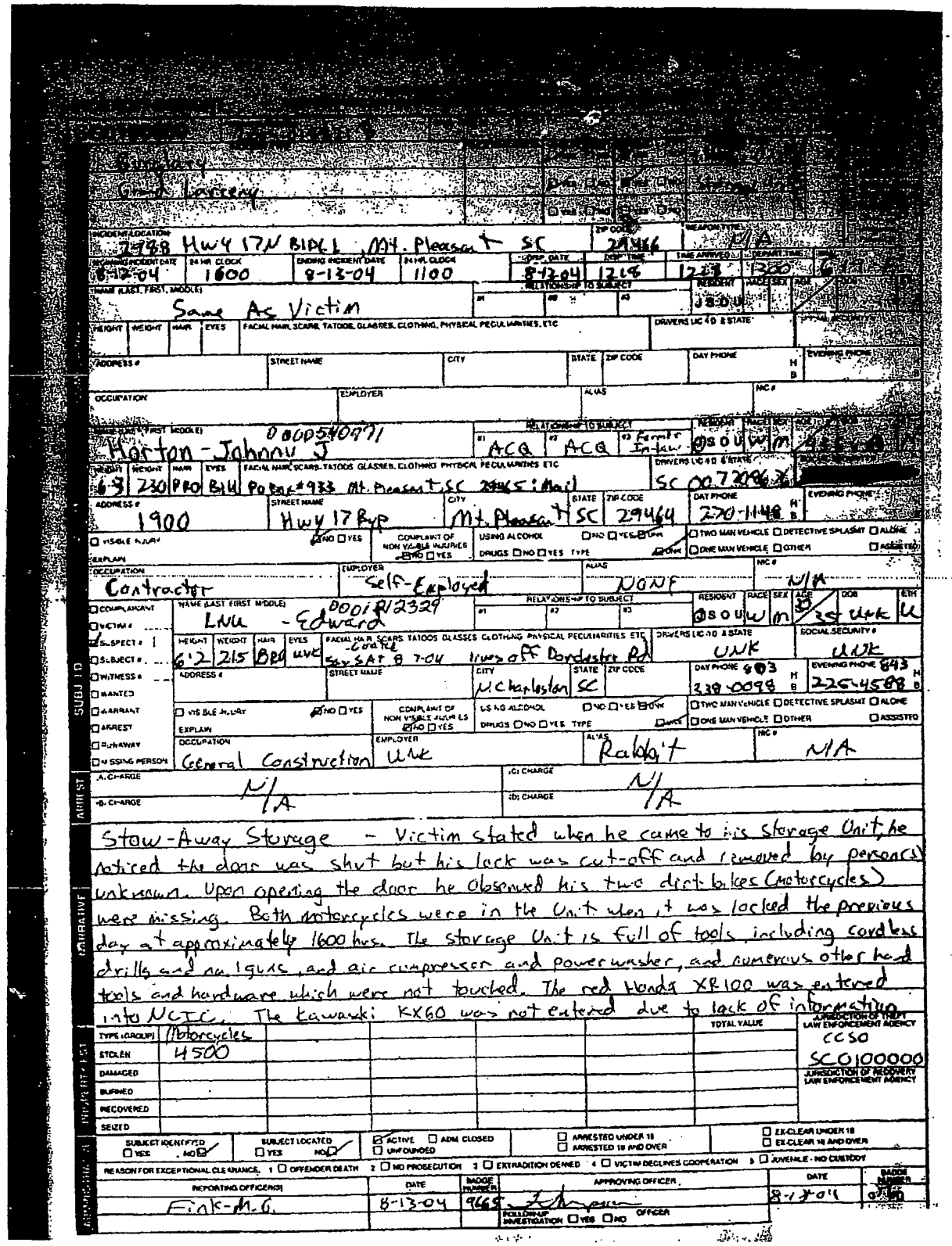
JURISDICTION OF THEFT: N/A

JURISDICTION OF RECOVERY: N/A

SUBJECT IDENTIFIED: YES — SUBJECT LOCATED: YES — ACTIVE — ADM CLOSED — UNFOUNDED — ARRESTED UNDER 18 — ARRESTED 18 AND OVER — EX-CLEAR UNDER 18 — EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 OFFENDER DEATH 2 NO PROSECUTION 3 EXTRADITION DENIED 4 VICTIM DECLINES COOPERATION 5 JUVENILE NO CHARGES

REPORTING OFFICER(S): DEPUTY J PRINDLE — DATE: 11-19-04 — BADGE NUMBER: 3472 — APPROVING OFFICER — DATE: 11-21-04



Grand Larceny

INCIDENT LOCATION: 2988 Hwy 17N BIDG L, Mt. Pleasant SC | ZIP CODE: 29466 | WEAPON TYPE: N/A

BEGINNING INCIDENT DATE: 8-12-04 | 24 HR CLOCK: 1600 | ENDING INCIDENT DATE: 8-13-04 | 24 HR CLOCK: 1100 | DISP DATE: 8-13-04 | DISP TIME: 1216 | TIME ARRIVED: 1223 | DEPART TIME: 1300

NAME (LAST, FIRST, MIDDLE): Same As Victim | RELATIONSHIP TO SUBJECT: #1 #2 #3 | RESIDENT | RACE | SEX | AGE | DOB

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC | DRIVERS LIC # & STATE | SOCIAL SECURITY #

ADDRESS # | STREET NAME | CITY | STATE | ZIP CODE | DAY PHONE H/B | EVENING PHONE

OCCUPATION | EMPLOYER | ALIAS | NIC #

VICTIM

NAME (LAST, FIRST, MIDDLE): Horton - Johnny J 0000540771 | #1 ACQ | #2 ACQ | #3 Former In-law | RESIDENT S | RACE O | SEX U | AGE W | DOB M | ETH [redacted]

6'3 | 230 | BRO | BLU | Po Box #933 Mt. Pleasant, SC 29465 (Mail) | DRIVERS LIC # & STATE: SC 00720966 | SOCIAL SECURITY #: [redacted]

ADDRESS #: 1900 | STREET NAME: Hwy 17 Byp | CITY: Mt. Pleasant | STATE: SC | ZIP CODE: 29464 | DAY PHONE: 270-1148 H/B | EVENING PHONE

☐ VISIBLE INJURY ☑ NO ☐ YES EXPLAIN | COMPLAINT OF NON VISIBLE INJURIES ☑ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☑ UNK | DRUGS ☐ NO ☐ YES TYPE | ☐ TWO MAN VEHICLE ☐ DETECTIVE SPLASHT ☐ ALONE ☐ ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION: Contractor | EMPLOYER: Self-Employed | ALIAS: NONE | NIC #: N/A

☐ COMPLAINANT ☐ VICTIM # ☑ SUSPECT # 1 ☐ SUBJECT # ☐ WITNESS # ☐ WANTED ☐ WARRANT ☐ ARREST ☐ RUNAWAY ☐ MISSING PERSON

NAME (LAST, FIRST, MIDDLE): LNU - Edward 0001812329 | #1 #2 #3 | RESIDENT S | RACE O | SEX U | AGE M | DOB 33 | ETH UNK | U

HEIGHT: 6'2 | WEIGHT: 215 | HAIR: BRO | EYES: UNK | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: Goatee Seen SAT 8 7-04 drives off Dorchester Rd | DRIVERS LIC # & STATE: UNK | SOCIAL SECURITY #: UNK

ADDRESS #: [redacted] | STREET NAME: [redacted] | CITY: N Charleston | STATE: SC | ZIP CODE: [redacted] | DAY PHONE: 843 338-0098 H/B | EVENING PHONE: 843 225-4588 H/B

☐ VISIBLE INJURY ☑ NO ☐ YES EXPLAIN | COMPLAINT OF NON VISIBLE INJURIES ☑ NO ☐ YES | USING ALCOHOL ☐ NO ☐ YES ☑ UNK | DRUGS ☐ NO ☐ YES TYPE | ☐ TWO MAN VEHICLE ☐ DETECTIVE SPLASHT ☐ ALONE ☐ ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED

OCCUPATION: General Construction | EMPLOYER: UNK | ALIAS: Rabbit | NIC #: N/A

ARREST — A. CHARGE: N/A | B. CHARGE | C. CHARGE: N/A | D. CHARGE

NARRATIVE

Stow-Away Storage - Victim stated when he came to his storage Unit, he noticed the door was shut but his lock was cut-off and removed by persons unknown. Upon opening the door he observed his two dirt bikes (Motorcycles) were missing. Both motorcycles were in the Unit when it was locked the previous day at approximately 1600 hrs. The storage Unit is full of tools, including cordless drills and ms. guns, and air compressor and power washer, and numerous other hand tools and hardware which were not touched. The red Honda XR100 was entered into NCIC. The Kawaski KX60 was not entered due to lack of information.

PROPERTY

TYPE (GROUP)	TOTAL VALUE
STOLEN: Motorcycles 4500	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

JURISDICTION OF VICTIM LAW ENFORCEMENT AGENCY: CCSO SC0100000

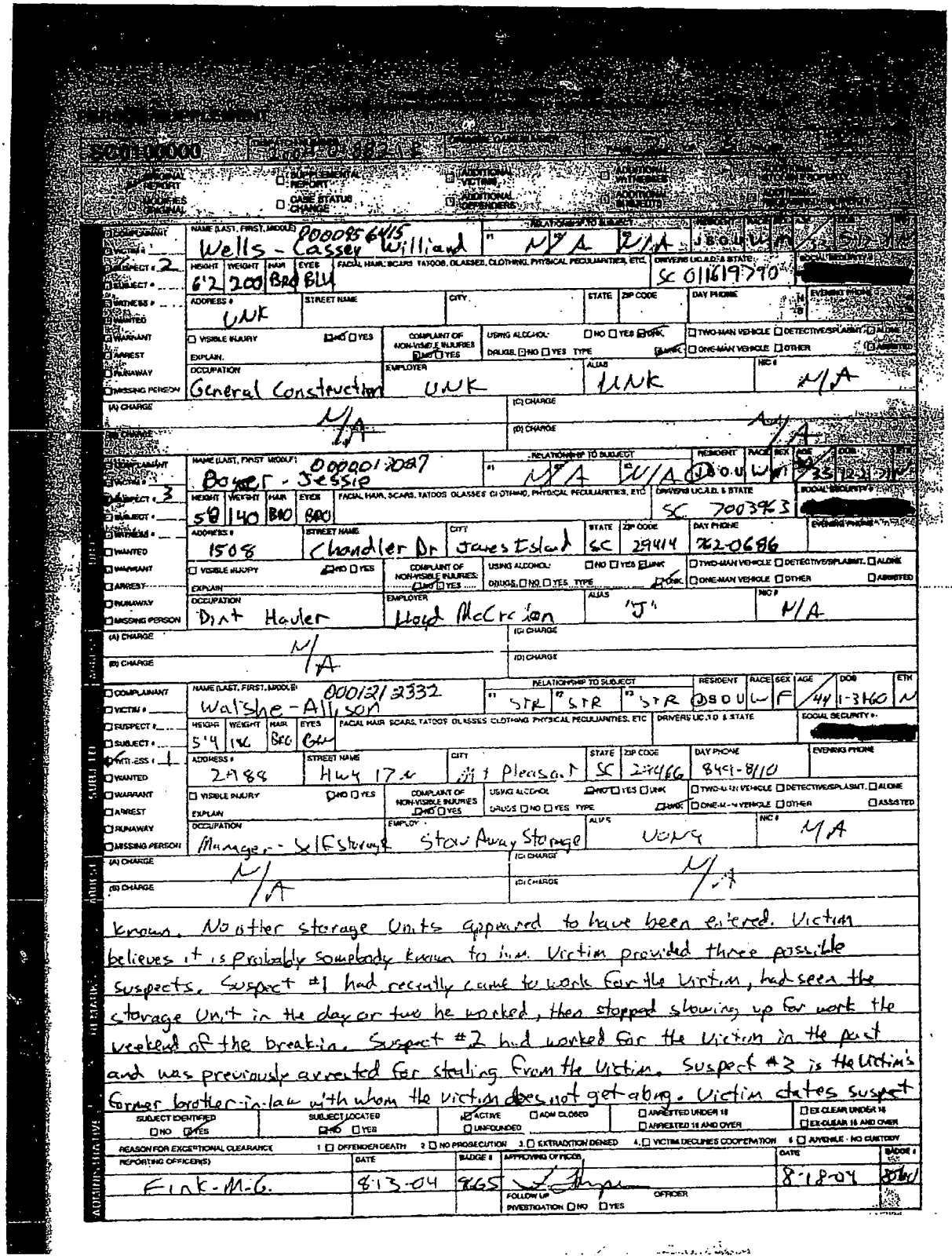
JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

SUBJECT IDENTIFIED ☐ YES ☐ NO | SUBJECT LOCATED ☐ YES ☐ NO | ☑ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Fink-M.G.	8-13-04	9665	[redacted]	8-17-04	0760

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER



Wells - Cassey William — 000085 6415 — 5'2" 200 BRO BLU — SC 011619790 — UNK — UNK — General Construction — UNK — UNK — N/A

Boyer - Jessie — 000201 2087 — 5'8" 140 BRO BRO — SC 700393 — 1508 Chandler Dr James Island SC 29414 — 762-0686 — Dirt Hauler — Lloyd McCrorkin — "J" — N/A

Walshe - Allison — 000121 2332 — 5'4" 120 BRO GRN — 2488 Hwy 17 N Mt Pleasant SC 29466 — 849-8110 — Manager - Self Storage — Stor Away Storage — UNK — N/A

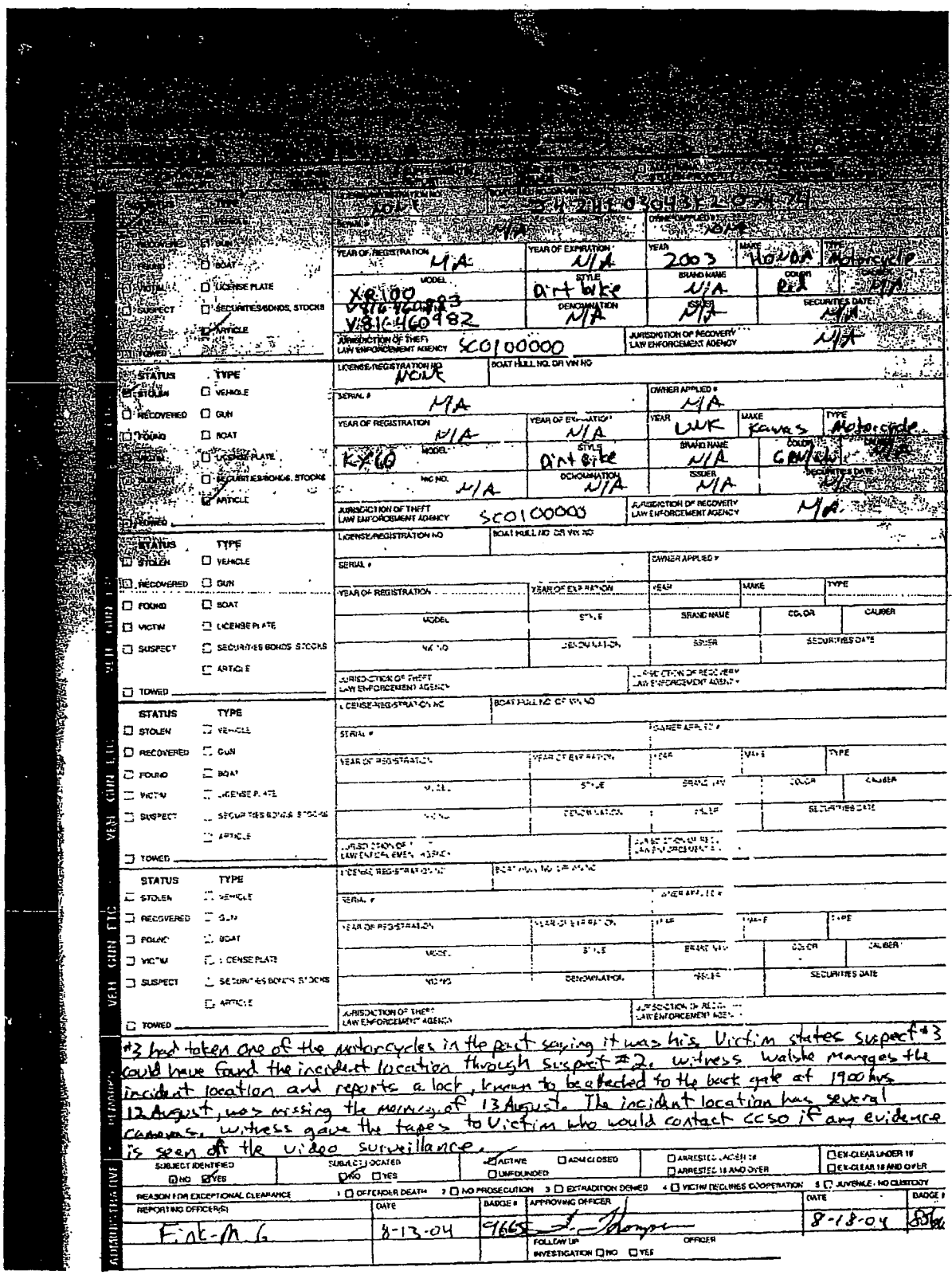
known. No other storage units appeared to have been entered. Victim believes it is probably somebody known to him. Victim provided three possible suspects. Suspect #1 had recently come to work for the victim, had seen the storage unit in the day or two he worked, then stopped showing up for work the weekend of the break-in. Suspect #2 had worked for the victim in the past and was previously arrested for stealing from the victim. Suspect #3 is the victim's former brother-in-law with whom the victim does not get along. Victim states suspect

SUBJECT IDENTIFIED: NO YES — SUBJECT LOCATED: NO YES — ACTIVE — ADM CLOSED — UNFOUNDED — ARRESTED UNDER 18 — ARRESTED 18 AND OVER — EX-CLEAR UNDER 18 — EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 DEFENDER DEATH 2 NO PROSECUTION 3 EXTRADITION DENIED 4 VICTIM DECLINES COOPERATION 5 JUVENILE - NO CUSTODY

REPORTING OFFICER(S): Fink-M-G. — DATE: 8-13-04 — BADGE #: 9665 — APPROVING OFFICER — DATE: 8-18-04 — BADGE #: 3086

FOLLOW UP INVESTIGATION NO YES — OFFICER



VEH. CRIM. ETC.

STATUS	TYPE
☐ STOLEN	☐ VEHICLE
☐ RECOVERED	☐ GUN
☐ FOUND	☐ BOAT
☐ VICTIM	☐ LICENSE PLATE
☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS
	☐ ARTICLE
☐ TOWED	

LICENSE/REGISTRATION NO: NONE — BOAT HULL NO. OR VIN NO: 5Y4-2HE03GH3[illegible]

SERIAL #: MA — OWNER APPLIED #: NONE

YEAR OF REGISTRATION: MA — YEAR OF EXPIRATION: N/A — YEAR: 2003 — MAKE: HONDA — TYPE: Motorcycle

MODEL: XR100 / VIN: VB16460983 / VB16460982 — STYLE: Dirt bike — BRAND NAME: N/A — COLOR: Red — CALIBER: N/A

NIC NO. — DENOMINATION: N/A — ISSUER: N/A — SECURITIES DATE: N/A

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: SC0100000 — JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: N/A

STATUS	TYPE
☐ STOLEN	☐ VEHICLE
☐ RECOVERED	☐ GUN
☐ FOUND	☐ BOAT
☐ VICTIM	☐ LICENSE PLATE
☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS
	☐ ARTICLE
☐ TOWED	

LICENSE/REGISTRATION NO: NONE — BOAT HULL NO. OR VIN NO:

SERIAL #: MA — OWNER APPLIED #: MA

YEAR OF REGISTRATION: N/A — YEAR OF EXPIRATION: N/A — YEAR: UNK — MAKE: Kawas — TYPE: Motorcycle

MODEL: KX60 — STYLE: Dirt Bike — BRAND NAME: N/A — COLOR: Green/Black — CALIBER: N/A

NIC NO: N/A — DENOMINATION: N/A — ISSUER: MA — SECURITIES DATE: N/A

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: SC0100000 — JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY: MA

STATUS	TYPE
☐ STOLEN	☐ VEHICLE
☐ RECOVERED	☐ GUN
☐ FOUND	☐ BOAT
☐ VICTIM	☐ LICENSE PLATE
☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS
	☐ ARTICLE
☐ TOWED	

LICENSE/REGISTRATION NO: — BOAT HULL NO. OR VIN NO:

SERIAL #: — OWNER APPLIED #:

YEAR OF REGISTRATION: — YEAR OF EXPIRATION: — YEAR: — MAKE: — TYPE:

MODEL: — STYLE: — BRAND NAME: — COLOR: — CALIBER:

NIC NO: — DENOMINATION: — ISSUER: — SECURITIES DATE:

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: — JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY:

STATUS	TYPE
☐ STOLEN	☐ VEHICLE
☐ RECOVERED	☐ GUN
☐ FOUND	☐ BOAT
☐ VICTIM	☐ LICENSE PLATE
☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS
	☐ ARTICLE
☐ TOWED	

LICENSE/REGISTRATION NO: — BOAT HULL NO. OR VIN NO:

SERIAL #: — OWNER APPLIED #:

YEAR OF REGISTRATION: — YEAR OF EXPIRATION: — YEAR: — MAKE: — TYPE:

MODEL: — STYLE: — BRAND NAME: — COLOR: — CALIBER:

NIC NO: — DENOMINATION: — ISSUER: — SECURITIES DATE:

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: — JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY:

#3 had taken one of the motorcycles in the past saying it was his. Victim states suspect #3 could have found the incident location through suspect #2. witness Waibe manages the incident location and reports a lock, known to be attached to the back gate at 1900 hrs 12 August, was missing the morning of 13 August. The incident location has several cameras, witness gave the tapes to Victim who would contact CCSO if any evidence is seen on the video surveillance.

SUBJECT IDENTIFIED: ☐ NO ☑ YES — SUBJECT LOCATED: ☑ NO ☐ YES — ☑ ACTIVE ☐ ADMCLOSED ☐ UNFOUNDED — ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER — ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE - NO CUSTODY

REPORTING OFFICER(S)	DATE	BADGE #	APPROVING OFFICER	DATE	BADGE #
Fink-M.G.	8-13-04	466	[signature]	8-18-04	554

FOLLOW UP INVESTIGATION ☐ NO ☐ YES — OFFICER

INCIDENT SUPPLEMENT — CHARLESTON COUNTY SHERIFF'S OFFICE

SCO100000	DISPATCH NUMBER	ORIGINAL CASE NUMBER 2004-022615-B	PAGE 1 OF 1 PAGES	MONTH ENTRY

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL WITNESSES ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☒ CASE CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL SUBJECTS ☐ ADDITIONAL RECOVERED PROPERTY

NARRATIVE:

Original Incident: Stolen Motor Vehicle

Incident Date: 10/02/04

Incident Location: 2328 Midland Park Rd.
N. Charleston, SC 29406

00172231

Victim: Williams, Archele
2178 Victory Lane
N. Charleston, SC 29406

Suspect: Johnson, Reginald Maurice B/M DOB: 09/25/69
1048 Old Back River Rd.
Goose Creek, SC 29445

On 10/04/04 the victim reported his vehicle stolen. The victim identified the person who stole the car as "Red."

The vehicle was recovered by the Berkeley County Sheriff's Office and the above listed suspect was arrested for possession of a stolen vehicle. I/D contacted the victim and advised that he could come in and look at a photo lineup and try and identify the person who stole his car. To date, the victim has failed to come in and speak with I/D.

Due to the results of the investigation, I/D requests this case be exceptionally cleared due to a lack of victim cooperation.

ORIGINAL COPY

ADMINISTRATIVE:

TYPE (GROUP)						TOTAL VALUE	
STOLEN	Automobile						
DAMAGED							
BURNED							
RECOVERED	25000					25000	Chas. Co. S.O.
SEIZED							

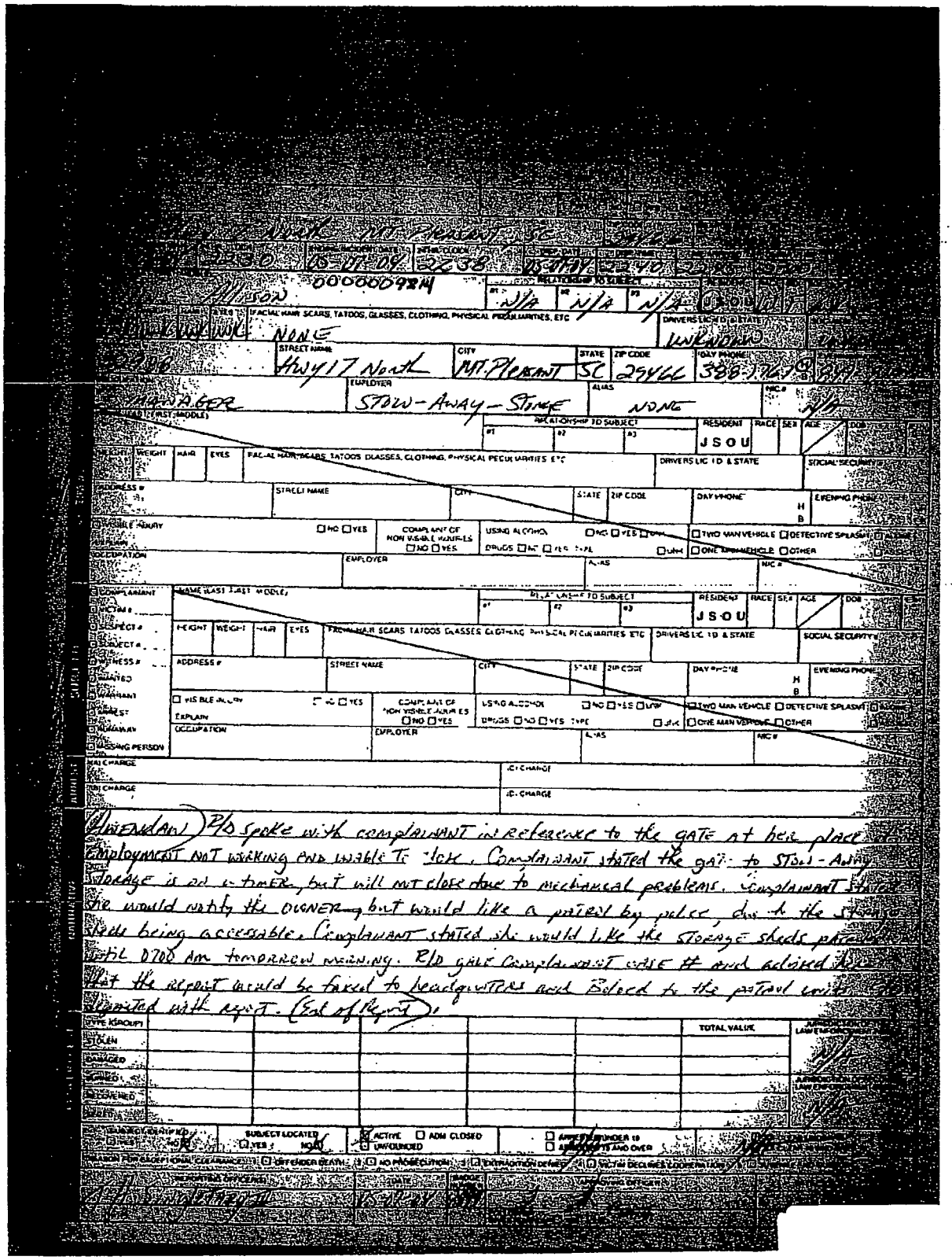
SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ ADM CLOSED ☐ WARRANTED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX CLEAR UNDER 18 ☐ EX CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☒ VICTIM DECLINES COOPERATION 5 ☐ JUVENILE, NO CUSTODY

REPORTING OFFICERS	DATE	BADGE NUMBER	APPROVING OFFICER	DATE	BADGE NUMBER
Anderson, M.	12/22/04	9336	Morris, N.	12/22/04	2822

FOLLOW UP INVESTIGATION ☐ YES ☐ NO — OFFICER

CSO1 226



(AMENDED) R/D spoke with complainant in reference to the gate at her place of employment not working and unable to lock. Complainant stated the gate to STOW-AWAY storage is on a timer, but will not close due to mechanical problems. Complainant stated she would notify the OWNER, but would like a patrol by police due to the storage sheds being accessable. Complainant stated she would like the storage sheds patrolled until 0700 hrs tomorrow morning. R/D gave complainant case # and advised R/D that the report would be faxed to headquarters and forwarded to the patrol units. Complainant with report. (End of Report).

South Carolina
Department of Transportation
Office of Chief Counsel

Linda C. McDonald
Chief Counsel

Assistant Chief Counsel
Natalie J. Moore
Barbara M. Wessinger
Beacham O. Brooker, Jr.
Amanda T. Taylor, Claims
Hart Baker

Claims Office
737-1260

May 11, 2011

G. HAMLIN O'KELLEY, III, ESQUIRE
BUIST BYARS & TAYLOR, LLC
SUITE 200
652 COLEMAN BOULEVARD
MT. PLEASANT SC 29464

RE: Freedom of Information 11-2689
Your File No: 2011040021

Dear Mr. O'Kelley:

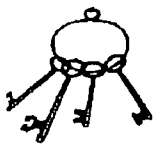
The South Carolina Department of Transportation (SCDOT) is in receipt of your Freedom of Information Request dated April 28, 2011, requesting information under the S.C. Freedom of Information Act (FOIA).

Enclosed are the requested documents. Pursuant to S.C. Code Ann. §30-4-30 (2007), a charge of $37.75 is assessed for this request. An invoice for this amount will be mailed to you under separate cover.

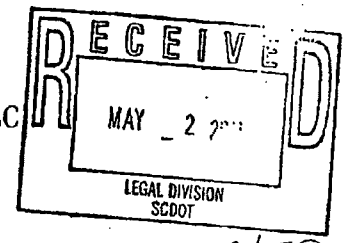
Yours very truly,

Dana Ammer
Freedom of Information Officer

File: Legal
enclosures



BUIST, BYARS & TAYLOR, LLC
ATTORNEYS AT LAW



(c)

5/18
5/25

April 28, 2011

2689

G. HAMLIN O'KELLEY, III
ATTORNEY AT LAW
hamlin.okelley@buistbyars.com

Via Certified Mail, Return Receipt Requested
The South Carolina Department of Transportation
Attn: FOIA Officer
P.O. Box 191
Columbia, SC 29202-0191

Re: South Carolina Freedom of Information Act Request,
Stow Away Storage, LLC v. George W. Sisson, et al.
CA No. 2011-CP-10-2444
Access Easement located at the Intersection of
US Route 17 and Porcher's Bluff Road utilized by Sweetgrass Hardware, Inc.
Our File No. 2011040021

To Whom It May Concern:

I represent George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership and Sweetgrass Hardware, Inc., named Defendants in the above-referenced matter. The subject matter of this action is related to an Access Easement located at the intersection of US Route 17 and Porcher's Bluff Road utilized by Sweetgrass Hardware, Inc. and its patrons. For further reference, please find enclosed a copy of the Access Easement and Abandonment of Encroachment Permit dated October 17, 2000 and recorded November 16, 2000 in Book U358 at Page 109 in the RMC Office for Charleston County.

Pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §30-4-10, *et seq.*, please allow this letter to serve as a written request for a copy of all documents, emails, correspondence, prepared reports, permits, and any other information (collectively the "Records") that the South Carolina Department of Transportation (the "SCDOT") has regarding the above-referenced property.

Specifically, this letter requests copies, records and/or documentation as to the following:

652 Coleman Blvd., Suite 200 • Mt. Pleasant, SC 29464 • Tel (843)856-4488 Fax (843)856-0613
www.buistbyars.com

1. All records related to any alleged encroachment on the right of way of the SCDOT as to the subject property;

2. All records related to any alleged elimination of the right of way as to the subject property by SCDOT on or before July 3, 2009;

3. All records related to the alleged installation of a Type III barricade on the right of way for US Route 17 as to the subject property;

4. If the SCDOT is unable to provide any of the above, then please consider this letter a request for a reasonable explanation as to why such information is unavailable.

Please kindly mail the requested information to me at 652 Coleman Boulevard, Suite 200, Mount Pleasant, South Carolina 29464, along with an invoice for the reasonable copying expenses. Contact me in advance if you anticipate expenses to be more than one hundred dollars ($100.00). Thank you in advance for your prompt attention to this matter. Should you have any questions, please feel free to contact me. With kind regards, I am

Yours very truly,

G. Hamlin O'Kelley, III

GHO/mek
cc: (w/ encls) G. Dana Sinkler, Esq.

IMIC HOTELS
"Proving Southern Hospitality Still Exists"

PROPERTIES

FLORIDA
Amelia Island/Fernandina Beach
• Hampton Inn

GEORGIA
Jekyll Island
• Quality Inn & Suites

NORTH CAROLINA
Morganton
• Hampton Inn

SOUTH CAROLINA
Columbia
• Inn at USC

Georgetown
• Hampton Inn
• Quality Inn & Suites

Pawleys Island/Litchfield
• Hampton Inn

Myrtle Beach
• Comfort Suites
• Suburban Extended Stay Hotel

Spartanburg
• Campus Place Extended Stay

Lexington/Columbia
• Wingate by Wyndham

Charleston/N. Charleston
• Wingate by Wyndham

TENNESSEE
Kingsport
• Hampton Inn

Bristol
• Hampton Inn

Johnson City
• Comfort Suites

Nashville
• Wingate by Wyndham Airport

Mark
Pls provide me w/ an update on this ?
R

June 2, 2008

SCDOT Engineering District 6
Administrator Mr. Robert T. Clark
6355 Fain Blvd.
N. Charleston, SC 29406-4989

entrance
Stop sign
permits
access roads
Remove asphalt
w/in

Re: 2988 U.S. Highway 17 North

Dear Mr. Clark,

We are writing this letter to inform you of a traffic situation on Highway 17 North and the potential of a deadly accident to occur at the intersection of US Highway 17 North and Porcher Bluff Road.

We own property at the intersection of U.S. Highway 17 North and Porcher Bluff Road and have a controlled traffic light into and out of our property. Our neighbor has paved a dirt driveway thru the controlled light and intersection onto US Highway 17 North.

We contacted Julie Flemming within the SCDOT on April 10, 2008 and have not been given any updates to the situation.

We have enclosed an aerial of the driveway prior to it being paved. You will be able to see the traffic light and its potential for a deadly accident to occur. We do not have a photo of the paved driveway and encourage you to drive out and see it in person.

When a vehicle enters US Highway 17 North from the newly paved road, the traffic sensor does not have a way to recognize the automobile present. Therefore, the vehicles will sometimes run thru the signal.

As you can understand we are very concerned for the safety of our customers and would appreciate your investigating the very dangerous traffic situation.

Sincerely,

Bert L. Pooser

INTERSTATE MANAGEMENT AND INVESTMENT CORPORATION
"Proving Southern Hospitality Still Exists"

One Surrey Court • P.O. Box 21427 • Columbia, SC 29221-1427 • (803) 772-2629 • (803) 750-8478 Fax • www.imichotels.com

South Carolina
Department of Transportation

June 20, 2008

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

RE: Deficiency Notice #1

Dear Mr. Pooser:

Upon a recent site visit to your area, it was noted that a gate had been constructed on a driveway that was agreed to be a shared access during the SCDOT encroachment permitting process. This action has lead to the paving of an unapproved driveway access at the intersection of US-17. The location of this access point is dangerous to the travelling public given its close proximity to US-17 and its location within a signalized intersection. One of the special provisions on your approved permit, March 29, 2000, required you to remove the unpaved drive during construction of the new access point into the property. This permit package also included an agreement letter dated March 21, 2000 stating that the unpaved drive would be removed and the new access would serve as shared access point for you and Mr. George Sisson's businesses.

The SCDOT is requiring that you reopen the agreed upon access point. Further action by the Department will be taken if this is not completed within 15 days of this notice and all associated expenses will be the responsibility of the property owner(s).

If you have any more questions or need additional information, please do not hesitate to call me at (843) 740 – 1655 ext. 501.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. George Sisson
Robert Clark, SCDOT District 6 Engineering Administrator
Mike Black, SCDOT District 6 Maintenance Engineer
Mark Nesbit, SCDOT District 6 Traffic Engineer

Chas. Maintenance File

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

South Carolina
Department of Transportation

June 20, 2008

Mr. George Sisson
3018 N. Highway 17
Mount Pleasant, SC 29466

RE: Deficiency Notice #1

Dear Mr. Sisson:

Upon a recent site visit to your area, it was noted that an unapproved driveway access has been paved. The location of this access point is dangerous to the travelling public given its close proximity to US-17 and its location within a signalized intersection. The permit package for the access to the Storage Facility included an agreement letter dated March 21, 2000 signed by you and Mr. Pooser stating that both businesses would utilize the approved shared access.

The SCDOT is requiring that you remove the unpermitted connection to US-17. Further action by the Department will be taken if this is not completed within 15 days of this notice and all associated expenses will be the responsibility of the property owner(s).

If you have any more questions or need additional information, please do not hesitate to call me at (843) 740 – 1655 ext. 501.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. E.L. Pooser
Robert Clark, SCDOT District 6 Engineering Administrator
Mike Black, SCDOT District 6 Maintenance Engineer
Mark Nesbit, SCDOT District 6 Traffic Engineer

Chas. Maintenance. File

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

STOW AWAY STORAGE, LLC
One Surrey Court
Columbia, South Carolina 29212

March 21, 2000

Mr. George Sissons
Charleston, South Carolina

RE: Access Easement

Dear Mr. Sissons:

As we discussed I enclose a form of Easement Agreement to be given by Stow Away Storage, LLC. The easement would give you a perpetual right to utilize Stow Away's driveway, at no cost and expense, to access U.S. Highway 17. The preliminary plans for our driveway and the location of the drive easement for you are attached to the easement. As these plans are finalized a complete definitive description of the easement will be attached to the easement and it will be recorded.

In connection with our granting the drive easement, you will be abandoning and terminating your drive cut on Highway 17. The easement has appropriate language for this purpose in it, as well.

If you are agreeable to terminating and abandoning your drive cut in exchange for the easement to be granted by us as described in the easement document, please acknowledge the same by signing a copy of this letter where indicated below and returning it to me at your earliest convenience. Should you have any questions, please do not hesitate to contact me.

Best regards,

E. L. Pooser, III

Acknowledged and Agreed:

George Sissons
Dated: 3-27-00

STOW AWAY STORAGE, LLC
One Surrey Court
Columbia, South Carolina 29212

March 21, 2000

Mr. George Sissons
Charleston, South Carolina

RE: Access Easement

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Best regards,

E. L. Pooser, III

Acknowledged and Agreed:

George Sissons
Dated: 3-27-00

South Carolina
Department of Transportation

2401 Maintenance Way
North Charleston, SC 29406

Dear Permittee:

The attached permit has been approved with the following stipulations:

1. The South Carolina Department of Transportation (SCDOT) shall be given the opportunity to attend any pre-construction conferences.

2. SCDOT shall be notified of the date and time permitted work will begin. Notification of at least 48 hours must be given to the Department during the hours of 8:00 am to 5:00 p.m. Monday through Friday. Written notification is required before work can begin. A fax-back notification form has been attached to assist with this requirement.

Also, please note all provisions attached to or written on the approved permit, as well as the requirements outlined on the back of the permit. *Failure to comply with any of these provisions may result in stoppage of work, the permit being revoked, and removal of all materials placed within the right-of-way at full expense of the permittee.* I ask for your full cooperation in this matter so that we may avoid costly corrections and maintain the integrity of our transportation infrastructure.

Sincerely,

Tom Tilden

Tom Tilden
Resident Maintenance Engineer
Charleston County

AN EQUAL OPPORTUNITY

2401 Maintenance Way
N. Charleston, SC 29406

Permit Notice to Proceed
Fax-Back

Fax To: SCDOT Charleston Maintenance Office
(843) 740-1548

The fax is to inform the Department of the following permittee work:

PERMIT NUMBER: _____

ROAD NAME AND NUMBER: _____

NAME OF PERMITTEE: _____

SITE WORK CONTRACT NAME: _____

CONTACT PHONE NUMBER: _____

START DATE: _____

ESTIMATED COMPLETION DATE: _____

NOTES:

NOTE: Copy of this notification to be placed in permit file.

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

FAX COVER SHEET

DATE: 3/16 TIME: 11:30

FROM: DAN FARLEY Hard Copy to Follow: Yes ☐ No ☑

Our FAX Number is (843) 849-0203

PLEASE DELIVER THE ATTACHED MESSAGE TO:

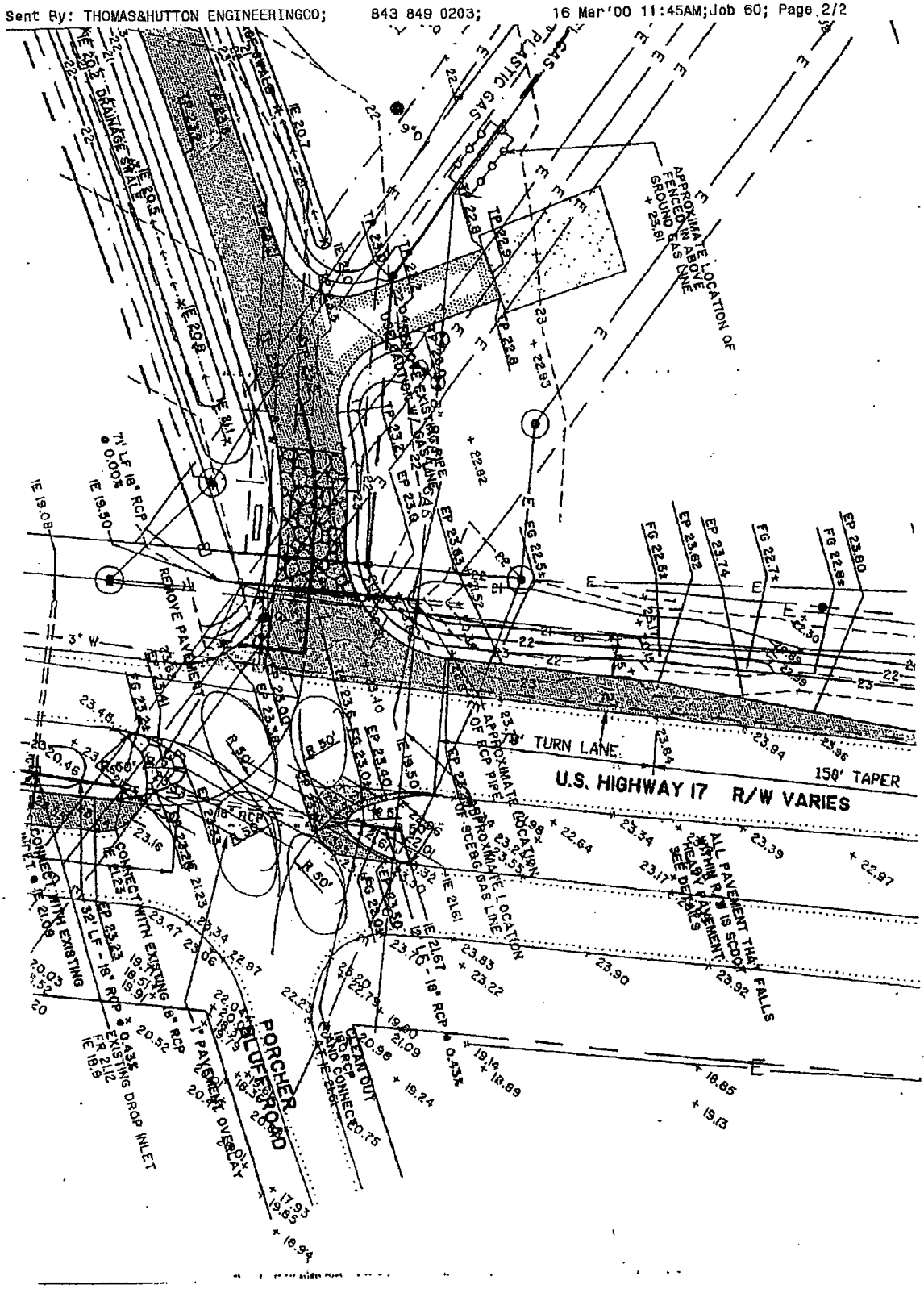
NAME: JOEY HARRIS

COMPANY: SCDOT

CITY AND STATE: _____ FAX NO.: 740-1663

TOTAL # OF PAGES INCLUDING THE COVER SHEET: 2

Notes: I CIRCLED THE LABELS FOR THE RADIUS, LET ME KNOW IF THIS IS WHAT YOU WERE ASKING FOR, THANK YOU


U.S. HIGHWAY 17 R/W VARIES
PORCHER BLUFF ROAD
150' TAPER
TURN LANE
REMOVE PAVEMENT
APPROXIMATE LOCATION OF FENCED-IN GAS LINE
APPROXIMATE LOCATION OF SCEG/GAS LINE
ALL PAVEMENT THAT FALLS WITHIN R/W IS SCDOT HELOY PAVEMENT. SEE DETAILS
CONNECT WITH EXISTING 18" RCP
EXISTING DROP INLET
CLEAN OUT
1" PAVEMENT OVERLAY
32' LF - 18" RCP
7' LF 18" RCP
DRAINAGE SWALE
PLASTIC GAS

THOMAS & HUTTON ENGINEERING CO.
936 HOUSTON NORTHCUTT BOULEVARD · SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Mr. Joey Harris / SCDOT

FROM: Mike Kleven

DATE: 10/31/00

RE: Stowaway Storage
Drainage / Property Line Conflict

JOB #: 12497.300

We are sending you _X_ Attached __ Under Separate Cover Via fax / mail the following items:

Copies	Date	Description
1	NA	Drawing of proposed drainage / property line conflict correction

_X_ For Approval __ For Your Use __As Requested __ For Review and Comment

Remarks:

Joey,

Attached is a drawing of the proposed correction to the drainage conflict we discussed on site at Stowway Storage last Friday (10/27/00). Please call me with any questions or comments you may have. Thanks.

Signed: Mike Kleven

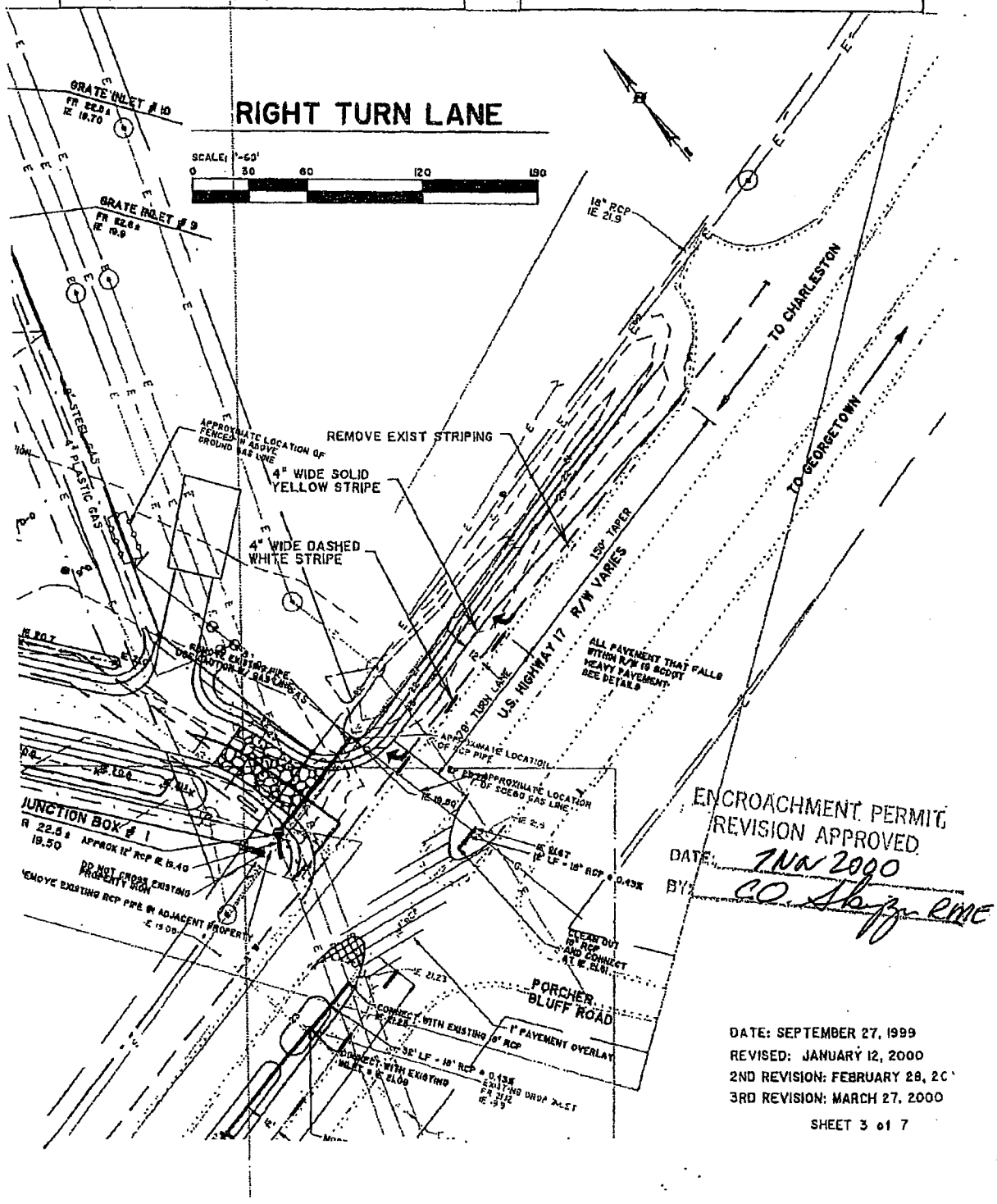
DOCUMENT2



SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 2000
3RD REVISION: MARCH 27, 2000

SHEET 3 of 7

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

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Signed: _____



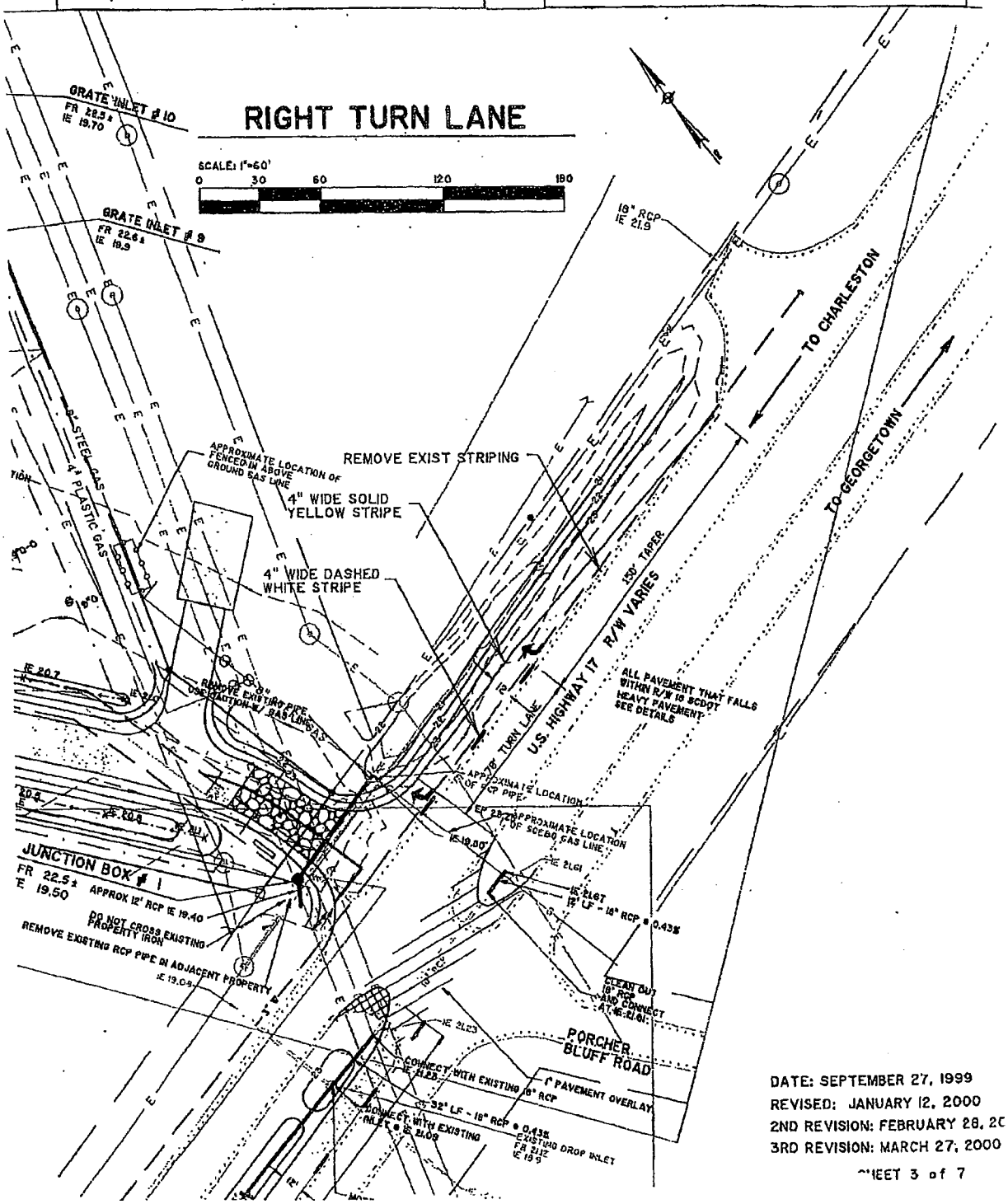
DOCUMENT2

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 20
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SHEET 3 of 7

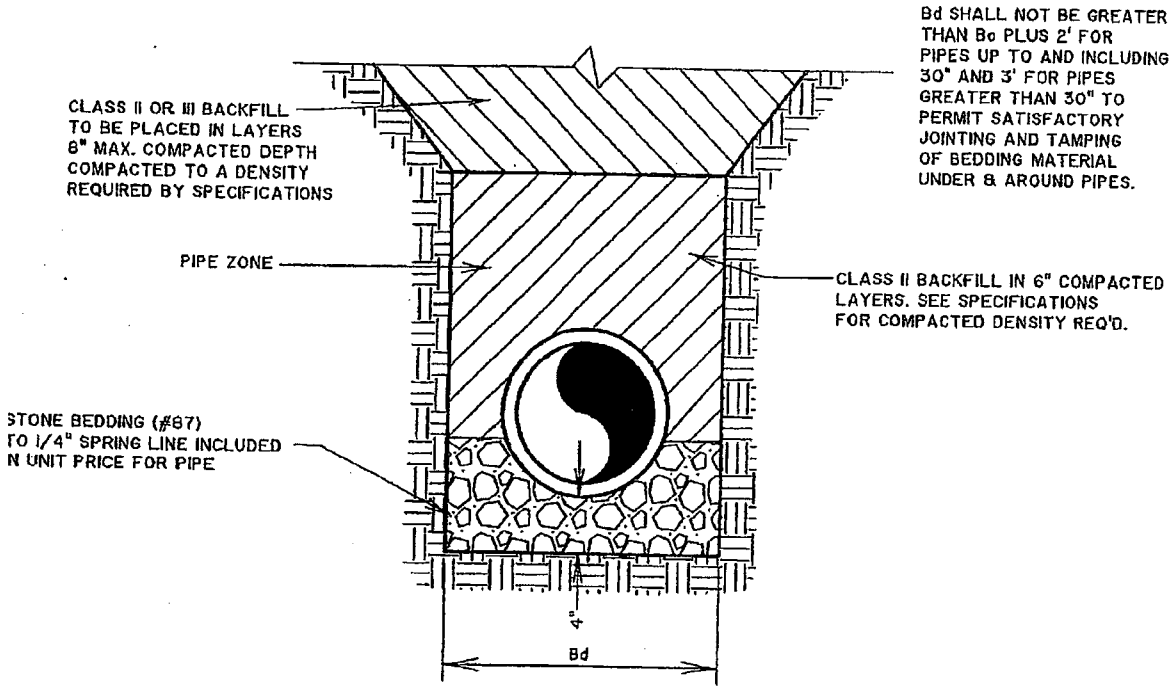
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APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



STORM LINE BEDDING DETAIL

NOT TO SCALE

ATE: JANUARY 12, 2000

SHEET 7 of 7

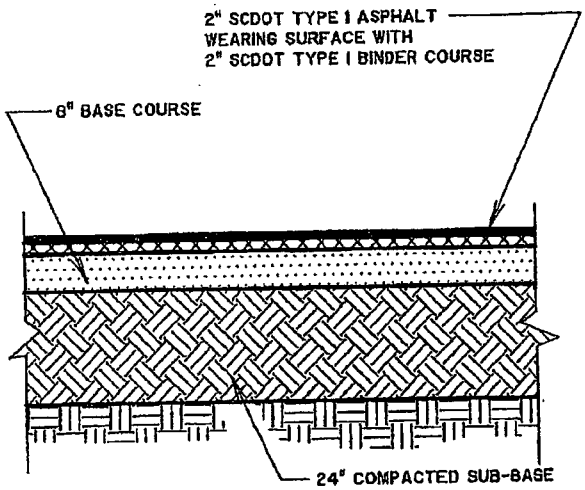
/12497/dwg/dotpermit/12497dot2

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



TYPICAL PAVEMENT SECTION

NOT TO SCALE

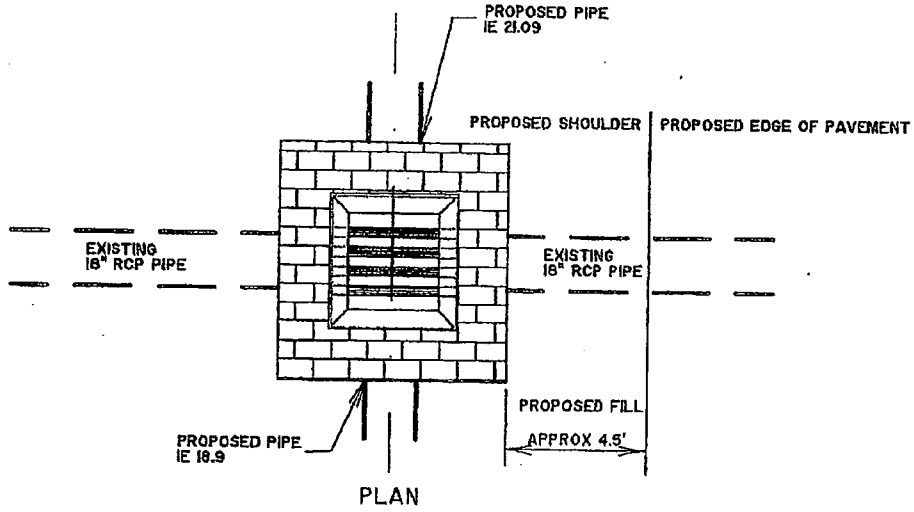
ATE: SEPTEMBER 27, 1999
EVISED: JANUARY 12, 2000

APPLICATION FOR ENCROACHMENT PERMIT

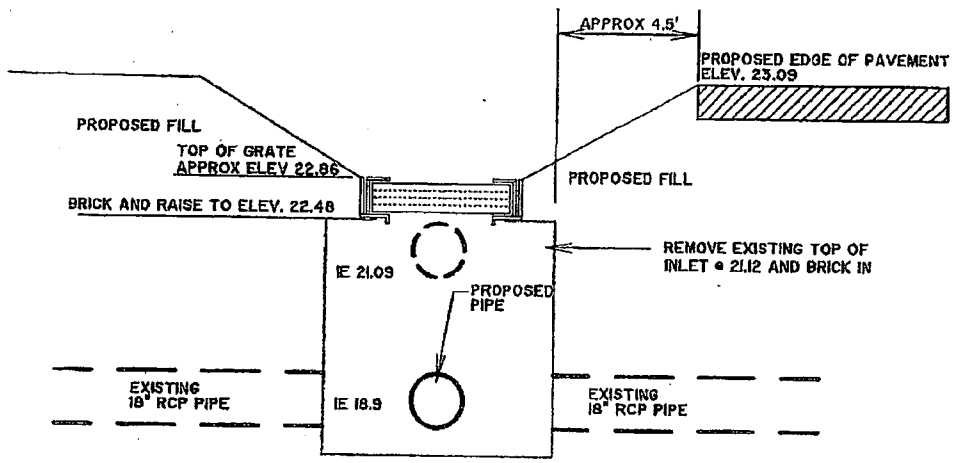
SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



PLAN



PROFILE

MODIFY EXISTING INLET DETAIL TO SCDOT STANDARDS TYPE 12, DRAW NO. 719-6

NOT TO SCALE

ATE: SEPTEMBER 27, 1999
EVISED: JANUARY 12, 2000
D REVISION: FEBRUARY 28, 2000

SCDOT District 6
Traffic Engineering

FAX

To: Dan Farley, Thomas & Hutton Engineering, Inc. (FAX 849-0203)

From: Darrin Shoemaker, SCDOT District 6 Traffic Engineering (Voice 740-1665 ext. 119)

CC: Joey Harris, Charleston Maintenance

Date: 02/22/00 1016

Re: Stow-Away Boat Storage – US 17 @ S-10-51 (Porchers Bluff Road)

This is in response to your February 17 fax transmittal. I have reviewed your fax, and offer comments as follow. I am also transmitting a copy of my earlier 9/29/99 remarks for your ready reference.

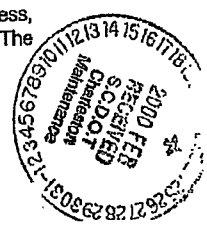
This site has 60' of available frontage on US 17. Section 3A-1 of our Access and Roadside Management Standards Manual states that commercial properties with less than 64' of frontage will be granted an access only upon special consideration by the Department. This passage acknowledges the fact that 64' of frontage is necessary to accommodate a 24' wide driveway, 15' outside radii, and 5' property corner offsets. All of these are the bare minimums required to provide adequate commercial access.

The 40' outside radii originally proposed are desirable in order to adequately treat turning movements by trucks pulling boat trailers. This is especially true in light of the running speeds on US 17. Joey Harris' advice that a right turn decel lane of 150' decel / 150' taper will be accepted represents quite a decrease over the 250' decel / 200' taper recommendation outlined in my 9/29/99 memo. Is this reduction due to an adjacent access? Based on this reduction in the length of the turn lane, it would not be appropriate to consider reducing the 40' outside radius on this side. I will accept a reduction in the outside radius to 35' on the southern side of the driveway.

Our standards state that a letter of permission from the adjacent property owner is required when the end of a driveway radius encroaches to within 5' of the shortest line between the property corner and the edge of pavement. Therefore, if the adjacent property owner on one (either) side is unwilling to provide a letter, this leaves 55' of frontage available to work with. This isn't even adequate to provide a 40' radius and 24' driveway width. This formed much of the basis for the comment in my earlier memorandum that adjacent property owner permission on *both* sides was going to be required in this instance. You can slide the driveway away from one of the adjacent property corners in a manner that doesn't require a letter, but it shifts the actual driveway width onto the adjacent property to the other side. It looks like we need to see two letters of permission, or else some additional frontage to US 17 will be required.

The auxiliary lane dimensions are referenced to the centerline of the proposed access, which is inappropriate. They are supposed to be measured from the end of the driveway radii. The 250' decel for the left turn lane may be measured from the edge of the existing crossover.

(SEE OTHER SIDE, JOEY)



SCDOT District 6
Traffic Engineering

Memo

To: Joey Harris, Charleston Maintenance

From: Darrin Shoemaker, SCDOT District 6 Traffic Engineering

CC:

Date: 09/29/99 0909

Re: Stow Away Boat Storage – US 17 @ S-10-51 (Porchers Bluff Road)

This is a pretty high impact facility, with both mini-warehouse storage and dry boat storage proposed. In previous reviews of this site regarding proposed developments of similar impact, we have recommended the provision of both left and right turn lanes. This recommendation was made based on the anticipated traffic generation of the facility, which includes a high demand of heavy vehicles and motorists pulling trailers, and the volume and speed of traffic on US 17. Adequately designed turn lanes should incorporate 250' of full-width decel lane and 200' tapers. I concur with the 40' radii and 24' driveway width.

The 60' frontage length will result in a requirement to obtain submit adjacent property owner permission in order to provide this driveway design. The design as submitted would require this permission from both adjacent property owners due to the lack of a 5' offset between the property pin and the end of radius on the northern side of the driveway. They may be able to avoid obtaining this written permission from the property owner to the north by shifting the alignment to the south in a manner that will develop the 5' property pin offset. Due to the angle of approach of Porcher's Bluff Road on the opposite side of US 17, it appears that shifting the driveway to the south a few feet would improve the intersection alignment as well.

DTE Clark recalls that there was a residual site of significant size located behind this property. If there is indeed a residual area that may require future access through this site, let's make sure that we address it within our evaluation of this permit application. We wouldn't entertain an additional future access that falls within a minimum offset distance from this median crossover. If there is indeed a residual area of a certain impact that will require future access via this driveway, we may need to request that the width be increased.

SCDOT District 6
Traffic Engineering

Memo

To: Joey Harris, Charleston Maintenance

From: Darrin Shoemaker, SCDOT District 6 Traffic Engineering

CC:

Date: 09/29/99 0909

Re: Stow Away Boat Storage – US 17 @ S-10-51 (Porchers Bluff Road)

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THOMAS & HUTTON ENGINEERING CO.
936 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Joey Harris
SCDOT-Charleston

FROM: Dan Farley

DATE: March 8, 2000

RE: Stowaway Storage

JOB #: J-12497.300

We are sending you _X_ Attached ___ Under Separate Cover Via _Bullet_ the following items:

Copies	Date	Description
1		Revised Encroachment Permit
1		Plan Sheet # 3

_X_ For Approval ___ For Your Use ___As Requested ___ For Review and Comment

---

Remarks: Please call if there are any questions or if there is any other information needed.

Signed: Dan S Farley

\\TH_CHS_B\DATA\NETWORK\12497\DOCS\HARRIS007.DOC

SCDOT

South Carolina
Department of Transportation

Fax Memo

Date: 2-4-00

To: Dan Farley Fax Number: 849-0203

From: Joey Harris Phone Number: (843) 740-1655

RE: Stow-Away Storage

Please respond to the following request for additional support materials so that we may continue our evaluation of your encroachment permit application. The following support materials are needed: (South Bound Lane)

(1) Dan Make the Right Turn Lane 150/150 into Property.

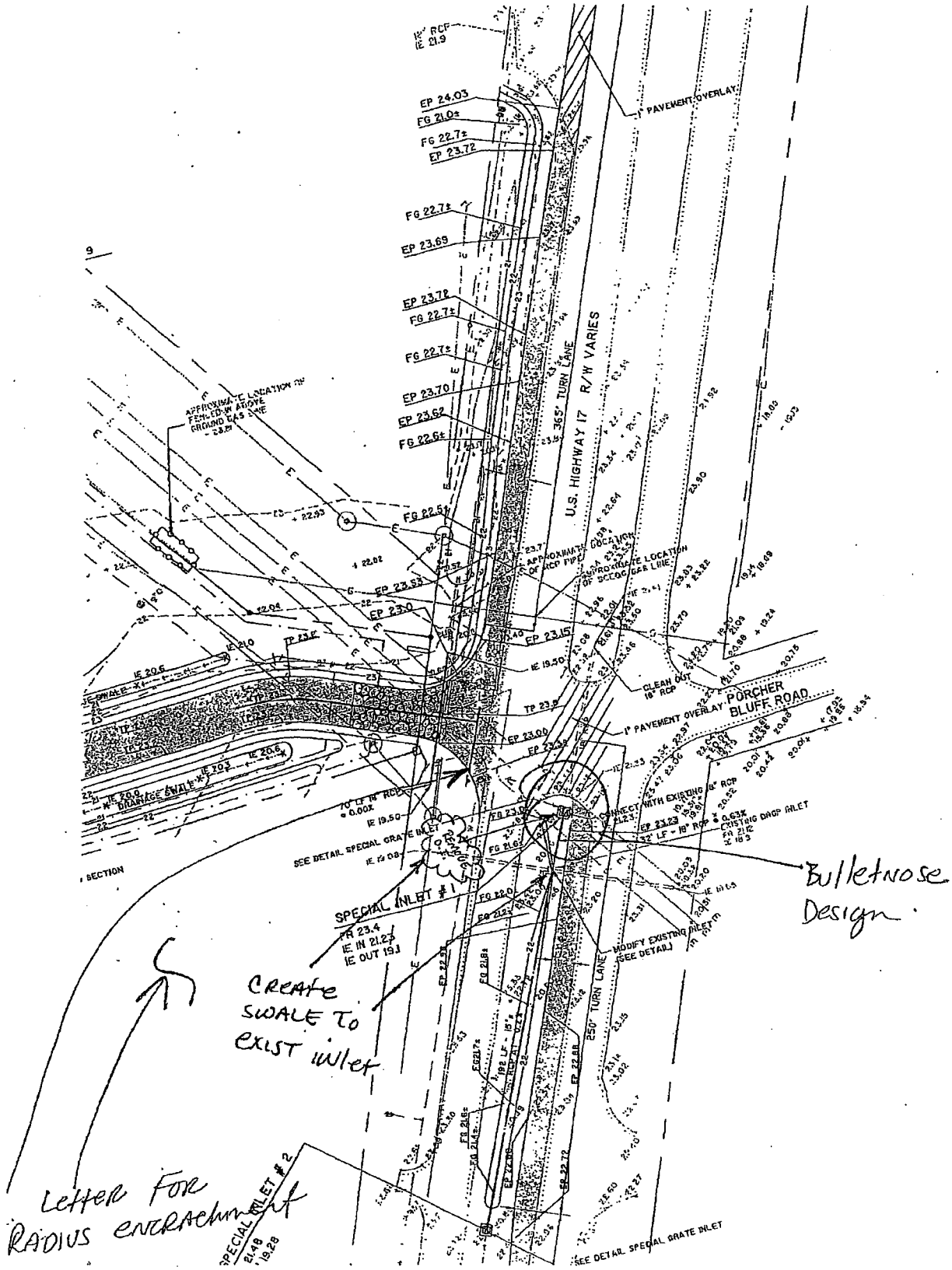
(2) Remove Drop inlet in median Replace with 18" RCP.

(3) Create A Bulletnose, Radius. See Attach Detail.

(4) We need A letter from the Adj. Property Owner for Radius encroachment.

6 sheets

AN EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION EMPLOYER

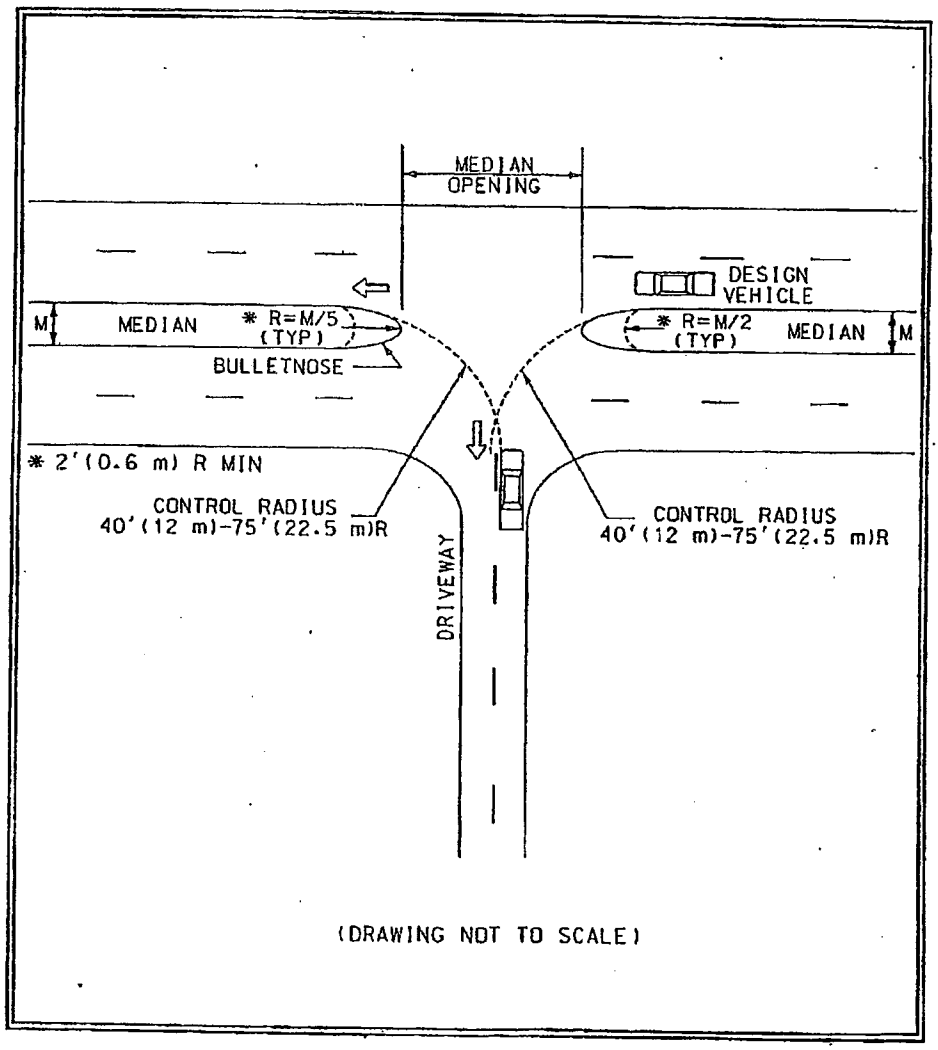

U.S. HIGHWAY 17 R/W VARIES
PORCHER BLUFF ROAD
1" PAVEMENT OVERLAY
SPECIAL INLET #1
CREATE SWALE TO EXIST INLET
Bulletnose Design
Letter For RADIUS ENCRACHMENT
MODIFY EXISTING INLET (SEE DETAIL)
CONNECT WITH EXISTING 18" RCP
SEE DETAIL SPECIAL GRATE INLET
250' TURN LANE
365' TURN LANE

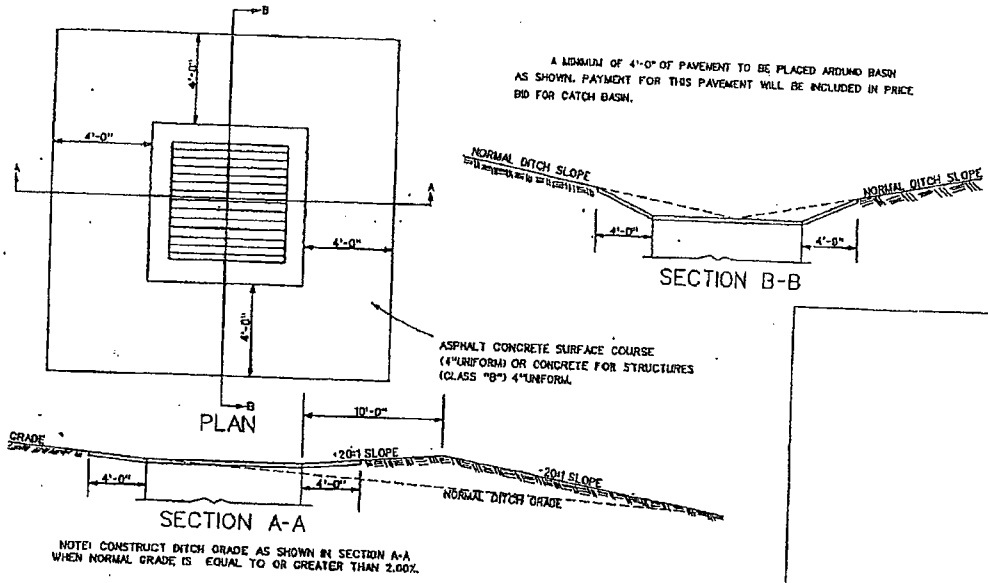
turn crossover should have a minimum length of 24 feet (7.2 m) and should have semicircular median ends.

Pavement design shall equal or exceed that of the existing roadway.

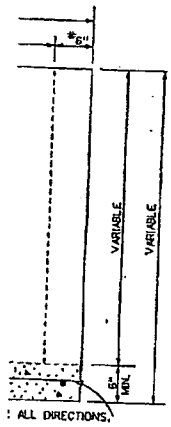
If auxiliary lanes are required they shall be designed in accordance with subsection 3G-7.

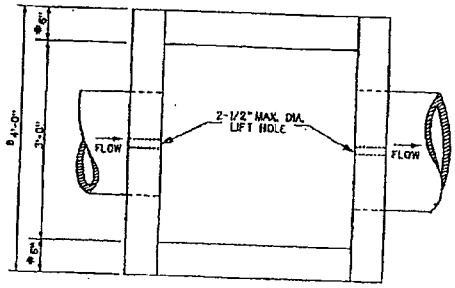
FIGURE 3-4 MINIMUM MEDIAN OPENING

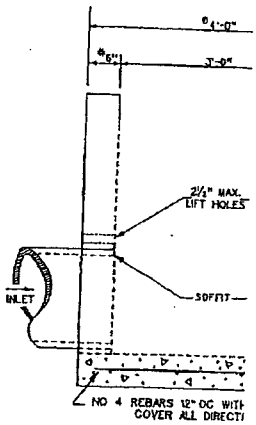




PAVING AND DITCH DETAILS



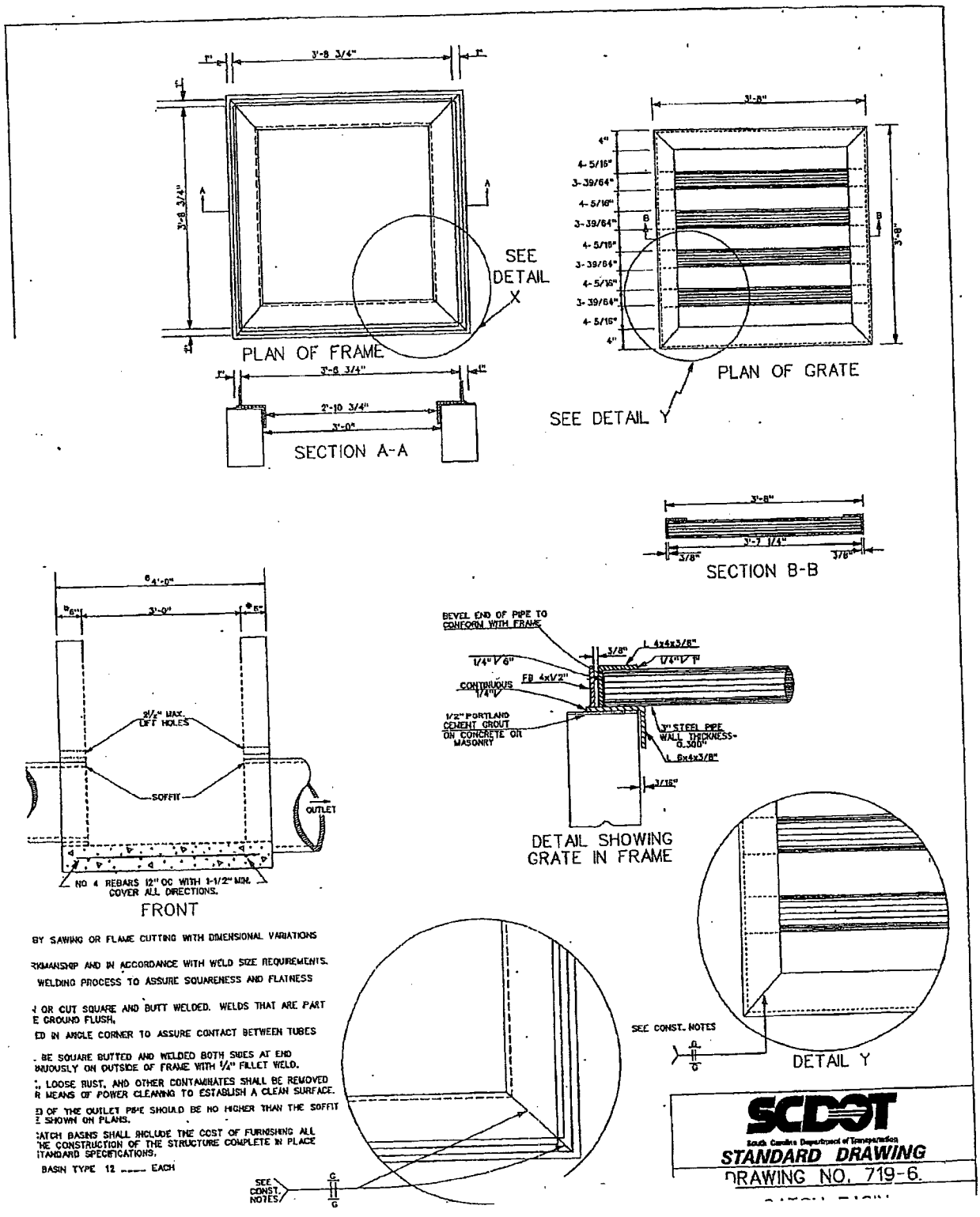




NOTES:

1. FOR CONSTRUCTION OF THE CATCH BASIN WALLS EITHER BRICK MASONRY OR CLASS A CONCRETE MAY BE USED. FOR CONCRETE THE WALLS ARE TO BE 6 IN. THICK WITH A REINFORCING STEEL AREA OF 0.20 SQ. IN. PER FT. FOR BRICK THE WALLS ARE TO BE 8 IN. THICK.
2. THE BOTTOM SLAB OF THE BOX SHALL BE A MINIMUM OF 6 IN. THICK CLASS A CONCRETE WITH A REINFORCING STEEL AREA OF 0.20 SQ. IN. PER FT. WIRE MESH MAY BE USED IN LIEU OF STEEL BARS PROVIDED A MINIMUM OF 0.20 SQ. IN PER FT. IS MET.
3. MORTAR SHALL BE TYPE S OR M.
4. IF DESIRED THESE ITEMS MAY BE PRECAST PRIOR TO INSTALLATION IN LIEU OF BEING CAST IN PLACE. THE USE OF PRECAST UNITS WILL NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF OBTAINING SATISFACTORY INSTALLATIONS. SEE STANDARD DRAWINGS FOR PRECAST STRUCTURES FOR ADDITIONAL DETAILS AND SPECIFICATIONS.
5. REINFORCING STEEL SHALL BE DEFORMED AND SHALL CONFORM TO AASHTO M 31, GRADE 60. WIRE MESH SHALL CONFORM TO AASHTO M 55 AND M 221.
6. IF STRUCTURE DEPTH EXCEEDS 4'-6", METAL STEPS ARE TO BE PLACED ON WALL. SEE STEP STANDARD DRAWING 719-18.
7. EXTRA STRONG STEEL PIPE SHALL CONFORM TO ASTM A 53, NPS-3, SCHEDULE 80. SCHEDULE 80 IS WALL THICKNESS +0.300". A MILL TEST CERTIFICATION SHALL BE OBTAINED FOR EACH SHIPMENT AND THE PIPE SHALL BE MARKED "ASTM A 53".
8. STRUCTURAL STEEL FOR ANGLES AND BARS SHALL CONFORM TO ASTM A 36. A MILL TEST CERTIFICATION SHALL BE OBTAINED FOR EACH SHIPMENT AND MADE AVAILABLE TO THE RESIDENT ENGINEER.
9. PAINT SHALL CONSIST OF TWO COATS OF PRIMER AND ONE COAT OF FINISH BLACK. THE PRIMER SHALL BE BASIC LEAD SILICA CHROMATE OR ZINC-IRON OXIDE BASE. THE FINISH COAT SHALL BE BLACK ALKYD GLOSS ENAMEL. ALL PRODUCTS SHALL BE HIGH QUALITY COMMERCIAL PAINTS. TOTAL PAINT THICKNESS SHALL BE 7 MILS.
10. ALL JOINTS SHALL BE PREPARED BY SAWING OR FLAME CUTTING WITH OF 1/8" MAX.
11. WELDING SHALL BE OF GOOD WORKMANSHIP AND IN ACCORDANCE WITH
12. JIGS SHALL BE USED DURING THE WELDING PROCESS TO ASSURE SQU OF THE UNITS.
13. CORNERS MAY BE CUT AS SHOWN OR CUT SQUARE AND BUTT WELDE OF METAL BEARING SURFACES SHALL BE GROUND FLUSH.
14. ENDS OF TUBES SHALL BE BEVELED IN ANGLE CORNER TO ASSURE C AND ANGLE LEG.
15. FLAT BAR 4" X ½" PLATES SHALL BE SQUARE BUTTED AND WELDED I JOINTS. EDGE SHALL BE WELDED CONTINUOUSLY ON OUTSIDE OF FRAME WI
16. BEFORE PAINTING, ALL MILL SCALE, LOOSE RUST, AND OTHER CONTAM BY MEANS OF SANDBLASTING OR OTHER MEANS OF POWER CLEANING TO E
17. THE SOFFIT (INSIDE WALL OF PIPE) OF THE OUTLET PIPE SHOULD BE OF THE INLET PIPE, UNLESS OTHERWISE SHOWN ON PLANS.
18. THE CONTRACT UNIT PRICE FOR CATCH BASINS SHALL INCLUDE THE C MATERIALS AND WORK INCIDENTAL TO THE CONSTRUCTION OF THE STRUCTU AS SHOWN IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS.
19. THE BID ITEM SHALL BE: CATCH BASIN TYPE 12 _____ EACH

IN
TE AND ADDED
9



BY SAWING OR FLAME CUTTING WITH DIMENSIONAL VARIATIONS

RKMANSHIP AND IN ACCORDANCE WITH WELD SIZE REQUIREMENTS.

WELDING PROCESS TO ASSURE SQUARENESS AND FLATNESS

OR CUT SQUARE AND BUTT WELDED. WELDS THAT ARE PART E GROUND FLUSH.

ED IN ANGLE CORNER TO ASSURE CONTACT BETWEEN TUBES

. BE SQUARE BUTTED AND WELDED BOTH SIDES AT END NUOUSLY ON OUTSIDE OF FRAME WITH 1/4" FILLET WELD.

., LOOSE RUST, AND OTHER CONTAMINATES SHALL BE REMOVED R MEANS OF POWER CLEANING TO ESTABLISH A CLEAN SURFACE.

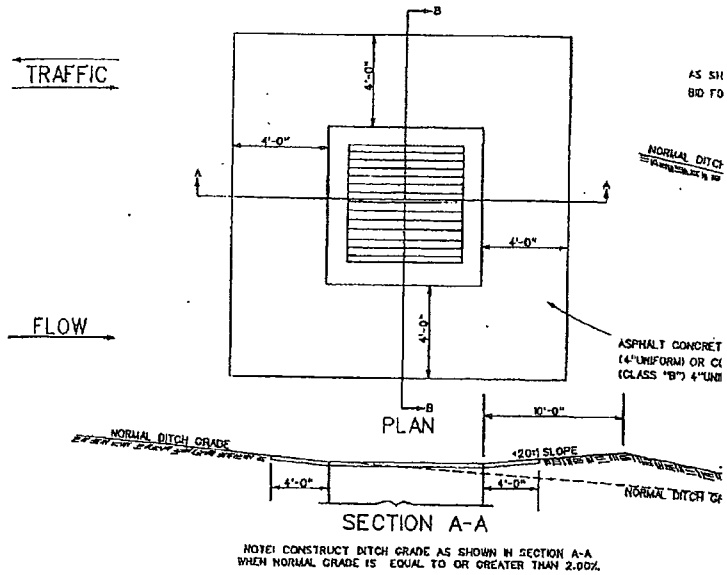
D OF THE OUTLET PIPE SHOULD BE NO HIGHER THAN THE SOFFIT E SHOWN ON PLANS.

ATCH BASINS SHALL INCLUDE THE COST OF FURNISHING ALL HE CONSTRUCTION OF THE STRUCTURE COMPLETE IN PLACE TANDARD SPECIFICATIONS.

BASIN TYPE 12 ____ EACH

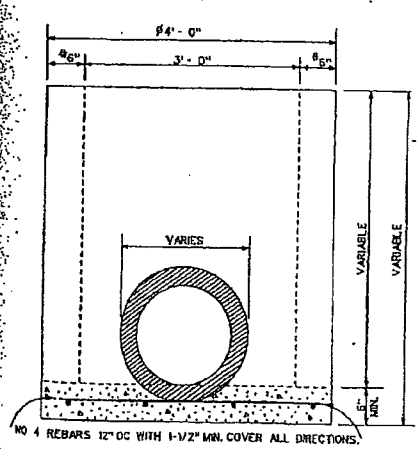
SCDOT
South Carolina Department of Transportation
STANDARD DRAWING
DRAWING NO. 719-6.

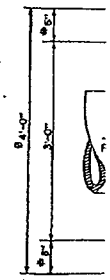
std719f



NOTE: CONSTRUCT DITCH GRADE AS SHOWN IN SECTION A-A WHEN NORMAL GRADE IS EQUAL TO OR GREATER THAN 2.00%.

PAVING AND DITCH DETAILS





@ 6" FOR CONCRETE - CLASS "A"
@ 8" FOR BRICK
∅ 4'-0" FOR CONCRETE
∅ 4'-4" FOR BRICK

REVISIONS		
DATE	REV. BY	DESCRIPTION
2-26-91	A.B.D.	REDRAWN, ROTATED GRATE AND ADDED CONCRETE BOTTOM SLAB
11-4-92	JET	ROTATED GRATE

NOTES:

1. FOR CONSTRUCTION OF THE CATCH BASIN WALLS EITHER CONCRETE MAY BE USED. FOR CONCRETE THE WALLS ARE TO REINFORCING STEEL AREA OF 0.20 SQ. IN. PER FT. FOR BRICK
2. THE BOTTOM SLAB OF THE BOX SHALL BE A MINIMUM OF WITH A REINFORCING STEEL AREA OF 0.20 SQ. IN. PER FT. WIF STEEL BARS PROVIDED A MINIMUM OF 0.20 SQ. IN PER FT. IS
3. MORTAR SHALL BE TYPE S OR M.
4. IF DESIRED THESE ITEMS MAY BE PRECAST PRIOR TO INS CAST IN PLACE. THE USE OF PRECAST UNITS WILL NOT RELIE RESPONSIBILITY OF OBTAINING SATISFACTORY INSTALLATIONS. STRUCTURES FOR ADDITIONAL DETAILS AND SPECIFICATIONS.
5. REINFORCING STEEL SHALL BE DEFORMED AND SHALL CON WIRE MESH SHALL CONFORM TO AASHTO M 55 AND M 221.
6. IF STRUCTURE DEPTH EXCEEDS 4'-6", METAL STEPS ARE SEE STEP STANDARD DRAWING 719-16.
7. EXTRA STRONG STEEL PIPE SHALL CONFORM TO ASTM A 80 IS WALL THICKNESS .0.300". A MILL-TEST CERTIFICATION S SHIPMENT AND THE PIPE SHALL BE MARKED "ASTM A 53".
8. STRUCTURAL STEEL FOR ANGLES AND BARS SHALL CONFO CERTIFICATION SHALL BE OBTAINED FOR EACH SHIPMENT AND M ENGINEER.
9. PAINT SHALL CONSIST OF TWO COATS OF PRIMER AND ON PRIMER SHALL BE BASIC LEAD SILICA CHROMATE OR ZINC-IRON SHALL BE BLACK ALKYD GLOSS ENAMEL. ALL PRODUCTS SHALL PAINTS. TOTAL PAINT THICKNESS SHALL BE 7 MILS

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Joey Harris
SCDOT-Charleston

FROM: Dan Farley

DATE: January 26, 2000

RE: Stowaway Storage

JOB #: J-12497.300

We are sending you _X_ Attached __ Under Separate Cover Via _Bullet_ the following items:

Copies	Date	Description
1		Plan Sheets 3, 5 and 7

__ For Approval __ For Your Use _X_ As Requested __ For Review and Comment

Remarks: Please call if there are any questions.

Signed: Dan S. Farley

NA12497\DOCS\HARRIS006.DOC

THOMAS & HUTTON ENGINEERING CO.
936 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Joey Harris
SCDOT-Charleston

FROM: Dan Farley

DATE: January 17, 2000

RE: Encroachment Permit, US HWY 17
Stowaway Boat Storage

JOB #: J-12497.300

We are sending you _X_ Attached ___ Under Separate Cover Via _Bullet_ the following items:

Copies	Date	Description
1		Encroachment Permit - Resubmittal

_X_ For Approval ___ For Your Use ___As Requested ___ For Review and Comment

---

Remarks: Attached is a resubmittal of an Encroachment Permit Application for Stowaway Boat Storage, located at the intersection of US HWY 17 and Porcher Bluff Road. We submitted the first time a couple of months ago, so you still should have the application. We had to resubmit because we did not have adequate turn lanes. Please call if there are any questions or anything I can do to help the progress of our application. I attached a copy of our application from the last time the permit was submitted. Thank you for your time.

Signed: Dan Farley

N:\12497\DOCS\HARRIS005.DOC

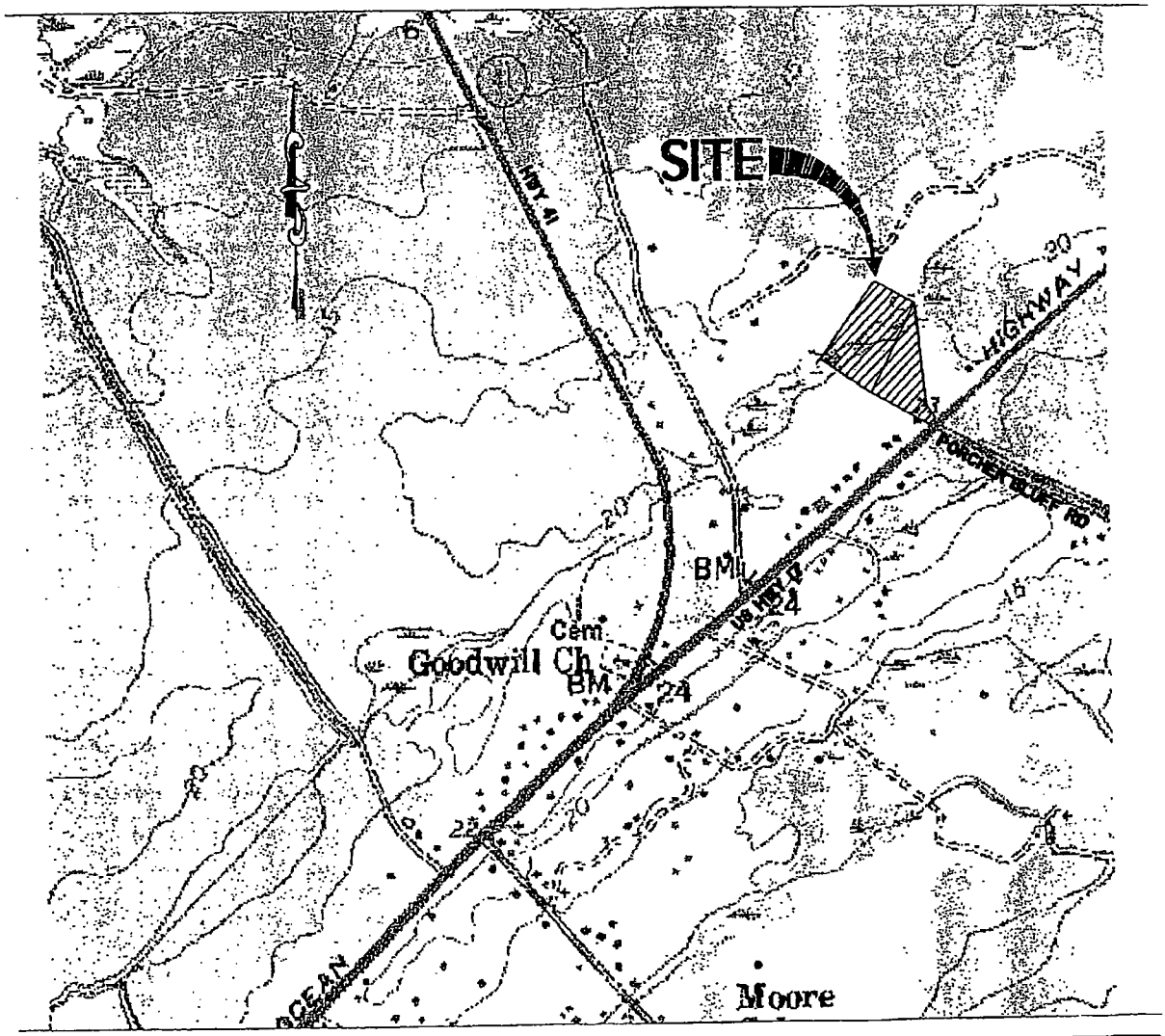
12497/dwg/dotpermit/12497dot2

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



LOCATION MAP

SCALE: 1"=1000'

500 1000 2000 3000

FT MOULTRIE, S.C.

PROJECT:
STOWAWAY STORAGE

DATE: SEPTEMBER 23, 1999
REVISED: JANUARY 12, 2000

SHEET 1 OF 6

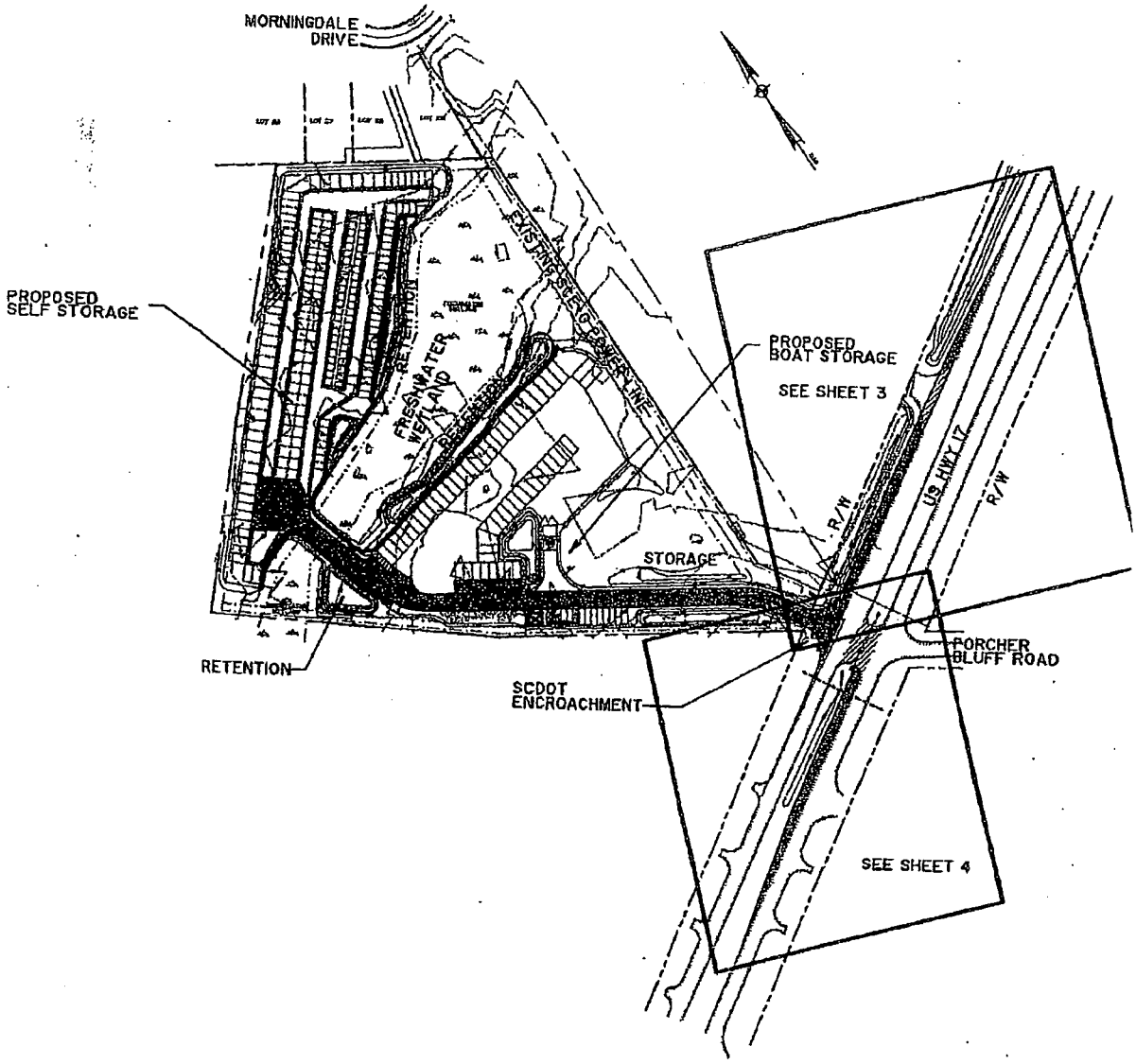
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APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



SITE PLAN

SCALE: 1" = 200'

SCALE: 1"=200'
0 100 200 400 600

TE: SEPTEMBER 27, 1999
VISED: JANUARY 12, 2000

SHEET 2 of 8

:/12497/dwg/dotpermit/12497dot

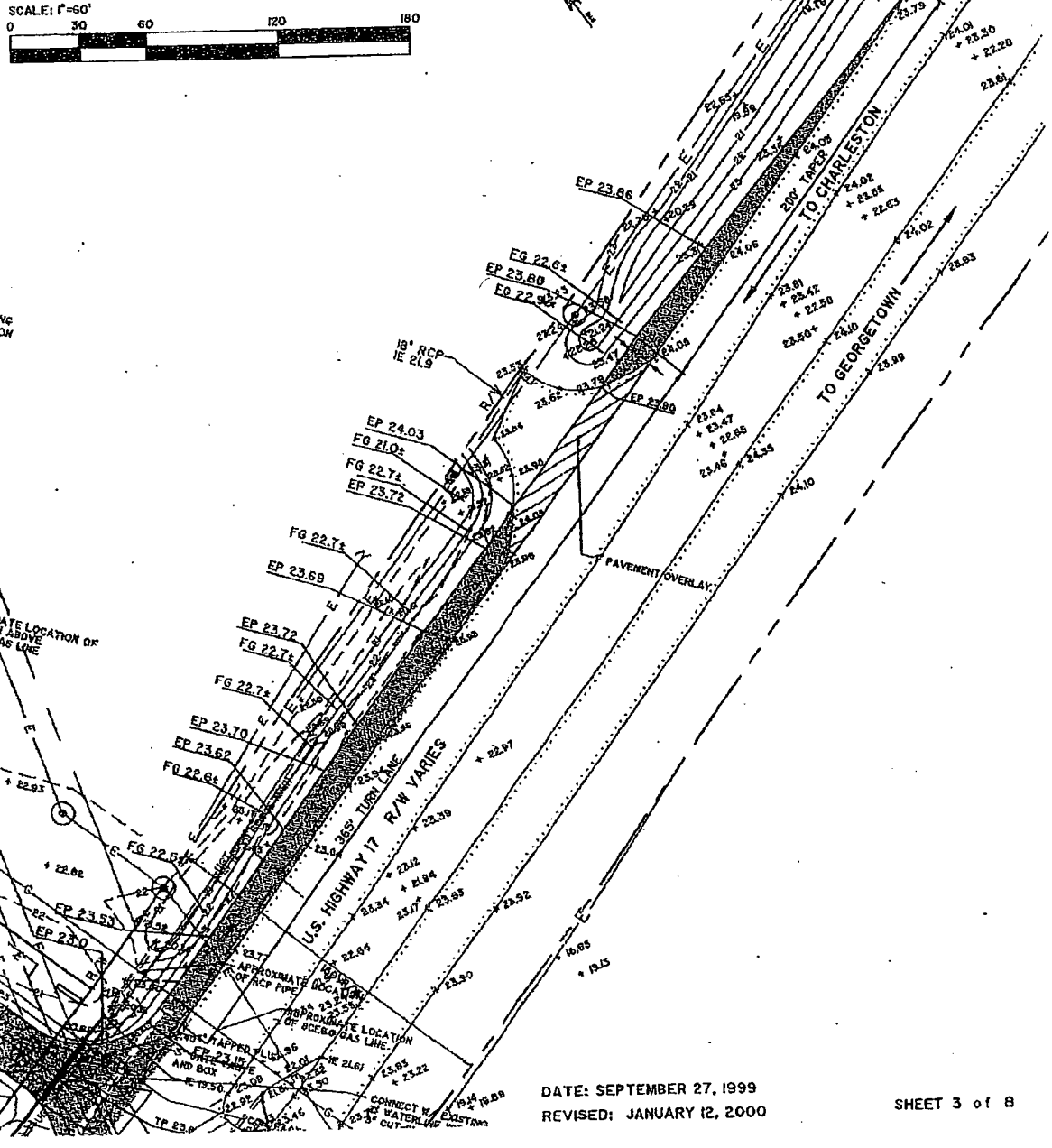
APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY

RIGHT TURN LANE



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000

SHEET 3 of 8

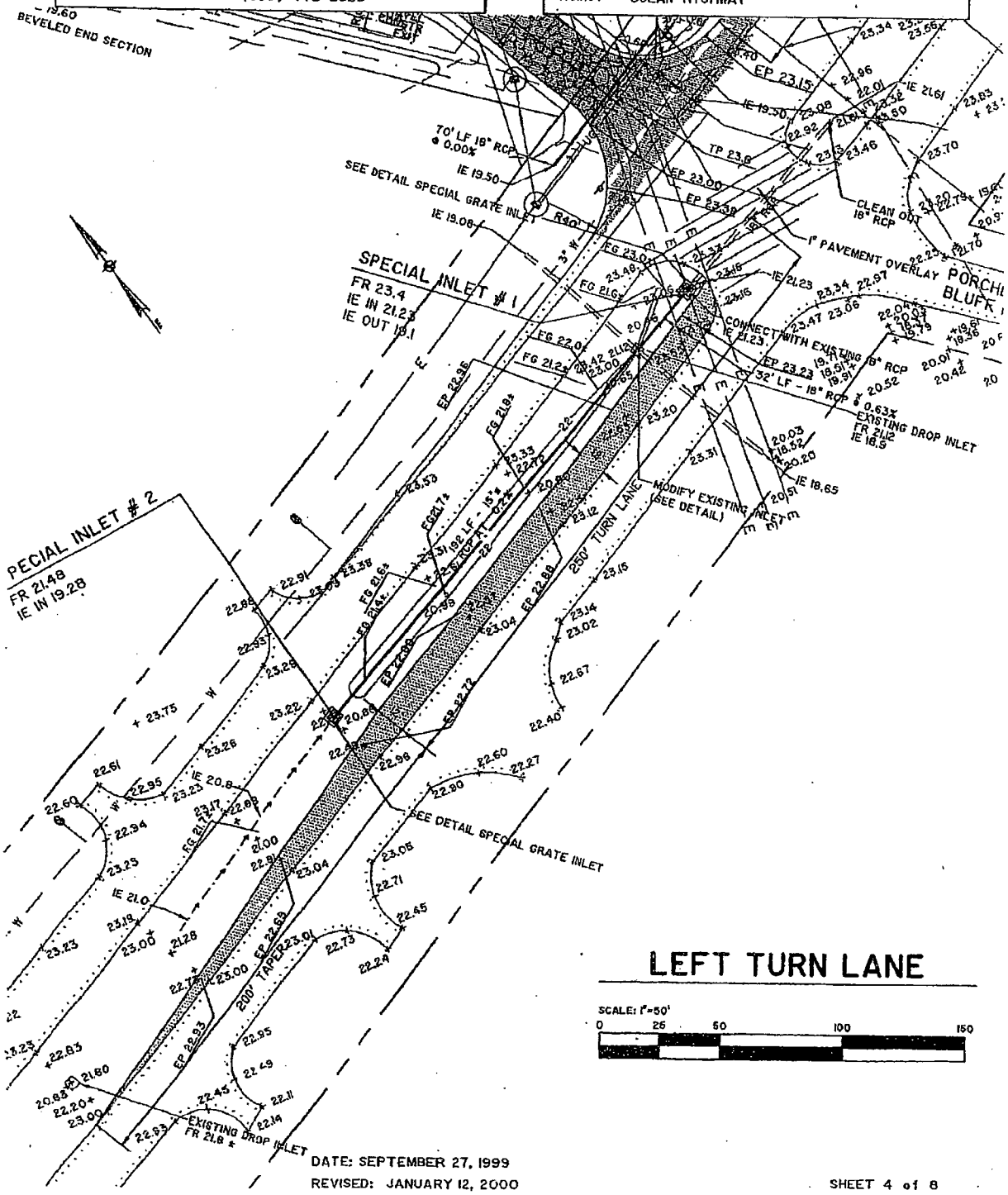
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APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000

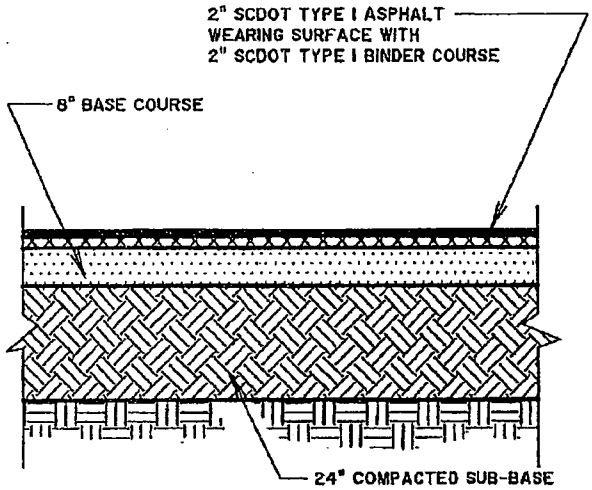
SHEET 4 of 8

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County	- CHARLESTON
Route Road:	U.S. Hwy. 17
Road Name:	OCEAN HIGHWAY



TYPICAL PAVEMENT SECTION

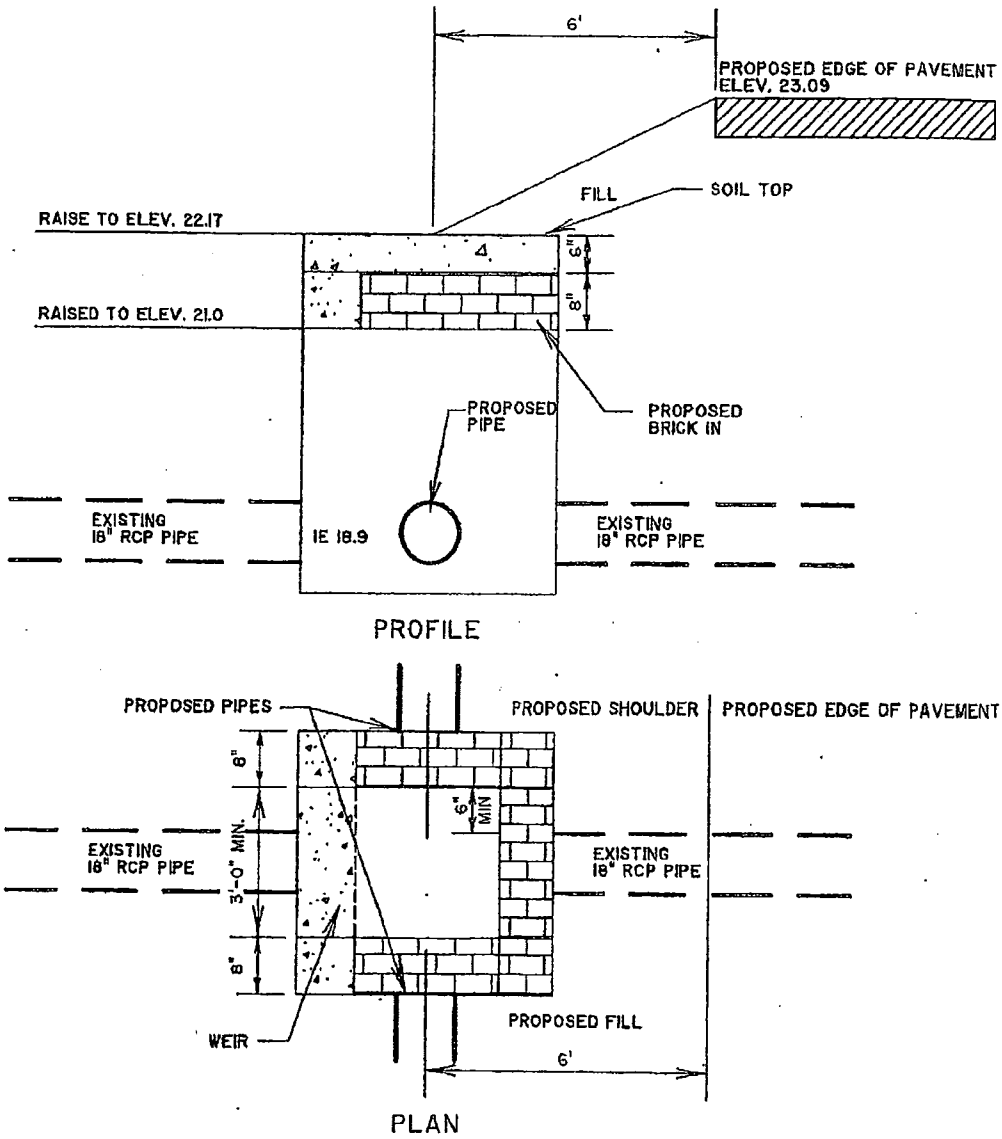
NOT TO SCALE

ATE: SEPTEMBER 27, 1999
EVISED: JANUARY 12, 2000

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant: Stowaway Storage, LLC One Surrey Court Columbia, South Carolina 29212 Telephone Number: (803) 772-2629	County - CHARLESTON Route Road: U.S. Hwy. 17 Road Name: OCEAN HIGHWAY



MODIFY EXISTING INLET DETAIL

NOT TO SCALE

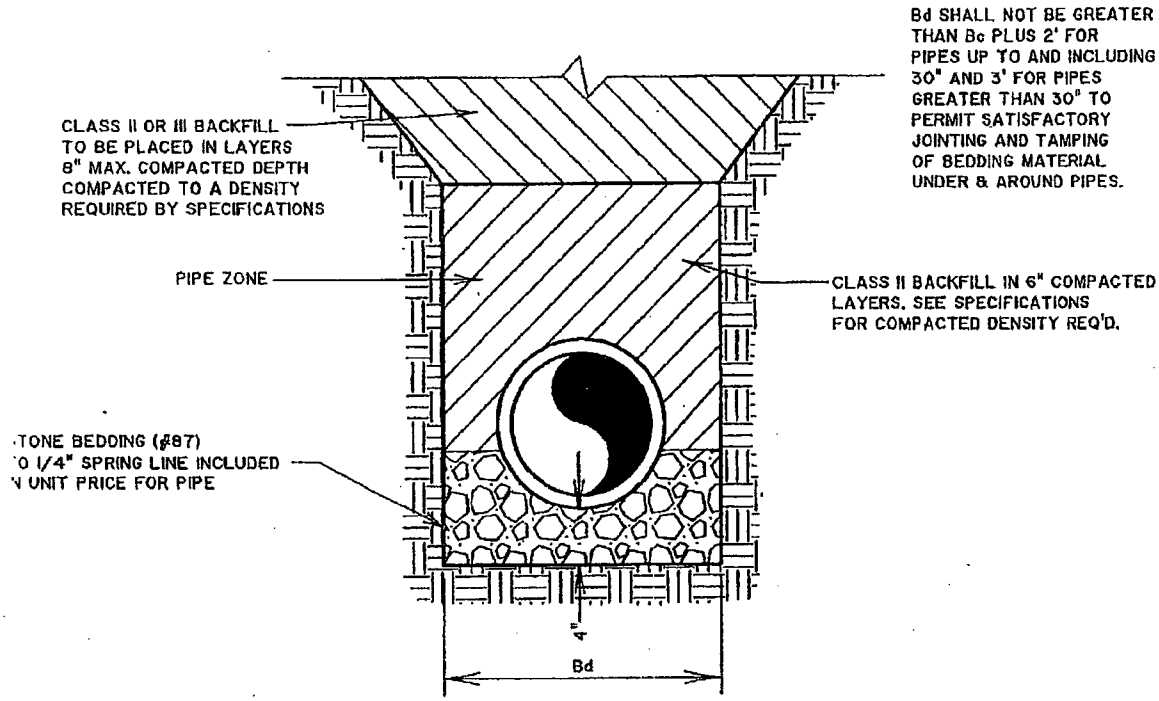
ATE: SEPTEMBER 27, 1999
EVISED: JANUARY 12, 2000

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County	- CHARLESTON
Route Road:	U.S. Hwy. 17
Road Name:	OCEAN HIGHWAY



STORM LINE BEDDING DETAIL

NOT TO SCALE

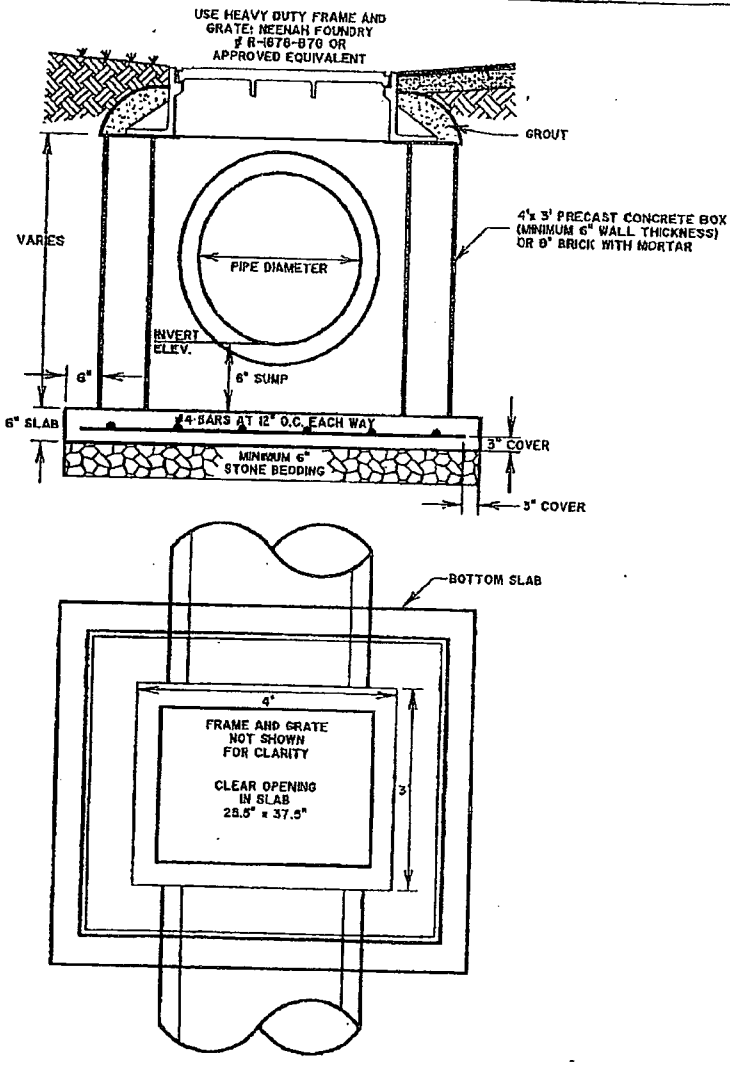
TE: JANUARY 12, 2000

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



NOTES:

1. CHAMFER ALL EXPOSED CONCRETE EDGES 3/4".
2. WHERE BRICK IS USED, ALL EXPOSED SURFACES SHALL BE COATED WITH 1/2" ±2 MORTAR INSIDE AND OUTSIDE.
3. IF PRECAST BOX IS USED, TOP, RISER, AND BASE SHALL CONFORM TO THE LATEST REVISION OF ASTM C-478.

SPECIAL GRATE INLET

NOT TO SCALE

ATF: JANUARY 12, 2000

SHEET 8 of 8

CMS BUSINESS FORMS, INC.

DEPARTMENT OF HIGHWAYS & PUBLIC TRANSPORTATION
ORM 838 (REV. 7/91)

APPLICATION FOR ENCROACHMENT PERMIT

No._____

(ENCROACHMENT PERMIT OTHER THAN A PUBLIC UTILITY)

APPLICANT: Mr. Bert Pooser AND Stow Away Storage, LLC ADDRESS: One Surrey Court Columbia, SC 29212 TELEPHONE NUMBER: (803) 772-2629	COUNTY: Charleston ROAD/ROUTE: US Hwy. 17 ROAD NAME: US Hwy 17

1. The undersigned applicant hereby applies to the South Carolina Department of Highways and Public Transportation (SCDHPT) for a permit for encroachment on State Highway Right of Way as shown and described below:
2. Type of Encroachment: Driveway Entry
3. Description of location: Across from the intersection of ~~Exxhx~~ Porcher Bluff Road and US Hwy. 17

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

4. The undersigned applicant hereby requests the SCDHPT to permit encroachment on the Department right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the Department's "A Policy for Accommodating Utilities on Highways Rights of Way" and "Standard Specifications for Highway Construction" (made a part hereof by reference) on file in the Utility Office of the Department, and all general provisions on the reverse hereof and special provisions below or attached hereto during the installation, operation and maintenance of said encroachment within the Department Right of Way. The applicant hereby further agrees, and binds his heirs, successors, assigns, to assume any and all liability this Department might otherwise have in connection with accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify this Department for any liability incurred or injury or damage sustained by reason of the past, present, or future existence of said appurtenances.

APPLICANT NAME: E L Pooser Jr. (PLEASE PRINT OR TYPE) DATE: 9-27-99

APPLICANT SIGNATURE: E L Pooser Jr. TITLE: owner

In compliance with your request and subject to all the provisions, terms, conditions and restrictions stated in the application, general provisions on the reverse hereof, and special provisions below or attached hereto, the Department approves the request. This permit shall become null and void unless the work contemplated herein shall have been completed prior to _____.

SPECIAL PROVISIONS:

DATE RECEIVED BY RCE, MAINT. ENGR. | DATE FORWARDED | SCDHPT APPROVAL | DATE

HP OfficeJet
Personal Printer/Fax/Copier

Fax Log Report for
SCDOT Chas. Maint.

Oct-01-99 04:21 PM

Identification	Result	Pages	Type	Date	Time	Duration	Diagnostic
98490203	OK	01	Sent	Oct-01	04:20P	00:00:36	002582030022

1.3.0 2.0

South Carolina
Department of Transportation

Fax Memo

Date: 10-1-99

To: Dan Farley Fax Number: 849-0203

From: Joey Harris Phone Number: (843) 740-1655

RE: Stow Away Boat Storage.

Please respond to the following request for additional support materials so that we may continue our evaluation of your encroachment permit application. The following support materials are needed:

To: Joey Harris, Charleston Maintenance

From: Damin Shoemaker, SCDOT District 6 Traffic Engineering

CC:

Date: 09/29/99 0909

Re: Stow Away Boat Storage – US 17 @ S-10-51 (Porchers Bluff Road)

Call and I will talk to you about left turn lane Joey.

This is a pretty high impact facility, with both mini-warehouse storage and dry boat storage proposed. In previous reviews of this site regarding proposed developments of similar impact, we have recommended the provision of both left and right turn lanes. This recommendation was made based on the anticipated traffic generation of the facility, which includes a high demand of heavy vehicles and motorists pulling trailers, and the volume and speed of traffic on US 17. Adequately designed turn lanes should incorporate 250' of full-width decel lane and 200' tapers. I concur with the 40' radii and 24' driveway width.

The 60' frontage length will result in a requirement to obtain submit adjacent property owner permission in order to provide this driveway design. The design as submitted would require this permission from both adjacent property owners due to the lack of a 5' offset between the property pin and the end of radius on the northern side of the driveway. They may be able to avoid obtaining this written permission from the property owner to the north by shifting the alignment to the south in a manner that will develop the 5' property pin offset. Due to the angle of approach of Porcher's Bluff Road on the opposite side of US 17, it appears that shifting the driveway to the south a few feet would improve the intersection alignment as well.

DTE Clark recalls that there was a residual site of significant size located behind this property. If there is indeed a residual area that may require future access through this site, let's make sure that we address it within our evaluation of this permit application. We wouldn't entertain an additional future access that falls within a minimum offset distance from this median crossover. If there is indeed a residual area of a certain impact that will require future access via this driveway, we may need to request that the width be increased.

AN EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION EMPLOYER

SCDOT District 6
Traffic Engineering

Memo

To: Joey Harris, Charleston Maintenance

From: Darrin Shoemaker, SCDOT District 6 Traffic Engineering

CC:

Date: 09/29/99 0909

Re: Stow Away Boat Storage – US 17 @ S-10-51 (Porchers Bluff Road)

CALL AND I will TALK TO YOU ABOUT LEFT TURN LANE Joey.

This is a pretty high impact facility, with both mini-warehouse storage and dry boat storage proposed. In previous reviews of this site regarding proposed developments of similar impact, we have recommended the provision of both left and right turn lanes. This recommendation was made based on the anticipated traffic generation of the facility, which includes a high demand of heavy vehicles and motorists pulling trailers, and the volume and speed of traffic on US 17. Adequately designed turn lanes should incorporate 250' of full-width decel lane and 200' tapers. I concur with the 40' radii and 24' driveway width.

The 60' frontage length will result in a requirement to obtain submit adjacent property owner permission in order to provide this driveway design. The design as submitted would require this permission from both adjacent property owners due to the lack of a 5' offset between the property pin and the end of radius on the northern side of the driveway. They may be able to avoid obtaining this written permission from the property owner to the north by shifting the alignment to the south in a manner that will develop the 5' property pin offset. Due to the angle of approach of Porcher's Bluff Road on the opposite side of US 17, it appears that shifting the driveway to the south a few feet would improve the intersection alignment as well.

DTE Clark recalls that there was a residual site of significant size located behind this property. If there is indeed a residual area that may require future access through this site, let's make sure that we address it within our evaluation of this permit application. We wouldn't entertain an additional future access that falls within a minimum offset distance from this median crossover. If there is indeed a residual area of a certain impact that will require future access via this driveway, we may need to request that the width be increased.

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

September 7, 1999

Joey Harris
SCDOT
6355 Fain Street, Bldg. A
Charleston, SC 29406

Re: Boat Storage and Self-Storage Facility
Encroachment Permit Application
Charleston County
U.S. Hwy. 17 Near Porcher Bluff Road
J-12497.300

Dear Mr. Harris:

About a month ago, we sent you a transmittal concerning an Encroachment Permit Application for the Boat Storage and Self-Storage Facility on U.S. Hwy. 17. We were curious if you have received the application, and, if permit has been approved. We would appreciate it if you could inform us on the situation. If there is anything I can help you with, please let me know.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

THOMAS & HUTTON ENGINEERING CO.

Dan Farley



\\TH_CHS_B\DATA\NETWORK\12497\Docs\harris002.doc

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Joey Harris
SCDOT-Charleston

FROM: Dan Farley

DATE: August 5, 1999

RE: Encroachment Permit, US HWY 17
Stow Away Boat Storage

JOB #: J-12497

We are sending you _X_ Attached ___ Under Separate Cover Via _____ the following items:

Copies	Date	Description
1		Encroachment Permit

_X_ For Approval ___ For Your Use ___ As Requested ___ For Review and Comment

---

Remarks: Attached is an Encroachment Permit Application for Stow Away Boat Storage, located at the west side of US HWY 17 and Porcher Bluff Road. Please call if there are any questions.

Signed: Daniel S Farley

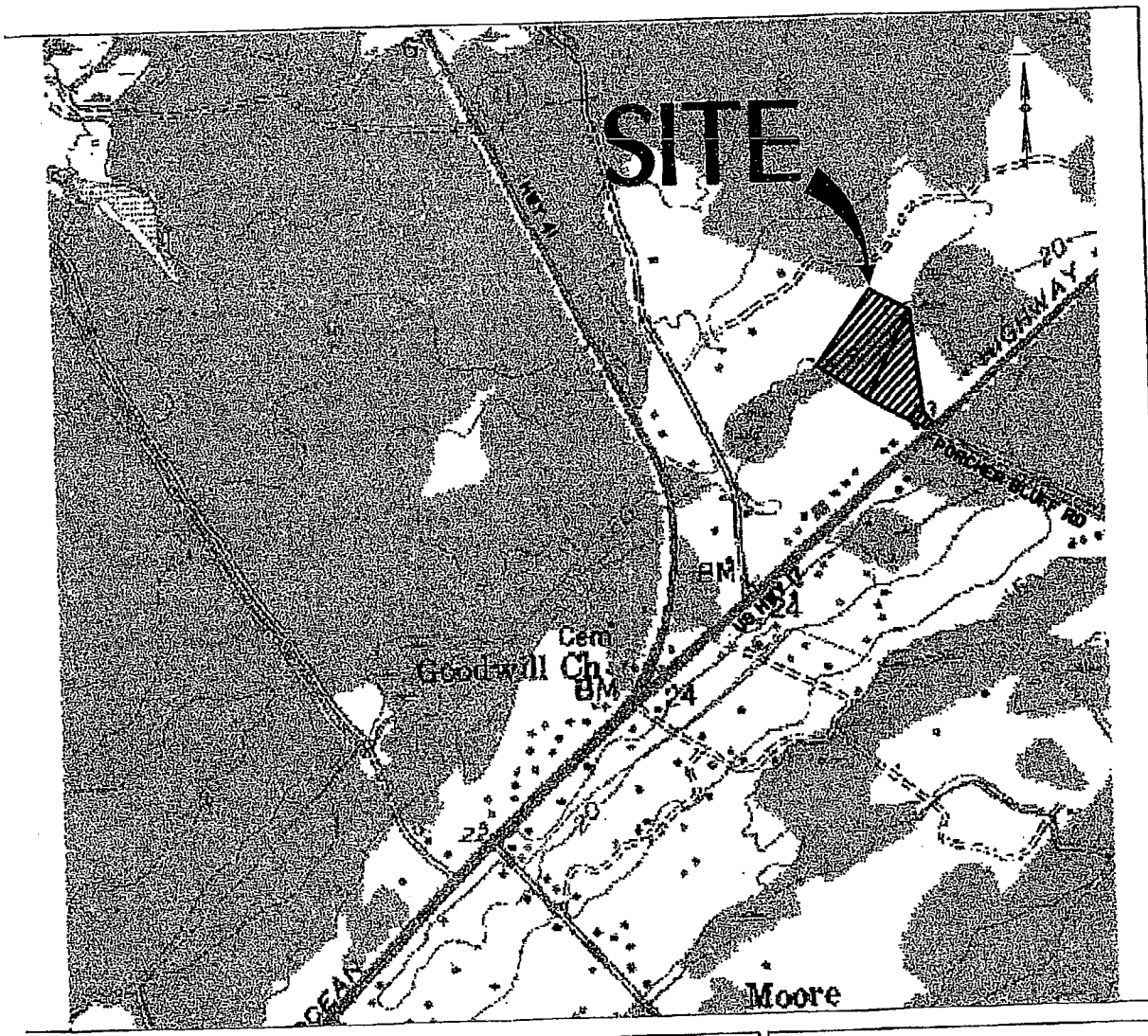
N:\12497\DOCS\HARRIS001.DOC

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stow Away Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: U.S. Hwy. 17



LOCATION MAP
SCALE: 1"=1000'

SCALE: 1"=1000'
0 500 1000 2000 3000

FT MOULTRIE, S.C.

PROJECT:
STOW AWAY STORAGE

DATE: AUGUST 2, 1999

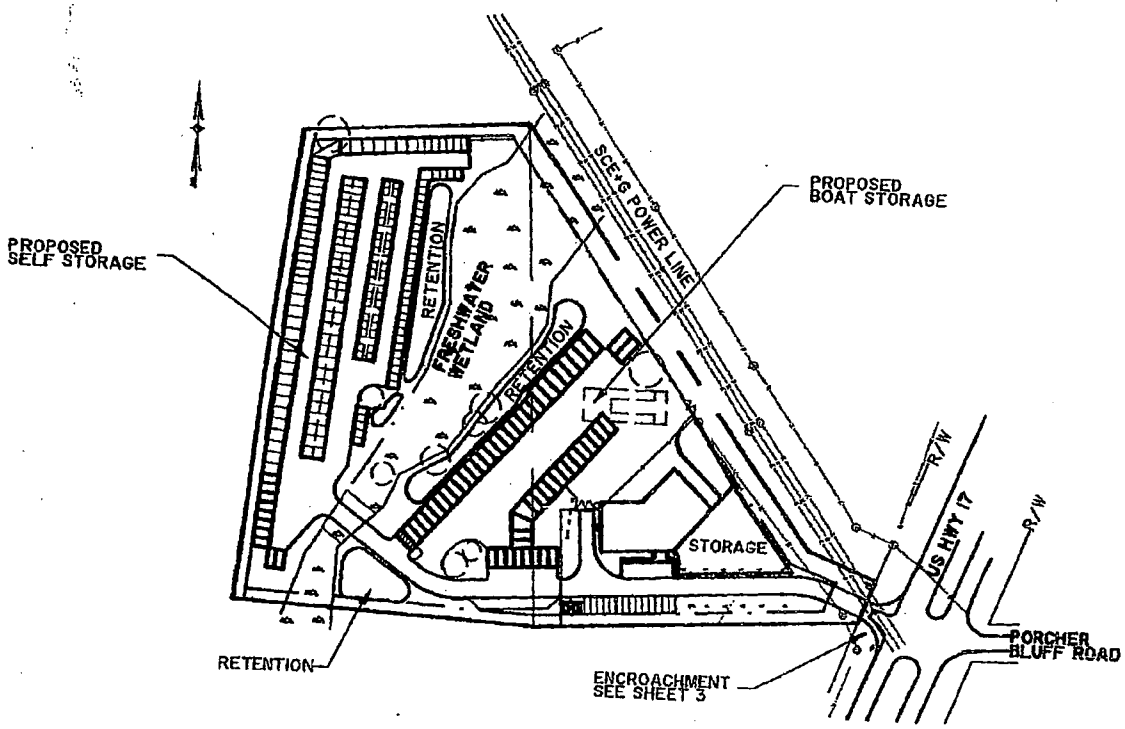
SHEET 1 OF 4

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

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Stow Away Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: U.S. Hwy. 17



SITE PLAN

SCALE: 1" = 200'

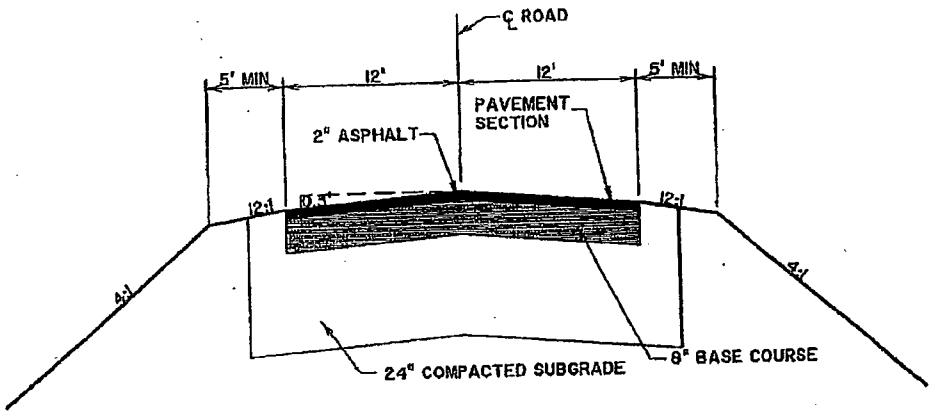
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APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

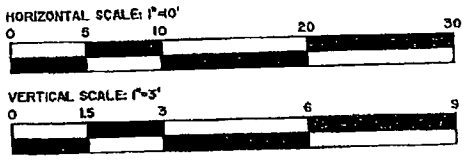
Name of Applicant:
Stow Away Storage, LLC
One Surrey Court
Columbia,. South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: U.S. Hwy. 17



TYPICAL ROAD SECTION

HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 3'



SHEET 4 of 4

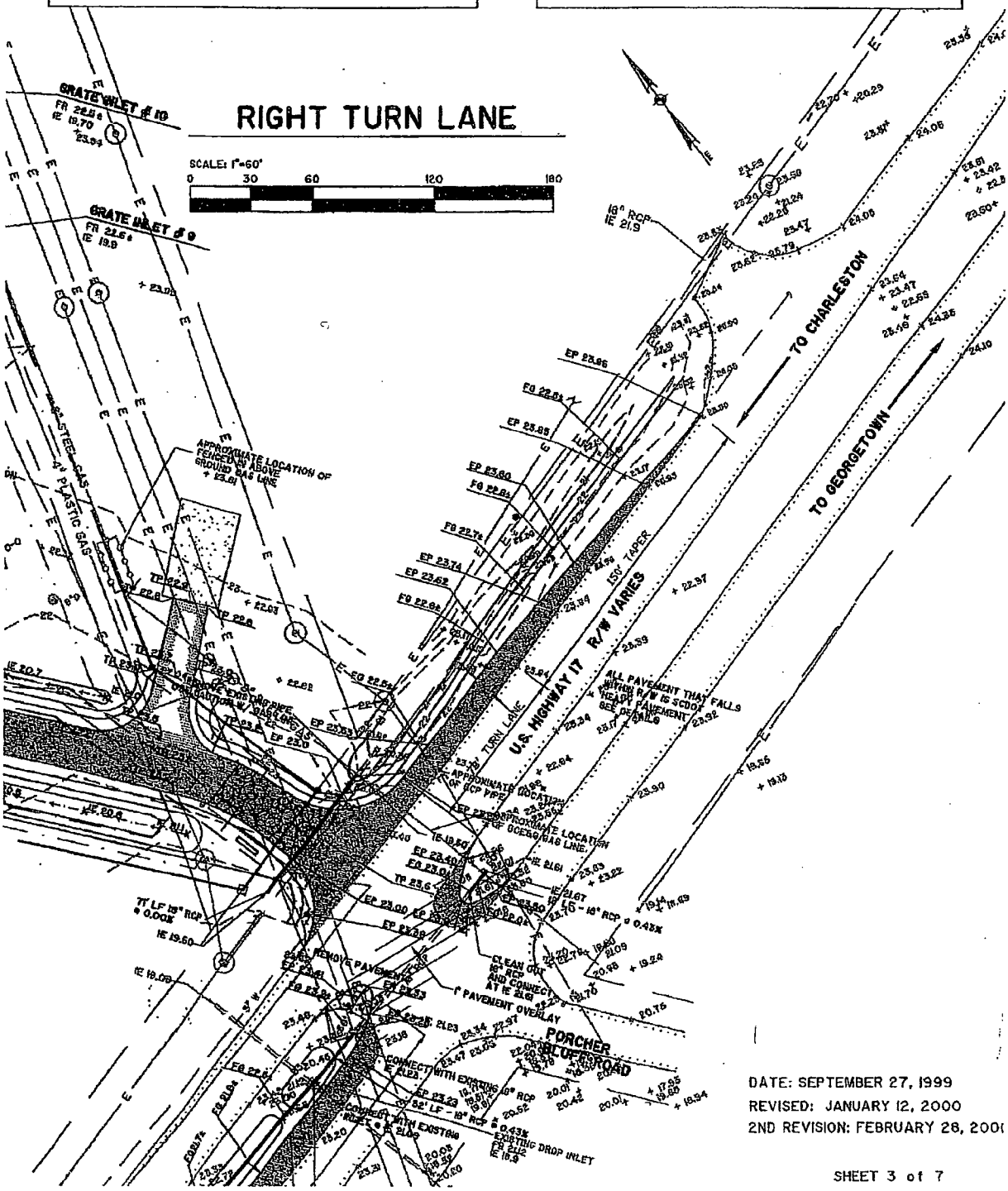
I:/12497/dwg/dotpermit/12497dot

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 2001

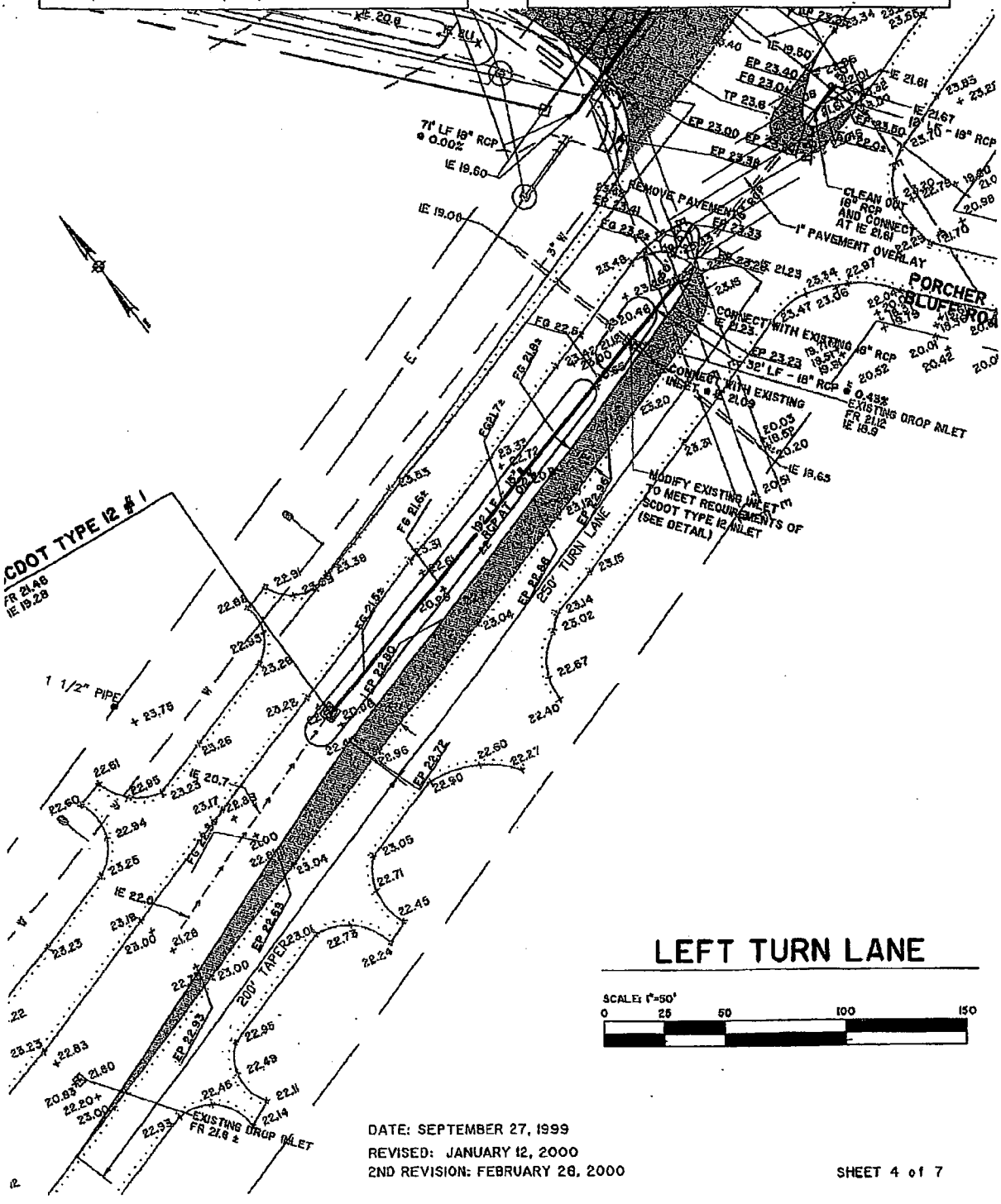
SHEET 3 of 7

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



LEFT TURN LANE

SCALE: 1"=50'
0 25 50 100 150

DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 2000

SHEET 4 of 7

Harris, Joey

From:	Nesbit, D Mark
Sent:	Tuesday, March 28, 2000 5:34 PM
To:	Harris, Joey
Cc:	Shoemaker, Darrin A; Clark, Robert T
Subject:	Stowaway Boat Storage; US 17 @ Porchers Bluff Rd.

Joey,

This is to advise that we met with the permittee, Mr. Pooser, yesterday morning to discuss access for the above project. We agreed to reduce the right turn radius exiting the developement from 35' to 30'. According to the plans, this should relieve the requirement to obtain a letter from the adjacent property owner on the south side. Please check this radius very closely to insure it is constructed as permitted. Please word to permit to require the permittee to maintain in a safe condition and to the satisfaction of the SCDOT the shoulder area adjacent to the 30' radius. The permittee should also provide the permission letter from the property owner on the north side. Let me know if you have any questions.

Thanks, Mark

CONSTRUCTION IS NO FURTHER THAN 2,000 L.F. AHEAD OF COMPLETE RESTORATION.

29. BELL HOLE CUT MUST BE COVERED WITH A STEEL PLATE UNTIL A PERMANENT PATCH HAS BEEN MADE. PLATE SHALL BE MONITORED PERIODICALLY TO ENSURE THAT BELL HOLE IS PROPERLY COVERED.

30. PAVEMENT MARKINGS ALTERED DURING THIS INSTALLATION SHALL BE RESTORED BY THE APPLICANT.

31. FLASHING ARROW BOARDS SHALL BE USED FOR ALL LANE CLOSURES ON PRIMARY ROUTES AND/OR ROADS WITH HIGH TRAFFIC VOLUMES.

32. TRAFFIC CONTROL, LIGHTS, SIGNS AND FLAG-MEN WILL BE FURNISHED BY APPLICANT AND WILL CONFORM TO PART V OF THE SC MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

33. NO PART OF THE TRAVEL-WAY IS TO BE BLOCKED DURING CONSTRUCTION AND MAINTENANCE.

34. WORK SHALL NOT BE PERFORMED DURING RUSH HOURS (7-9 A.M. OR 4-6 P.M.) TRAFFIC OR DURING HOURS OF DARKNESS.

35. THE PERMITTEE SHALL MAKE THE INSTALLATION UNDER THE SUPERVISION OF THE DEPARTMENT, SHALL NOT BLOCK TRAFFIC AT ANY TIME.

36. THE SCDHPT SHALL BE NOTIFIED WHEN WORK DEFINED IN THE PERMIT STARTS AS WELL AS WHEN THE WORK IS COMPLETED. REFERENCE SHALL BE MADE BY PERMIT NUMBER.

37. FIELD CHANGES, IF NECESSARY, MUST BE APPROVED IN WRITING BEFORE ACTUAL CONSTRUCTION OF PROPOSED CHANGES.

38. THE PERMITTEE SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES THAT OCCUR AS A DIRECT RESULT OF THIS INSTALLATION.

39. SEDIMENT AND EROSION CONTROL DEVICES SHALL BE USED TO MINIMIZE THE MOVEMENT OF SEDIMENT.

40. THE PERMITTEE SHALL HOLD THE DEPARTMENT HARMLESS FOR DAMAGES TO BOTH UPSTREAM AND DOWNSTREAM PROPERTIES.

41. TIMER TO BE SET FROM 12 MIDNIGHT TO 5:00 A.M. ONLY. WINTER USE OF SPRINKLERS SHALL BE LIMITED TO TIMES WHEN THE TEMPERATURE IS FORTY (40) DEGREES AND RISING TO PREVENT THE POSSIBILITY OF ICE FORMING ON THE PAVEMENT.

42. PIPE USED IN THIS INSTALLATION SHALL BE REINFORCED CONCRETE AND MEET CURRENT SCDHPT SPECIFICATION.

SCDOT

FOR OFFICE USE ONLY:
SPR# 524-S
Date Rec'd 3/29/00
TMS# 598-00-00-024
Zoning Officer CST
SPR Fee Rec'd $ 500.00

APPLICATION

for

SITE PLAN REVIEW

Project Contact Person: MARK YODICE, P.E., THOMAS & HUTTON ENGINEERING
Mailing Address: PO BOX 1522 City: MT PLEASANT
Telephone Number: 843-849-0200 Zip Code: 29465 Fax Number: 849-0203
Project Name: STOW AWAY STORAGE Project Description: BOAT/RV STORAGE
Project Address: 2988 HWY 17 N City: MT PLEASANT
Owner's Name and Address: BERT POOSER, ONE SURREY COURT, COLUMBIA, SC 29212
Applicant's Signature Daniel S Fowler Date 3/21/00

SITE PLAN REVIEW MEETING DATE AND TIME April 6th, 2000 10:00a

Per Bruce - Not stamped on map
Zoning: PD75 Acreage: 3.46 Land Use Code: — Title: —
Plat Approved 2/2/00 BK/PG: ED/188 Pending: — Public Water: Yes
Flood Zone: X Level: (1) Panel: 2506 Septic/Sewer: Septic

Requires filing for **Special Exception** upon approval of SPR? YES ____ NO ____

COMMENTS: Unsure about spec. Except. - nothing in file on PD75). CST 03/29/00

All information requested below must be submitted at the TIME OF APPLICATION. If all the information requested below is not available, then an application CANNOT be accepted. (Please note, the applicant should assume that revisions may still be necessary after submittal of the items below).

- ☐ Approved/Recorded Plat (6 copies)
- ☐ Dimensional Site Layout Plan (6 Copies) - *Drawn to an Engineer's Scale*
- ☐ Grading/Drainage Plan (6 Copies) - *Drawn to an Engineer's Scale*
- ☐ Landscape/Tree Retention Plan (6 Copies) - *Drawn to an Engineer's Scale*

Charleston County Planning Department - Revised 7/99

Fleming, Juleigh B

From: Stow Away Storage <stowaway@imichotels.net>
Sent: Thursday, August 09, 2007 2:35 PM
To: Fleming, Juleigh B
Subject: Stowaway Storage, 2988 Hwy 17 N., Mt. Pleasant

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Fleming,

I have been meaning to touch base with you for a while on our visit two weeks ago. I have not heard from anyone regarding the lack of signage on our side of the road. I did notice, however, that the town of Mt. Pleasant put street signs at the corner of Porcher's Bluff and 17. The way the sign is placed is misleading the general public into thinking that our private driveway is an extension of Porcher's Bluff. I also had another customer tell me what he sees happening during heavy traffic times. In addition to traffic heading southbound turning left onto Porcher's Bluff circumventing long lines at the light by using our drive as a u-turn, and lost travelers coming straight across Porcher's Bluff to our driveway due to the misleading signage/lack of signage, some drivers heading north on 17 that need to turn left onto 41 are passing the long turning lanes, going an extra light, and using our driveway to turn around and bypass the wait at the light at 41. So we now have three separate issues of traffic problems that have evolved since the installation and turning on of that light. We did not have these problems prior to the light turning on. Maybe the powers that be will feel like being involved when someone is killed backing up into traffic out of our driveway. I have plenty of video of people doing just that and other crazy things in vehicles to support that statement.

I have conveyed to the owner of this property that to date we have received no acknowledgement of these problems, much less assistance solving it, from the town of Mt. Pleasant. The owner gave me the approval to purchase the signs you recommended and to have them installed. I am in the process of seeking the least expensive source possible and will be installing them over the next few weeks. We will do what we have to do to protect this property and the 300 customers' property (almost all of whom are residents of the town of Mt. Pleasant) that currently do business with us; we have been given no choice in the matter. That plan will include a lot of signage and dramatic landscaping changes at the entrance to attempt to define the driveway as private. We will also be placing some sort of barrier across the driveway loop that goes to George Sisson's dirt road.

I have been here for years now; this is the first time I have ever felt unsafe or that this property was at high risk of criminal activity and vandalism (that's what I call the damage that's being done by the increased traffic). I used to go out and give directions to the occasional straggler that was lost and came down our driveway; I liked to consider myself a good-will ambassador of Mt. Pleasant, even if we are not technically in the municipal limits. But it's not the same town as it was five years ago, and I'm not the same person as a direct result of the town's lack of consideration for this property and for the services we provide to the citizens of Mt. Pleasant.

On a separate and final note, do you have any projected date as to when the drop-off of the asphalt next to our mailbox will be filled in?

Thank you for your assistance,

Sincerely,
Allison Walshe
Manager, Stowaway Storage

Fleming, Juleigh B

From: Stow Away Storage <stowaway@lmichotels.net>
Sent: Monday, September 24, 2007 12:41 PM
To: Fleming, Juleigh B
Subject: 2988 Hwy 17 North

Friday, Sept. 21, 2007

Dear Mrs. Fleming,

The purpose of this e-mail is to bring you up to date on the problems that are continuing to mount directly due to the ill-conceived traffic light at Porcher's Bluff, Hwy 17 North, and the private entrance of Stowaway Storage in Mount Pleasant.

I have filed multiple complaints with the Sheriff's Department. I will continue to do so until something is done about this situation. We are sustaining property damage daily due to the general public, specifically the part of the general public that are not customers of Stowaway Storage nor do they plan to ever become customers of Stowaway Storage. In the last week, we have had two of our landscaping posts run into, our decorative nautical rope draping the driveway has been caught on bumpers multiple times, a bush in the parking lot was run over, and a drunk came down the driveway and parked while he slept it off from 2:00 in the morning until 4:30 in the morning, with his headlights shining in our boatyard the entire time. He was one of the idiots that ran into a post (after he went behind my office and urinated).

I stop people as often as possible to ask them why they came down our driveway, when it is clearly marked as private by our sign, which clearly reads "Stowaway Storage – 2988 Hwy 17 N. – Private Drive". If they are coming from Porcher's Bluff, they generally are lost and think we are a continuation of that road. The way that light is configured PURPOSEFULLY misleads the general public into thinking that it is a public road extension. If they are heading north on 17 and use us for a u-turn, they are circumventing traffic at Hwy 41. If they are heading south on 17, they are circumventing traffic turning onto Porcher's Bluff. MANY people turn in to use the phone, change clothes, meet other drivers, and basically use us as a public rest area.

I had to interrupt writing this letter to go out front and find out why some woman was letting her child run around at the entrance of this property. She said her son was in the middle of potty training and he had to use the bathroom. So she allowed him out of her minivan to urinate on our grass at the entrance. She asked "Is that OK?" I will allow you to imagine what I had to say to her.

We have had to install curbs at our entrance and in our parking lot to keep people from running over our bushes and landscaping. We have had to build a retaining wall around the sign to keep people from running into our sign. We have been told multiple versions of signage that needs to be put up (at our expense of course) in order for the Sheriff's dept. to hold the general public accountable for abusing this property. In addition to the abuse on this property, people are using the beginning of the dirt road to swing wide and loop back around to our entrance, most often blocking our incoming lane as they wait for the light to change. In my opinion this is all 100% due to the lack of signage and directional signals at the intersection. I was told by you that the turning arrow/light facing the left turning lane northbound on 17 coming into Stowaway's driveway was the reason a U-Turn was perfectly legal, yet that turning arrow has to date not been activated. As a result, the U-Turn situation is an all day long free-for-all.

Your colleague in Mount Pleasant, Mr. Brad Morrison, has never once contacted me to discuss their poorly planned traffic light and the problems that it is causing for us. The best advice I have received yet was from a law enforcement official, and he said that we should get a lawyer and sue the town of Mount Pleasant for placing this burden upon our business. It DID NOT exist before the light was turned on. So now I am documenting every situation, including the date and time that coincide with our video of the intersection, license tags, and summaries of discussions and arguments I have been forced to engage in merely to protect this property. I have been loosely documenting the problems up to now, and I have quite the list going. I am planning on burning all video to disc and turning over all documentation to the owner of this property weekly so that he can do with it what he wishes. I personally hope he does get an attorney to handle it, because it is increasingly consuming more and more of my time, and he did not hire me to be a security guard dedicated to turning lost drivers, short-cut seekers, and otherwise bad drivers away from the entrance of this property.

Sincerely,
Allison Walshe
General Manager, Stowaway Storage

Fleming, Juleigh B

From: Stow Away Storage <stowaway@imichotels.net>
Sent: Monday, September 24, 2007 2:03 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

Dear Mrs. Fleming,

In reference to paragraph 5 below, the turning light was on today, Monday, September 24th, 2007.

Allison Walshe

From: Stow Away Storage [mailto:stowaway@imichotels.net]
Sent: Monday, September 24, 2007 12:41 PM
To: Fleming, Juleigh B
Subject: 2988 Hwy 17 North

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Sincerely,
Allison Walshe
General Manager, Stowaway Storage

Fleming, Juleigh B

From: Stow Away Storage <stowaway@imichotels.net>
Sent: Wednesday, October 17, 2007 10:24 AM
To: Fleming, Juleigh B
Cc: bpooser3@imichotels.com
Subject: 2988 Hwy 17 North

10/17/07 10:00 A.M.

Ms. Juleigh Fleming

SC State Dept. of Transportation

Dear Ms. Fleming,

The purpose of this e-mail is to inform you that as of this morning, October 17th, 2007, I have received no response from either you or the Town of Mount Pleasant regarding the poorly marked intersection the State of South Carolina D.O.T. and the town of Mt. Pleasant burdened the property belonging to Stowaway Storage, LLC, with at the beginning of July, 2007. The State D.O.T. and town of Mt. Pleasant have immeasurably altered the scope of my employment against my will and are forcing me to make serious decisions that affect my life and my family immensely. I spend a large amount of my time every day at work performing traffic control for all the lost/poor drivers that continuously run into posts, run over the rope draping the driveway, running over bushes, running into signage, etc. I also spend a great amount of time putting up barriers to keep people that cannot drive from doing damage. It is a constantly changing process, as something new is occurring all the time. I am forced to get tag numbers off every vehicle that uses the driveway for the purpose of turning around or circumventing traffic. If I did not do so, we would have no recourse against those that damage this property and then take off, never with any intention of doing business with Stowaway Storage. The owner of this business has incurred THOUSANDS of dollars of expense directly related to the poorly planned intersection. I will say this for the last time; I did not have to do traffic patrol prior to the poorly marked intersection and traffic light being developed. I routinely cannot get my job done that I was hired to do because of this problem, and I am having to work many hours over my forty hours a week that I have always worked prior to the light being developed, just to keep up with paperwork and regular business. I have one employee that works on Saturdays, and he has also had to put himself in the position of traffic patrol officer, rather than a storage facility relief manager, which he was actually hired for. If anyone even THINKS about suggesting that I look for other employment, my answer to them would be "why should I have to give up my 13 year career?" My employer did not cause this situation, the State of SC D.O.T. and the town of Mt. Pleasant did.

I have e-mailed you on two other occasions, yet you have failed to respond to either of them. I have asked law enforcement officials exactly who is legally responsible for the intersection markings and signage, and have been informed it is the State of SC D.O.T. I will be personally holding the State of SC D.O.T. accountable for the afore mentioned situation, as I am fearful that in the forced new scope of my job, I will eventually confront the wrong individual and the potential for great harm will present itself to me. I am not a police officer, and should not have been forced into the position of being one for this property. It is not in any way, shape or form the owner of this property's responsibility to provide a security guard for the entrance of Stowaway Storage 24/7/365, and that is what it would take to protect this property at this point with the intersection in it's current condition. AGAIN, this property did not have this problem before the light was developed. For your record, NO ONE from the town of Mt. Pleasant has bothered to contact me or the owner of this property for any reason to date. Mr. Brad Morrison told a Sheriff's Deputy that he e-mailed me; he did not. He also told the same deputy that two signs stating "Thru Traffic Prohibited" would be put up on either side of the drive. Not only has that not been done (it's been almost two weeks), that would in no way be sufficient for me both personally and in the capacity as manager of this property.

This has now spilled over to my fifth grade son at his school. A woman did a multiple point turn at the entrance last week and backed completely over the rope between two posts. This is a common occurrence; the rope has been caught and torn/frayed in multiple locations because of idiot drivers like this woman. I started screaming from the other end of the driveway for her to stop; she would not. She had two children in the car, one of whom is in my son's class. The little girl came to school yesterday and asked my son if his Mom owns a boat storage place; he said no, but she manages one. The little girl told my son she was in the car with the (idiot) driver, and added "your Mom has anger management problems – I see where you get it from". She was referring to me and used the situation to taunt and tease my son.

I have been attempting to correspond with you multiple times since July. Now that my child is being harassed at school, I now have no choice but to get an attorney to represent me personally against the State D.O.T. and the town of Mount Pleasant. Your refusal to even correspond, much less correct the misleading road markings, establish boundaries in all four directions, and to put proper signage in the road tells me that you not only have no regard for this Charleston County property owner, but that you and the town are actually inviting the general public to harass me and my family and to do damage to this property, putting me at great risk and causing my son harassment at school, and it is only getting worse as the months tick by. I will be sitting at the intersection at multiple times of day over the next week, photographing every vehicle that does an illegal u-turn at our entrance with a date and time stamp. Every time a customer of Stowaway tells me of another dangerous encounter in the intersection turning in or leaving this property, I am asking them if they are willing to give an affidavit. They have unanimously said yes. It will take absolutely no time at all to document through video how many times a day it happens, and how many times a day I have to stop whatever I'm doing to escort a trespasser off this property for the purpose of preventing property damage. I have already photographed every post that has been hit, the rope in the places that have been caught on bumpers, the curbs that have been installed to keep people from running over the bushes, the ever-so misleading straight arrow on Porcher's Bluff forcing the general public straight into the driveway, the lack of lane boundary lines in the intersection, and the signage that WE put up to keep people with no intention of doing business with us from abusing this property. The signage has done absolutely nothing to stop the situation; the answer I get from the general public is that by the time they turn, it is too late. While I sympathize, it's not my problem. We cannot put signage outside our property corners, and that is what it is going to take, in addition to law enforcement writing tickets for violations. That would make it YOUR responsibility, and your non-existent corrective actions have made it apparent you don't intend to make things right. We are now in the 4th month of our on-going nightmare; you've had enough time – this will be my last written correspondence to you.

Sincerely,

Allison Walshe

Manager, Stowaway Storage

Fleming, Juleigh B

From: Brad Morrison <bmorrison@townofmountpleasant.com>
Sent: Monday, October 01, 2007 12:12 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

Juleigh,

It appears the signal is a double-edged sword for this business. I'm sure their customers appreciate the signal access for their turn maneuvers, but it may be increasing the inadvertent turns onto their property. Just an FYI, the left-turn signal has always been active.

I have never been contacted by Ms. Walshe about this matter. After you and I spoke last about this, you felt you could do something with signage to help, but I can't remember what that was. I'm willing to support whatever seems feasible to address her concerns. This is an atypical signalized intersection in that it is not a public ROW, but somewhat has the appearance of one.

How about offering a couple of big notice signs that straddle the driveway:

NOTICE (blk on yel placard design)
PRIVATE DRIVEWAY (blk on wht)
NO OUTLET (blk on wht)

I don't believe the property owner has any legal recourse given the State's ability to control access on their highways, but then again, I would defer to the Department's experience and legal staff on this.

Call me when you want to talk.

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Friday, September 28, 2007 3:53 PM
To: Brad Morrison
Subject: FW: 2988 Hwy 17 North

Brad,
FYI...I'll call you Monday. I don't know how to help Ms. Walshe....

Thanks!!
JuLeigh

From: Stow Away Storage [mailto:stowaway@lmichotels.net]
Sent: Monday, September 24, 2007 2:03 PM

To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

Dear Mrs. Fleming,

In reference to paragraph 5 below, the turning light was on today, Monday, September 24th, 2007.

Allison Walshe

From: Stow Away Storage [mailto:stowaway@imlchotels.net]
Sent: Monday, September 24, 2007 12:41 PM
To: Fleming, Juleigh B
Subject: 2988 Hwy 17 North

Friday, Sept. 21, 2007

Dear Mrs. Fleming,

The purpose of this e-mail is to bring you up to date on the problems that are continuing to mount directly due to the ill-conceived traffic light at Porcher's Bluff, Hwy 17 North, and the private entrance of Stowaway Storage in Mount Pleasant.

I have filed multiple complaints with the Sheriff's Department. I will continue to do so until something is done about this situation. We are sustaining property damage daily due to the general public, specifically the part of the general public that are not customers of Stowaway Storage nor do they plan to ever become customers of Stowaway Storage. In the last week, we have had two of our landscaping posts run into, our decorative nautical rope draping the driveway has been caught on bumpers multiple times, a bush in the parking lot was run over, and a drunk came down the driveway and parked while he slept it off from 2:00 in the morning until 4:30 in the morning, with his headlights shining in our boatyard the entire time. He was one of the idiots that ran into a post (after he went behind my office and urinated).

I stop people as often as possible to ask them why they came down our driveway, when it is clearly marked as private by our sign, which clearly reads "Stowaway Storage – 2988 Hwy 17 N. – Private Drive". If they are coming from Porcher's Bluff, they generally are lost and think we are a continuation of that road. The way that light is configured PURPOSEFULLY misleads the general public into thinking that it is a public road extension. If they are heading north on 17 and use us for a u-turn, they are circumventing traffic at Hwy 41. If they are heading south on 17, they are circumventing traffic turning onto Porcher's Bluff. MANY people turn in to use the phone, change clothes, meet other drivers, and basically use us as a public rest area.

I had to interrupt writing this letter to go out front and find out why some woman was letting her child run around at the entrance of this property. She said her son was in the middle of potty training and he had to use the bathroom. So she allowed him out of her minivan to urinate on our grass at the entrance. She asked "Is that OK?" I will allow you to imagine what I had to say to her.

We have had to install curbs at our entrance.and in our parking lot to keep people from running over our bushes and landscaping. We have had to build a retaining wall around the sign to keep people from running into our sign. We have been told multiple versions of signage that needs to be put up (at our expense of course) in order for the Sheriff's dept. to hold the general public accountable for abusing this property. In addition to the abuse on this property, people are using the beginning of the dirt road to swing wide and loop back around to our entrance, most often blocking our incoming lane as they wait for the light to change. In my opinion this is all 100% due to the lack of signage and directional signals at the intersection. I was told by you that the turning arrow/light facing the left turning lane northbound on 17 coming into Stowaway's driveway was the reason a U-Turn was perfectly legal, yet that turning arrow has to date not been activated. As a result, the U-Turn situation is an all day long free-for-all.

Your colleague in Mount Pleasant, Mr. Brad Morrison, has never once contacted me to discuss their poorly planned traffic light and the problems that it is causing for us. The best advice I have received yet was from a law enforcement official, and he said that we should get a lawyer and sue the town of Mount Pleasant for placing this burden upon our business. It

DID NOT exist before the light was turned on. So now I am documenting every situation, including the date and time that coincide with our video of the intersection, license tags, and summaries of discussions and arguments I have been forced to engage in merely to protect this property. I have been loosely documenting the problems up to now, and I have quite the list going. I am planning on burning all video to disc and turning over all documentation to the owner of this property weekly so that he can do with it what he wishes. I personally hope he does get an attorney to handle it, because it is increasingly consuming more and more of my time, and he did not hire me to be a security guard dedicated to turning lost drivers, short-cut seekers, and otherwise bad drivers away from the entrance of this property.

Sincerely,
Allison Walshe
General Manager, Stowaway Storage

Fleming, Juleigh B

From: Brad Morrison <bmorrison@townofmountpleasant.com>
Sent: Wednesday, October 17, 2007 12:17 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

Thanks for the update. Ms. Walshe has been misinformed regarding my discussion with the deputy. I told the deputy that you and I were corresponding on this issue, that I had some recommendations regarding signage, and that you would be contacting Ms. Walshe regarding anything the SCDOT felt they could do to address her concerns.

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Wednesday, October 17, 2007 10:54 AM
To: Brad Morrison
Subject: FW: 2988 Hwy 17 North

For you... I guess I'm on the S-list now. I haven't gotten a chance to read through it all just yet. Just thought you needed a pick me up! ☺

From: Stow Away Storage [mailto:stowaway@imichotels.net]
Sent: Wednesday, October 17, 2007 10:24 AM
To: Fleming, Juleigh B
Cc: bpooser3@imichotels.com
Subject: 2988 Hwy 17 North

10/17/07 10:00 A.M.

Ms. Juleigh Fleming

SC State Dept. of Transportation

Dear Ms. Fleming,

The purpose of this e-mail is to inform you that as of this morning, October 17th, 2007, I have received no response from either you or the Town of Mount Pleasant regarding the poorly marked intersection the State of South Carolina D.O.T. and the town of Mt. Pleasant burdened the property belonging to Stowaway Storage, LLC,-with at the beginning of July, 2007. The State D.O.T. and town of Mt. Pleasant have immeasurably altered the scope of my employment against my will and are forcing me to make serious decisions that affect my life and my family immensely. I spend a large amount of my time every day at work performing traffic control for all the lost/poor drivers that continuously run into posts, run over the rope draping the driveway, running over bushes, running into signage, etc. I also spend a great amount of time putting up barriers to keep people that cannot drive from doing damage. It is a constantly changing process, as something new is occurring all the time. I am forced to get tag numbers off every vehicle that uses the driveway for the purpose of turning

around or circumventing traffic. If I did not do so, we would have no recourse against those that damage this property and then take off, never with any intention of doing business with Stowaway Storage. The owner of this business has incurred THOUSANDS of dollars of expense directly related to the poorly planned intersection. I will say this for the last time; I did not have to do traffic patrol prior to the poorly marked intersection and traffic light being developed. I routinely cannot get my job done that I was hired to do because of this problem, and I am having to work many hours over my forty hours a week that I have always worked prior to the light being developed, just to keep up with paperwork and regular business. I have one employee that works on Saturdays, and he has also had to put himself in the position of traffic patrol officer, rather than a storage facility relief manager, which he was actually hired for. If anyone even THINKS about suggesting that I look for other employment, my answer to them would be "why should I have to give up my 13 year career?" My employer did not cause this situation, the State of SC D.O.T. and the town of Mt. Pleasant did.

I have e-mailed you on two other occasions, yet you have failed to respond to either of them. I have asked law enforcement officials exactly who is legally responsible for the intersection markings and signage, and have been informed it is the State of SC D.O.T. I will be personally holding the State of SC D.O.T. accountable for the afore mentioned situation, as I am fearful that in the forced new scope of my job, I will eventually confront the wrong individual and the potential for great harm will present itself to me. I am not a police officer, and should not have been forced into the position of being one for this property. It is not in any way, shape or form the owner of this property's responsibility to provide a security guard for the entrance of Stowaway Storage 24/7/365, and that is what it would take to protect this property at this point with the intersection in it's current condition. AGAIN, this property did not have this problem before the light was developed. For your record, NO ONE from the town of Mt. Pleasant has bothered to contact me or the owner of this property for any reason to date. Mr. Brad Morrison told a Sheriff's Deputy that he e-mailed me; he did not. He also told the same deputy that two signs stating "Thru Traffic Prohibited" would be put up on either side of the drive. Not only has that not been done (it's been almost two weeks), that would in no way be sufficient for me both personally and in the capacity as manager of this property.

This has now spilled over to my fifth grade son at his school. A woman did a multiple point turn at the entrance last week and backed completely over the rope between two posts. This is a common occurrence; the rope has been caught and torn/frayed in multiple locations because of idiot drivers like this woman. I started screaming from the other end of the driveway for her to stop; she would not. She had two children in the car, one of whom is in my son's class. The little girl came to school yesterday and asked my son if his Mom owns a boat storage place; he said no, but she manages one. The little girl told my son she was in the car with the (idiot) driver, and added "your Mom has anger management problems – I see where you get it from". She was referring to me and used the situation to taunt and tease my son.

I have been attempting to correspond with you multiple times since July. Now that my child is being harassed at school, I now have no choice but to get an attorney to represent me personally against the State D.O.T. and the town of Mount Pleasant. Your refusal to even correspond, much less correct the misleading road markings, establish boundaries in all four directions, and to put proper signage in the road tells me that you not only have no regard for this Charleston County property owner, but that you and the town are actually inviting the general public to harass me and my family and to do damage to this property, putting me at great risk and causing my son harassment at school, and it is only getting worse as the months tick by. I will be sitting at the intersection at multiple times of day over the next week, photographing every vehicle that does an illegal u-turn at our entrance with a date and time stamp. Every time a customer of Stowaway tells me of another dangerous encounter in the intersection turning in or leaving this property, I am asking them if they are willing to give an affidavit. They have unanimously said yes. It will take absolutely no time at all to document through video how many times a day it happens, and how many times a day I have to stop whatever I'm doing to escort a trespasser off this property for the purpose of preventing property damage. I have already photographed every post that has been hit, the rope in the places that have been caught on bumpers, the curbs that have been installed to keep people from running over the bushes, the ever-so misleading straight arrow on Porcher's Bluff forcing the general public straight into the driveway, the lack of lane boundary lines in the intersection, and the signage that WE put up to keep people with no intention of doing business with us from abusing this property. The signage has done absolutely nothing to stop the situation; the answer I get from the general public is that by the time they turn, it is too late. While I sympathize, it's not my problem. We cannot put signage outside our property corners, and that is what it is going to take, in addition to law enforcement writing tickets for violations. That would make it YOUR responsibility, and your non-existent corrective actions have made it apparent you don't intend to make things right. We are now in the 4th month of our on-going nightmare; you've had enough time – this will be my last written correspondence to you.

Sincerely,

Allison Walshe

Manager, Stowaway Storage

Fleming, Juleigh B

From: Brad Morrison <bmorrison@townofmountpleasant.com>
Sent: Thursday, October 25, 2007 1:49 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

Follow Up Flag: Follow up
Flag Status: Completed

Juleigh,

Just a thank you for helping with the markings on Coleman for the signals. We got the Houston Northcutt signal switched over and are going through punchlist items.

Also, any chance we can get together to look at Pitt/Whilden/Venning next week if you are going to get over here for the Stowaway Storage meeting?

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Tuesday, October 23, 2007 10:54 AM
To: bpooser3@imichotels.com
Subject: RE: 2988 Hwy 17 North

Mr. Pooser,
I've spoken with Brad Morrison with the Town of Mt. Pleasant and asked if he would be available to meet on site at the intersection some time next week. He is available. I'm also going to contact Deputy Burrell with the Sheriff's Office to see if he can meet us also. Are you available Tuesday, October 30th. We can meet just about any time that day if you are available.

Thanks for your patience!
JuLeigh B. Fleming
Assistant District Traffic Engineer
SCDOT – District 6
Phone: (843) 740-1667 x119
Fax: (843) 740-1663

From: Fleming, Juleigh B
Sent: Wednesday, October 17, 2007 11:56 AM
To: bpooser3@imichotels.com
Subject: 2988 Hwy 17 North

Mr. Pooser,

I'm thinking you may be the owner of Stowaway Storage. Would it be possible for us to call and discuss this matter with you? We certainly want to assist with this situation anyway possible, but would like to be able to discuss this with you at your earliest convenience.

Thank you!!

JuLeigh B. Fleming
Assistant District Traffic Engineer
SCDOT – District 6
Phone: (843) 740-1667 x119
Fax: (843) 740-1663

From: Stow Away Storage [mailto:stowaway@imichotels.net]
Sent: Wednesday, October 17, 2007 10:24 AM
To: Fleming, Juleigh B
Cc: bpooser3@imichotels.com
Subject: 2988 Hwy 17 North

10/17/07 10:00 A.M.

Ms. Juleigh Fleming

SC State Dept. of Transportation

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Sincerely,

Allison Walshe

Manager, Stowaway Storage

Fleming, Juleigh B

From: Brad Morrison <bmorrison@townofmountpleasant.com>
Sent: Tuesday, October 30, 2007 8:32 AM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

No biggie. Anytime tomorrow afternoon or all day Friday or next week.

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Tuesday, October 30, 2007 8:27 AM
To: Brad Morrison
Subject: RE: 2988 Hwy 17 North

Hey Brad,
As I thought, we were scheduled to attend a safe routes to school workshop today. Can we reschedule? I haven't heard from Mr. Pooser either. We may just meet later this week without them. Let me know what other days are good for you.

Thanks!
JuLeigh

From: Brad Morrison [mailto:bmorrison@townofmountpleasant.com]
Sent: Thursday, October 25, 2007 1:49 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

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Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Tuesday, October 23, 2007 10:54 AM
To: bpooser3@imichotels.com
Subject: RE: 2988 Hwy 17 North

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Thanks for your patience!
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SCDOT – District 6
Phone: (843) 740-1667 x119
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Phone: (843) 740-1667 x119
Fax: (843) 740-1663

From: Stow Away Storage [mailto:stowaway@imichotels.net]
Sent: Wednesday, October 17, 2007 10:24 AM
To: Fleming, Juleigh B
Cc: bpooser3@imichotels.com
Subject: 2988 Hwy 17 North

10/17/07 10:00 A.M.

Ms. Juleigh Fleming

SC State Dept. of Transportation

Dear Ms. Fleming,

The purpose of this e-mail is to inform you that as of this morning, October 17th, 2007, I have received no response from either you or the Town of Mount Pleasant regarding the poorly marked intersection the State of South Carolina D.O.T. and the town of Mt. Pleasant burdened the property belonging to Stowaway Storage, LLC, with at the beginning of July, 2007. The State D.O.T. and town of Mt. Pleasant have immeasurably altered the scope of my employment against my will and are forcing me to make serious decisions that affect my life and my family immensely. I spend a large amount of my time every day at work performing traffic control for all the lost/poor drivers that continuously run into posts, run over the rope draping the driveway, running over bushes, running into signage, etc. I also spend a great amount of time putting up barriers to keep people that cannot drive from doing damage. It is a constantly changing process, as something new is occurring all the time. I am forced to get tag numbers off every vehicle that uses the driveway for the purpose of turning around or circumventing traffic. If I did not do so, we would have no recourse against those that damage this property and then take off, never with any intention of doing business with Stowaway Storage. The owner of this business has incurred THOUSANDS of dollars of expense directly related to the poorly planned intersection. I will say this for the last time; I did not have to do traffic patrol prior to the poorly marked intersection and traffic light being developed. I routinely cannot get my job done that I was hired to do because of this problem, and I am having to work many hours over my forty hours a week that I have always worked prior to the light being developed, just to keep up with paperwork and regular business. I have one employee that works on Saturdays, and he has also had to put himself in the position of traffic patrol officer, rather than a storage facility relief manager, which he was actually hired for. If anyone even THINKS about suggesting that I look for other employment, my answer to them would be "why should I have to give up my 13 year career?" My employer did not cause this situation, the State of SC D.O.T. and the town of Mt. Pleasant did.

I have e-mailed you on two other occasions, yet you have failed to respond to either of them. I have asked law enforcement officials exactly who is legally responsible for the intersection markings and signage, and have been informed it is the State of SC D.O.T. I will be personally holding the State of SC D.O.T. accountable for the afore mentioned situation, as I am fearful that in the forced new scope of my job, I will eventually confront the wrong individual and the potential for great harm will present itself to me. I am not a police officer, and should not have been forced into the position of being one for this property. It is not in any way, shape or form the owner of this property's responsibility to provide a security guard for the entrance of Stowaway Storage 24/7/365, and that is what it would take to protect this property at this point with the intersection in it's current condition. AGAIN, this property did not have this problem before the light was developed. For your record, NO ONE from the town of Mt. Pleasant has bothered to contact me or the owner of this property for any reason to date. Mr. Brad Morrison told a Sheriff's Deputy that he e-mailed me; he did not. He also told the same deputy that two signs stating "Thru Traffic Prohibited" would be put up on either side of the drive. Not only has that not been done (it's been almost two weeks), that would in no way be sufficient for me both personally and in the capacity as manager of this property.

This has now spilled over to my fifth grade son at his school. A woman did a multiple point turn at the entrance last week and backed completely over the rope between two posts. This is a common occurrence; the rope has been caught and torn/frayed in multiple locations because of idiot drivers like this woman. I started screaming from the other end of the driveway for her to stop; she would not. She had two children in the car, one of whom is in my son's class. The little girl came to school yesterday and asked my son if his Mom owns a boat storage place; he said no, but she manages one. The little girl told my son she was in the car with the (idiot) driver, and added "your Mom has anger management problems – I see where you get it from". She was referring to me and used the situation to taunt and tease my son.

I have been attempting to correspond with you multiple times since July. Now that my child is being harassed at school, I now have no choice but to get an attorney to represent me personally against the State D.O.T. and the town of Mount Pleasant. Your refusal to even correspond, much less correct the misleading road markings, establish boundaries in all four directions, and to put proper signage in the road tells me that you not only have no regard for this Charleston County property owner, but that you and the town are actually inviting the general public to harass me and my family and to do damage to this property, putting me at great risk and causing my son harassment at school, and it is only getting worse as the months tick by. I will be sitting at the intersection at multiple times of day over the next week, photographing every vehicle that does an illegal u-turn at our entrance with a date and time stamp. Every time a customer of Stowaway tells me of another dangerous encounter in the intersection turning in or leaving this property, I am asking them if they are willing to give an affidavit. They have unanimously said yes. It will take absolutely no time at all to document through video how many times a day it happens, and how many times a day I have to stop whatever I'm doing to escort a trespasser off this property for the purpose of preventing property damage. I have already photographed every post that has been hit, the rope in the places that have been caught on bumpers, the curbs that have been installed to keep people from running over the bushes, the ever-so misleading straight arrow on Porcher's Bluff forcing the general public straight into the driveway, the lack of lane boundary lines in the intersection, and the signage that WE put up to keep people with no intention of doing business with us from abusing this property. The signage has done absolutely nothing to stop the situation; the answer I get from the general public is that by the time they turn, it is too late. While I sympathize, it's not my problem. We cannot put signage outside our property corners, and that is what it is going to take, in addition to law

enforcement writing tickets for violations. That would make it YOUR responsibility, and your non-existent corrective actions have made it apparent you don't intend to make things right. We are now in the 4th month of our on-going nightmare; you've had enough time – this will be my last written correspondence to you.

Sincerely,

Allison Walshe

Manager, Stowaway Storage

Fleming, Juleigh B

From: Brad Morrison <bmorrison@townofmountpleasant.com>
Sent: Wednesday, October 31, 2007 12:54 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

1:00, 1:30 or 2:00. Let me know.

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Wednesday, October 31, 2007 11:43 AM
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Subject: RE: 2988 Hwy 17 North

How about Friday after lunch??

From: Brad Morrison [mailto:bmorrison@townofmountpleasant.com]
Sent: Tuesday, October 30, 2007 8:32 AM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

No biggie. Anytime tomorrow afternoon or all day Friday or next week.

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Tuesday, October 30, 2007 8:27 AM
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Subject: RE: 2988 Hwy 17 North

Hey Brad,

As I thought, we were scheduled to attend a safe routes to school workshop today. Can we reschedule? I haven't heard from Mr. Pooser either. We may just meet later this week without them. Let me know what other days are good for you.

Thanks!
JuLeigh

From: Brad Morrison [mailto:bmorrison@townofmountpleasant.com]
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Also, any chance we can get together to look at Pitt/Whilden/Venning next week if you are going to get over here for the Stowaway Storage meeting?

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Mr. Pooser,
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Thanks for your patience!
JuLeigh B. Fleming
Assistant District Traffic Engineer
SCDOT – District 6
Phone: (843) 740-1667 x119
Fax: (843) 740-1663

From: Fleming, Juleigh B
Sent: Wednesday, October 17, 2007 11:56 AM
To: bpooser3@imichotels.com
Subject: 2988 Hwy 17 North

Mr. Pooser,
I'm thinking you may be the owner of Stowaway Storage. Would it be possible for us to call and discuss this matter with you? We certainly want to assist with this situation anyway possible, but would like to be able to discuss this with you at your earliest convenience.

Thank you!!

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Sent: Thursday, November 01, 2007 4:12 PM
To: Fleming, Juleigh B
Subject: RE: 2988 Hwy 17 North

1:30 is fine. I don't think we need deputy there.

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

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From: Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
Sent: Wednesday, October 31, 2007 2:07 PM
To: Brad Morrison
Cc: Nesbit, D Mark
Subject: RE: 2988 Hwy 17 North

How about 1:30. I'll put it on Mark's calendar. Do you think we should call Deputy Burrell and ask him to come by?

From: Brad Morrison [mailto:bmorrison@townofmountpleasant.com]
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Sincerely,

Allison Walshe

Manager, Stowaway Storage

Fleming, Juleigh B

From: Lemon, Roger D
Sent: Tuesday, April 22, 2008 6:55 AM
To: Fleming, Juleigh B
Subject: RE: Hwy 17 North & Intersection Porche Bluff Rd.

I have no news, Richard Turner is taking care of this one, you can give him my number but I will have to transfer him to Richard

---

From: Fleming, Juleigh B
Sent: Monday, April 21, 2008 3:44 PM
To: Turner, Richard; Lemon, Roger D
Subject: FW: Hwy 17 North & Intersection Porche Bluff Rd.

Richard/Roger,
Any news on the paved drive at Porcher's Bluff? Do you mind if I give Mr. Pooser your number so he can talk with you?

Thanks!
JuLeigh

From: Bert Pooser III [mailto:BPooser3@IMICHotels.com]
Sent: Monday, April 21, 2008 1:12 PM
To: Fleming, Juleigh B
Subject: RE: Hwy 17 North & Intersection Porche Bluff Rd.

Juleigh,

I was following up on your email and wanted to know if you all had any information.

Bert

> -----Original Message-----
> **From:** Fleming, Juleigh B [mailto:FlemingJB@dot.state.sc.us]
> **Sent:** Thursday, April 10, 2008 2:34 PM
> **To:** Bert Pooser III
> **Subject:** RE: Hwy 17 North & Intersection Porche Bluff Rd.
>
> Mr. Pooser,
> I called and left you a message, but apparently I talk too much. We did go out and look at the paved access you refer to. We have contacted our maintenance office and they are investigating. They were not aware of any permit that we have approved that would allow this paving. And the paving does appear to be in our right of way. They are going to contact the property owners to see if they obtained any permits to do the paving. It may be the first of next week before I have an update for you, but they are looking into it. Please contact me in the meantime if you have any other concerns. I'll be back in touch.
>
> Thank you,
> JuLeigh
> 843-740-1667 x119
>
> ---
>
> **From:** Bert Pooser III [mailto:BPooser3@IMICHotels.com]
> **Sent:** Thursday, April 10, 2008 12:00 PM
> **To:** Fleming, Juleigh B
> **Subject:** FW: Hwy 17 North & Intersection Porche Bluff Rd.

-----Original Message-----
From: Bert Pooser III
Sent: Wednesday, April 09, 2008 10:11 PM
To: FlemmingJB@dot.state.sc.us
Subject: Hwy 17 North & Intersection Porche Bluff Rd.

Julie,

We have spoke in the past with regards to the new interchange and traffic light at Highway 17 North and Porche Bluff Road/ Riffle Range Road.

Yesterday a paved access road was installed next door to our drive way and we are grately conserned with the safety of our customers entering and exiting our property.

In one days time we have had several near misses at the intersection and I would not have contacted you so soon if I were not there today to see it first hand.

Thank you,

Bert Pooser

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South Carolina
Department of Transportation

June 20, 2008

Mr. George Sisson
3018 N. Highway 17
Mount Pleasant, SC 29466

RE: Deficiency Notice #1

Dear Mr. Sisson:

Upon a recent site visit to your area, it was noted that an unapproved driveway access has been paved. The location of this access point is dangerous to the travelling public given its close proximity to US-17 and its location within a signalized intersection. The permit package for the access to the Storage Facility included an agreement letter dated March 21, 2000 signed by you and Mr. Pooser stating that both businesses would utilize the approved shared access.

The SCDOT is requiring that you remove the unpermitted connection to US-17. Further action by the Department will be taken if this is not completed within 15 days of this notice and all associated expenses will be the responsibility of the property owner(s).

If you have any more questions or need additional information, please do not hesitate to call me at (843) 740 – 1655 ext. 501.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. E.L. Pooser
Robert Clark, SCDOT District 6 Engineering Administrator
Mike Black, SCDOT District 6 Maintenance Engineer
Mark Nesbit. SCDOT District 6 Traffic Engineer

Chas. Maintenance. File

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1648

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

South Carolina
Department of Transportation

June 20, 2008

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

RE: Deficiency Notice #1

Dear Mr. Pooser:

Upon a recent site visit to your area, it was noted that a gate had been constructed on a driveway that was agreed to be a shared access during the SCDOT encroachment permitting process. This action has lead to the paving of an unapproved driveway access at the intersection of US-17. The location of this access point is dangerous to the travelling public given its close proximity to US-17 and its location within a signalized intersection. One of the special provisions on your approved permit, March 29, 2000, required you to remove the unpaved drive during construction of the new access point into the property. This permit package also included an agreement letter dated March 21, 2000 stating that the unpaved drive would be removed and the new access would serve as shared access point for you and Mr. George Sisson's businesses.

The SCDOT is requiring that you reopen the agreed upon access point. Further action by the Department will be taken if this is not completed within 15 days of this notice and all associated expenses will be the responsibility of the property owner(s).

If you have any more questions or need additional information, please do not hesitate to call me at (843) 740 – 1655 ext. 501.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. George Sisson
Robert Clark, SCDOT District 6 Engineering Administrator
Mike Black, SCDOT District 6 Maintenance Engineer
Mark Nesbit, SCDOT District 6 Traffic Engineer

Chas. Maintenance. File

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

Mark
Pls provide me w/ an update on this?

IMIC HOTELS
"Proving Southern Hospitality Still Exists!"

PROPERTIES

FLORIDA

Amelia Island/Fernandina Beach
- Hampton Inn

GEORGIA

Jekyll Island
- Quality Inn & Suites

NORTH CAROLINA

Morganton
- Hampton Inn

SOUTH CAROLINA

Columbia
- Inn at USC

Georgetown
- Hampton Inn
- Quality Inn & Suites

Pawleys Island/Litchfield
- Hampton Inn

Myrtle Beach
- Comfort Suites
- Suburban Extended Stay Hotel

Spartanburg
- Campus Place Extended Stay

Lexington/Columbia
- Wingate by Wyndham

Charleston/N. Charleston
- Wingate by Wyndham

TENNESSEE

Kingsport
- Hampton Inn

Bristol
- Hampton Inn

Johnson City
- Comfort Suites

Nashville
- Wingate by Wyndham Airport

June 2, 2008

SCDOT Engineering District 6
Administrator Mr. Robert T. Clark
6355 Fain Blvd.
N. Charleston, SC 29406-4989

Re: 2988 U.S. Highway 17 North

Dear Mr. Clark,

We are writing this letter to inform you of a traffic situation on Highway 17 North and the potential of a deadly accident to occur at the intersection of US Highway 17 North and Porcher Bluff Road.

We own property at the intersection of U.S. Highway 17 North and Porcher Bluff Road and have a controlled traffic light into and out of our property. Our neighbor has paved a dirt driveway thru the controlled light and intersection onto US Highway 17 North.

We contacted Julie Flemming within the SCDOT on April 10, 2008 and have not been given any updates to the situation.

We have enclosed an aerial of the driveway prior to it being paved. You will be able to see the traffic light and its potential for a deadly accident to occur. We do not have a photo of the paved driveway and encourage you to drive out and see it in person.

When a vehicle enters US Highway 17 North from the newly paved road, the traffic sensor does not have a way to recognize the automobile present. Therefore, the vehicles will sometimes run thru the signal.

As you can understand we are very concerned for the safety of our customers and would appreciate your investigating the very dangerous traffic situation.

Sincerely,

Bert L. Pooser

INTERSTATE MANAGEMENT AND INVESTMENT CORPORATION
"Proving Southern Hospitality Still Exists!"
One Surrey Court • P.O. Box 21427 • Columbia, SC 29221-1427 • (803) 772-2629 • (803) 750-8478 Fax • www.imi

ROA 645

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
HIGHWAY MAINTENANCE MANAGEMENT SYSTEM

Daily Work Report

Organization Unit	District	Date	Report No.
61019 CHARLESTON -SIGN	SIX	THURSDAY - JUL 02, 2009	5722570

Activity	Work Description	Work County	Asset Group
603 SIGNS	NEW INSTALL		

Asset	Special Event	Project Number
		410

Type	Route	Aux	Begin MP	End MP	Length	Direction	Position	Off System Description

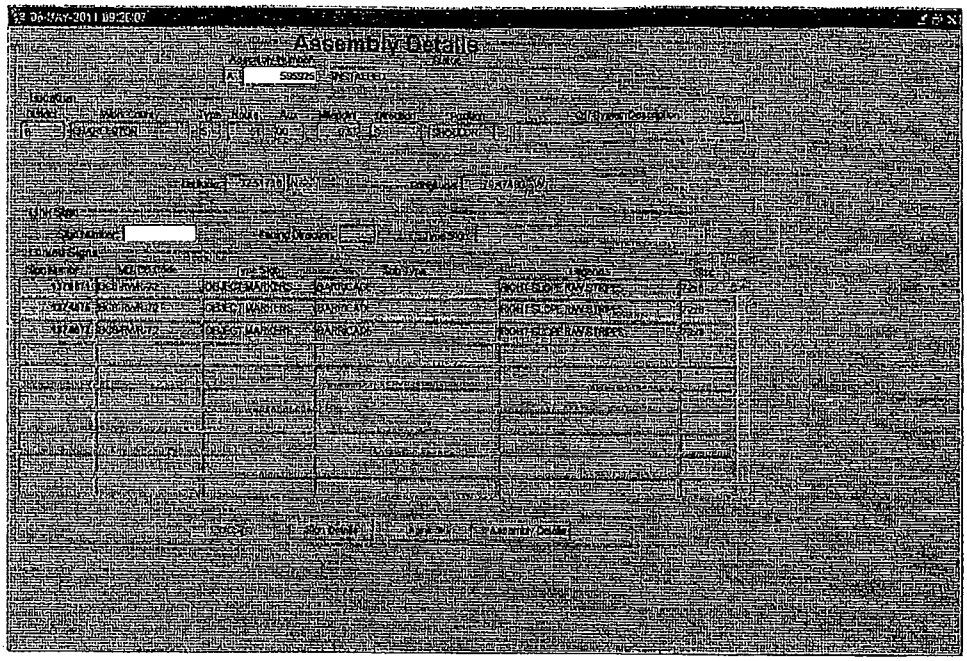
Units of Accomplishment: 8.000 UOM:EACH Accident:N

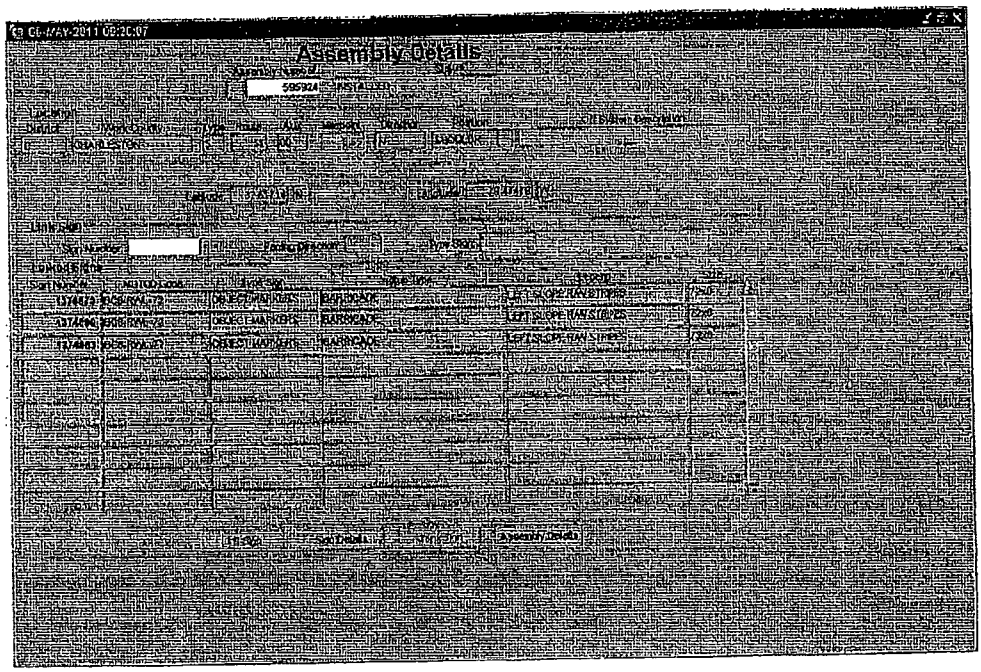
	Labor	Equipment	Material	Total
Daily Cost:	749.	105.	413.	1,267.

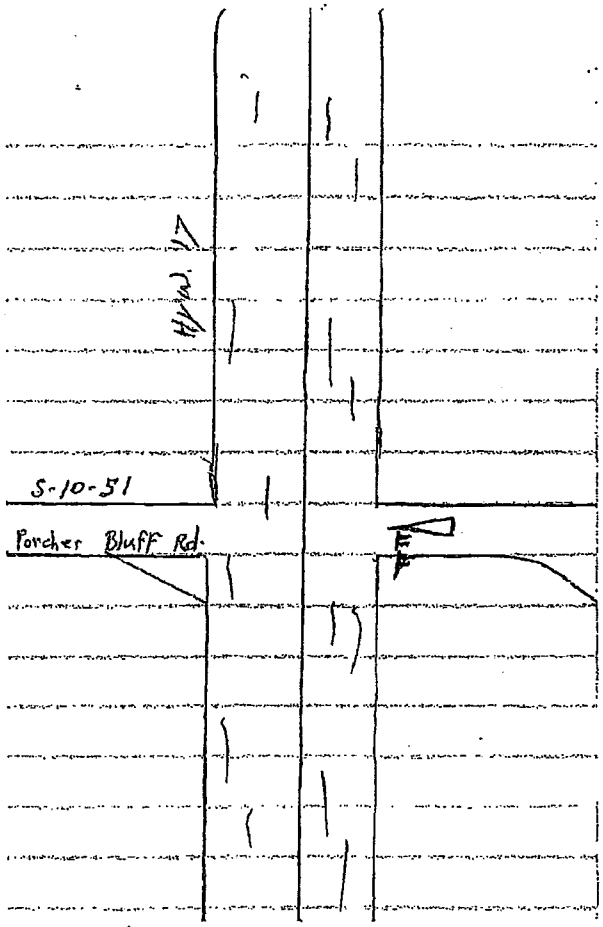
Number	Description	Org/UOM	Quantity	Hours	Unit Cost	DWR Cost
Labor						
56381	WILDER BRYANT	61019		7.0		183.
61467	WRIGHT GAIL E	61019		3.0		58.
65277	BOWE KANISHA	61019		7.0		119.
65564	ROGERS ARTHUR L	61019		4.0		68.
65605	SALLIE THERON A	61019		4.0		68.
66340	DANIELS KEVIN	61019		7.0		119.
66841	WILLIAMS ADRIAN	61019		7.0		136.
Equipment						
009-03-0321	3/4 TON PICKUP STANDARD C	61019		7.0	6.20	43.
011-03-0398	TRK, 1.5 TON PLATFORM STN	61019		7.0	8.81	62.
Material						
2403 DP	SIGN POSTMETAL USECT 10	EACH	6.00		16.89	101.
2406 DP	SIGN POSTMETAL USECT 3IN	EACH	6.00		3.21	19.
5158 DP	SIGNS	EACH	8.00		36.60	293.

DWR Comment: MEDAL OF HONOR / BOATS TO FORT SUMPTER SIGNS - BARRICADE ON PORCHER BLUFF RD. PER R. TURNER

Type	Route	Aux	Begin MP	End MP	Length	Direction	Position	Off System Description
Report No.	Labor Cost	Equipment Cost	Material Cost	Total Cost	Accomplishment			
Work County	Beat			Asset				
				Work Request Number	Requested Date			
S	51 00	8.55	8.55	.00	S	ROADWAY		
5722575		562.	79.	310.	951.			6.000
CHARLESTON								
SC	703 00	.35	.59	.24	BOTH	SHOULDR		
5722578		187.	26.	103.	316.			2.000
CHARLESTON								
				379274	11/10/2008			
				413358	05/13/2009			


Assembly Details


Assembly Details


S-10-51
Porcher Bluff Rd.

ARTMENT OF HIGHWAYS
IC TRANSPORTATION
REV. 7/91)

APPLICATION FOR ENCROACHMENT PERMIT

No. _____

(ENCROACHMENT PERMIT OTHER THAN A PUBLIC UTILITY)

APPLICANT: Stow Away Storage, LLC
AND One Surrey Court
ADDRESS: Columbia, SC 29212

TELEPHONE NUMBER: 803/772-2629

COUNTY: Charleston
ROAD/ROUTE: U.S. Hwy. 17

ROAD NAME: U.S. Hwy. 17

1. The undersigned applicant hereby applies to the South Carolina Department of Highways and Public Transportation (SCDHPT) for a permit for encroachment on State Highway Right of Way as shown and described below:

2. Type of Encroachment: Access Drive to parcel

3. Description of location: West side of U.S. Hwy. 17 opposite Porcher Bluff Road intersection with Hwy. 17 24' DRIVE W/ 30' RADIUS ON SOUTH SIDE AND 40' RADIUS ON NORTH SIDE.

(Attach sketch indicating roadway features such as: pavement width, shoulder width, sidewalk and curb and gutter location, significant drainage structure, north arrow, right of way width, and location of the proposed encroachment with respect to the roadway centerline and the nearest intersecting road on the State system.)

4. The undersigned applicant hereby requests the SCDHPT to permit encroachment on the Department right of way as described herein. It is expressly understood that the encroachment, if and when constructed, shall be installed in accordance with the sketch attached hereto and made a part hereof. The applicant agrees to comply with and be bound by the Department's "A Policy for Accommodating Utilities on Highways Rights of Way" and "Standard Specifications for Highway Construction" (made a part hereof by reference) on file in the Utility Office of the Department, and all general provisions on the reverse hereof and special provisions below or attached hereto during the installation, operation and maintenance of said encroachment within the Department Right of Way. The applicant hereby further agrees, and binds his heirs, successors, assigns, to assume any and all liability this Department might otherwise have in connection with accidents or injuries to persons, or damage to property, including the highway, that may be caused by the construction, maintenance, use, moving or removing, of the physical appurtenances contemplated herein and agrees to indemnify this Department for any liability incurred or injury or damage sustained by reason of the past, present, or future existence of said appurtenances.

APPLICANT NAME: X _____ (PLEASE PRINT OR TYPE) DATE: X 7/13/99

APPLICANT SIGNATURE: X E. L. Rooster, Jr. TITLE: X Member / President

In compliance with your request and subject to all the provisions, terms, conditions and restrictions stated in the application, general provisions on the reverse hereof, and special provisions below or attached hereto, the Department approves the request. This permit shall become null and void unless the work contemplated herein shall have been completed prior to _____.

SPECIAL PROVISIONS:

30# SS

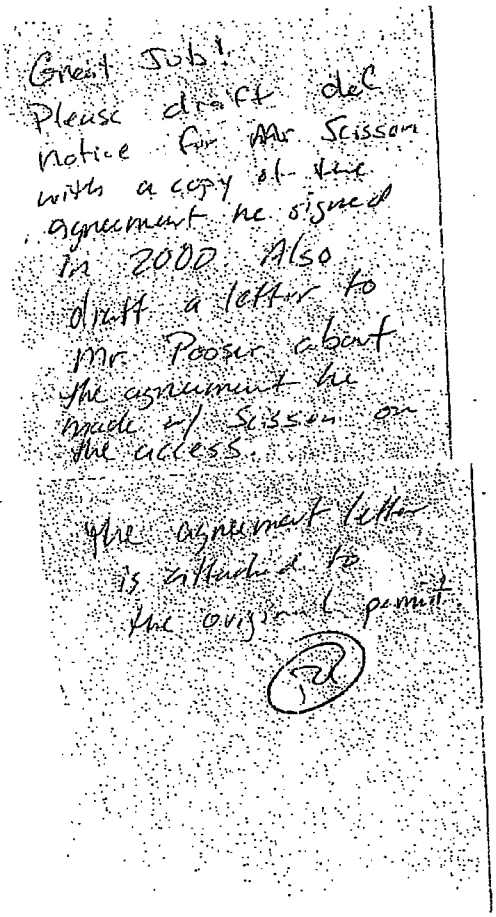
* ONLY DRIVEWAY ON NORTH SIDE HWY PROPERTY SHALL BE REMOVED.

DATE RECEIVED BY RES. MAINT. ENGR.	DATE FORWARDED	SCDHPT APPROVAL	DATE
3-29-00	3-29-00		

DATE RECEIVED BY DIST. ENGR. ADMIN. _____ DATE FORWARDED _____

☐ RESIDENT MAINTENANCE ENGINEER ☐ STATE HIGHWAY ENGINEER

☐ DISTRICT ENGINEERING ADMINISTRATOR ☐ DISTRICT MAINT./CONSTRUCTION ENGINEER


Great Job!
Please draft dec
notice for Mr Scisson
with a copy of the
agreement he signed
in 2000. Also
draft a letter to
Mr Poore about
the agreement he
made w/ Scisson on
the access.

The agreement letter
is attached to
the original permit.

(2)

J-12497.32c

SCE&G
A SCANA COMPANY

February 29, 2000

Thomas & Hutton Engineering Co.
Attn: Mr. Dan Farley
935 Houston Northcutt Boulevard, Suite 100
Mt. Pleasant, SC 29465-1522

Dear Mr. Farley:

Per our conversation, I have reviewed your request to install an entrance road from Highway 17 onto the property being developed for storage area directly across from Porcher Bluff Road. We will issue an encroachment permit for this work to include a water line upon receiving final approved drawings from your office.

If you have any questions, please contact me at 576-8254.

South Carolina Electric & Gas Co.
P. O. Box 760
Charleston, South Carolina
29402

843.576.8000
www.scana.com

Sincerely,

Paul S. Coker
Sr. Engineering Technologist
Power Delivery-Southern Division

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Joey Harris
SCDOT-Charleston

FROM: Dan Farley

DATE: March 28, 2000

RE: Stowaway Storage

JOB #: J-12497.300

We are sending you _X_ Attached ___ Under Separate Cover Via _US Mail_ the following items:

Copies	Date	Description
1		Revised Encroachment Permit sheets
1		Plan Sheet # 3
1		Copy of letter from George Sisson

_X_ For Approval ___ For Your Use ___As Requested ___ For Review and Comment

---

Remarks: Please call if there are any questions or if there is any other information needed.

OFFICE COPY

2000 MAR
RECEIVED
S.C.D.O.T.
Charleston
Maintenance

Signed: Dan Farley

N:\12497\DOCS\HARRIS007.DOC

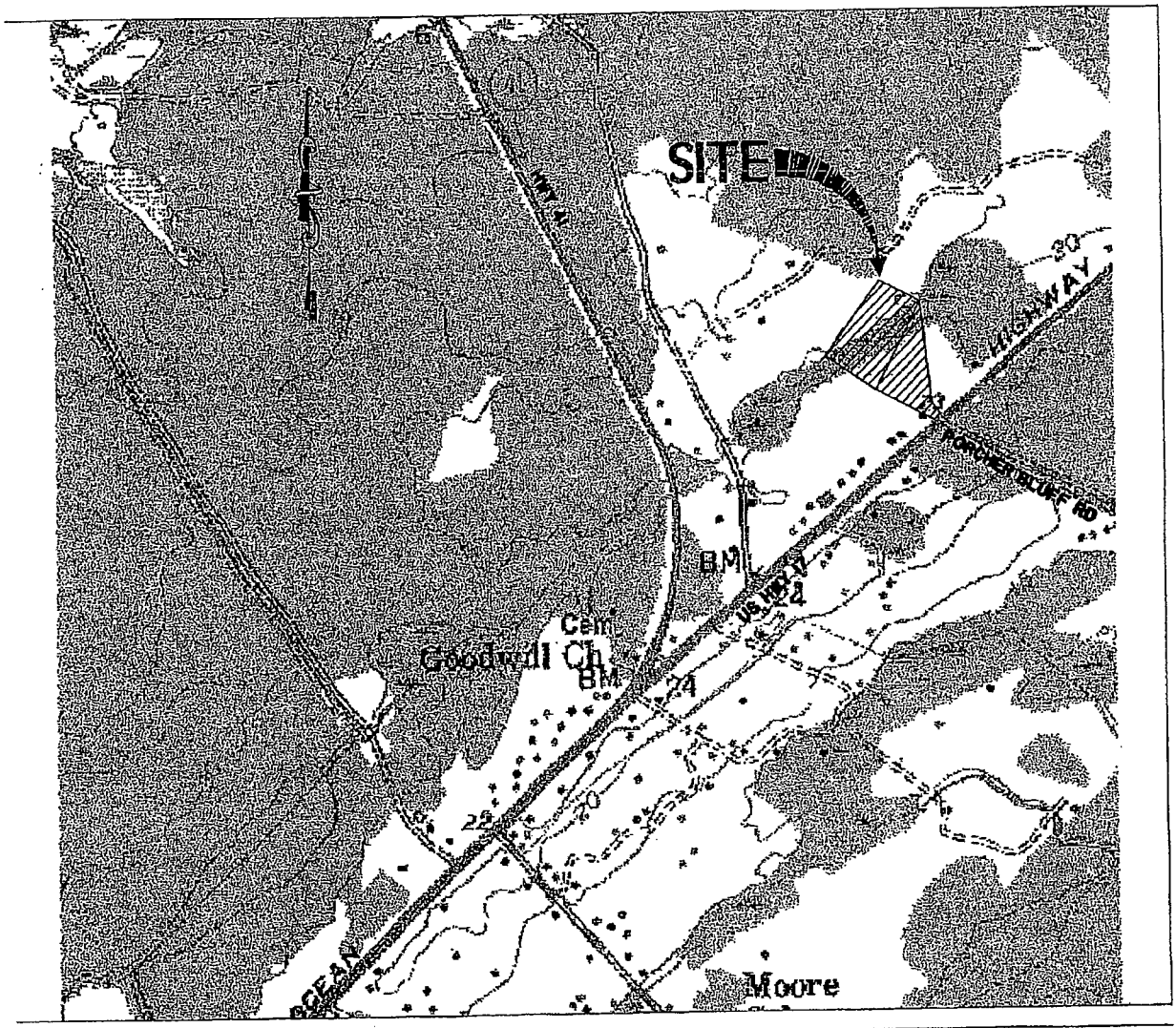
/12497/dwg/dotpermit/12497dot2

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



LOCATION MAP

SCALE: 1"=1000'

500 1000 2000 3000

FT MOULTRIE, S.C.

PROJECT:
STOWAWAY STORAGE

DATE: SEPTEMBER 23, 1999
REVISED: JANUARY 12, 2000

SHEET 1 OF 7

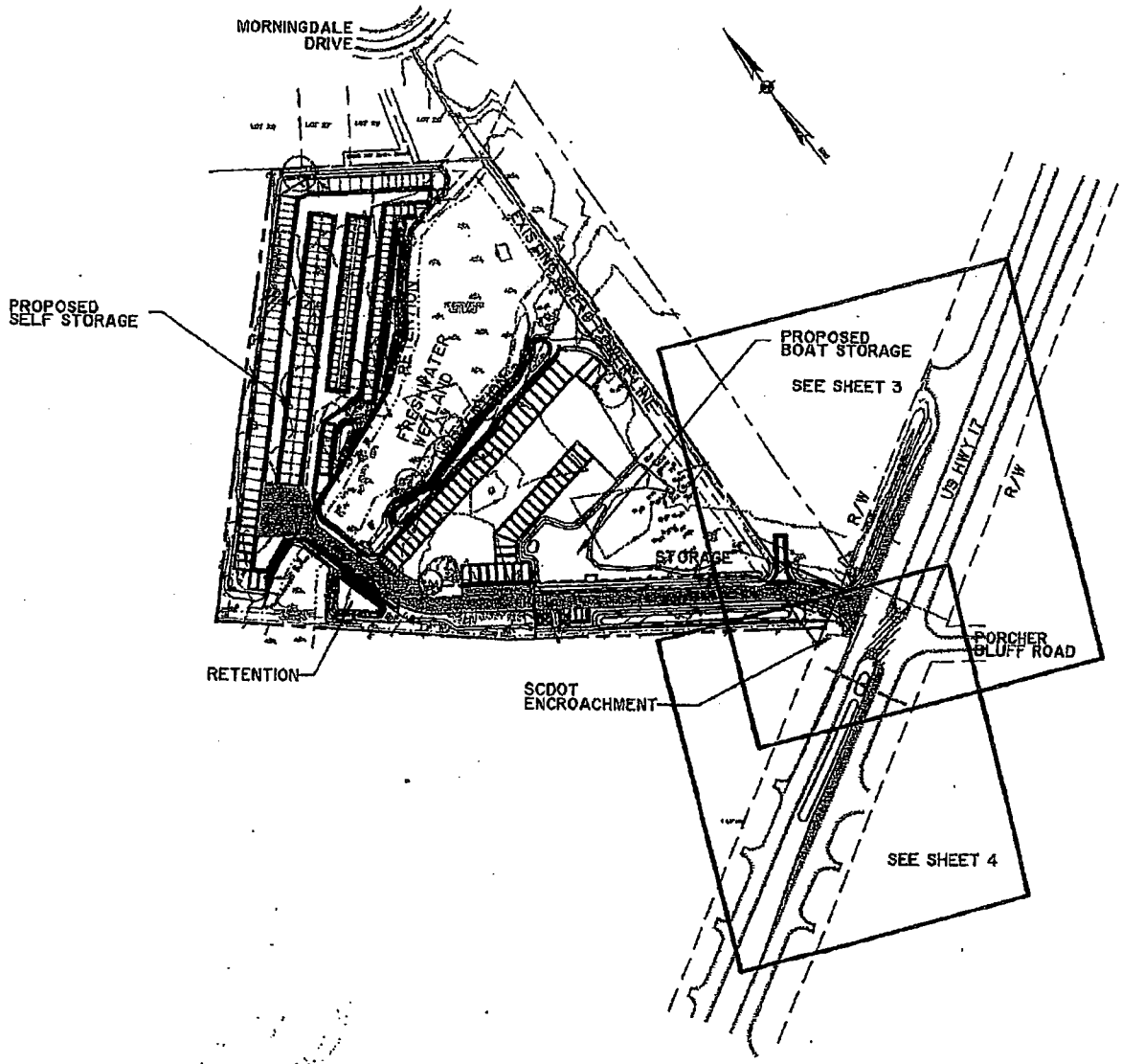
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APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



SITE PLAN

SCALE: 1" = 200'

TE: SEPTEMBER 27, 1999
VISED: JANUARY 12, 2000
D REVISION: FEBRUARY 28, 2000

SCALE: 1"=200'
0 100 200 400 600

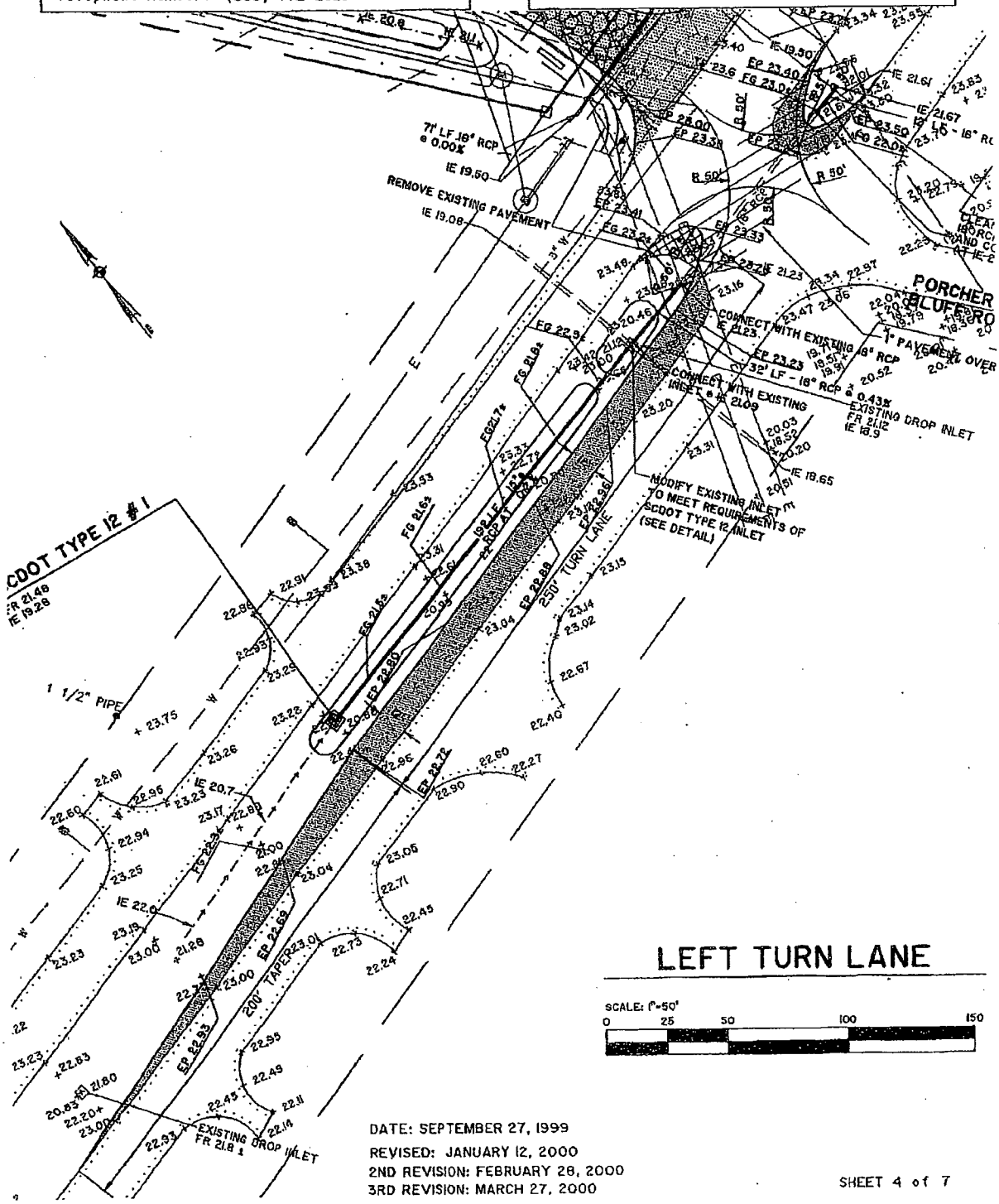
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APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



LEFT TURN LANE

SCALE: 1"=50'

0 25 50 100 150

DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 2000
3RD REVISION: MARCH 27, 2000

SHEET 4 of 7

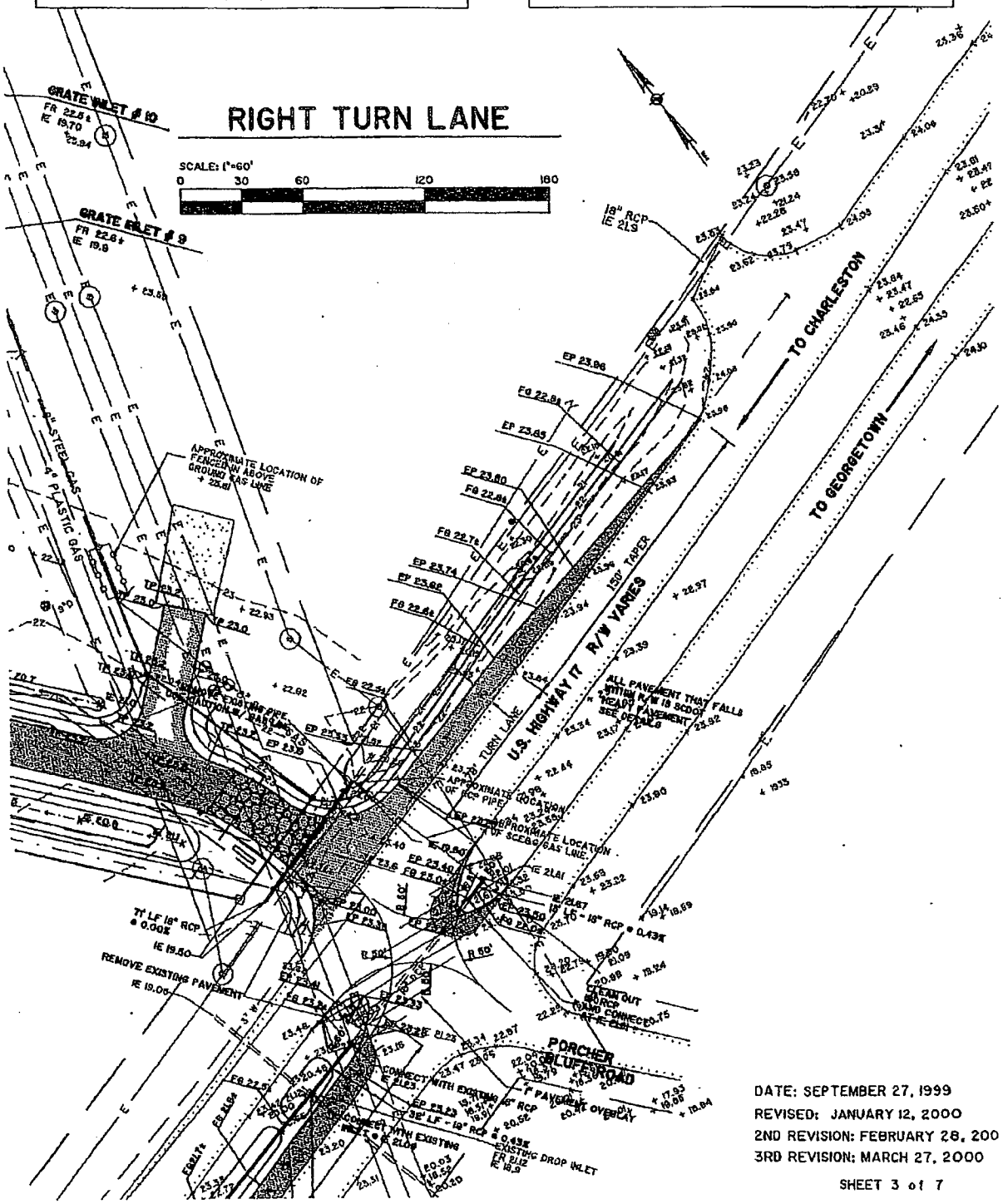
:/12497/dwg/dotpermit/12497dot

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 200
3RD REVISION: MARCH 27, 2000

SHEET 3 of 7

J-12497.32

February 9, 2000

To Whom It May Concern:

I understand that the adjacent property will construct a turn radius that will be in front of my property. I also understand that the turn radius will not be within my property but within the HWY 17 right-of-way which lies in front of my property.

Name: Henry W Sasser

Address: Sisson Scales
3018 17N.
Mt. Pleasant, SC 29466

Signature: Henry W Sasser

STOW AWAY STORAGE, LLC
One Surrey Court
Columbia, South Carolina 29212

March 21, 2000

Mr. George Sissons
Charleston, South Carolina

RE: Access Easement

Dear Mr. Sissons:

As we discussed I enclose a form of Easement Agreement to be given by Stow Away Storage, LLC. The easement would give you a perpetual right to utilize Stow Away's driveway, at no cost and expense, to access U.S. Highway 17. The preliminary plans for our driveway and the location of the drive easement for you are attached to the easement. As these plans are finalized a complete definitive description of the easement will be attached to the easement and it will be recorded.

In connection with our granting the drive easement, you will be abandoning and terminating your drive cut on Highway 17. The easement has appropriate language for this purpose in it, as well.

If you are agreeable to terminating and abandoning your drive cut in exchange for the easement to be granted by us as described in the easement document, please acknowledge the same by signing a copy of this letter where indicated below and returning it to me at your earliest convenience. Should you have any questions, please do not hesitate to contact me.

Best regards,

E. L. Pooser, III

Acknowledged and Agreed:

George Sissons
Dated: 3-27-00

STATE OF SOUTH CAROLINA	)	ACCESS EASEMENT
	)	AND
COUNTY OF CHARLESTON	)	ABANDONMENT OF
	)	ENCROACHMENT PERMIT

THIS EASEMENT AGREEMENT (this "Agreement") is made and executed to be effective as of the 17th day of October, 2000, by and between STOW AWAY STORAGE, LLC, a South Carolina limited liability company (hereinafter referred to as the "Grantor"), and George Sissons (hereinafter referred to as the "Grantee").

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars and other good and valuable consideration paid by Grantee to Grantor, the receipt and adequacy of which are hereby acknowledged, the Grantor and Grantee do hereby agree as follows:

Grant of Access Easement. Grantor does hereby grant and convey unto the Grantee, his successors and assigns, forever, a non-exclusive and perpetual easement over, on, and through that certain portion of Grantor's property designated and delineated as "Access Easement for Sissons Property" and more particularly described on Exhibit B attached hereto (the "Access Easement"), for purposes of access, ingress, and egress by any and all pedestrian and passenger and delivery vehicular means between Grantee's property and U.S. Highway 17.

The Access Easement herein granted is to run through property owned by the Grantor, situate, lying, and being as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The Access Easement and all rights granted in favor of Grantee herein are limited in nature and scope, such that the use of the Access Easement by Grantee shall not materially adversely affect the use, enjoyment, and operation of the Grantor or its property.

Grantor shall be responsible for maintaining the Access Easement at Grantor's sole cost and expense.

Abandonment of Encroachment Permit. Grantee does hereby agree to abandon and terminate any rights Grantee may have to access U.S. Highway 17 by any means other than the Access Easement. It is specifically understood and agreed by Grantee that the grant of the Access Easement shall terminate any rights Grantee may have to access Grantee's property from U.S. Highway 17 by any means other than the Access Easement.

It is intended that the terms, conditions, easements, and rights granted and agreed to herein shall be perpetual and shall run with title to the Grantor's Property and the Grantee, respectively. It is further intended that the easements and rights herein granted and agreed to herein are, whether determined to be appurtenant or in gross, perpetual, assignable and divisible and that the division of the Grantor's property by ownership or lease or the assignment of Grantee's rights under this Agreement, shall entitle all parties to enjoy the benefits hereby granted and shall not be deemed to be an unlawful increase or burden upon the Grantor's property or Grantee, as applicable. This Agreement may be amended, modified, or terminated only by recorded written instrument duly executed and acknowledged by Grantor and Grantee, or their respective successors and/or assigns. If any provision of this Agreement is determined to be invalid, such determination shall not affect the validity or effect of the remaining provisions of this Agreement, all of which shall continue in effect as if such invalid provision had not been included herein. All provisions of this Agreement, including the benefits and burdens, run with the Grantor's property and are binding upon and inure to the heirs, assigns, successors, and personal representatives of the parties hereto, as applicable.

TO HAVE AND TO HOLD, subject to all encumbrances, easements, rights-of-way, restrictions, and agreements of record as of the date hereof, all and singular the rights, easements, and agreements before mentioned unto the Grantor and Grantee, its successors and assigns, forever.

BK · U358PG111

AND, the Grantor does hereby bind itself and its successors to warrant and forever defend all and singular the said Access Easement unto the said Grantee, its successors and assigns, against itself, its successors and assigns, lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name this 17 day of October, in the year Two Thousand, A.D. and in the Two Hundred and Twenty-Fourth year of the Sovereignty and Independence of the United States of America.

IN THE PRESENCE OF:

WITNESS NO. 1

WITNESS NO. 2

GRANTOR:

STOW AWAY STORAGE, LLC (SEAL)

By:

Name: R.L. Pooser, III

Title: Member

GRANTEE:

George Sissons

aka George W. Sissons

WITNESS NO. 1

WITNESS NO. 2

NPCOL:1429699.1-EA-(JAS) 025294-00000

BK U358PG112

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF RICHLAND)

PERSONALLY APPEARED before me the undersigned Witness No. 1 and made oath that s/he saw the within-named Stow Away Storage, LLC by E.L. Ponser, III, its Member, sign, seal, and as its act and deed, deliver the within-written instrument for the uses and purposes therein mentioned, and that s/he with the other witness who signed above as Witness No. 2, witnessed the execution thereof.

Neile J. Rowland
WITNESS NO. 1

SWORN TO BEFORE ME THIS
17 day of October 2000

(LS)
Notary Public for
My Commission Expires: 2-16-2009

M\PC\LM\29569.1-EA-(JAB) 026284-00000

BK U358PG113

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF _____)

PERSONALLY APPEARED before me the undersigned Witness No. 1 and made oath that s/he saw the within-named George Siasons, sign, seal, and as his act and deed, deliver the within-written instrument for the uses and purposes therein mentioned, and that s/he with the other witness who signed above as Witness No. 2, witnessed the execution thereof.

WITNESS NO. 1

SWORN TO BEFORE ME THIS
30 day of October, 2000

(L.S.)
Notary Public for South Carolina
My Commission Expires: 12-12-2006

NPCCL1412503.1-BA-[JAS] 025294-00100

EXHIBIT A

(Legal Description)

ALL that certain piece, parcel, or lot of land, situate, lying, and being in the Parish of Christ Church, County of Charleston, South Carolina, measuring and containing 5.36 acres, more or less, shown on a Plat made by B.M. Seabrook, Jr., Inc. dated May 17, 1989, entitled "Lands of Mary C. Seabrook, Yough Hall Plantation, Christ Church Parish, Charleston County, South Carolina." Said Plat is recorded in the RMC Office for Charleston County, South Carolina in Deed Book G-189, at Page 263.

BUTTING, BOUNDING, and MEASURING, on the North on lands now or formerly of Salah Hibri, a/k/a Salah Ahmed, 308.36 feet, more or less; on the East on lands now or formerly of Marcus O. Ackerman and Constance S. Berg, 666.29 feet, more or less; on the South on lands now or formerly of Elizabeth O. Wilson, 413.87 feet, more or less; on the West on lands now or formerly of Benjamin Seabrook, 629.08 feet, more or less.

TMS: 580-00-00-024

AND

ALL, that piece, parcel or tract of land, situate, lying, and being in Christ Church Parish, County of Charleston, State of South Carolina, containing 3.481 acres, more or less, as shown on that certain plat entitled "Subdivision Plat Showing a Portion of Oakland Plantation owned by Oakland Associates, A South Carolina Limited Partnership, situate in Christ Church Parish, Charleston County, South Carolina" by James Lyndlord Owen, Jr., RLS S.C. Reg. No. 7624, dated May 22, 1985, and recorded in the RMC Office for Charleston County in Plat Book BE, Page 79, reference to which is craved for a more full and complete description.

TMS: 598-00-00-024

DERIVATION: Deed of Buffalo Creek Land Company, LLC to Stow Away Storage, LLC and recorded in the Office of the Register of Mesne Conveyances for Charleston County in Deed Book Z328 at page 662.

NPCOL1:429533.1-EA-(MAS) 025294-00000

BK 0358PG115

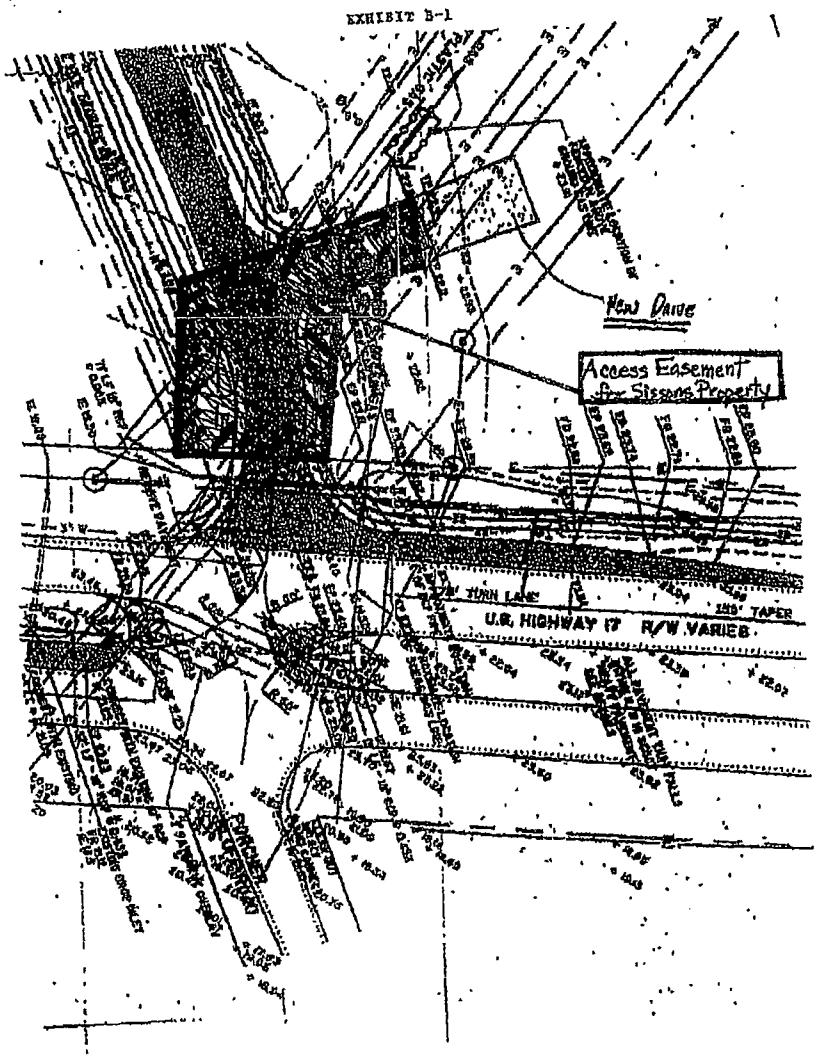
EXHIBIT B

All that certain piece, parcel, or lot of land designated and labeled as "Access Easement for Sissons Property" and further depicted by hashmarks on the attached sketch labeled Exhibit B-1.

NPCOL1:429569.1-SA-(JAS) 032264-00000

BK U358PG116

EXHIBIT B-1



Nexsen Pruet Jacobs
+ Pollard
P. O. Drawer 21426
Cola, SC 29202-9732

BK S C U358PG117

FILED

U358-109

2000 NOV 16 PM 12:01

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

14.00 E

South Carolina
Department of Transportation

June 19, 2009

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

Mr. George Sisson
Sisson Scale
3018 Highway 17 N.
Mount Pleasant, SC 29466

RE: US-17 @ Porcher's Bluff Road

Dear Sirs:

This is to advise that the unpermitted drive entrance onto US Route 17 at the intersection of Porcher's Bluff Road, which illegally encroaches on the right of way of the South Carolina Department of Transportation (SCDOT), is scheduled to be eliminated on or before July 3, 2009. In accordance with a permit issued March 29, 2000, allowing the existing drive entrance onto Porcher's Bluff Road, it was agreed by the Applicant E. L. Pooser, Jr. that the unpermitted drive onto US-17 would be removed, which was never done. Further, written statements of George W. Sisson, dated February 9, 2000 and March 21, 2000, acknowledge and agree that the unpermitted drive cut would be abandoned in exchange for the right to use the aforementioned permitted drive.

Since that time, additional access problems were created by the locking of a gate that was installed on the permitted drive that serves as the sole legal entrance to the Stow Away Storage and Sisson Scale facilities located on the premises, which would seem to contravene the conditions under which the encroachment permit was issued. SCDOT is advised that this gate will no longer be locked, thereby allowing access to be maintained to the businesses at this location. It is essential that access to this drive entrance remains unimpeded.

The blocking of the unpermitted drive by SCDOT will be accomplished by the installation of a Type III barricade on the right of way for US Route 17. If you have any questions or concerns about this matter, please contact me at (843) 740-1655.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

PF/Chas. Maintenance

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1656
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

South Carolina
Department of Transportation

March 10, 2009

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

Mr. George Sisson
Sisson Scale
3018 Highway 17 N.
Mount Pleasant, SC 29466

RE: US-17 @ Porchers Bluff Road

Dear Sirs:

In late November 2008, South Carolina Department of Transportation (SCDOT) engineers reviewed the signalized intersection of US-17 and Porchers Bluff Road. SCDOT noted that motorists were utilizing an unpaved opening that is within the signalized intersection to enter and exit Royall Hardware and Sisson Scale due to a locked gate on the premises. SCDOT will erect a Type III barricade blocking access to the unpaved driveway within the signalized intersection to maintain the safety of the motoring public.

The public can now use the single permitted access at US-17 to access Stow Away Storage, Sisson Scale, and Royall Hardware. SCDOT engineers had conversations with all three business owners and/or owner representatives and were reminded of the challenge among the three parties concerning access permissions for a permitted driveway at the signalized intersection of US-17.

SCDOT's goal is to maintain a safe access for the travelling public, and for safety assurance, it is necessary that the gates remain unlocked for all parties to utilize access until an agreement is made between Stow Away Storage, Sisson Scale, and Royall Hardware

If you have any questions or concerns, please contact me at (843) 740-1655.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. John Royall
Ms. Natalie Moore (SCDOT Legal)

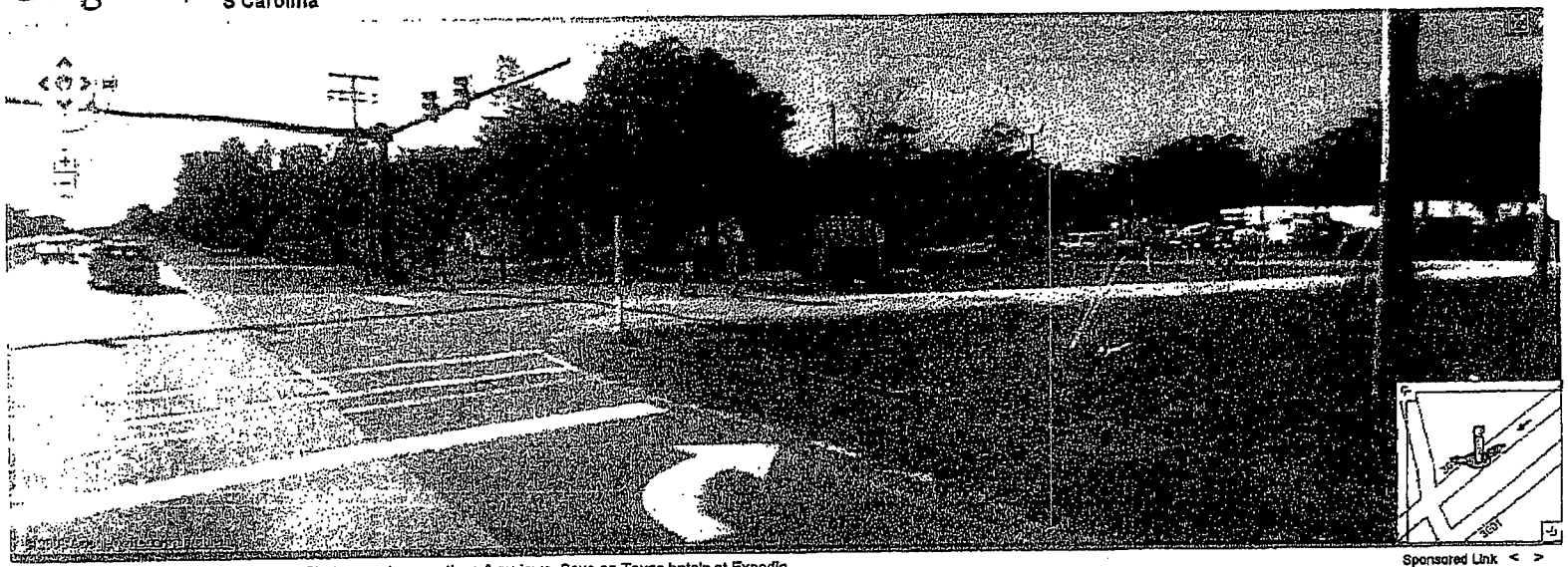
PF /Chas. Maintenance

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

Google maps **porchers bluff**, near **Mount Pleasant, S Carolina**



Mount Pleasant - www.Expedia.com - Photos, customer ratings & reviews. Save on Texas hotels at Expedia.

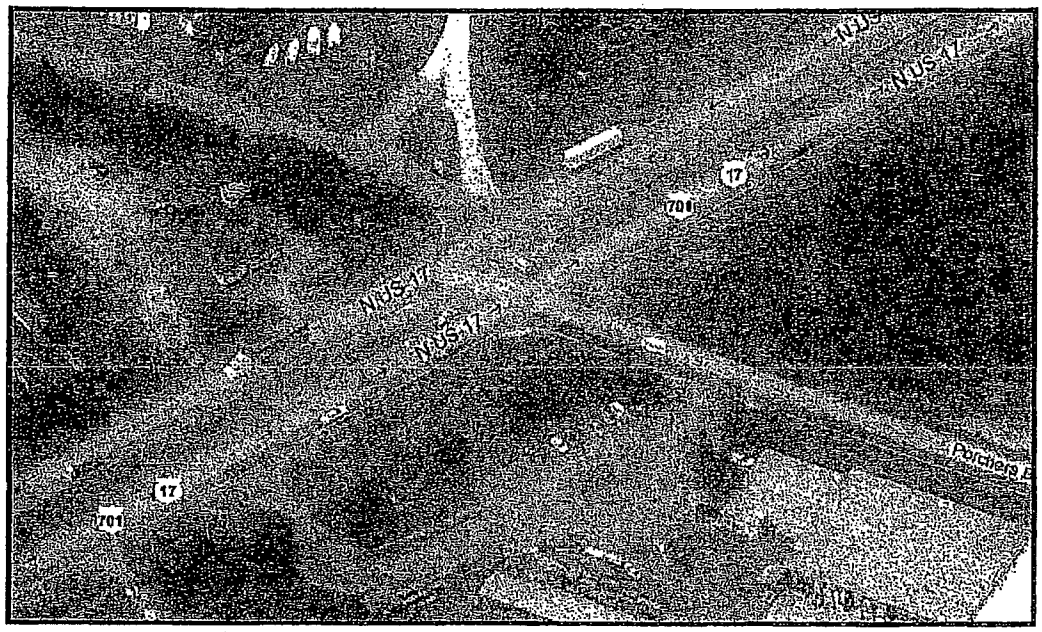
Sponsored Link < >

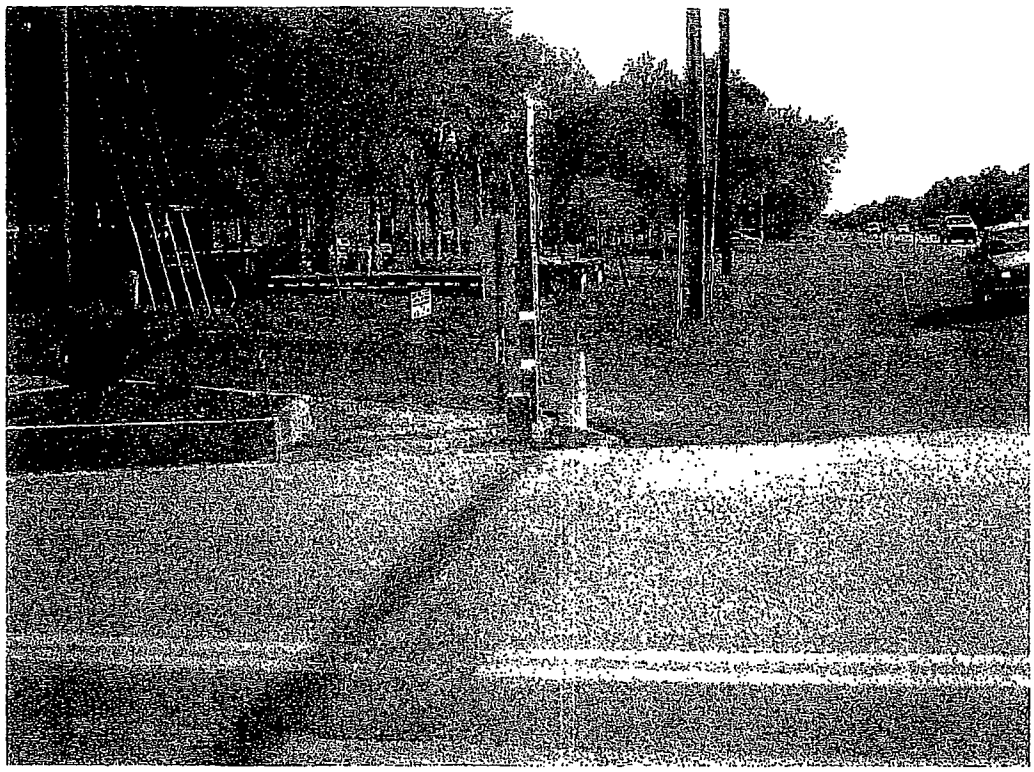
Peter's Church
17 Porchers Bluff Road, Mount Pleasant, SC
43) 881-8003

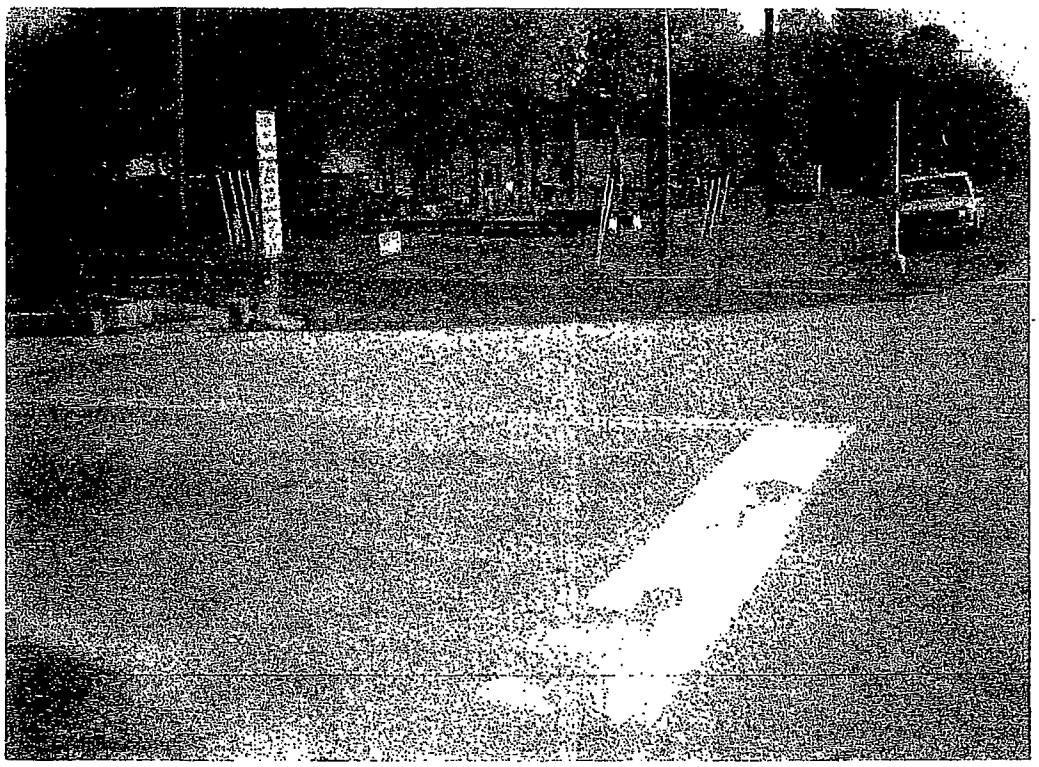
acksoil Landscaping
21 Porchers Bluff Rd, Mount Pleasant, SC -
3) 330-8801

egorie Land Co
34 Porchers Bluff Rd, Mt Pleasant, SC -
3) 884-4153

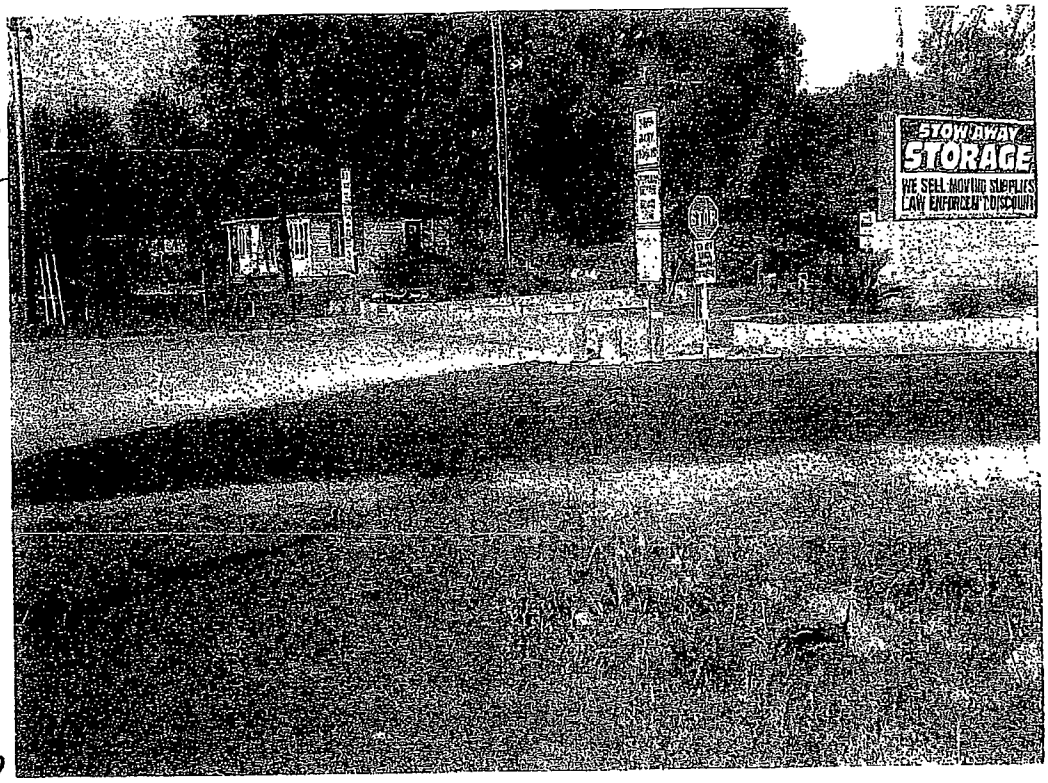
For the best possible print results, click the printer icon on the Live Search Maps page.



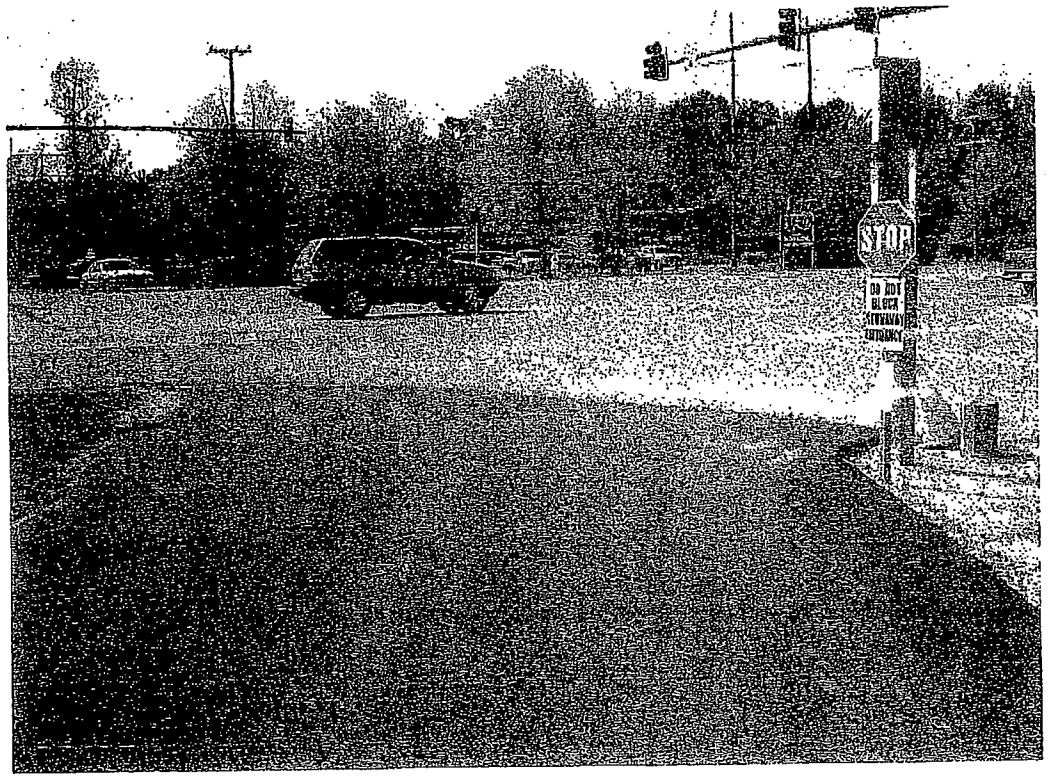




TO
CHAMB



17
2
BR



TOWN OF MOUNT PLEASANT

LEGAL DEPARTMENT
100 Ann Edwards Lane
Post Office Box 745
Mount Pleasant, SC 29465

SOUTH CAROLINA

TELEPHONE
Area Code (843)
849-2020
FAX
388-1078

July 5, 2011

HAND DELIVERY

Maria E. Kiehling, Esquire
BUIST BYARS & TAYLOR, LLC
652 Coleman Blvd., Suite 200
Mt. Pleasant, SC 29464

RE: Follow-up / FOI Act Request
Access Easement / US 17 / Porcher's Bluff Road
Sweetgrass Hardware

Dear Maria:

I am writing in response to your May 31, 2011 Freedom of Information Act Request. Please find enclosed the following documents:

1. Letter dated June 16, 2011 from the Mount Pleasant Police Department.

2. Email dated June 20, 2011 from the Mount Pleasant Planning Department.

3. Memorandum from the Executive Offices Manager dated July 5, 2011, together with the stated enclosures. Also enclosed is an Invoice in the amount of $161.53 relative to same.

Accordingly, I trust that this information is responsive. If you desire anything further, please do not hesitate to contact me.

Most sincerely yours,

R. Allen Young
Town Attorney

RAY/pem

Enclosures

JUN 16 2011

POLICE DEPARTMENT
100 ANN EDWARDS LANE
(843) 884-4176

MOUNT PLEASANT

SOUTH CAROLINA
29464

HARRY SEWELL, JR.
CHIEF OF POLICE
www.mppolice.com

June 16, 2011

Buist, Byars, & Taylor, LLC
652 Coleman Blvd. Suite 200
Mount Pleasant, SC 29464

Dear Ms. Kiehling,

Per your Freedom of Information Request dated May 31, 2011, the Police Department is unable to locate any additional information regarding any police response to the area of the, "connection road between Porchers Bluff Road and Highway 41". This is not to say that there have been no incidents where the police may have responded to the area; however, without a specific address or date of the response, we simply are unable to access this type of information, other than what has been provided in your previous request.

If I can be of further assistance, please do not hesitate to call at (843) 884-4176.

Sincerely,

Captain Amy B. McCarthy
Support Services Commander
Mount Pleasant Police Department

Trisha Marr JUN 2 0 2011

From: Lynette Lynes
Sent: Monday, June 20, 2011 10:22 AM
To: Trisha Marr
Subject: FOI for Sweetgrass Hardware--follow-up

I wanted to let you know that we have no information on a connection road between Porcher's Bluff Road and Highway 41.

Lynnette Lynes
Executive Office Manager
Department of Planning and Development
Town of Mount Pleasant

Please note my new e-mail address: llynes@tompsc.com

Town of Mount Pleasant

Memorandum

To: Eric M. DeMoura, Town Administrator

From: Nancy Dispenza, Executive Offices Manager

Date: July 5, 2011

Re: Follow Up/FOIA Request – Access Easement/US 17/Porcher's Bluff Road Utilized by Sweetgrass Hardware, Inc.

Pursuant to Mr. Young's memorandum dated June 3, 2011, I searched for documents, emails, correspondence, etc, pertaining to information "*as to the connection road between Porchers Bluff Road and Highway 41*", as requested. The result of my research is enclosed.

An invoice relative to this FOIA request is attached.

Respectfully submitted.

/nd

Enclosures as stated

Nancy Dispenza

From: Mac Burdette
Sent: Wednesday, November 08, 2006 3:31 PM
To: 'Paul Gawrych'
Cc: Brad Morrison
Subject: RE: Porcher's Bluff Connection to Highway 41

Paul,
I think it is too early to say exactly, but since the developer only owns a slender connection to the Laurel Hill property, I presume it would be directly across from this area.
Mac

From: Paul Gawrych [mailto:pgawrych@bellsouth.net]
Sent: Wednesday, November 08, 2006 2:09 PM
To: Mac Burdette
Subject: Fw: Porcher's Bluff Connection to Highway 41

Mac,

Based on the below, when can we arrive at where exactly Porchers Bluff will run into US 41...I take it the info will help the two entities with their plans.

Also, we ran out of time yesterday, but you and I still need to meet for 5 minutes or so on Hungryneck phase 4. Let me know when you can get your hands on the latest drawings so I can stop by.

Thanks - PSG
—— Original Message ——
From: GibbsConGru@aol.com
To: pgawrych@bellsouth.net
Sent: Wednesday, November 08, 2006 1:49 PM
Subject: Porcher's Bluff Connection to Highway 41

Continuing our conversation started yesterday regarding the Porcher's Bluff Extension to Highway 41, earlier today I spoke with Tim Askins. He reconfirmed to me that they are willing to fund the condemnation of necessary land which among others will include Laurel Hill property. However, it is his understanding that the town has a specific location for the Highway 41, Porcher Bluff intersection. Tim and I are trying to resolve our issues before Tuesday's council meeting and it would be helpful to us if the Town told us exactly where they want Porcher's Bluff to intersect 41.

T

Nancy Dispenza

From: Joe Bustos [jmbustos@comcast.net]
Sent: Monday, April 16, 2007 4:22 PM
To: Mac Burdette
Subject: Road connection

Mac,

We have discussed the connection between Porcher's Bluff Rd and Hwy 41. The planning cmte discussed it briefly lsat month. Would you put this on the transportation cmte's agenda. That was part of the DWA recommendation.
There is alot of building going on out there and we don't want to pay too much for it.

Joe

Nancy Dispenza

From: Mac Burdette
Sent: Tuesday, April 17, 2007 3:11 PM
To: Brad Morrison
Cc: Joel Ford
Subject: FW: Road connection

Brad,
Do we have promises of ROW through this area?
Mac

-----Original Message-----
From: Joe Bustos [mailto:jmbustos@comcast.net]
Sent: Monday, April 16, 2007 4:22 PM
To: Mac Burdette
Subject: Road connection

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Joe

Nancy Dispenza

From: Brad Morrison
Sent: Tuesday, April 17, 2007 3:18 PM
To: Mac Burdette
Cc: Joel Ford
Subject: RE: Road connection

Mac,

The Gregorie Ferry Landing project (Tim Askins) will build a portion of this public road as part of their approved sketch plan and will be eligible to receive impact fee credits on their costs of this road. Paul is working with HDR on design scope/fee to design the remainder of the road.

Regards,

Brad Morrison
Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

><((((●>

From: Mac Burdette
Sent: Tuesday, April 17, 2007 3:11 PM
To: Brad Morrison
Cc: Joel Ford
Subject: FW: Road connection

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Do we have promises of ROW through this area?
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Joe

Nancy Dispenza

From: Mac Burdette
Sent: Tuesday, April 17, 2007 3:50 PM
To: Joel Ford
Cc: Brad Morrison
Subject: RE: Road connection

Joel,
Do we have ROW reserved through the properties Council approved for development?
Mac

From: Joel Ford
Sent: Tuesday, April 17, 2007 3:14 PM
To: Mac Burdette; Brad Morrison
Cc: 'Joe Bustos'; Paul Lykins
Subject: RE: Road connection

The way I understand it we would have to cross a short distance of Laurel Hill, also Bobby Clair's group is working on the US17 frontage we need.....jpf

-----Original Message-----
From: Mac Burdette
Sent: Tuesday, April 17, 2007 3:11 PM
To: Brad Morrison
Cc: Joel Ford
Subject: FW: Road connection

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Do we have promises of ROW through this area?
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Joe

Nancy Dispenza

From: Mac Burdette
Sent: Tuesday, April 17, 2007 5:04 PM
To: Joseph M. Bustos, Jr.
Cc: Brad Morrison; Joel Ford
Subject: FW: Road connection

Joe,
FYI
Mac

From: Brad Morrison
Sent: Tuesday, April 17, 2007 3:18 PM
To: Mac Burdette
Cc: Joel Ford
Subject: RE: Road connection
Mac,
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Transportation Engineer
Town of Mount Pleasant, SC
843.884.1229 v
843.856-2195 f

><((((º>

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Joe

Town of Mount Pleasant

Memorandum

To: Personnel Committee

From: R. Mac Burdette, Town Administrator

cc: Mayor Harry M. Hallman, Jr.
Town Council

Date: August 2, 2007

Re: List of Facilities for Recognition

Pursuant to the Committee's direction, the following list of Town facilities eligible for recognition is provided for your review. This item is on your August Committee agenda.

Roads

- Hungryneck Phase II
- Hungryneck Phase III
- Wingo Way Extension
- Proposed road from Porchers Bluff to Highway 41
- Entrance into Recreation Center at Carolina Park

Recreation

- Recreation Center at Carolina Park
- Baseball field at Old Wando High School
- Program buildings at Greenhill and Remley's Point
- Gymnasiums at Town Hall and Park West
- Alhambra Hall Park
- Swimming Pool at Park West
- Tennis Courts at Edwards Park
- Fields at Park West
- Program building and lakeside pavilion at Park West
- Park West facility in its entirety
- Kayak Trail
- Fields at Jones Recreation Center

Other

- Public Services Facility at Six Mile
- Library in the Old Village

RMB/nd

Town of Mount Pleasant

Memorandum

To: Mayor Harry M. Hallman, Jr.
Town Council

From: R. Mac Burdette, Town Administrator

cc: Eric DeMoura
Joel Ford
Allen Young
Charlie Potts
Christiane Farrell

Date: October 22, 2007

Re: Transportation Development Impact Fees

The information enclosed pertains to the proposal to increase Transportation Development Impact Fees. This information has been provided via presentation to the Mount Pleasant Planning Commission, who is scheduled to make a recommendation to Council next week.

Staff's proposal, along with their recommendation, with be forwarded to Council's Planning and Transportation Committees in November and will also be on the Town Council agenda in November.

Raising any kind of fee is not pleasant, but in this case, we feel it is necessary if Hungryneck Phase IV, the Porchers Bluff Road connection to Hwy 41, and the frontage road from Porchers Bluff Road to Park West are to be completed in a timely manner. We are not aware of any other funding source for these projects.

We look forward to discussing this proposal with you in November.

RMB/nd

Attachment: Carter-Burgess Traffic Impact Fee Evaluation 10/17/2007

Nancy Dispenza

From: Paul Lykins
Sent: Tuesday, July 28, 2009 10:35 AM
To: Mac Burdette
Cc: Nancy Dispenza; Brad Morrison; Richard Chinnis
Subject: Letter from the Corp of Engineers

Mac,

Regarding the letter you received from the US Army Corps of Engineers, it is for the wetland permit for the Gregorie Ferry Connector Road. The SCDNR had commented to the Corps regarding the impacts to the wetlands in that the width of the road seemed excessive. We have narrowed-up the road footprint a bit and they should be happy now. Richard brought me the letter and he is aware and will assist as needed.

Thanks,

Paul

Nancy Dispenza

From: Mac Burdette
Sent: Wednesday, April 28, 2010 1:17 PM
To: Mayor Billy Swails
Subject: FW: Tony Berry and Town of Mount Pleasant

Mayor,
FYI
Mac

From: Brad Morrison
Sent: Wednesday, April 28, 2010 10:09 AM
To: 'tony@tbcdev.com'
Cc: Eric DeMoura; Mac Burdette; 'David Pagliarini'
Subject: FW: Tony Berry and Town of Mount Pleasant

Tony,

Bassett is unavailable, but we could talk to you about use of the CVS. I don't believe we have closed on the CVS and will have to check with our attorney on when it would be available. I expect this idea may need to go before a committee for approval of a rental agreement, but will defer to Eric DeMoura on that. More details on building availability, expected parking availability and other issues related to the sequencing of the interchange construction would have to be addressed.

Regards,

Brad Morrison
Transportation Director
Town of Mount Pleasant, SC
843-856-3080 v
843-856-2195 f

From: Mac Burdette
Sent: Monday, April 26, 2010 11:15 AM
To: Brad Morrison
Subject: FW: Tony Berry and Town of Mount Pleasant

Brad,
See me.
Mac

From: Tony Berry [mailto:tony@tbcdev.com]
Sent: Friday, April 23, 2010 11:57 AM
To: Mac Burdette
Subject: FW: Tony Berry and Town of Mount Pleasant

Mr. Burdette:

Our group has an interest in renting on a short term basis either the CVS or Bassett Furniture Store presently owned by The Town of Mount Pleasant at the Highway 17 and Highway 526 intersection. We have submitted a Letter of Intent to Mr. David Pagliarini of which has been forwarded to Mr. Allen Young.

I have met you in that I am developing with Jimmy Carroll the Gregorie Ferry Landing project in Highway 17 in north Mount Pleasant. Our plans continue to move forward in a positive manner and we are excited about becoming a new partner in your development community.

In addition to developing real estate, we have for 30 years been in the retail furniture industry. We have been approached by several of our furniture vendors asking us to pursue putting together a "Name Brand Furniture Clearance" event in the Charleston market. In light of the recent closings of the Bassett and Broyhill, we believe that Mount Pleasant would be best suited for this event in that many of Mount Pleasant's residents are now leaving Mount Pleasant to purchase furniture.

Our goals would be to run a sales event beginning the Memorial Day weekend and continue for as long as The Town of Mount Pleasant would allow until either the CVS or Bassett Store would be needed for the Highway 17 and Highway 526 improvements.

We see this benefiting the Town of Mount Pleasant by offering rental income now and an opportunity to capture potentially significant retail furniture sales tax dollars that are leaving Mount Pleasant. We are offering a deal that would not cost the town any money.

I will be in Mount Pleasant several days next week and would welcome the opportunity to further discuss if this proposal is something the town would have an interest in pursuing.

Thanks.

Tony Berry
The Berry Company
www.tbcdev.com

From: David Pagliarini [mailto:dgpagliarini@danielislandlaw.com]
Sent: Friday, April 23, 2010 10:42 AM
To: Dexter Rumsey
Cc: Tony Berry
Subject: RE: Tony Berry and Town of Mount Pleasant

Dexter – I have sent the request to Allen Young, counsel for the Town. He will likely handle this matter so he is your best source of information.

Hope all is well.

Thanks.

david

David G. Pagliarini
Hinchey, Murray & Pagliarini, LLC
234 Seven Farms Drive, Suite 300
Daniel Island, SC 29492
(843) 971-8646
(843) 971-8745 facsimile

From: Dexter Rumsey [mailto:drumsey@vdgllc.com]
Sent: Friday, April 23, 2010 10:05 AM

To: David Pagliarini
Cc: Tony Berry
Subject: Tony Berry and Town of Mount Pleasant

David,
Any word back from the town regarding Tony's LOI that was submitted last Friday? We are scheduling meetings for Tony's trip to Charleston next week and would like very much to include a meeting with the town if you feel it would be productive.
Many thanks for your assistance and standing by!
Dexter

Dexter C. Rumsey, IV
Commercial Real Estate Brokerage & Development

Vanguard Development Group, LLC
180 Meeting Street, Suite 310
Charleston, South Carolina 29401

Mobile: **843-452-9417**
Office: **843-720-2890, Ext. 106**
Fax: **843-720-2895**

Nancy Dispenza

From: Tony Berry [tony@tbcdev.com]
Sent: Friday, April 23, 2010 11:57 AM
To: Mac Burdette
Subject: FW: Tony Berry and Town of Mount Pleasant

Mr. Burdette:

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From: David Pagliarini [mailto:dgpagliarini@danielislandlaw.com]
Sent: Friday, April 23, 2010 10:42 AM
To: Dexter Rumsey
Cc: Tony Berry
Subject: RE: Tony Berry and Town of Mount Pleasant

Dexter – I have sent the request to Allen Young, counsel for the Town. He will likely handle this matter so he is your best source of information.

Hope all is well.

Thanks.

david

David G. Pagliarini
Hinchey, Murray & Pagliarini, LLC
234 Seven Farms Drive, Suite 300
Daniel Island, SC 29492
(843) 971-8646
(843) 971-8745 facsimile

From: Dexter Rumsey [mailto:drumsey@vdgllc.com]
Sent: Friday, April 23, 2010 10:05 AM
To: David Pagliarini
Cc: Tony Berry
Subject: Tony Berry and Town of Mount Pleasant

David,
Any word back from the town regarding Tony's LOI that was submitted last Friday? We are scheduling meetings for Tony's trip to Charleston next week and would like very much to include a meeting with the town if you feel it would be productive.
Many thanks for your assistance and standing by!
Dexter

Dexter C. Rumsey, IV
Commercial Real Estate Brokerage & Development

Vanguard Development Group, LLC
180 Meeting Street, Suite 310
Charleston, South Carolina 29401

Mobile: **843-452-9417**
Office: **843-720-2890, Ext. 106**
Fax: **843-720-2895**

Nancy Dispenza

From: Brad Morrison
Sent: Wednesday, April 28, 2010 10:09 AM
To: 'tony@tbcdev.com'
Cc: Eric DeMoura; Mac Burdette; 'David Pagliarini'
Subject: FW: Tony Berry and Town of Mount Pleasant

Tony,

Bassett is unavailable, but we could talk to you about use of the CVS. I don't believe we have closed on the CVS and will have to check with our attorney on when it would be available. I expect this idea may need to go before a committee for approval of a rental agreement, but will defer to Eric DeMoura on that. More details on building availability, expected parking availability and other issues related to the sequencing of the interchange construction would have to be addressed.

Regards,

Brad Morrison
Transportation Director
Town of Mount Pleasant, SC
843-856-3080 v
843-856-2195 f

From: Mac Burdette
Sent: Monday, April 26, 2010 11:15 AM
To: Brad Morrison
Subject: FW: Tony Berry and Town of Mount Pleasant

Brad,
See me.
Mac

From: Tony Berry [mailto:tony@tbcdev.com]
Sent: Friday, April 23, 2010 11:57 AM
To: Mac Burdette
Subject: FW: Tony Berry and Town of Mount Pleasant

Mr. Burdette:

Our group has an interest in renting on a short term basis either the CVS or Bassett Furniture Store presently owned by The Town of Mount Pleasant at the Highway 17 and Highway 526 intersection. We have submitted a Letter of Intent to Mr. David Pagliarini of which has been forwarded to Mr. Allen Young.

I have met you in that I am developing with Jimmy Carroll the Gregorie Ferry Landing project in Highway 17 in north Mount Pleasant. Our plans continue to move forward in a positive manner and we are excited about becoming a new partner in your development community.

In addition to developing real estate, we have for 30 years been in the retail furniture industry. We have been approached by several of our furniture vendors asking us to pursue putting together a "Name Brand Furniture Clearance" event in the Charleston market. In light of the recent closings of the Bassett and Broyhill, we believe that

Mount Pleasant would be best suited for this event in that many of Mount Pleasant's residents are now leaving Mount Pleasant to purchase furniture.

Our goals would be to run a sales event beginning the Memorial Day weekend and continue for as long as The Town of Mount Pleasant would allow until either the CVS or Bassett Store would be needed for the Highway 17 and Highway 526 improvements.

We see this benefiting the Town of Mount Pleasant by offering rental income now and an opportunity to capture potentially significant retail furniture sales tax dollars that are leaving Mount Pleasant. We are offering a deal that would not cost the town any money.

I will be in Mount Pleasant several days next week and would welcome the opportunity to further discuss if this proposal is something the town would have an interest in pursuing.

Thanks.

Tony Berry
The Berry Company
www.tbcdev.com

From: David Pagliarini [mailto:dgpagliarini@danielislandlaw.com]
Sent: Friday, April 23, 2010 10:42 AM
To: Dexter Rumsey
Cc: Tony Berry
Subject: RE: Tony Berry and Town of Mount Pleasant

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Nancy Dispenza

From: Tony Berry [tony@tbcdev.com]
Sent: Wednesday, April 28, 2010 7:42 PM
To: Brad Morrison
Cc: Eric DeMoura; Mac Burdette; David Pagliarini; Dexter Rumsey
Subject: RE: Tony Berry and Town of Mount Pleasant

Thanks for the below response and update Brad.

We will get back with you should we like to further discuss the CVS building.

Tony Berry

From: Brad Morrison [mailto:bmorrison@townofmountpleasant.com]
Sent: Wednesday, April 28, 2010 10:09 AM
To: Tony Berry
Cc: Eric DeMoura; Mac Burdette; David Pagliarini
Subject: FW: Tony Berry and Town of Mount Pleasant

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Nancy Dispenza

From: Brad Morrison
Sent: Thursday, August 26, 2010 9:23 AM
To: Mac Burdette; Nancy Dispenza
Subject: Transportation Committee Agenda Items

JDB Landscape Maintenance

Preliminary Cost Estimates for CIP Projects
- US 17 North Frontage Road (All American Boulevard)
- Gregorie Ferry Connector
- Long Point/Needlerush Roundabout
- LP/US 17 Realignment

Regards,

Brad Morrison
Transportation Director
Town of Mount Pleasant, SC
843-856-3080 v
843-856-2195 f

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
PLANNING COMMITTEE
NOVEMBER 7, 2006
MINUTES

Municipal Complex, Room 103

Present:	Thomasena Stokes-Marshall, Chair, Paul Gawrych, Gary Santos, Billy Swails
Also:	Kruger Smith, Joe Bustos
Staff:	Mac Burdette, Eric DeMoura, Christiane Farrell, Lee Cave, Elizabeth Matthews, Brad Morrison, Kevin Mitchell, Mary Jane Blatchford, Kelly Cousino

Ms. Stokes-Marshall called the meeting to order at 2:30 p.m.

1. Approval of Minutes

Mr. Gawrych moved to approve the minutes from the previous meeting. Mr. Swails seconded the motion. All in favor.

2. Update on Building Permit Allocation Program

Ms. Cousino reviewed her memo dated November 7, 2006 with the Committee.

Mr. Swails asked if the 24 permits for 2007 quarter one were individual homeowners. Ms. Cousino answered that most of the applicants were individual homeowners.

Mr. Burdette stated that the annual review on the BPAP was scheduled for December and suggested that a separate special meeting could be scheduled for this if desired. There was no further comment on the suggestion.

3. Review of Planning Commission recommendations from the October 18, 2006 meeting.
   a. Request to rezone from R-1 to R-2, both zoning districts being Low Density Residential, 542 Center Street and 551 Klein Street, Deer Subdivision, which lots total approximately 0.8 of one acre, identified by TMS#s 532-09-00-105 and 254.

Ms. Farrell reviewed the request with the Committee and stated that the Planning Commission recommended approval.

Mr. Santos moved to recommend to Town Council approval of the request. Mr. Swails seconded the motion.

Ms. Stokes-Marshall asked if the applicant had any further information for the Committee. Mr. Anthony Tuk, applicant, answered in the negative and stated that staff had appropriately addressed the request and that he understood the requirements for subdividing the properties as distinct from the rezoning request.

Ms. Stokes-Marshall called for a vote on the motion. Motion passed on a 3 to 1 vote with Mr. Gawrych opposed.

b. Request to rezone from R-1, Low Density Residential, to ED, Economic Development, a 2.2 acre parcel of land located at 937 Whipple Road, identified by TMS# 559-00-00-096.

Ms. Farrell reviewed the request with the Committee and stated that the Planning Commission unanimously recommended approval of the request with conditions and reviewed the conditions with the Committee as well.

Mr. Swails asked if the Candlewood residents were still opposed to this request.

Mr. Karl Buckman, 1581 Longview Road, stated that he had a written statement for the Committee to review. He stated that he is asking the Committee to deny the rezoning. He expressed concern with future problems relative to the development of this property if it is rezoned. He suggested that it was a detriment to the surrounding communities. He suggested that the "residential mania" should not be replaced with commercial development that would make things worse. He expressed concern relative to traffic issues particularly with the future renovation of the Old Wando High School site.

Ms. Joyce Buckman, 1581 Longview Road, expressed anger and disgust that the Town would disrupt her life. She stated that when they purchased their home they were assured that no changes would occur and it states in the Comprehensive Plan that there would be no changes to existing neighborhoods. She stated that there are no commercial buildings on Whipple and suggested that it should remain that way. She stated that the Planning Commission recommended approval with the building to remain as a one story building, but the building would have 24 foot ceilings, which would be in excess of the surrounding residential units. She suggested that the Town should uphold its promises and not change the character of this area.

Mr. Ray Ferrell, applicant, stated that the overall height of the building would be 24 feet, from top of eave to floor and referred to the sketch of the proposed building. He suggested that this property has not been developed for residential because of the proximity of the electrical substation and concerns for child safety in that area. He stated that the proposed use would be low impact and that they have made great concessions in order to be sensitive to the surrounding neighborhoods. He stated that they have letters from Comcast, SCE&G, and KNOLOGY concerning the easement on the property as well, which is used by those entities for access to their respective maintenance facilities at the far side of the SCE&G substation.

Mr. Gawrych asked about the meetings with the neighborhood. Mr. Ferrell answered that the residents were notified by telephone and letter regarding the meeting, but only two of the residents showed for the meeting. He stated that one of the residents was and still is opposed to the request and the other resident, while originally opposed to the project, is now in favor of it. He stated that the building has a residential character to it and no large trucks, other than delivery trucks you would normally see in a neighborhood, would be coming to the site. Mr. Gawrych asked what the potential was to build homes on this site. Ms. Farrell answered that the site is zoned for residential use and four units would be allowed on the site. He stated that she was not sure how feasible it would be for four units to be developed given the

proximity of the substation and easements for the other utilities. She stated that any development of that property should be sensitive to the Candlewood subdivision.

Mr. Swails asked about the buffer. Ms. Farrell answered that the Town requires a minimum 25 foot buffer with an eight foot masonry wall. Mr. Ferrell stated that they would be willing to increase the buffer to 50 feet.

Ms. Buckman stated that they opposed the easement for Comcast as well, but it was approved with certain conditions and suggested that the promises regarding a buffer made at that time have never been kept or enforced. She stated that she has no faith in the Town and expressed concern that once the property were rezoned, they would not be able to stop any future undesirable development.

Mr. Burdette stated that sometimes the public does not understand the position of Town Council or Town government. He stated that a landowner has the right to request a hearing for rezoning and the Town cannot deny a landowner from making the request.

Ms. Stokes-Marshall stated that she is familiar with the property and expressed concern with the proximity to the school and the impact the project would have on an already congested Whipple Road. She also suggested that this project would affect other neighborhoods in the area other than Candlewood.

Mr. Santos agreed with Ms. Stokes-Marshall, but suggested that the property would never be developed as residential because of the proximity of the substation.

Mr. Santos moved to recommend to Town Council approval with the following stipulations:

- *The building remain single story as proposed.*
- *No parking on the Candlewood subdivision side.*
- *Low impact lighting.*
- *Buffer increased to 50 feet on the Candlewood subdivision side of the property.*

Mr. Gawrych seconded the motion.

Mr. Swails asked about the 24 foot ceilings. Mr. Ferrell answered that it was the proposed total height of the building, not just the ceiling height and stated that the building could be lowered if desired.

Mr. Buckman stated that Mr. Ferrell owns the Lofton property across the street as well and is proposing commercial development for that property. He stated that it does not follow logic that homes in that area would not sell. He also stated that SCE&G put up large transmission lines in and near Candlewood as well instead of undergrounding those lines, which request "fell on deaf ears," so now the residents have to look at those lines everyday.

Mr. Gawrych stated that the power lines are main transmission lines and the Town made every effort to have those lines placed underground. He stated that if the lines were placed underground it would result in a cost to all residents of millions of dollars. He stated that this would have resulted in significant increases for all residents of the Town. He asked what the typical square footage would be for the property. Mr. Ford answered that typical square footage would be about 18,000-19,000 square feet. Mr. Gawrych asked what the impact

would typically be for that size a building. Mr. Morrison answered that it would be equal to or less traffic impact than if there were residential units on the property. He stated that he could get concrete numbers for the Committee if desired. Mr. Gawrych asked Mr. Morrison if those concrete transportation impact figures could be obtained for the Town Council meeting. Mr. Morrison answered in the affirmative.

Mr. Burdette noted that widening of Whipple Road to three lanes is anticipated in the near future.

Mr. Ferrell stated that residential units could have been developed on that site, but it was thought that this project was a more appropriate use.

Mr. Buckman stated in response to Mr. Gawrych's earlier comment that Berkeley Electric intimated that they could underground the power lines in that area for a significantly less amount than SCE&G. He also suggested that SCE&G could have taken a different route in placing the power lines. Mr. Gawrych agreed that the power lines could have been placed in a different location.

Mr. Swails suggested that if residences would not be built on this site, the proposed project appeared to be the best use for the property. He stated that the applicant has made every effort to lessen the impact to surrounding neighborhoods.

Ms. Stokes-Marshall called for a vote on the motion. Motion passed on a 3 to 1 vote, with Ms. Stokes-Marshall opposed.

c. **Request to annex and zone AB, Areawide Business, a parcel of land located at 1645 Hwy. 17 North, which is approximately 0.3 of one acre, identified by TMS# 559-00-00-042.**

Ms. Farrell reviewed the request with the Committee. She stated that the Annexation Committee has recommended annexation of the property and the Planning Commission unanimously recommended approval of the request.

Ms. Stokes-Marshall asked about ingress/egress. Ms. Farrell answered that there is an existing driveway, but might have to be modified. She stated that it would be right in/right out only onto US 17.

Mr. Gawrych asked about the adjacent triangular parcel. Ms. Farrell answered that the applicant is in the process of trying to aggregate the three properties, the one in between being owned by Mount Pleasant Open Space Foundation.

Mr. Santos moved to recommend to Town Council approval of the request. Mr. Swails seconded the motion. All in favor.

d. Proposal to amend the Town of Mount Pleasant 2003 Comprehensive Plan Update pertaining to Special Consideration properties in the Hungry Neck Boulevard area, and to amend corresponding areas on the Neighborhood Four A Land Use Map; also, proposal to amend the Town of Mount Pleasant Zoning Code to create a new Section 156.334, Hungry Neck Boulevard-Venning Road Overlay District, HNB-VR-OD, and to amend the Official Zoning Map.

Ms. Farrell reviewed the request with the Committee and stated that the public hearing for the Comprehensive Plan amendment would be held prior to the Town Council meeting.

Mr. Chris Cunniffe, 1129 Sea Island Crossing Lane, stated that he is pleased with the amendments.

Mr. Santos moved to recommend to Town Council approval of the request. Mr. Swails seconded the motion.

Ms. Stokes-Marshall asked if the ARC zoning would be removed. Ms. Farrell answered in the negative and stated that the special designation would be removed and a new overlay would be established for the Hungryneck Boulevard area.

Ms. Stokes-Marshall called for a vote on the motion. All in favor.

e. Request to annex and zone AB, Areawide Business, property known as Tract B-1, being a 1.28 acre portion of a 2.59 acre parcel of land comprised of Tracts B-1 and B-2 and identified together by TMS# 559-00-00-187, said tract B-1 being located on the north side of Hungry Neck Blvd.

Ms. Farrell reviewed the request with the Committee , stating that the Annexation Committee recommended approval of annexation and the Planning Commission recommended approval, subject to any requirements of the new overlay, if it were approved.

Mr. Swails asked what is proposed for the site. Mr. Cunniffe answered that a sketch plan would not be developed until the intersection position for Hungryneck Boulevard was known.

Mr. Swails moved to recommend to Town Council approval of the request. Mr. Gawrych seconded the motion.

Ms. Stokes-Marshall asked what use is being considered for the site. Mr. Cunniffe answered that it would probably be some type of office or retail use. He stated that there is a possibility of getting a cross access and acquiring additional property to have five acres and then possibly have some type of mixed use planned development.

Ms. Stokes-Marshall called for a vote on the motion. All in favor.

f. **Request to annex and zone AB, Areawide Business, three tracts of land comprising approximately 2.22 acres, identified as a portion of TMS#'s 559-00-00-171 and TMS #s 559-00-00-172 and 559-00-00-173 located on the south side of Hungryneck Boulevard near the intersection of Venning Road.**

Ms. Farrell reviewed the request with the Committee and stated that the Annexation Committee and the Planning Commission recommended approval.

Mr. Swails moved to recommend to Town Council approval of the request. Mr. Gawrych seconded the motion. All in favor.

g. **Request to amend the Wilson Tract Planned Development ordinance to allow townhomes on a 5.98 acre tract of land known as Tract 4-A-1 which is located on Hungryneck Boulevard across from Towne Centre and identified by TMS number 558-00-00-306.**

Ms. Farrell reviewed the request with the Committee and stated that the Planning Commission recommended approval with stipulations that it is subject to DRB approval, approval of drainage plan, and approval from Hidden Lakes and Seaside Farms HOA for use of their drainage systems.

Mr. Santos asked if there is an existing access to the property. Ms. Farrell answered in the affirmative and stated that it is off of Hungryneck Boulevard.

Mr. Swails asked if the property is still considered wetlands. Ms. Farrell answered in the negative and stated that the property was re-delineated. She stated that the applicant has a letter indicating such from OCRM. Mr. Swails asked the total acreage of the property. Ms. Farrell answered that it is 5.9 acres with 5.5 acres being high land.

Ms. Stokes-Marshall asked if the adjacent parcel was part of this development. Ms. Farrell answered in the negative and stated that the adjacent property is an existing pond.

Mr. asked about the recreational space. Ms. Farrell answered that it would be usable open space with an amenity center.

Mr. Gawrych asked if the Planning Commission approved the interconnectivity. Ms. Farrell answered in the negative and stated that it was an additional recommendation from staff following the Planning Commission meeting. Mr. Gawrych asked if the units would have separate trash pickup. Mr. Burdette answered in the negative.

Ms. Stokes-Marshall asked about the drainage. Mr. Mitchell answered that the current plan is to decrease the storage on the site, which would increase the storage for the Hidden Lakes and Seaside Farms staging. He stated that staff recommends that the developer mitigate the drainage to offset the difference.

Mr. Gawrych asked if the applicant had any problems with the drainage stipulations. Mr. Lee Gastley, with Seamon, Whiteside, and Associates, answered in the affirmative and stated that the pond was reconfigured somewhat and if the pond has to be reconfigured again, it

would affect the overall development. He stated that the Sweetgrass HOA has expressed concern with access being allowed from the shopping center. Mr. Ford agreed and stated that staff wants to ensure that there is access to the pond property for storm events and maintenance. Mr. Gawrych asked if a resolution could be determined before the Town Council meeting. Mr. Gastley answered that they would be willing to work with staff to determine a resolution.

Mr. Bustos stated that the purpose of Hungryneck Boulevard was to provide better traffic flow. He suggested that increasing the density and curb cuts on Hungryneck Boulevard would not be consistent with that purpose. He also suggested that this would set a precedent for Phases 3 and 4 of Hungryneck Boulevard and expressed concern with the impact this project would have on the wetlands.

Mr. Gastley stated that originally, this portion of the Wilson Tract had no access, and that it makes sense to develop this property as proposed because it is appropriate for the site.

Mr. Swails suggested that there are too many unresolved issues.

Mr. Gawrych stated that he was comfortable with the project with the exception of the drainage issue.

Mr. Gastley stated that they would work with the owner and establish a dialogue to get issues resolved.

Mr. Gawrych moved to recommend to Town Council approval of the request including the stipulations of the Planning Commission - that it is subject to DRB approval, approval of drainage plan, and approval from Hidden Lakes and Seaside Farms HOA for use of their drainage systems - and for the applicant to work in getting an easement for the retention pond property. Mr. Gawrych seconded the motion. Motion failed on a 2 to 2 vote with Mr. Swails and Ms. Stokes-Marshall opposed.

4. **Request to rezone from AB-2, Areawide-Business 2, to PD-MU-SR, Planned Development Mixed Use-Suburban/Residential, for parcels of land comprising approximately 21.22 acres located between Gregorie Ferry Road and US H 17 North, identified by TMS #580-00-00-005, 004, 013, and 015, allowing a mixed use commercial residential development. Also request to amend the Town of Mount Pleasant Comprehensive Plan Neighborhood Six Land Use Map changing the land use recommendation from Economic Development to Commercial for parcels 580-00-00-013, and 015. Impact Assessment and Sketch Plan approval also.**

Ms. Farrell reviewed the request with the Committee and stated that a public hearing on the amendment to the Comprehensive Plan would be held prior to the Town Council meeting.

Ms. Stokes-Marshall asked if the applicant also owns Stowaway. Ms. Farrell answered in the negative and stated that the project is showing connectivity from Hwy 41 and to Porcher Bluff Road.

Mr. Ford asked if the applicant would be pursuing purchase of property in order to have access to US 17. Mr. Tim Askins answered that they are trying to obtain an easement across three parcels.

Ms. Stokes-Marshall asked about the continuation of Porcher Bluff Road across US 17. Mr. Burdette answered that this was discussed at the Town Council Retreat and Town Council desired this connection. Mr. Gawrych stated that it was decided at the Town Council Retreat that the connection would be kept as a separate project.

Mr. Smith asked about the on-street parking and if it would significantly interrupt the traffic flow on that road. Mr. Morrison answered in the negative and stated that the traffic volume would be 6,000-8,000 with an anticipated 30 mph speed. He stated that there should be very little delay.

Mr.Gawrych asked if the project would provide access to all surrounding properties. Ms. Farrell answered in the affirmative. Mr. Gawrych asked about drainage. Mr. Mitchell answered that it runs off to a system near Brickyard and to the wetlands to Laurel Hill. He stated that the developer would have to demonstrate that there would not be any impact to the Ivy Hall drainage system.

Mr. Ford asked if this project would use a part of the bypass system. Mr. Mitchell answered in the affirmative.

Ms. Stokes-Marshall stated that Mr. Tom Gibbs had some concerns regarding the project and submitted those concerns in writing to the Committee. She stated that one of those concerns was relative to drainage issues.

Mr. Tom Gibbs stated that if the bypass system was not being installed through his development, the drainage would go to the Brickyard system. He suggested that if this project would benefit from the bypass system, then they should share in the cost of construction of the bypass system.

Mr. Santos asked if the drainage would go through Brickyard. Mr. Mitchell answered in the negative and stated that it is a wetland near Brickyard. Mr. Santos asked if this was the same system that the Brickyard Amenity Center uses. Mr. Ford answered in the affirmative and stated that it is a large system. He stated that the Town has been trying to get an easement from Laurel Hill. He stated that Mr. Gibbs would be constructing the bypass system, but if another developer would be using that system as well, it would make sense to have them share in the cost of construction.

Mr. Santos asked if the drainage plan for this project hinged on the construction of the bypass system. Mr. Mitchell answered in the negative.

Mr. Swails asked about the cost of the bypass system. Mr. Mitchell answered that the total cost has not been determined as the exact length has not been finalized. He stated that it is estimated that the system would be approximately 400 feet in length, which would be approximately $40,000.

Ms. Stokes-Marshall asked if the drainage issues have been resolved for this project. Mr. Mitchell answered in the negative and stated that a drainage analysis would have to be completed. Ms. Stokes-Marshall asked when the drainage analysis would be completed. Mr.

Mitchell answered that it would have to be completed before the construction plans were approved, but was not required for sketch plan approval. Ms. Stokes-Marshall asked about access to Gregorie Ferry Road. Ms. Farrell stated that it should be fifty feet, but would verify that figure. Mr. Burdette stated that 50 feet could be stipulated. Ms. Stokes-Marshall agreed that the amount should be confirmed and included as part of the motion. She asked if the access would be right in/right out only. Ms. Farrell answered in the affirmative. Ms. Stokes-Marshall asked about having a problem with U-turns on US 17 at Porcher Bluff Road. Mr. Burdette answered that this is a possibility. Mr. Morrison answered that it would be a signalized intersection.

Ms. Stokes-Marshall stated that another concern of Mr. Gibbs was the commercial zoning. She stated that the owner could apply for rezoning if desired.

Mr. Tony Woody stated that staff is requiring that the project design for a 100 year storm event. However, if the bypass system is installed, it might help mitigate their drainage plan. He stated that if they do not do a 100 year plan, they would have to utilize the bypass system and could share in the cost of construction.

Mr. Swails suggested that the two developers should coordinate construction of the bypass system.

Mr. Woody stated for clarification that the owner only have 35 feet of right-of-way on Gregorie Ferry Road, but would be willing to pay the cost for an additional 15 feet.

Mr. Gawrych moved to recommend to Town Council approval of the request with the following conditions:

- *Approval of a drainage plan*
- *If drainage plan does not meet the 100 year storm event requirements and the bypass system will be used, they share in the cost of construction of the bypass system.*
- *Allow the 35 foot right-of-way with the developer paying the cost for an additional 15 feet of right-of-way.*
- *Includes all of the Planning Commission stipulations.*

Mr. Swails seconded the motion. All in favor.

Mr. Burdette asked if the owner would desire connection to the proposed Porcher Bluff extension. Mr. Woody answered that this could be possible if the Town desires. Mr. Gawrych stated that this could eliminate a curb cut on US 17, which is desired. Mr. Woody stated that they would be willing to work with staff on this option.

5. Street light request – Cooper Estates

Mr. Burdette stated that typically when these requests are made, the poles are existing and the project is approved by staff. He stated that in this situation, there are no existing poles and the project would have to be underground, which requires approval by the Committee.

Mr. Cave stated that the request is warranted.

Mr. Santos moved to approve the request. Mr. Swails seconded the motion. All in favor.

Mr. Burdette stated that this would take a few months to have the lights installed. Mr. Swails suggested that the installation should be expedited.

6. Request for designated seat - Design Review Board

Mr. Burdette stated that Mr. Lawrence Courtney has requested that he be moved from an "at large" seat on DRB to a seat designated for an architect. He stated that state law prohibits a firm whose employee is a member of a board to conduct any business before that board, unless the employee sits on the board in a professional capacity. He stated that the employee would have to resign his seat on the board before any business by his firm could come before the board. He stated that this would be discussed by Town Council at their next meeting and wanted to give the Committee an update on the situation prior to that meeting.

Mr. Smith suggested that this would apply to Town Council as well and it was his understanding that the person did not have to resign, but merely recuse himself. Mr. Burdette stated that Mr. Young has reviewed this and is in agreement that the board member would have to resign before any business by his firm could come before the board. Mr. Smith suggested that this should be reviewed again prior to the Town Council meeting.

7. **Updates**

a. Coleman Boulevard revitalization

Ms. Farrell stated that the board is still meeting and reviewing property along Coleman Boulevard.

b. Johnnie Dodds Boulevard redevelopment plan

Ms. Farrell stated that bid applications have been received and a recommendation would be discussed at the Bids and Purchases Committee.

Mr. Burdette stated that the Bids and Purchases Committee would also be reviewing the procedure for this plan as Town Council members have indicated a desire to be involved in the selection process.

c. Highway 17 Corridor plan

Ms. Farrell stated that the public hearing has been advertised for the November Planning Commission meeting, with a recommendation coming to Town Council in December.

Ms. Stokes-Marshall asked where Charleston County was in their process. Ms. Farrell answered that the County Planning Commission has already held a public hearing and a recommendation has been sent to County Council.

There being no further business, the meeting adjourned at 4:35 p.m.

Submitted by,
L. Lynes
PlanComm11072006

TOWN COUNCIL MEETING

Tuesday, November 14, 2006

Mayor Hallman called the meeting to order at 7:00 p.m. In attendance were Council Members Joe Bustos, Gary Santos, Kruger Smith, Thomasena Stokes-Marshall, Paul Gawrych Billy Swails, Nick Collins and Ken Glasson.

Also in attendance were Mac Burdette, Allen Young, Eric DeMoura, Colleen Jernigan, Charlie Potts, Jody Peele, Ken Ayoub, Sally Phipps, Joel Ford, Chief Williams, and Chief Perry.

Mr. Smith offered the prayer, followed by the pledge of allegiance.

Mr. Young certified that the Town was in compliance with the FOIA.

Mr. Smith moved to approve the agenda; seconded by Ms. Stokes-Marshall. All present were in favor.

AWARDS & PRESENTATIONS

Mr. Burdette asked Mayor Hallman and Councilman Billy Swails, Chairman of the Finance Committee to join him in presenting the Certificate of Achievement for Excellence in Financial Reporting – Government Finance Officers Association to Mr. Potts and Ms. Jernigan. He also invited staff members Jan Crates, Marlene Mecca, Quin Stinchfield and Kristin Fronimo of the Finance Department to join everyone for the presentation.

Mr. Burdette, Mayor Hallman and Councilwoman Thomasena Stokes-Marshall, the Chairperson of the Planning Committee, and Mr. Ed Bernard, the Town arborist were presented with the Tree City Award for the Town's continuing efforts in maintaining and conserving the public trees in the Town of Mount Pleasant.

Mr. Burdette, Mayor Hallman, Mr. Summerford and Councilman Gary Santos, Chairman of the Recreation Committee introduced Mr. Jim Boyd, Exchange Club president of the Isle of Palms Connector Run. Mr. Boyd presented Mayor Hallman and

the Town of Mount Pleasant with a check for $7,000 for the Town's Recreation Department.

Mayor Hallman and Councilman Ken Glasson, Chairman for the Fire Committee introduced Chief Herb Williams as the new Fire Chief of the Town of Mount Pleasant. Mayor Hallman stated that Chief Williams has been with the Town for 20 years, held every position in the Fire Department, as well as obtained his college degree.

APPROVAL OF MINUTES AND FINANCIAL STATEMENT

Mr. Santos moved to approve the minutes of the previous meeting; seconded by Mr. Smith. All present were in favor.

CORRESPONDENCE AND PUBLIC STATEMENTS

Mr. Erick Kroll, 1133 Center Avenue - said that he would like to talk about the intersection of Johnnie Dodds Boulevard and Bowman Road. He said that a month ago he and another jogger became the latest victims of this intersection. He said that the way the left turn lanes are currently set, one cannot see what traffic is coming. He said that this intersection has been ignored for over thirty years. He said that in the 1970's six people died before a traffic light was installed.

PLANNING – New Business

Joel Ford

Mr. Ford said that the first item was an ordinance to amend the Transportation Plan component of the community facilities element of the Town of Mount Pleasant 1998-1999 Comprehensive Plan (Ord. No. 00016) and the Town of Mount Pleasant, South Carolina 2003 Comprehensive Plan Update (Ord. No. 06058). He said that the plan has been worked on by staff, consultants, Council, community groups, as well as experts in the field of transportation. This has been discussed in public forums in numerous occasions, as well as at Public Hearings. The plan was discussed at the Council Retreat for the better part of the day and Council came to the conclusion, through a vote of

Council that the plan elements should be adopted. There is one major element of the plan that still seems to be in question, which had to do with whether or not Hungryneck Boulevard would be built as two lanes with a center lane facility or four lanes with a center lane. Recently, the Committee of Council did vote to forward to full Council a three lane facility that would be from where it currently ends, at the Isle of Palms Connector extending out into the future to Porcher Bluff Road. He said that Mr. Brad Morrison, Traffic Engineer was present to answer any questions.

Ms. Ruthann Schwinn, 2061 Country Manor Drive - said that she was the secretary of the Water's Edge Subdivision, and referred to folders she distributed earlier. At the last meeting when the Committee voted for three lanes instead of five lanes, at that time she asked if everything that had been discussed for the Water's Edge Subdivision stayed the same. She was told "no". She was told what was discussed had been only for five lanes, but in her packet it shows that it was discussed for three lanes. There was a community meeting in July and everyone voted for three lanes, as well as a new entrance and a traffic signal. These petitions were brought to Council, and at that time, it was recommended that Water's Edge change their entrance and a traffic signal installed for safety reason. She requested that Council take the petition into consideration and find in their favor.

Ms. Bonnie Friedman, 1321 Battery Hill Court said that her family just moved to Mount Pleasant in July and shortly thereafter she learned about the Hungryneck Boulevard extension. One of the reasons she moved into the development was because it was quite and there was not as much "hustle and bustle" as some of the other developments. She has two fifteen year old daughters and an eighteen year old son. Her son is already driving, and her daughters will be shortly. Their safety is of utmost importance to her. She said that she does not want one of her children to become a statistic because of the lack of a traffic light at the entrance.

Laurie Krafsig, 2003 Country Manor Drive - said that she was in agreement with the neighborhood as to the change of the entrance, and has questions regarding where the buffer would be, the zoning once the boulevard is built.

Mr. George Freeman, 2151 Rifle Range Road – displayed a map and pointed out the original alignment for Hungryneck Boulevard when it was curving to Highway 41. He said that he attended the Retreat on October 17th at Dunes West and the Traffic Engineer said that the road going on the other side of US 17 served no purpose at all. He stated that the Task Force proposed that a road on the other side, that would go across and continue all the way to Wando High School. He noted a place on the map and said that it was a mirror image of what the Town had planned originally. He said that he does not see how this area would not serve to be a better route. He said that the Council of Government Traffic Engineers showed that this route would also relieve traffic off of Highway 17. He said that the community does not want that road built at all; however, if the Town is going to build Hungryneck Boulevard, he suggests that the Town take the route that would actually relieve traffic, have Highway 41 traffic come along this route (pointing to a place on the map.) and not even get onto Highway 17, which is a much better way of relieving traffic on Highway 17 than what is proposed.

Mr. Daniel Dorchester, 1244 Winding Ridge Court - said that he was not prepared to speak this evening but on his way to the meeting he began to think that this year he and his wife will pay in taxes more than his dad earned in the last ten years he worked full time. He stated that for the taxes he pays on the national level, there is the National Guard for our protection; at the local level, we get the support of our police and fire departments, our children are educated with a system that is getting better and better each year. However, as an owner of several properties, he looks for protection of these individual properties. He said that he would not want his parents driving in and out of the entrance to the Water's Edge, because it is so dangerous. He said that from a public

safety point of view not having the entrance moved or having a traffic light would be a huge mistake and a disservice to the community.

Ms. Kathleen Hill, 1232 Winding Ridge Court - said that she is the president of the Water's Edge Homeowners Association. She said that she has been working with Mr. Burdette and staff members for the last two years and it seems that all of a sudden the plan is changing, and she was assured that the safety of the neighborhood would be first and foremost on everyone's agenda. She said that some of the people that live in Water's Edge will be twenty feet from the traffic on the highway, which will be traveling at 45 miles per hour. She said that regardless whether the road is three or five lanes, they need their entrance moved, and a traffic light to get into and out of the development so that no one will be injured of killed.

Mr. Chris Hill, 1232 Winding Ridge Court - said that he agrees with every thing that has been said. He is simply requesting that the Town does this project correctly and if the Town cannot afford to do it six months from now, then wait another year until it can be done correctly. He asked that the Town give the Water's Edge Community what was promised to them.

Mr. Dale Cobb, 2944 Bluff Lane - said that he lives off of Porcher Bluff Road and at the other end of the spectrum. He said that in speaking with Council it appears that they do not want to deal with the issue regarding Hungryneck Boulevard because it is a "fly in the ointment." He said that he would like Council to be aware of how change impacts families. He said that his neighbors are afraid of what will happen to the neighborhood when Hungryneck Boulevard is extended, as well as their land values. He stated that he spoke to County Council this evening about whether or not – if the road does come that close to their properties, will they be permitted to come back before County Council and request a variance, in the unfortunate situation that they may have to sell their property commercially, because it will be useless residentially. He said that he

is asking Council to be understanding of the impact on the people in these neighborhoods – both at the beginning, by the connector and those at the tail end, by Porcher's Bluff.

Mayor Hallman said that what Council was here to do tonight was to finalize that there will be three lanes. He said that there will be ample opportunity to discuss the entrance and other issues, but at this moment Council is simply voting on three lanes.

Mr. Burdette said that there is not a final design of the road and staff needs to hear officially from the Water's Edge Subdivision, on moving the entrance. He said that this is a step process and the decision this evening is whether it will be three or five lanes. He said that once that it is decided staff can begin the process of acquiring right-of-way, and how it will impact the residents. He said that regarding Hungryneck Boulevard Phase IV, staff has just begun preliminary design and alignment of exploration.

Mr. Gawrych moved for approval of first reading; seconded by Ms. Stokes-Marshall. The motion passed with a vote of 7 to 2 with Mr. Bustos and Mr. Swails opposed.

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

Mr. Gawrych stated that before the Water's Edge residents departed, he requested that Mr. Burdette give the residents an update of the process. He stated that he understands that we still have second reading of this ordinance, but stated that as staff proceeds in forecasting out the next six to eight months, to keep the residents updated in the process.

Mr. Burdette responded that staff will be working with the engineering consultants on the final design plans for Hungryneck Boulevard Phase III. Included in the plans will be sidewalks, lighting, landscaping, buffering, etc. He said that staff will be speaking with the neighborhood association, because the Town needs official response from the association, regarding whether the association wants Council to consider moving the entrance, or not. Traffic signalization can also be part of that discussion; however,

certain engineering studies must be made. He said that it will probably take until late spring to complete the transportation plans.

Mr. Morrison said that with the amount of work that has been done it might be a little sooner then that. Mr. Burdette said that once that is complete, the issue will come back to the Transportation Committee, and they will make recommendations on the final design to Town Council, and they will vote to accept the final design of Hungryneck Boulevard Phase III. He said that the process will repeat itself for Hungryneck Boulevard Phase IV.

Mr. Ford said that the next item was an ordinance to amend the Wilson Tract Planned Development District ordinance pertaining to a 5.98 acre portion thereof, known as a portion of tract 4-A-1, bearing TMS No. 558-00-00-306, allowing a Planned Development Multi-Family Use of 47 dwelling units (Ord. 06063). He stated that this is an amendment to an existing planned development, which is known as the Wilson tract. He stated that this item has been through the Planning Commission twice, and has had modifications to the plan. He stated that the first time it went to the Planning Commission, it was denied; however, it is now being recommended for approval. He said that at the Planning Committee level there was a 2 to 2 vote; therefore, there is no recommendation to Council.

Mr. Mark Fava, 1400 Walking Trail Court - said he has been working with the purchaser and seller of the property. He said that he became involved when there was a 5 to 3 recommendation from the Commission for denial. He has been working with the Committee's recommendation to go back before the Planning Commission and he was able to sustain an 8 to 0 approval, which came back to the Planning Committee and some other issues where identified this past Thursday, and he respectfully requests another opportunity for another 30 days to have some time to work through some of those issues.

Mr. Santos moved to approve deferment as requested by applicant; seconded by Mr. Swails. Mr. Gawrych said for clarification, was that 30 days to come back to the Planning Committee? Mr. Santos said that he included that in his motion. Mr. Young said for clarification, to come back to Council in 30 days? Mr. Gawrych responded that he said the Planning Committee. All present were in favor.

Mr. Ford said that the next item was an ordinance providing for the annexation of property comprising of approximately 0.30 acres of land located at 1645 US Highway 17 North, bearing TMS No. 559-00-00-042 (Ord. No. 06070). He said that this item also appears on the agenda under item 4, for the zoning of the same tract of land Areawide Business District., which is Ord. No. 06071. He said that the property currently has a residence on it and the applicant wishes to make it office use at this time. He said that it was recommended for approval by the Planning Commission, the Annexation Committee and the Planning Committee.

Ms. Stokes-Marshall moved for approval of the first reading for annexation; seconded by Mr. Smith. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Gawrych moved for approval of the first reading for zoning; seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Ford said that the next item was an ordinance to amend the Town of Mount Pleasant 2003 Comprehensive Plan Update pertaining to Special Consideration properties in the Hungryneck Boulevard area, *and* to amend corresponding areas on the Neighborhood Four A (4A) Land Use Map (Ord. No. 06079). He said that this area was discussed earlier at the Public Hearing this evening. He said that the next several requests all pertain to this primary consideration of changing our plan. He said that the Town is required by State Law to change the Comprehensive Plan in conjunction with the

zoning request when they are out of sorts. Since the changes in the land use of that area with the advent of Hungryneck Boulevard, McElveen and CVS located at this corner, and some of the agreements that were discussed earlier by Mr. Cunniffe on this portion of property; staff worked with several of the property owners in this area and with the Planning Commission to come up with an area to identify along the Hungryneck Corridor. This item is merely changing the land use map and the Comprehensive Plan to accommodate these requests that appear on the agenda as item number 6, 7, 8, 9 and 10 as follows.

Mr. Santos made a motion to approve first reading of items 5, 6, 7, 8, 9 and 10 as mentioned by staff; seconded by Mr. Gawrych. All present were in favor. Mr. Burdette read *FIRST READING OF ORDINANCES 06079, 06080, 06072, 06073, 06074 AND 06075 BY TITLE ONLY*

Mr. Ford said that the next item was an ordinance to rezone from R-1, Low-Density Residential District, to R-2, Low-Density Residential District, two lots comprising approximately 0.8 acres located at 542 Center Street and 551 Klein Street, bearing TMS Nos. 532-09-00-105 and 254 (Ord. No. 06076). He said that these are two lots that are adjacent to each other. He said that they are across the street from Mount Pleasant Academy. He said that the properties currently have two residential lots; the lot area of the R-1 is 10,000 square feet -- if they change it to R-2 it goes to 8,000 square feet. This would enable the owner to re-subdivide and the lots would match the 4 lots immediately next to them. He said that there was a Public Hearing and there was no opposition. It was recommended for approval by the Planning Commission since it is not a change of density and it was also recommended by the Planning Committee.

Mr. Bustos asked how many lots in the old part of Mount Pleasant are like that, which would result in double houses. Mr. Ford stated that this is in the Deer subdivision with Allen Street and Simmons and Short and Spikes were originally rezoned by the

Town a long time ago from R-2 to R-1 because of someone that wanted to do a corner lot subdivision at Spikes and Simmons. He said that it appeared to him that if people wanted to remove their residences it appears that there could be a pick up of six lots in the total of the Deer subdivision and are primarily corner lots.

Mr. Bustos asked if in Mr. Ford's opinion he thought this would start a trend. Mr. Ford responded that he does not know if it has reached that price point in the Deer subdivision yet. He stated that he believes he is starting to see some of this over in Mataoka and Pocahontas, but they are not really subdividing, because the lots are not big enough to create 8,000 sf lots.

Mr. Smith moved to approve the first reading; seconded by Mr. Santos. The motion passed by a vote of 8 to 1 with Mr. Gawrych opposed. Mr. Burdette read *FIRST READING BY TITLE ONLY*

Mr. Ford said that the next item was an ordinance to rezone from R-1, Low Density Residential District, to ED, Economic Development District, property comprising approximately 2.22 acres of land located at 937 Whipple Road, bearing TMS No. 559-00-00-096 (Ord. No. 06077). He said that this property is immediately adjacent to six lots in the Candlewood Subdivision and the frontage is off of Whipple Road and the owners desire to rezone it from Residential to Office to allow for approximately 18,000 to 19,000 square foot office building. He said that there are some clarifications as far as what the owner is offering to do in conjunction with this zoning if allowed by Town Council. He said that it is recommended by the Planning Commission and with a 3 to 1 vote, also recommended by the Planning Committee.

Mr. Swails said that at the Planning Committee, there was a recommendation of the 50 foot buffer masonry wall and the 24 foot building. Mr. Ford said that he had Ms. Farrell call the applicant and he did stated that based on the information distributed to Council today, that he would adhere to that recommendation to increase the buffer to 50

feet and the 8 foot masonry wall and the overall building height is to be limited to 24 feet, not 28 feet. He said that he did clarify that point. Mr. Swails asked about the other Planning Commission recommendations of "no parking". Mr. Ford replied in the affirmative. Mr. Ford said that Mr. Ray Ferrell, the applicant was present to answer any questions.

Mr. Smith moved for approval of the first reading with the stipulations as described by the Planning Commission and the Planning Committee; seconded by Mr. Gawrych. The motion passed by a vote of 8 to 1 with Ms. Stokes-Marshall opposed. Mr. Burdette read *FIRST READING BY TITLE ONLY*

Mr. Ford said that the next item was an ordinance to amend a portion of the Neighborhood Six Land Use Map of the Town of Mount Pleasant, South Carolina 2003 Comprehensive Plan Update, changing the land use recommendation from Economic Development to Commercial for parcels bearing TMS Nos. 580-00-00-013 and 015 (Ord. No. 06081). He said that this item is in conjunction with the next item which concerns rezoning of that property.

Mr. Gawrych moved for first reading of the changing of the land use; seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY*

Mr. Ford said that the next item is an ordinance to rezone from AB-2, Areawide-Business 2, to PD-MU-SR, Planned Development Mixed Use-Suburban/Residential District, four parcels of land, comprising approximately 21.22 acres located between Gregorie Ferry Road and US Highway 17 North, identified by TMS Nos. 580-00-00-005, 004, 013, and 015, allowing a Mixed Use Commercial Residential Development known as Gregorie Ferry Landing (Ord. No. 06082). Mr. Ford explained to Town Council that a separate motion was needed following the zoning based on the Impact Assessment and Sketch Plan. Mr. Ford said that the tract of land for the Impact Assessment is located off

of US 17 and it is where Porcher Bluff Road comes out into US17. He pointed out the area on the map and said that the Ivy Hall Subdivision is off at a distance. He said that this proposal represents 19.31 acres of high ground and the request is for a mixed use development which would contain 232 condominium units, apartments, about 40,000 feet of commercial space, which will be spread out among different buildings and will be a combination of office, business and retail space. He said that the design is to have a walkable community to encourage pedestrian activity between the residential area and the commercial areas and connect to various pedestrian trails, courtyards and public open space. He said that the proposal also contains the idea of building a road which will connect Porcher Bluff Road through the tract of land, in the future, Gregorie Ferry Road in conjunction with the Transportation Plan; the Town would like to tie in with Highway 41. He said it would give people an alternative route to the existing Highway 41 intersection. He said that the applicant has agreed and shown on his plans this proposed right-of-way and worked diligently with Town staff trying to describe the right-of-way location. He has agreed at the Planning Commission and at the Planning Committee to pay the additional expense to acquire the right-of-way to tie in at Gregorie Ferry Road and believes that it had been authorized previously that Town Council has asked staff to proceed with trying to seek this alignment which is needed. He said that there is an existing mini storage located directly across from Porcher Bluff Road and the Town's engineers, HDR, Mr. Burdette, Paul Lykins, Brad Morrison, and himself met to discuss this issue and to incorporate this as part of the overall Transportation Plan. This is in terms of how the Town is thinking regarding Hungryneck Boulevard in the future and tying in Porcher Bluff Road eventually, and hopefully into Highway 41 in the future. He said that the roadway would be built in conjunction with this development. He said that there is a piece that the Town needs to acquire to tie in at US 17. He said that this issue

has received the recommendation of the Planning Commission and the Planning Committee.

Mr. Bustos said that the road that connects Porcher Bluff Road with Highway 41 will become part and parcel of the approval of this to the dedication of that. Mr. Ford responded in the affirmative and said they would construct their roadway through the property that they own and they would also pay the expense as it reaches Gregorie Ferry Road, they do not have quite 50 or 60 feet of right-of-way that the Town needs to have thirty something feet, and they will pay for that additional land. He said that they met with that property owner also and discussed the possibility of whether or not there will be a curb or a "T" intersection or possibly a roundabout. He said that they will be willing to pay that expense for that right-of-way for the Town. He said that the expense to the Town will be at US 17 and Porcher Bluff Road and will need to purchase property that the applicant does not own. He said that in the future the Town will be responsible for where it ties in across Laurel Hill. He said that we will need to get from Gregorie Ferry Road to Highway 41.

Mr. Bustos said for clarification that this is all contained in these stipulations from the Planning Commission and the Planning Committee. Mr. Ford suggested if there was a motion for approval it would contain stipulations of the Planning Committee and the Planning Commission as part of the impact assessment approval.

Ms. Stokes-Marshall asked Mr. Ford that at the Planning Committee meeting the developer of this project and Tim (Keane) were supposed to have gotten together to have some discussion in reference to concerns with drainage, and asked if he knew if that took place. Mr. Ford responded that he had a meeting today with all parties concerned and discussed the roadway and drainage. He said that it appears that the drainage will be solved. There will be some cost sharing. He said that once they receive their final

engineering for this project that they would participate and pay to pipe the portion that they need up to Mr. Gibbs line, and tie into that.

Mr. Burdette said that first there must be a motion for the actual adoption of the ordinance.

Mr. Smith moved to approve first reading of item 14 to rezone from Area Wide Business 2 to Planned Development, Mixed Use Suburban Residential District, with the stipulations as expressed by the Planning Committee and the Planning Commission, and those brought to Council by the zoning administrator this evening; seconded by Mr. Santos. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Smith moved for approval of the impact assessment and sketch plan for item 14 with the stipulations specified by the Planning Commission and the Planning Committee and those brought to the Council by the zoning administrator this evening; seconded by Ms. Stokes-Marshall. All present were in favor.

OLD BUSINESS

Mr. Ford said that the first item was an ordinance providing for the annexation of property comprising approximately 1.56 acres of land located at 524 Commonwealth Road, bearing TMS no. 596-12-00-004 (Ord. No. 06065).

Mr. Gawrych moved for approval of final reading; seconded by Mr. Swails. All present were in favor. Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Mr. Ford said that the next ordinance to rezone from R-1, Low Density Residential District, to R-3, Medium Density Residential District, land comprising approximately 5.0 acres located on the southwest side of the intersection of Rifle Range Road and Porchers Bluff Road, bearing TMS No. 578-00-00-290. (Ord. No. 06067).

Mr. Smith moved to approve final reading; seconded by Mr. Swails. The motion passed by a vote of 6 to 3 with Mr. Bustos, Mr. Gawrych and Ms. Stokes-Marshall

opposed. Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Mr. Ford said that the final item is an ordinance to rezone from AB, Areawide Business District, to PD-MU-SU, Planned Development-Mixed Use-Suburban District, properties located at 1081 Johnnie Dodds Boulevard, comprising four parcels of land totaling 4.9 acres and identified by TMS Nos. 535-00-00-014, 535-00-00-077, 535-00-00-256, and 535-00-00-260, and portions of parcels identified by TMS Nos. 535-00-00-252 and 253, comprising 0.10 of an acre, for a Mixed Use Planned Development project known as "Seabrook". (Ord. No. 06068).

Mr. Gawrych moved for final reading; seconded by Mr. Smith. Mr. Smith asked if all of the people involved were in agreement with this. Mr. Ford responded that everyone came back and were in agreement. All present were in favor. Mr. Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

COMMITTEE REPORTS

Accommodations Tax Advisory Committee – Mr. Kruger Smith

Mr. Smith said that the Committee received presentations from applicants of the third grant period for the Fiscal Year. The Committee will report their recommendations at the December 12th Town Council meeting. Staff informed the Committee that Council approved the master plan for the Waterfront Park, which includes the Visitor Center and that McKellar and Associates may be presenting preliminary drawings to the Committee at their December meeting.

Annexation Committee – Mr. Nick Collins

Mr. Collins stated that the Committee recommended that Council annex the properties on US Highway 17 and Hungryneck Boulevard, which appeared under Planning New Business earlier on the agenda. The Committee heard a report from Mr.

Eric DeMoura regarding his efforts to recruit businesses to annex into the Town and reported that in certain areas it was difficult and that the waiver of Business License Fees approved by Council was not enough to offset the subsidy provided by the Town through service contract with the county for properties located in these districts. Mr. DeMoura also mentioned that many business owners were only leasing the land and the Business License Fee waiver did not help the land owner. Mr. DeMoura said that he may approach Council in the future to seek additional help in the way of incentives.

Bids & Purchases Committee – Mr. Joe Bustos

Mr. Bustos said that the Committee voted to award bids for the purchase of three pieces of equipment for Public Services. He said that the Committee took action to award the construction contract to Atrium Builders to erect a canopy with concrete columns at the R. L. Jones Recreation Center. He said that the landscaping enhancement project for Highway 17 was awarded to Anson Construction Company. The Committee took note of five design proposals submitted to accomplish the Johnnie Dodds Boulevard master plan and reviewed the selection process and the membership of the selection Committee, and there will be four Council members on that Committee.

Economic Development Committee – Mr. Paul Gawrych

Mr. Gawrych said that the Committee discussed several items in executive session. He said that Mr. Bustos brought an item to the agenda for the Committee to discuss and is bringing to Council and he asked Mr. Bustos to discuss this item.

Mr. Bustos said that he just wanted to see if the Committee, and subsequently Town Council had any appetite for this item. He said that our airport was built over twenty years ago and needs a good deal of work that has not been done, one being noise abatement. He said that it could also be an economic development asset if water and sewer services were out there. In his discussion with the Commission he was told that

there were funds available, but the Town needs to ask for them. Mr. Bustos proceeded to give a small presentation with further explanation of this issue.

Mayor Hallman said that if this would lead to getting water and sewer services he would be in favor of this issue. He said that as far as extending the runways, he receives letters everyday from residents that are against such a plan. Mr. Bustos said that in the original master plan of the airport, runway extension has always been on there. He said to put it simply, because of a shorter runway, the planes have to fly at a lower altitude; therefore, they are closer to the houses.

Mayor Hallman said that he could support everything Mr. Bustos said except extending the runways. Mr. Bustos said he is referring to whatever it takes to affect noise abatement.

Mayor Hallman said that being aware that this item was on tonight's agenda, he had a letter from the Aviation Authority that is already committing to making the capital improvements to the airport.

Mr. Santos said that he agrees that noise abatement is important and the residents in that area want to have it. He said that "if you build it they will come." If we extend that runway, larger jets will come into the airport. He asked if the Aviation Authority would be willing to put a restriction on the size of the planes that can land there. He said for example, freeze it as it is now, whatever is allowed to land here now will remain the same.

Mr. Bustos said that at the moment there are Citations and there will be very light jets that will come into the airport; however, if they have a shorter runway, planes on a shorter runway will have to power up much sooner. He said that they cannot take off as they have. He said that Hilton Head has a noise abatement program and they have those limitations, which he believes are fine.

Mr. Gawrych asked Mr. Bustos if there was a possibility we could proceed with getting the water and sewer services and go into this project in phases. He stated that you would have to involve a large portion of the public in that area of Town regarding this issue.

Mr. Bustos said that the involvement with the public will be necessary, and they will immediately think "longer runways, larger planes." He said that the other component of that is that the thickness of the runway and the ramp will not support big airplanes; therefore, the thickness of the ramp would limit larger planes anyway, regardless of the length of the runway.

Mr. Bustos said he was putting this into the form of a motion to go through the Aviation Authority to ask the Department of Commerce to research monies that the Town can spend on the airport and they may inform the Town that they do not have the funds.

Mr. Collins asked if Mr. Bustos was now saying to request the money and not confront the neighborhoods that are impacted.

Mr. Bustos replied that the five and ten year plans are being done in the next few months. If we receive the money and then find out that the neighborhoods would rather keep things as is, the Town can always say that we do not want the money. He said that if the Town does not apply for the money soon, and the Town reaches a point when we want the money, they may say it is too late.

Mr. Gawrych said that he could support the motion if he clarified the motion by saying -- apply for the grant, obtain the funding to improve the airport, excluding the lengthening of the runway at this time.

Mr. Bustos stated that in discussions he has had with others, they stated "if you have a master plan, you need to move that way"; however, we can always turn the funding down.

Mr. Santos asked if this item could be deferred until the next meeting and between now and then inform the public, and find out what they have to say, and deal with this next month. He said that way Council can give them an opportunity to speak and see what they have to say.

Mayor Hallman said that he could call for a special Town Council meeting and hold a Public Hearing.

Mr. Smith stated that he would like to have clarification on who is asking for funding.

Mr. Bustos stated that Council would ask the Aviation Authority to go to the State Department of Commerce and ask for airport improvement program funding.

Mayor Hallman stated that he would call for a Public Hearing expeditiously.

Mr. Young said for procedural clarification, motion failed for lack of a second.

Mr. Burdette said that staff will find out what the time line is for the grant funding and availability of funds, etc. He said that staff will have to have some dialogue with Council to prepare this information, as an information packet will need to be put together if we are going to have a public meeting.

Finance Committee – Mr. Billy Swails

Mr. Swails said that the Committee recommends adding $1 Million for the Municipal Complex Expansion Project to enable the possible acquisition of the existing facilities and deleting $280,000 for the track, with funding to come instead from anticipated savings from the gymnasium construction. He said the addition of $3,214,000 for the Hungryneck Boulevard Phase IV right-of-way acquisition is also recommended. He said that brings the total amount of the Bond Issue to $15,695,000.

Mr. Swails moved to recommend that Council approve the enclosed budget list in the amount $15,695,000 for the 2007 General Obligation Bond issue as recommended by

the Finance Committee; seconded by Mr. Gawrych. The motion passed by a vote of 8 to 1 with Mr. Bustos opposed.

Mr. Swails stated that the Committee was briefed by staff on the history of the SCE&G Hamilton Transmission line and given notice when public hearing was held on November 9th regarding several routes that the underground line may take. Mr. Swails stated that not all of this is underground as he went to the November 9th meeting so they need to come back and discuss with the Town.

Mr. Burdette stated that the Town received today, information from Berkeley Electric that they, too, are going to hold a walk up hearing on December 5th at the same church, and staff will get the time and date, about improving their transmission system. Mr. Burdette stated that this is one staff did not know about; however, it is related to the SCE&G system, because SCE&G provides the transmission power to serve Berkeley Electric. Mr. Burdette stated that since he just learned about Berkeley Electric's plans today, he would ask if Mr. Swails would consider placing on the agenda next month, and asking Berkeley Electric and SCE&G to come before the Finance Committee and discuss what they are both proposing to do, because it is confusing. Mr. Burdette stated that there is no reason to panic, as there is no decision pending on this, as it is very clear that they know they must obtain permission from Town Council for these routes.

Mr. Gawrych stated that Mayor Hallman made an excellent decision in choosing Mr. Swails as Chairman of the Finance Committee. Mr. Swails thanked Mr. Gawrych and said that he stood out front and received that award earlier, but stated that this was due to all of the fine work of Mr. Burdette and his excellent staff.

Fire Committee – Mr. Ken Glasson

Mr. Glasson said that Fire Committee did not meet; therefore no report.

Personnel Committee – Mr. Kruger Smith

Mr. Smith said that the Committee recommended amending the Workers Compensation Deductible with SCMIT, which will be handled under New Business, Item XI.A. He said that the Committee had a good deal of discussion regarding the Christmas holiday, and adding the day after Thanksgiving to the Town holidays.

Mr. Smith made a motion that the day after Thanksgiving be declared as a permanent holiday for the personnel of the Town of Mount Pleasant; seconded by Mr. Santos. All present were in favor.

On behalf of the staff of the Town of Mount Pleasant, Mr. Burdette thanked the Mayor and Council. Mr. Smith said that Mr. Santos has been working on this issue for several years. Mr. Smith said that the Committee established the Christmas holiday as Monday and Tuesday, December 25 and 26.

Mr. Smith stated that the Town Administrator discussed the duties and responsibilities for his position with regard to personnel administration and referenced Goose Creek's Code of Ordinance as it related to the duties and responsibilities of the Administrator as an example of how personnel administration duties might be further delegated to the administrator. The committee instructed staff to prepare an ordinance similar to Goose Creek's for their consideration and recommendation to full Council.

Mr. Smith commended staff for putting together the Health Fair. He stated that it was well attended and felt it was very beneficial to the employees and their families.

Planning Committee – Ms. Thomasena Stokes-Marshall

Ms. Stokes-Marshall said that there was a request from Cooper Estates for a street light on Trowman Lane. She said that there was no existing utility poll; therefore, an underground line will need to be run in order to accommodate this request. The cost is estimated at $4,493 and the Committee recommends approval of this request.

Ms. Stokes-Marshall made a motion to install the street light as stated; seconded by Mr. Gawrych. All present were in favor.

Ms. Stokes-Marshall said that the Committee received an update on Building Permit Allocation Program. The deadline for 2006, fourth quarter was September 1st, and the Town received a total of 79 applications from 77 individual applicants. Of the total number of applications received, two will not receive a permit until quarter one of 2007. She said that a total of 1,836 multi-family permits are available through 2010. She said that no low income permits have been allocated in 2006, and four low income permits were allocated in 2005. Ms. Stokes-Marshall updated Council on the Coleman Boulevard Revitalization, Johnnie Dodds Boulevard Redevelopment Plan, and Highway 17 Corridor Plan.

Police, Legal & Judicial Committee – Mayor Harry Hallman

Mr. Burdette said that the Municipal Automatic Aid Agreement for Disaster Response & Recovery with Rock Hill is under Council New Business XI.B.

Mayor Hallman said that the Committee had a 4 to 0 vote to recommend to Council that the Town return to the Christmas Parade title rather than the Holiday Parade.

Mr. Swails made a motion that the parade be called the Town of Mount Pleasant Christmas Parade; seconded by Mr. Santos.

Mr. Kenneth Chavin, 606 Island Walk East said that he was here because of his twelve year old daughter. She attends public school and part of her assignment is to read the newspaper, and she became aware of the article in the Post and Courier regarding the change of name for the parade. He said that he, his wife and three children live in the Town and are practicing Jews. He said that he tries to instill in their lives inclusion and feels that changing of the name of the parade is really exclusionary. He stated that there is a separation between church and state and asked how this is viewed from a legal stand point, in terms of asking the Town Attorney for a ruling on that issue, since being this is

municipal funds. He said that if this parade is held, does that open the Town up to a precedent that any organization that wishes to have a parade will be funded by the Town Council because of inclusion. He asked Council what he was supposed to tell his daughter this evening.

Mayor Hallman called for a vote. *The motion passed with of vote of 8 to 1 with Ms. Stokes-Marshall opposed.*

Public Services Committee – Mr. Kruger Smith

Mr. Smith said that the Committee recommends that staff be allowed to spend up to $2,000 in tree bank funds to purchase two live oak trees to replace the oak tree that is being removed due to termite and disease damage in front of the Fire Station on McCants Drive and he put that in the form of a motion; seconded by Ms. Stokes-Marshall.

Mr. Gawrych asked if two live oak trees will replace this tree. Mr. Smith responded it would be replaced with one or two, based on whatever staff believes is best. *All present were in favor.*

Mr. Smith said that the Committee approved allocation of $1,000 from the tree bank for Ellen Avenue in the Brookgreen subdivision, to include $1,000 from the tree bank fund for Chelsea Park. Staff advised the Committee that several years ago the Public Services Committee gave staff authorization to develop the Public Services Donor Fund, which consists of revenues generated from the sale of metal that is hauled to the scrap metal yard. He said that the Committee was asked that the authorization would be for the Christmas Party to utilize the funds from the Public Services Donor Fund to support this event, which the Committee granted. The third item of business was that the staff introduced the Pride Committees pilot program concerning litter issues throughout the Town. The Committee gave approval for the Pride Committee to continue to develop a program that will improve litter issues throughout the Town. The fourth item was providing the Committee with sidewalk maintenance in the Town's legal responsibility,

and the Town will move forward to get a survey of all our sidewalks to determine what the Town's legal position is. The last item of business was the update on stormwater and special projects.

Mr. Bustos asked about the sidewalks on Fairmount, Scott, and Lucas? Mr. Burdette responded that they are coming. Mr. Ford said that they have been approved.

Recreation Committee – Mr. Gary Santos

Mr. Santos moved to amend the agenda to add a request from CARTA for a Park and Ride lot at Patriots Point to be added to his report; seconded by Mr. Gawrych. All present were in favor.

Mr. Santos said that the Committee met with CARTA and they requested a Park and Ride lot at Patriots Point for twenty-five designated parking spaces. The Committee recommended that Council support directing this request back to the Patriots Point Authority for their reconsideration and for them to work with CARTA to develop a Park and Ride opportunity for this area of Town.

Mr. Santos put that in the form of a motion; seconded by Mr. Swails.

Mayor Hallman said speaking as a member of Patriots Point Authority Board and the Mayor of the Town he believes that it would be a serious mistake for us to give up land at Patriots Point. He said that Charleston and North Charleston has run out of land and he would prefer that Patriots Point not do that. He suggested that CARTA work with shopping centers.

Mr. Swails said that the Town does not want to give away any of the Town's property, and that is why they transferred this issue to Patriots Point Authority. Mr. Bustos asked what hours CARTA wanted to use those spaces. Mr. Burdette responded approximately 7:30 a.m. to 5:00 p.m. Mr. Smith said that he represents Council on the CARTA Board. He said that CARTA has tried very hard to have a Park and Ride at department stores. He said that they would appreciate the Town working diligently to try

to get a large store to provide a Park and Ride lot for them. Mr. Bustos said that he believes that the Town is spending a great deal of money building roads and trying to relieve the traffic situation, but ultimately public transportation will be needed. He believes that the Town needs to take the lead in terms of public transportation. Mr. Bustos suggested perhaps sending this item to the Transportation Committee.

Ms. Stokes-Marshall said that she has served on the CARTA Board for quite a few years, and she suggested that if the Town does not accept the fact that as the population grows throughout the area, public transportation is going to play an important role in terms of alleviating some of the traffic congestion the Town is experiencing. She said that she believes that there are many ways that the Town can look at addressing this issue.

Mayor Hallman called for a vote. *The motion passed by a vote of 8 to 1 with Mr. Bustos opposed.*

Mr. Santos said that the Committee had a discussion regarding the long and short range capital projects and funding for them. The Recreation Committee directed staff to develop a comprehensive Master Plan that addresses active and passive needs, athletics and programming requirements and potential funding sources for the next seven to ten years. The Committee unanimously approved this idea and to have staff develop a Recreation Master Plan for the full Council to vote on with the recommendation of approval.

Mr. Santos put that in the form of a motion; seconded by Ms. Stokes-Marshall.

Mr. Gawrych said that he understands Mr. Santos' motion that staff is going to work on this Master Plan for facilities and programming, and asked if that also includes the Town's philosophical view on where it should head as far as Recreation in the next ten to twenty years. Mr. Santos responded that it is a comprehensive plan so he believes that it would be included.

Mr. Burdette said that typically you would include in a Master Plan your vision and the philosophy you wish to pursue. He said that if Council approves this staff will have to come back in mid year and ask for some funds to assist with some consulting work to help accomplish this. There will need to be Public Hearings and will take approximately three months to put together.

All present were in favor.

Mr. Santos continued to with his report briefing Council on Recreation activities.

Transportation Committee – Mayor Harry Hallman

Mr. Burdette said that the Committee reviewed an application from Rivertowne for speed humps and approved the recommendation.

Mr. Gawrych moved for approval of speed hump application at Rivertowne; seconded by Ms. Stokes-Marshall. All present were in favor.

Waterworks Commission – Mr. Billy Swails

No report.

Water Supply Committee – Mr. Billy Swails

No report.

ADMINISTRATOR'S REPORT – Mr. Burdette

Mr. Burdette said that there were announcement of vacancies, on the Accommodations Tax Advisory Committee (ATAC) – Seat #5 "Cultural", 2 year seat expires January, 2007. Board of Zoning Appeals (BOZA) – Seat #2 – "at large" a 4 year seat expires January, 2007. Commercial Development Design Review Board (DRB)

TOWN COUNCIL MEETING

Tuesday, December 12, 2006

Mayor Hallman called the meeting to order at 7:00 p.m. In attendance were Council Members Gary Santos, Kruger Smith, Thomasena Stokes-Marshall, Paul Gawrych, Billy Swails, Nick Collins, Ken Glasson and Joe Bustos.

Also in attendance were Mac Burdette, Allen Young, Eric DeMoura, Colleen Jernigan, Charlie Potts, Jody Peele, Ken Ayoub, Sally Phipps, Christiane Farrell, Chief Williams, and Major Sewell.

Mr. Smith offered the prayer, followed by the pledge of allegiance.

Mr. Young certified that the Town was in compliance with the FOIA.

Mr. Gawrych moved to approve the agenda; seconded by Mr. Santos. All present were in favor.

AWARDS & PRESENTATIONS

Mr. Burdette asked Mayor Hallman to conduct the swearing in of our new judges, The Honorable Jack Sinclaire and The Honorable Larry Duffy, Jr.

Mr. Burdette asked Mayor Hallman, Councilman Ken Glasson, Chairman of the Fire Committee, and Fire Chief, Herb Williams, to come forward to present the Employees of the Month, Engineer Matthew Tillman, Firefighter Leslie Bowick and Firefighter Randy Cannon.

Mr. Burdette asked Mayor Hallman and Major Sewell to come forward to present the Recognition of Service award to Sergeant Marshall Evans for 20 years of service.

Mr. Burdette asked Mayor Hallman, Councilman Ken Glasson, Chairman of the Fire Committee, and Chief Williams to come forward to recognize our Mount Pleasant Volunteer Firefighters: Scott Fournier, Jimmy Lamb, Christopher Mack, John Michel, Michael Minick, Frankie Pettit, Fletcher Pilling, Mark Ruppel and Bill Silcox and to thank them for their outstanding service to the community.

Mr. Burdette asked Mayor Hallman to present the "Business Appreciation Week" (December 11th – 15th) proclamation to Margeret Cotton , President and Chuck Diggle, Vice President of the Mount Pleasant Business & Professionals Association – and Charles Van Rysselberge, President & CEO and Phillip Owens, Senior Vice President of the Charleston Metro Chamber of Commerce.

Mr. Burdette asked Mayor Hallman, Town Council members and Lucy Beckham, Wando High School Principal, to come forward, recognize and present their championship highway sign to the Wando High School Girls' Tennis Team who won their third consecutive AAAA State Championship, finishing with a 21-0 record for the season, under the direction of Coach Becky Williamson; Assistant Coach Teresa Pickens and Athletic Director, Bob Hayes.

Mayor, Town Council and Ms. Lucy Beckham then presented the highway sign recognizing the Wando High School Marching Band and Color Guard, who not only won the 2005 AAAAA State Marching Band Championship, but also took the championship in 2006. They were also named 2006 Blythewood Tournament of Bands Grand Champion, 2006 Walterboro Band Classic Grand Champions, and 3-time Bands of America Regional Finalists. The Wando Band program placed 25 students in the 200 South Carolina All-State Bands, which represents the most of any high school in the state of South Carolina. This was all done under the leadership of Band Director, Scott Rush; Assistant Band Director, Sean McGrew and Color Guard Director, Michael Gray.

APPROVAL OF MINUTES AND FINANCIAL STATEMENT

Mr. Gawrych moved to approve the minutes of the previous meeting; seconded by Mr. Smith. All present were in favor.

CORRESPONDENCE AND PUBLIC STATEMENTS

Mr. Michael Lierley – 3862 Co. Vanderhorst Circle – asked Council to remember 5,000 feet. He stated that he is a United Airlines pilot and flies triple 7's out of Washington, DC and has been flying airplanes since the age of 14 years old. He stated that he has over 25,000 hours of flying time; 29 years in military and was the Vice Wing Commander who ramped up the first C-17 squadron out of Charleston Air Force Base. He stated that he knows noise abatement and encroachment. He stated that Mount Pleasant does not need an airport extension. He stated that 5,000 feet would afford the opportunity to allow airplanes to utilize the airport; 5,000 is the critical point. He stated that he is not objecting to the present airport as it exists; however, he is opposed to the extension with any sort of perceived economic improvement for the area. He stated that in last year's Intergovernmental Agreement, the Town gave away the "teeth" to the Charleston County Aviation Authority. He stated that if Council would really like to know what the extension would do, to get an FAA impending, an impact study and remember 5,000 feet. He stated that if Council would like to hear jet noise, to take a lawn chair to Sam's Club and listen to noise of the "little RJ's" which are hybrids of business jets. This is what would be coming in and out of the airport if allowed to extend to 5,000 feet.

George Freeman – 2151 Rifle Range Road – stated that he was present because there are new Council members and those who were not on Council in the 1990's. He stated that in the 90's he met with Joel Ford to discuss a section of road between the Isle of Palms Connector and Six Mile Road, when he was the president of the Six Mile Neighborhood Association. He stated at that time, there was discussion about how wide the road would be, and it was decided it would be 2 lanes. Mr. Freeman then stated that then Mr. Ford decided to have businesses build in that area to dedicate 33 feet of road so there would be a 2 lane road running through the area. He stated that today, they are

required to have sidewalks where roads are built; therefore, if you had 50 feet, you could easily have a 2 lane road and sidewalks. He stated that his suggestion to Council and the Mayor is if you are going to build a road in that area, you only need a 50 foot right of way and still serve the purpose. However, he stated that Council has decided that this would not be an access road, but a road to get from the Isle of Palms Connector to Six Mile road – therefore, he said that there is no need for turning lanes.

Joyce Buckman – 1581 Longview Road – she stated that she wanted to say that good growth is needed and beneficial for the town. She said that Lowcountry Boulevard is comprised completely of office professional buildings and does not hurt any residential neighborhoods. She stated that continued good growth would be for the Town to create office professional, light industrial and high tech parks to keep businesses from harming the quality of life and property values of existing neighborhoods on existing roads. She stated that harmful growth to residents is having commercial, economical and neighborhood development forced on your quiet residential roads; this does not broaden our tax base the way that BenefitFocus.com broadened our tax base with 200 employees. Candlewood does not want any kind of development in its front yard, with exception of R-1 as it is now zoned. She stated that the development of Lofton's Nursery is only going to add more traffic on Whipple, which is already a bad situation and disrupts the quality of life in the neighborhoods. She stated that the proposed 200 square foot building that is supposed to be one story high, but will be 24 feet from the floor to the eaves – so it can easily be converted to a 2nd floor – takes up about ½ of a standard football field and does not belong in their neighborhood or on Whipple Road. She stated that it will lower their property values terribly and stated that no one has the right to do that. She stated that there are people here tonight asking that the R-1 zoning be kept on the parcel in front of Candlewood. She stated that if commercial development is allowed, it will be the cause of lowering their property values and the quality of their life and if

that happens, they feel they will be obligated to take this matter beyond the borders of Mount Pleasant to an entity that has no special interests in Mount Pleasant and will treat them fairly.

Karl Buckman – 1581 Longview Road – he stated that there are 5 Candlewood homeowners present in defense of their property and would not mind if ED (economic development) was put in its right place. He quoted a information from the Commission that first heard this problem back on the 18th of October. He stated that *"The Comprehensive Plan – the goals to consider are protecting and sustaining the character of existing residential areas – prohibit rezoning activities that would disrupt the stability of existing residential neighborhoods."* He stated that at the bottom of the page, it indicates that Mr. Myles Stempin, Development Coordinator, submitted a letter of support for the request, because it would provide centrally located space for light production and distribution. He stated that he did not believe that Council would want this building near their property. He said his wife mentioned that the size of the building was 200 square feet, but it is 20,000 square feet. He stated that these ED projects belong in clustered areas of professional-light industrial technology driven parks in appropriate locations, possibly near an airport. He stated that the new zoning would lower their prices on nearby residential homes and the ripple effect will lower home prices further away. If the zone changes are allowed, there will be no going back, because future buyers of this property will want to enlarge or add more buildings and parking. He stated that they would accept patio homes on this property, and an alternative is the Town could be magnanimous and buy the land and join it to the passive walking park in the South Carolina right of way. This would honor the Town for doing something morally right for its most important assets – its citizens. He asked that Council strike the final reading status and grant another reading so that this could be considered more in-depth.

Tom Thompson – 1597 Longview Road – He stated that when you travel down Whipple Road, you see Glenn Lake neighborhood, where families live; Landings Run neighborhood, where families live; Cooper's Point neighborhood, where families live; Cooper's Landing neighborhood, where families live; the sports complex, where families play; Candlewood neighborhood, where families live – the tract in question, which is zoned for families – and Wando baseball field. He stated there are no businesses, no offices, no warehouses – it is a residential zone and until someone presents compelling reasons to change it – the town has a responsibility to keep it a residential zone. He stated that they fought this battle a year or two ago. He stated that the landowner advised him that he purchased the property with the intention of building a house on it; however, he changed his mind and wanted to sell it for a profit. He stated that making a profit is not a compelling reason to change the zoning. He stated that the issue is that the land is zoned residential and everything on the west side of Whipple road is where families live or play and they do not need a business, office, warehouse, zoo or any other economic development business across from their neighborhoods. He said that the zoning plan is a contract between the Town and the residents and this request should have never made it to second reading, which he realizes is also final reading. He asked Council to put a stop to this tonight.

Jim Gross – 1588 Longview Road – He stated that he is a homeowner/business owner in Mount Pleasant. He stated that the infrastructure in Mount Pleasant needs to be developed before the businesses and neighborhoods are added. He said that Whipple road cannot handle any additional traffic. He stated that 35 homes are going in where Growing Places was, which will bring Whipple road to a standstill. He stated that Snee Farm has requested a road at their back entrance which is proof that the road is congested. The business that is proposed will bring more traffic and residents as well, which needs to be addressed. He stated that they have been paying for a part of this town

for decades and their lifestyles are being disregarded in exchange for a large and unsightly business proposition which will devalue their homes and turn Whipple road into an industrial park. He stated that Council needs to listen to their constituents as they are the ones who have brought the Town this far.

Lisa Sigman – 232 Haddrell Street – She stated that it has come to her attention about the variance at Cottage on the Creek / Slightly Up the Creek. She stated that the adjacent property owners did not receive any notification. She stated that the music is unreal and some of the property owners have small children that are awaken by the noise constantly. She stated that regarding the John Bailey Docks and the new construction – she stated that the adjacent property owners did not receive any notification regarding what is going on at that location. She stated that she owns a business on Shem Creek – Wando Shrimp Company – which has been there for 58 years, and felt that the Town was supposed to preserve Shem Creek as is with the shrimpers and fishing vessels that are in the creek. She stated that she, along with homeowners on Haddrell Street and Bayview, would appreciate notification of what exactly is going on. She said that there is amplified music and there is supposed to be a noise ordinance. She stated that she has called the police; however, feels like it falls on deaf ears. She said she and her neighbors would appreciate getting notification in the mail as to what is going on there at Shem Creek on these two things. She said that she would hate to see the shrimpers and fishermen go. She stated that for the record, a 24 boat slip is a marina.

Mr. Gawrych asked if there is an item on the upcoming Planning Commission meeting about the noise ordinance. Mr. Burdette stated that it is not about the noise ordinance but ultimately it does relate to the potential for there to be outside activities that could cause nuisance.

Mr. Gawrych advised Ms. Sigman that this meeting will take place on the 20th and encouraged her to attend.

PLANNING – New Business

Christiane Farrell

Ms. Farrell stated that the first item was an ordinance to amend the Wilson Tract Planned Development District ordinance pertaining to a 5.98 acre portion thereof, known as a portion of tract 4-A-1, bearing TMS No. 558-00-00-306, allowing a Planned Development Multi-Family Use of 47 dwelling units (Ord. 06063). She stated that they have asked for an increase in height up to 43 feet, with this particular planned development. She stated that other considerations with this particular item is that they originally asked for some reductions in setbacks, but they have adjusted the site plans so this is no longer required. She said this went to a public hearing with the Planning Commission who recommended approval unanimously. It then went to the Planning Committee where there were questions that were raised. Council referred it back to the Planning Committee and matters of concern were further addressed, such as a drainage issue, which drains back in the direction of Rifle Range road. Ms. Farrell stated that it was understood by the applicant that they will need to get some written agreement from the HOA of Hidden Lakes, as well as Seaside Farms towards that drainage. That could be a stipulation as they move through the development process. She said that other considerations were that the site should be subject to the Design Review Board's site plan review recognizing its proximity to Hungryneck Boulevard. They did agree to extensive landscaping along Hungryneck through this area and provide adequate maintenance shelves as there will be drainage ponds located in this area adjacent to Hungryneck Boulevard. After further review by the Planning Committee, they also recommended approval of this request.

Mr. Santos made a motion to approve first reading, with recommendations and stipulations mentioned by staff; seconded by Mr. Gawrych. All present were in favor.

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

Ms Farrell stated that the next two items relate to one another; the first of which is an ordinance to amend the Town of Mount Pleasant 2003 Comprehensive Plan Update pertaining to special consideration properties creating a Sweetgrass Basket special consideration area, *and* to amend corresponding areas on the Neighborhood Four-A (4-A) land use map to reflect the same (Ord. No. 06083) and tied to that is item #3 on the agenda, which is an ordinance to amend Chapter 156 of the Mount Please Code of Ordinances, specifically by revising Paragraph (D)(4) of Section 156.328 thereof *and* adding a new section 156.335 entitled *Sweetgrass Basket Overlay District* (Ord. No. 06092). Ms. Farrell stated that prior to this Council meeting, there was a public hearing on the comprehensive plan amendment and no one spoke for or against this matter. It did go to the Planning Commission for their consideration as well as the Overlay Zoning District and they recommended approval of the amendment to the Comprehensive Plan as well as the Overlay District. The Planning Committee reviewed this last month and recommended the same. She stated that the effect of the Overlay District is that it will implement the Highway 17 Task Force recommendations. Considerations with that would be densities in the particular area of Rifle Range Road/Highway 17/Isle of Palms Connector/Porchers Bluff, residential densities of up to 3 units per acre. It will also provide for light commercial office type uses along Highway 17 and again more restricted commercial uses within the Old Georgetown Loop area. The County is moving forward with a similar overlay and County Council has had first reading of their proposed overlay district. Therefore, the Town and County are both moving forward with implementation of the Task Force recommendations.

Mr. Gawrych asked Legal Counsel if it would be acceptable to group agenda items VIII.A. 2 & 3 together. Mr. Young responded in the affirmative.

Mr. Gawrych made a motion to approve first reading of items VIII.A.2 and VIII.A.3; seconded by Mr. Santos. All present were in favor.

Mr. Burdette read *FIRST READINGS BY TITLES ONLY.*

Ms. Farrell stated that the next item on the agenda is an ordinance to amend the Belle Hall Plantation Planned Development ordinance, pertaining to property known as Lots 30A and 30B located in Grassy Creek Subdivision, bearing TMS Nos. 537-00-00-185 and 244 (Ord. No. 06084). Ms. Farrell stated that the request pertains to two properties located at the end of the Grassy Creek subdivisions. She stated that the proposed amendment would allow the two lots to be consolidated into one and that three (3) residential dwellings could be developed on the consolidated piece of property. It would work through a horizontal property regime and have a shared access drive to the three dwelling units. They would have their own HOA which would be responsible for maintenance of the access drive, any kind of shared open spaces and also there is a shared dock. There was some discussion as to whether or not this would become a part of the greater Grassy Creek HOA, however, as of now, these particular pieces of property are not a part of this HOA. The developer has agreed that they would become a part of the greater Grassy Creek HOA subject to any kind of conditions. Ms. Farrell stated that the Planning Commission did hold a public hearing and recommended approval of this request. The Planning Committee, however, had additional questions mainly pertaining to the ability to provide for adequate fire service to this property, as well as garbage pick up. Additionally, they wanted some sort of written statement from the Grassy Creek HOA. At the Planning Commission meeting, it was unclear whether there was a majority consensus towards approval of this request. The applicant did discuss this with the Planning Committee and the Committee recommended that this item be deferred until next month so that particular items could be addressed.

Mr. Burdette stated that there was an individual who signed up to speak. The individual stated that he was present on behalf of the applicant.

Mr. Smith stated that there was a letter of coordination with the Fire Department and the Fire Department cannot put their trucks on a dirt road. Mr. Smith also stated that there is no way the Town can put a garbage truck on a dirt road. He stated that there is historical data that proves a situation such as this – when a homeowner changes over, they discover that they pay single family housing taxes and demand garbage and fire service. Mr. Smith stated he does not know how this can be rectified; however, he does not think this should be approved.

Mr. Santos made a motion that based on Mr. Smith's comments, to defer this back to the Planning Committee to review the issues and report back to full Council in January, their findings for consideration; seconded by Ms. Stokes-Marshall. All present were in favor.

Ms. Farrell stated that the next item was an ordinance to rezone from AB, Areawide Business, to MD, Marine District, an approximately 0.48 acre parcel of land identified by TMS No. 517-15-00-022, located at the corner of Church and Mill Streets *and* to zone MD, Marine District, the proposed abandoned portion of right of way of Mill Street adjacent thereto (Ord. No. 06085). Ms. Farrell stated that the plans of the developer are to consolidate this property with 2 others that are already zoned Marine District. She stated that the proposal is to develop residential dwellings, approximately 10 units) on the upper portion of the property, to move the existing "Cottage on the Creek" building from its location, more towards the rear of the site. The developer has also offered as consideration that a portion of a parcel be donated to the Town and that they would provide an access easement along the side of the property to allow public access to the docks. She stated that the zoning consideration before Council is to rezone the property from Areawide Business to Marine District. She stated that the Transportation Committee did look at the roadway abandonment issue and did not make a recommendation and forwarded this to the Planning Committee. The Planning

Committee also considered it, but both the Planning and Transportation Committees had additional questions they wanted addressed regarding the right of way abandonment, as it relates to the adjacent property owner and as it relates to the access easement and use of the public docks. The Planning Commission held a public hearing on the rezoning, and the Planning Commission did recommend approval of this request. The Planning Committee recommended approval of the rezoning request from Areawide Business to Marine District.

Mr. Bustos asked - if the Cottage on the Creek is moved, what will it do? Ms. Farrell stated that it would have to comply with any uses which are allowed within the Marine District zoning classification. Mr. Bustos then asked if they (Cottage on the Creek), could continue to be what it is right now. Ms. Farrell responded in the affirmative. Mr. Bustos asked where the parking for this facility would be. Ms. Farrell stated that they would have to accommodate it on-site within their particular area. Mr. Bustos then asked if the 10 houses and the parking would have to go in that particular area. Ms. Farrell responded in the affirmative. Mr. Bustos stated that the overflow parking from Red's Ice House utilizes that area now, and asked what would happen to that parking if it is displaced with homes and Cottage on the Creek being moved back. Ms. Farrell stated that the parking would no longer be there.

Mr. Burdette stated that parking has always been an issue and there is a hotel that is being proposed at the site where the Trawler was. He stated that Red's has to have 55 designated parking spaces and how they get that is up to Mr. Coen or to Red's. He stated that Mr. Young wrote a letter to that effect to the attorney representing Mr. Coen. Mr. Young stated that there was a question raised by the attorney and he responded to it, relative to the 55 parking spaces.

Mr. Bustos stated that the point he is trying to make is there is going to be displaced parking between Red's, Cottage on the Creek moving, the possible Landing

Development. Mr. Bustos stated that "no parking" signs have been put along Church Street and what this will do is cause all the displaced parking to go to Live Oak Drive, Mill Street and further down Church Street near the Presbyterian Church. He stated that with Mr. Coen's project, a great deal of work went into the planning and approval process to ensure those were not residences; there were no cooking facilities. He stated that with regard to the Marine District, Council did not want living quarters all the way down in that area of Shem Creek. He stated that if this project is approved, he believes Mr. Coen will say, "if they can cooking facilities in their living areas close to the creek – then we can convert the hotel rooms to condos". Mr. Bustos said this goes outside of the Marine District and creates problems. Mr. Bustos stated that he walked to the area and there were shrimp boats docked right up to the property line, and asked if the Cottage on the Creek is moved, how close the houses can come to the creek. Ms. Farrell stated that they would be subject to the critical line setback, which is 30 feet. He stated that a 5 foot easement is barely wide enough for 2 people to walk shoulder to shoulder down to the creek, which he believes is insufficient. He stated that Council received a letter from an attorney expressing interest in this development because of the way it is being done on the other side of Shem Creek. He stated that Council needs to be careful with the precedent that is being set. Mr. Bustos stated that he is not in favor of this and believes that it will cause parking problems and this will move the environment closer to the houses on Haddrell, which have already complained about the noise. He stated that he also realizes Mr. Mull has worked very hard on this project; however, believes this goes against everything that Council has tried to do when they established the Marine District to encourage the shrimp fleet to remain a part of the creek and also respectful of the neighbors who reside in the area. He does not believe this is the right fit.

Mayor Hallman stated that Mr. Yates was in the audience and offered him the floor.

Mr. Yates stated that Mr. Bustos brought up some great points; however, felt that he could address. He stated that Council planned a Marine District and there are already problems. He stated that this Marine District has gone the way of other proposed marine districts of other smart forward-thinking towns. He stated that to a large extent, the marine district has denigrated completely into a food and beverage strip. He stated there are restaurants up and down the creek and they are not allowing access to the creek and have taken the public out of Shem Creek and replaced them with restaurants patrons. He stated that their intention is to de-intensify the creek. He stated that there are apartment hotels/condominiums that are being discussed and are based on people who do not live on the creek. He stated that what he is looking to do is almost "down-zone". He stated that he has a very simple request; a piece of property zoned Areawide Business which is in conflict with the Town's comprehensive plan – out of congruity with surrounding properties. He stated from a straight zoning request, what he is asking meets all the requirements for rezoning. He said the more important issue is they want to come in and bring in 3 components; parking for the public, take the public from the parking to the creek, which they are putting into an easement - they are signing into the Shem Creek Plan. Mr. Yates stated that he has studied what others have done in successful marine districts in the country, and stated that you must have the mix of people living there year round, a buffer between the homes and businesses. He said that what they are hoping to do is move the building and use the existing building for a marine-related retail; have on-site parking. He stated that other people's parking that is off-site is not a part of their equation, as they have a duty to provide their own on-site parking. Mr. Yates stated that they will have parking for the homes and for the marine district use. He asked that Council look at the project for what it is; helping to place an additional buffer on the creek so there will be fewer problems for those that live nearby. He stated that the people who come to look at their units are fee simple – year round people who want to live there

– not coming to spend a few weeks a year there. He stated that what they have now on Shem Creek is not working.

Mr. Santos stated that Ms. Farrell mentioned that the Planning Committee voted for this; however, it was a 3 to 1 vote and he was the one opposed. He agrees with Mr. Yates where the "mold has been changing" which is the problem. He said that this used to be a shrimping and fishing creek with a development problem – now it has become a development creek with a shrimping and fishing problem. He believes that the character of the creek should be kept the way it is – it is one of the most photographed creeks with the shrimp boats and does not want to see it change. He stated that this town started on the creek. He agrees with Mr. Bustos and does not believe this fits into the character of the creek.

Mr. Swails stated that the Planning Committee did not vote for any abandonment of any property, nor did they vote for condominiums. He stated that they only voted to change the zoning. He stated that all the property there is marine district and this was parcel was Areawide Business; they were only voting to change this zoning to Marine – District – nothing else.

Mr. Gawrych asked Ms. Farrell – if this motion to change the zoning from Areawide Business District to Marine District passes, what does this mean for this project and how it continues to come before the Planning Commission or Planning Committee, for this applicant to see it through the process.

Ms. Farrell stated that as the applicant has proposed it, which is more comprehensive, then this is what is obviously what is being considered. She stated that she is aware that the next thing the applicant would like to look for is a roadway abandonment for a section of Mill Street and if approved for abandonment, would be incorporated into the larger development that needs to be considered by the Transportation and Finance Committees. She stated that the next step beyond that for the

residential use to occur on this particular development, all three tracts combined, will require an amendment to the Comprehensive Land Use Plan. She stated that the way the Marine District zoning is written, residential use is a conditional use and only allowed when the land use map recommends a residential use. As it currently stands now, this particular piece recommends commercial and the other two recommends residential, and this is another step. Staff comments that were provided for the public hearing were that should this property be rezoned and the right of way abandoned, then staff would move forward with the comprehensive plan amendment. She stated that if all that is approved, this would then be subject to review and/or approval by the Design Review Board.

Mr. Bustos stated there are already a strip mall and a school on the corner of Mill and Church streets, and he would contend that Areawide Business directly across the street from that would be proper and should be retained. He stated that this should stay Areawide Business.

Mr. Bustos made a motion to deny the rezoning; seconded by Mr. Santos. All present were in favor

Ms. Farrell stated that the next item on the agenda is an ordinance amending section §156.224 of Chapter 156 of the Mount Pleasant Code of Ordinances, pertaining to Tree Protection (Ord. No. 06086). She stated that this was specifically pertaining to replacement requirements for removal of what would be called a significant tree on single family lots, reducing the replacement requirements. Some other minor modifications were made to submittals that would be required for approval of removal of historic tree, subject to Design Review Board. Additionally, modifications to submittal and replacement requirements for multi-family and town houses were made.

Mr. Gawrych made a motion to approve first reading; seconded by Mr. Santos. All present were in favor.

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

Ms. Farrell stated that the next item was an ordinance to amend § 156.162 of Chapter 156 of the Mount Pleasant Code of Ordinances, adding a new paragraph *Q* pertaining to certain prohibited signs (Ord. No. 06087). She stated that this would specifically prohibit any type of digital signs, changing signs, moving signs, etc.

Mr. Smith made a motion to approve first reading; seconded by Mr. Gawrych. All present were in favor.

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

Ms. Farrell stated that the next item on the agenda was an ordinance to amend paragraph (B)(1)(b) of Section 156.330 of the Mount Pleasant Code of Ordinances, pertaining to the boundary description of the Old Village Historic District (Ord. No. 06088). Ms. Farrell stated that this is correcting the boundary description of the Old Village- Historic District.

Mr. Gawrych made a motion to approve first reading; seconded by Mr. Smith. All present were in favor.

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

OLD BUSINESS

Ms. Farrell stated that the first item under old business has some amendments and deferred discussion to Mr. Brad Morrison. With reference to this item, which is second reading of an ordinance to amend the Transportation Plan component of the community facilities element of the Town of Mount Pleasant 1998-1999 Comprehensive Plan (Ordinance No. 00016) *and* the Town of Mount Pleasant South Carolina 2003 Comprehensive Plan Update (Ord. No. 06058), Mr. Morrison stated that he conferred with Legal Counsel, regarding a revision to the current wording of the ordinance to reflect the final plan document, as what is referenced to in the ordinance is the previous version of the document. Mr. Morrison stated it would be appropriate to request Council to amend the current ordinance to reflect a revised exhibit A which is the plan document

itself. The amended wording would be "the Town of Mount Pleasant Transportation Plan updates submitted by Carter-Burgess dated December, 2006". He stated that the final plan only differs from the previous in the following general aspects: corrections of text and figures for typos and incorrect information, additional text and graphical information to clarify support documentation, findings and recommendations, completion of the revenue forecast and final project cost estimates, reference to Town Council decisions, some of which were made at the November council meeting prior to first reading, as it relates to specific projects, such as Johnnie Dodds Boulevard improvements and Hungryneck Boulevard Phases III and IV and inclusions of the public information meeting and public hearing comments – these are the primary differences and does not alter any of the projects that were discussed in the last five months. Mr. Morrison stated he just wanted to offer this as a request to amend the current ordinance.

Mr. Gawrych made a motion to amend first reading of the Transportation Plan, as stated by the Town's Traffic Engineer; seconded by Mr. Santos. All present were in favor.

Mr. Santos made a motion to approve final reading of the amended ordinance; seconded by Mr. Bustos. All present were in favor.

Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Ms. Farrell stated that the next item on the agenda was final reading of an ordinance providing for the annexation of property comprising approximately 0.30 acres of land located at 1645 US Highway 17 North, bearing TMS No. 559-00-00-042 (Ord. No. 06070). She stated that following item on the agenda relates to the rezoning request, which is to zone the property to Areawide Business.

Mr. Santos made a motion to approve final reading; seconded by Mr. Smith. All present were in favor.

Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Mr. Santos made a motion to respectfully take items VIII.B. 3 through 11 and approve for final reading; seconded by Mr. Gawrych. All present were in favor.

Mr. Burdette read *FINAL READINGS BY TITLES ONLY.* These Ordinances *SIGNED, SEALED AND DELIVERED THIS DATE.*

Ms. Farrell stated that items 12 and 13 on the agenda are both related. She stated that item 12 is final reading of an ordinance to amend a portion of the Neighborhood Six Land Use Map of the Town of Mount Pleasant, South Carolina 2003 Comprehensive Plan Update, changing the land use recommendation from Economic Development to Commercial for parcels bearing TMS Nos. 580-00-00-013 and 015 (Ord. No. 06081)

Mr. Gawrych made a motion to approve final reading; seconded by Mr. Santos. All present were in favor.

Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Ms. Farrell stated that item 13 is final reading of an ordinance to rezone from AB-2, Areawide-Business 2, to PD-MU-SR, Planned Development Mixed Use-Suburban/Residential District, four parcels of land, comprising approximately 21.22 acres located between Gregorie Ferry Road and US Highway 17 North, identified by TMS Nos. 580-00-00-005, 004, 013, and 015, allowing a Mixed Use Commercial Residential Development known as Gregorie Ferry Landing (Ord. No. 06082).

Mr. Smith made a motion to approve final reading; seconded by Mr. Gawrych. All present were in favor.

Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Mr. Gawrych stated that it fitting that Ms. Farrell has had the opportunity to do the reporting at the last Council meeting of the year and stated he has had the honor to serve along side her for 4 years on the Planning Committee. He stated that her level of professionalism is above and beyond and is quick to respond to any requests made. He stated that he commends her for the golf course ordinance that was recently passed, as well as the last two items of old business, which Ms. Farrell was heavily involved in. Mr. Gawrych stated that Ms. Farrell makes his and Council's job much easier and thanked Ms. Farrell for her dedication and commitment.

COMMITTEE REPORTS

Accommodations Tax Advisory Committee – Mr. Kruger Smith

Mr. Smith stated that the committee met on Thursday, December 7, 2006 to make recommendations for nine (9) funding requests for which the Committee received applications. The current balance available for this Third Quarter Grant Period of the fiscal year after proposed mid-year adjustments is $40,656. Council has received a summary of the requests and the Accommodations Tax Advisory Committee's funding recommendations for the requests which totaled $20,750. If Council accepts the Committee's recommendations, this will leave a balance of $19,506 for future projects and events.

Mr. Smith made a motion that Council approve the funding recommendations in the amount of $20,750 for the Junior Family Circle Cup, ACSC Winter Workshop, Gullah Heritage Programs, SEWE, Omar Shrine 100 Year Anniversary, SCCCMA Winter Meeting, Charleston Metro Sports Council, Inc., and Carolina Soccer Classic; seconded by Mr. Santos. All present were in favor.

Mr. Smith stated that the Accommodations Tax Advisory Board did not recognize the full appreciation for the request from the Open Space Foundation for printing of brochures. He stated that the Open Space Foundation is an entity created by Town

Council and designed to make the Town look beautiful and bring tourism into this are.

Mr. Smith made a motion that Council approves $3,000.00 for the printing of brochures for Mount Pleasant Open Space Foundation; seconded by Mr. Santos. All present were in favor.

He stated that the Committee received a report on the Waterfront park master plan from the Town Administrator and stated that one issue was the additional cost for the Visitors Center, which should be known by January, 2007. He stated that as a result of this, the Committee also will discuss the idea of reinstating a billboard as well as having Mr. Andy Rhyne pursue soliciting the support of other members of the Hotel industry to consider sponsoring the Mount Pleasant billboard. The Committee will report back to Council next month regarding the cost and location of the available billboard.

Annexation Committee – Mr. Nick Collins

Mr. Collins stated that the Committee did not meet; therefore there is no report.

Bids & Purchases Committee – Mr. Joe Bustos

Mr. Bustos stated that the Committee voted to award the bid for improvements to the Lake Cooper Spillway to Landscape Pavers. They also reviewed on-call construction services for speed hump installations and given the disparity in the responses the bids were rejected and staff will ask contractors to resubmit.

Advertisements to request bids for Sloan Park Playground Equipment and the construction of tennis courts at the Mugsy Kerr Tennis Complex should run within the week. Lastly, seven proposals in response to the Mathis Ferry Road Vegetation Management Plan have been submitted for review. Staff will begin coordination of the selection process this week.

Economic Development Committee – Mr. Paul Gawrych

Mr. Gawrych stated that the Committee did not meet; therefore, there is nothing to report.

Finance Committee – Mr. Billy Swails

Mr. Swails stated that the Committee met and Council is aware that the Town has been trying to have Faison Road incorporated into the Town's road system. As it is currently under the jurisdiction of the FAA, an updated appraisal was required by this agency. We have reviewed the appraiser's findings and recommend to Council that the appraised value as provided by Sanders and Associates, dated November 27, 2006 be accepted by the Town.

Mr. Swails placed this in the form or a motion; seconded by Mr. Santos. All present were in favor.

Mr. Swails stated that the Committee received information from Representatives of SCE&G and Berkley and Central electric cooperatives regarding plans to route a third transmission line into Mt. Pleasant and a site for a new substation. The electric utilities were invited to the January Committee meeting to provide a progress report as the route is finalized. Mr. Swails stated that the Town Administrator will have a report back to Council at the end of the year. Mr. Burdette stated that there would be a staff report and recommendation at the end of December, and will be discussed at the January Finance Committee meeting.

Mr. Swails further stated that the Committee discussed a request from St. Paul's Church to partner with them to make improvements to the parameter fencing surrounding the Town and Church cemeteries, which abut each other. The Committee instructed staff to research the feasibility of the partnership to include possible grant funding and include the project for consideration in the new budget cycle (2007/08).

Mr. Swails stated that Mr. Potts and Ms. Jernigan briefed the Committee on recent changes to the State's tax laws and the possible impacts to the Town and its taxpayers. Segregating debt millage from operations millage as a possible strategy to respond to the millage limitation was also discussed to be given further consideration during the budget process.

Fire Committee – Mr. Ken Glasson

Mr. Glasson stated that the Fire Committee met on December 4th. Mr. Glasson stated that he would like to thank Ms. Stokes-Marshall for chairing this meeting for him. Mr. Glasson stated that the Committee members agreed to recommend to Council that the Assistant Chief's position be down graded to a Battalion Chief position.

Mr. Glasson made a motion that the Assistant Chief's position be down graded to a Battalion Chief position; seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Glasson stated that the Committee agreed to accept Trench Rescue Equipment, valued at approximately $17,000 donated by Mount Pleasant Waterworks.

Mr. Glasson put this in the form of a motion; seconded by Mr. Gawrych. All present were in favor.

Personnel Committee – Mr. Kruger Smith

Mr. Smith stated that based on Council's action to add the day after Thanksgiving to the Town's paid holiday list, revisions to the Personnel Manuel are required. Given that staff also presented some housekeeping items so that the update of the manual could be done all at one time, staff is also recommending that the sell-back of leave be cycled to December instead of June beginning 2007. The revision also includes clarifying the Town's insurance programs, updating the language to be consistent with that of the state retirement system, as well as updating language relative to performance evaluation scoring to reflect a minimum acceptable score of 2.0. The Committee recommended approval of these revisions, which will addressed under Council New Business, Item. A.

Mr. Smith also stated that to complete the process of reviewing and finalizing our Health Insurance Plan, reinsurance coverage must be finalized. Currently the Town's reinsurance is with the stop-loss carrier, High Mark and provides reinsurance for reimbursement of claims that exceed $75,000 in a planned year. Our insurance consultant has shopped the market and the committee reviewed his findings.

Mr. Smith made a motion that Council accept the reinsurance rate offered by High Mark for specific stop-loss reinsurance, but that the limit per individual claim in a planned year increase to $100,000. Based on this recommendation, there will be a decrease in the Town's annual fixed cost of 7.4% or approximately $35,000; seconded by Mr. Gawrych. All present were in favor.

Planning Committee – Ms. Thomasena Stokes-Marshall

Ms. Stokes-Marshall stated that the Planning Committee met and there were two action items. The first was a request for authorization to apply for land and water conservation fund grant. Staff submitted a letter of intent for the 2007 LWCF grant. The proposal is to construct a kayak trail, consisting of three (3) kayak launches; one at Waterfront Park, another at Kearns Park and the third at Pitt Street Bridge. She stated that the application deadline is in March and the Committee recommended approval.

Ms. Stokes-Marshall put that into the form of a motion; seconded by Mr. Santos. All present were in favor.

Ms. Stokes-Marshall stated that the Committee had discussion to change the Design Review Board to add an Engineering seat, as well as the addition of another technical seat. The occupational requirements of these positions will be determined by the Zoning Administrator and presented to the Planning Committee in January, 2007. The Committee recommended approval.

Ms. Stokes-Marshall put that into the form of a motion; seconded by Mr. Gawrych. All present were in favor.

Ms. Stokes-Marshall stated that the Planning Committee received an update on the Building Permit Allocation Program. The deadline for 2007, 1st quarter was December 1st and the town received a total of 75 applications from 63 individual applicants. Additionally 16 applications expired or were cancelled from 2006 and added into the total number of permits available in 2007, 1st quarter. This leaves a surplus of permits for 2007 first quarters. Currently there are 649 multi-family permits remaining through 2010. No low income permits have been allocated in 2006. The Committee did have a meeting where they did an annual review of the building permit summary and a total of 732 applications were received from 690 applicants. 71% of the 2006 single family permit allocations were for properties north of Isle of Palms connector and subdivisions such as Park West, Dunes West, Darryl Creek, Hamlin Plantation and Rivertown. 29% of the 2006 single family permit applications were for properties south of the Isle of Palms connector in subdivisions such as Belle Hall, Grassy Creek, I'On and Shellpoint. At the annual review meeting, the Planning Committee received a chart showing the number of permits that would be available through 2010 at a 3, 4 and 5 percent rate of growth based on the number of dwelling units existing in the Town as of December 31st 2006. The Committee also received information regarding new multi-family and townhouse developments. Of the current multi family townhouse projects, there are 1,553 units to permit. Of these a total of 468 are exempt from the Building Permit Allocation Program because they are located in the Coleman Ben Sawyer Overlay District or in Carolina Park.

Staff presented a few minor changes to the Committee, including removal of the requirement that plan substitutions be subject to their original allocation expiration date. An addition of the provision that a permit holder cannot make a plan substitution if at allocation extension has already been granted for the lot. The Committee recommended

approval of these text changes; however, did not recommended any changes to the current building permit program.

Ms. Stokes-Marshall stated that there were two representatives from Workforce Housing Committee that attended the Building Permit Allocation Program and understand they were looking for the opportunity to make some comments in reference to the Town's program. Ms. Stokes-Marshall stated that they did not have the opportunity to speak and apologized for the oversight on her part and stated that they have submitted a written statement indicating their concerns.

Mr. Bustos stated that last year, the method was looked at using development agreements as a management tool, shifting the tool from strict permit allocation to a management tool being development agreements. They found that this would be a better way for the people who come in and get the permits to manage their workflow as opposed to waiting in line, getting one permit; they would come in and negotiate with planning and know through the year what they were going to get – then they could manage their workflow.

Mr. Smith stated that he agrees with Mr. Bustos in that we all believe that development agreements were a good way to control the building of homes in the community.

Mr. Young stated that there are two separate planning tools that can be used, governed by two separate sets of rules. Mr. Young stated that as a general rule the development agreements do not infringe on the integrity of our Permit Allocation Program; we are not exempt from permit allocation because you have a development agreement.

Mr. Burdette asked Mr. Young if there was a minimum size limitation. Mr. Young stated that yes and pursuant to state statute, which we mirror in our local code, is 25 acres of highland.

Mr. Bustos stated that he is not trying to change the numbers, but would like to see if administratively, we could shift gears with the administration of the permits to that type of administration rather than what is being done now with having everyone line up every quarter. He stated that it is either feast or famine and what this creates is a run on all the subs.

Mr. Smith stated that he understands that all developments in Mount Pleasants undergo some type of review, with the exception of apartment complexes. They are not required to meet the aesthetics or style that the Town attempts to build. Mr. Smith asked that the Planning Committee review this aspect.

Ms. Stokes-Marshall stated that perhaps Council could get staff to provide them with information to bring them up to speed and have this placed on the next Planning Committee meeting.

Mr. Burdette stated that the Planning Committee recommended leaving the Permit Allocation as it is.

Mr. Smith put that in a form of a motion; seconded by Mr. Santos.

Mr. Young stated for clarification, that when we are doing our annual review, we are required by our code and this motion is consistent with that to confirm either changes or no changes.

Mr. Bustos asked if it would be proper to make a motion to send the idea of changing the methodology to the Planning Committee for their review in January.

Mr. Gawrych asked if Mr. Smith's motion was to approve the Permit Allocation Program with no changes. Mr. Gawrych stated that there are some small minor changes.

Mr. Smith amended his motion to reflect "with minor changes"; Mr. Santos amended his second. All present were in favor.

Ms. Stokes-Marshall continued with her Planning report.

Police, Legal & Judicial Committee – Mayor Harry Hallman

Mr. Burdette stated that there was no action items; therefore, no report.

Public Services Committee – Mr. Kruger Smith

Mr. Smith stated that staff advised the Committee of a letter from Dunes West Property Owners Association, requesting to know the type of services that residents within the private community receive for the $18 Stormwater fee. Mr. Smith stated that all roads and drainage systems that are with the gated community are private systems and are not owned and managed by the Town. Mr. Smith stated that the stormwater program is a system wide program and not designated to cover any specific items, but the entire town where appropriate. Mr. Smith added that just as those with no children still pay for school taxes, it is only proper that all those residing in the town pay their $18 fee. The Committee has asked staff to present this to the Dunes West Property Owners Association.

Recreation Committee – Mr. Gary Santos

Mr. Santos thanked all the town staff who worked so hard to make our Christmas Parade a success, especially Ms. Sue Frost, the Chairperson. He stated that it was a great parade.

Mr. Santos continued advising Council of Recreation activities throughout that Town. He stated that another paintball day was held and sold out again.

Mr. Santos thanked the Mayor for throwing out the first football at the Regional Football Championships at Park West field.

Mr. Santos stated that the Mount Pleasant Recreation Department had 3 teams advance to the SC State Football Championships hosted by North Charleston Recreation Department at Fort Dorchester High School on December 9th and the 13 year and under team won the State Championship.

Transportation Committee – Mayor Harry Hallman

Mr. Burdette stated that the Committee met; however no action taken.

Waterworks Commission – Mr. Billy Swails

The Commission met, but had nothing to report.

Water Supply Committee – Mr. Billy Swails

Mr. Swails stated that the Committee met on December 4th and Clay Duffie explained the Seewee to Santee water system – which is a contained water system in the unincorporated areas of the county. He stated that the Town Administrator "went to bat" for the Town and stated that no money should be expended and the expense should be borne by the County.

ADMINISTRATOR'S REPORT – Mr. Burdette

Mr. Burdette said that staff would like to recommend that all public hearings in the future be placed under the Awards and Presentation section of the agenda. This would avoid us from having one at 6:30, then 6:45 and would be more efficient for Council.

Mr. Bustos made a motion that Public Hearings be included in the normal part of the Council meeting beginning at 7:00 pm; seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Burdette announced the following vacancies:

1. Commercial Development Design Review Board, Seat #7 "at large" four year unexpired seat to expire July, 2007
2. Old Village – Historic District Commission – Seat #5, an unexpired initial one year term to expire August, 2007
3. Workforce Housing Advisory – Seats #7, #8 and #9 to expire January, 2007.

NEW BUSINESS – Council

Mr. Burdette stated that the first item is a Resolution to amend Sections 4, 5, 6 and 13 of Article III *and* Sections 6 and 7 of Article V of the Town of Mount Pleasant

Personnel Manual, pertaining to Holidays, Employee Leave, Town Health Insurance Programs and Performance Evaluation Scoring (R. 06121)

Mr. Gawrych made a motion to adopt the resolution; seconded by Mr. Santos. All present were in favor.

The second item was first reading of an ordinance to amend the Projected Revenues for the Town of Mount Pleasant from $94,904,598 to $109,038,388 to meet appropriations for the Fiscal Year commencing July 1, 2006, and ending June 30, 2007 (Ord. No. 06089).

Mr. Swails made a motion to approve; seconded by Ms. Stokes-Marshall. All present were in favor.

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

The next item was first reading of an ordinance to amend General Fund appropriations from $50,074,661 to $50,805,745 to meet the expenditures of the Town of Mount Pleasant for the Fiscal Year commencing July 1, 2006, and ending June 30, 2007 (Ord. No. 06090).

Mr. Smith made a motion to approve first reading; seconded by Ms. Stokes Marshall. All present were in favor.

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

The next item was first reading of an ordinance to amend Appropriations from certain Special Revenue Funds from $37,397,676 to $46,960,116 to meet the expenditures of the Town of Mount Pleasant for the Fiscal Year commencing July 1, 2006, and ending June 30, 2007 (Ord. No. 06091).

Mr. Smith made a motion to approve first reading; seconded by Mr. Gawrych. All present were in favor.

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

Mr. Swails made a motion that Council approve the transfer of funds from the Park West Gym Capital Project fund to the Park West track Capital fund in the amount of $280,000; seconded Mr. Santos. All present were in favor.

The next item was a Resolution authorizing a corrective filing agreement relative to the Watermark Development Agreement (R. 06122). There was a technical amendment regarding a piece of property that was inadvertently left off of the original agreement. Mr. Young stated that this is correct and the parcel that was left out was always explained to be part of the project and this is not going back to actually amend the development agreement, but Council's authorization of a corrective filing. The Mayor would sign an agreement and identify the parcel left out as part of the original development agreement and recorded on public record.

Mr. Santos made a motion to approve the resolution as described by Mr. Young; seconded by Mr. Smith.

Mr. Gawrych requested to abstain from voting.

All present, with exception of Mr. Gawrych, who requested to abstain from voting, were in favor.

Mr. Smith made a motion that Lou Edens be appointed to the Accommodations Tax Advisory Board, "Cultural" Seat #5; seconded by Mr. Santos. All present were in favor.

Ms. Stokes-Marshall made a motion to appoint Amy Boyd to the Workforce Housing Advisory Board, Seat #1 "Advocate of Low and Very Low Income"; seconded by Mr. Bustos. All present were in favor.

COUNCIL OLD BUSINESS

The last item on the agenda was final reading of an ordinance to amend paragraph D of Section 112.33 of Chapter 112 of the Mount Pleasant Code of Ordinances, pertaining to towing and storage fees (Ord. No. 06078).

Mr. Gawrych made a motion to approve final reading; seconded by Mr. Smith. All present were in favor.

Mr. Burdette read *FINAL READING BY TITLE ONLY.* This Ordinance *SIGNED, SEALED AND DELIVERED THIS DATE.*

Mr. Santos made a motion to adjourn; seconded by Mr. Gawrych. All present were in favor.

There being no further business to discuss, the meeting adjourned at 9:20 pm.

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
PLANNING COMMITTEE
APRIL 3, 2007
MINUTES

Present:	Thomasena Stokes-Marshall, Chair, Billy Swails, Gary Santos
Absent:	Paul Gawrych
Also:	Nick Collins, Joe Bustos
Staff:	Mac Burdette, Jody Peele, Christiane Farrell, Jan Crates, Brad Morrison, Mary Jane Blatchford, Kevin Mitchell, Paul Lykins, Kelly Cousino

Ms. Stokes-Marshall called the meeting to order at 1:00 p.m.

1. Approval of Minutes

Mr. Santos moved to approve the minutes from the previous meeting. Mr. Swails seconded the motion. All in favor.

2. Update on Building Permit Allocation Program

Ms. Cousino reviewed her memo dated April 3, 2007 with the Committee.

3. Review of Planning Commission recommendations from the March 21, 2007, meeting

a. Proposal to amend Chapter 155, Land Development Regulations, regarding sidewalk installation and financial guarantee for streets, drainage and stormwater control facilities.

Ms. Farrell reviewed the request with the Committee and stated that the Planning Commission recommended approval of the amendments as presented by staff with the additional change that "engineer" be changed to "professional engineer".

Mr. Mitchell briefly reviewed the changes with the Committee and stated that some of the Developer's Council's recommended changes were incorporated in with staff's amendments.

Mr. Santos moved to recommend to Town Council approval of the amendments to Chapter 155 as presented by staff. Mr. Swails seconded the motion.

Ms. Stokes-Marshall asked the reason for the one year automatic renewal on the pond bonds. Mr. Mitchell answered that this would allow time for staff to complete inspections and the developer to make any corrections or repairs before the system was taken over by the Town or before drawing down on the bond.

Mr. Santos asked if the bond would be effective if the developer filed bankruptcy. Mr. Mitchell answered in the affirmative and stated that the surety company would ensure payment of the bond amount.

Ms. Stokes-Marshall called for a vote on the motion. All in favor.

b. Request to rezone from R-1, Low Density Residential, to OP, Office Professional, a parcel of land measuring approximately 7,800 square feet, located on the north corner at the intersection of Mathis Ferry Road and 6th Ave., identified by TMS# 514-11-00-151.

Ms. Farrell briefly reviewed the request with the Committee and stated that the applicant has requested in writing a withdrawal of the request. She noted that in accordance with the Town's Code of Ordinances, a withdrawal is tantamount to denial and requires a one year waiting period before the same request could be made.

Mr. Santos moved to recommend to Town Council denial of the request per staff. Mr. Swails seconded the motion. All in favor.

c. Request to rezone from R-2, Low Density Residential, to R-3, Medium Density Residential, two abutting lots located at 1368 Pherigo and 730 Atlantic Street, identified by TMS nos. 532-06-00-102 and 532-06-00-103 and totaling approximately 25,000 square feet in area.

Ms. Farrell reviewed the request with the Committee and noted that there is a ten foot discrepancy on the plat regarding the carriage road between the property and Hill Street and stated that this would be addressed with the Town's attorney prior to final reading.

Mr. Burdette asked if a right-of-way abandonment proceedings would be required. Ms. Farrell answered that it did not appear that this would be the case and that it may be possible that this could be remedied through the deed. Mr. Burdette asked if it was a Town or State right-of-way. Ms. Blatchford answered in the negative and indicated that area in question on a map for the Committee. She stated that the plat incorrectly shows the parcel being 180 feet instead of 190 feet.

Mr. Swails moved to recommend to Town Council approval. Mr. Santos seconded the motion. All in favor.

d. Request to annex and zone RPH, Residential Patio Home, an approximate 2 acre lot located on Joseph Glover Rd., identified by TMS# 583-00-00-112.

Ms. Stokes-Marshall recused herself due to a conflict of interest and turned the meeting over to Mr. Santos.

Ms. Farrell reviewed the request with the Committee and stated that it is scheduled for a public hearing at the April Town Council meeting on April 10th. She stated that this would be a Habitat for Humanity She stated that the Phillips Community opposed the project due to the annexation of the property and the increased density being requested. She stated that the Planning Commission recommended denial of the request on a 5 to 3 vote.

Mr. Swails stated that the Town wants more affordable housing.

Mr. Burdette stated this is a rare opportunity to purchase property and have a "true" affordable housing project in the Town. He suggested that there is a dilemma with the project because of the opposition from the surrounding community. He asked staff is lowering the number of units might be a way to make the project more agreeable to the Phillips Community. Ms. Farrell answered that this was discussed with staff and the applicant previously and whether to request certain concessions from the Town's land development regulations regarding alleviation of fees, having private streets, etc., but staff thought it might not be prudent to request such. Mr. Burdette asked if it was known the minimum number of units that would be needed in order to have the affordable housing. Ms. Farrell answered that she was not sure if a minimum number of units was known at this time.

Mr. Swails stated that affordable housing is needed in the Town and that this project was an opportunity to have affordable housing.

Mr. Santos asked if there was another affordable housing project. Mr. Burdette answered in the affirmative and stated that the Nehemiah Corporation is working on an affordable housing sight off of Highway 41. Mr. Santos asked what the density would be for the Nehemiah project compared to this project. Ms. Farrell answered that the Nehemiah project would have a density of 5.4 units to the acre and this project is proposed at 6.02 units per acre. Mr. Santos agreed that this is a good opportunity to build affordable housing and that this is what the Town is working toward.

Mr. Burdette asked if the grant program for impact fees could also provide funds for other fees such as plan review fees, permit fees, etc. Ms. Farrell answered in the negative. Mr. Burdette stated that Town Council could make further concessions to waive these fees if desired.

Mr. Swails moved to recommend to Town Council approval of the request. Mr. Santos seconded the motion.

Pastor Brown, 378 Mathis Ferry Road, stated that he supports affordable housing and suggested that this project would be good for the community.

Mr. Richard Habersham, Phillips Community president, expressed concern with the density changing the character of the community and suggested that the project should be built at the current density. He expressed concern that approval of this project with the increased density would set a precedent for future projects in the area. He suggested that the community should have a decision on what should be allowed in their community and that their desires should be considered.

Mr. Santos called for a vote on the motion. All in favor, with Ms. Stokes-Marshall abstaining.

e. **Request to annex and zone OP, Office Professional, and R-1, Low Density Residential, a 4.72 acre portion of an approximate 11-acre tract of land located at 2713 Highway 17 North, identified by TMS# 578-00-00-092.**

Ms. Farrell reviewed the request with the Committee and stated that the Planning Commission recommended approval. She stated that the Annexation Committee expressed concern that the residual eleven acres was not included in the request for annexation and stated that the owner has submitted a petition for annexation this morning.

Mr. Burdette stated that if desired, a special Annexation Committee meeting could be held prior to the Town Council meeting to discuss the annexation of the residual eleven acres.

Ms. Farrell stated that the balance of eleven acre portion has been proposed to possibly be a community center that could be allowed as a special exception under the proposed R-1 zoning. Mr. Burdette stated that CDBG funds could be secured for a park in this area as well, if desired.

Mr. Santos moved to recommend to Town Council approval of the request. Mr. Swails seconded the motion.

Mr. Collins noted that the Annexation Committee recommended deferral so they could contact the property owner to see if the entire parcel be annexed at the same time and asked if the owner was willing. Mr. David Stevens answered in the affirmative and stated that the owner of the property is willing to annex the entire parcel and a petition for annexation has been submitted.

Ms. Stokes-Marshall called for a vote on the motion. All in favor.

f. **Request to annex and zone AB, Areawide Business, land totaling approximately 4.3 acres and being the remaining portions of 3 lots located on Gregorie Ferry Road, identified by TMS nos. 580-00-00-019, 020 and 021, portions of said lots having been previously annexed.**

Ms. Farrell reviewed the request with the Committee and stated that the Planning Commission recommended approval.

Mr. Burdette asked about Porcher Bluff and where the proposed alignment would be. Ms. Blatchford indicated on the map the location of the Porcher Bluff Road and the proposed alignment. Mr. Burdette asked if this alignment would impact this property. Ms. Farrell answered that it was possible. Mr. Burdette suggested that this should be discussed further with the Transportation Engineer and the developer and a more definite alignment known prior to final reading.

Mr. Swails asked about the drainage concerns in this area. Mr. Tom Gibbs, developer, answered that he is still working with staff to get this resolved.

Ms. Stokes-Marshall agreed that a more definite alignment of Porcher Bluff Road should be known before final reading.

Mr. Santos moved to recommend to Town Council approval. Mr. Swails seconded the motion. All in favor.

g. **Request to rezone from RTH, Residential Townhouse, to RPH, Residential Patio Home, a 2.74 acre portion of an 8.6 acre parcel of land identified by TMS# 598-00-00-030, located at Gregorie Ferry Road.**

Ms. Farrell reviewed the request with the Committee.

Mr. Swails moved to recommend to Town Council approval of the request. Mr. Santos seconded the motion. All in favor.

h. **Request to rezone from R-1, Low Density Residential, to LI, Light Industrial, an approximate 6.31 acre parcel of land located adjacent to the Town of Mount Pleasant Six Mile Road Maintenance Facility, identified by TMS# 558-00-00-561.**

Mr. Swails moved to recommend to Town Council approval of the request. Mr. Santos seconded the motion. All in favor.

4.a. **Request to annex and zone AB, Areawide Business District and CBS-OD, Coleman Boulevard - Ben Sawyer Boulevard Overlay District, an approximate one-half acre parcel of land located at 1021 Rifle Range Road and identified by TMS# 532-11-00-143, to be included in the development known as Mount Pleasant Square.**

4.b. **Request to amend the CBS-OD, Coleman Boulevard - Ben Sawyer Boulevard Overlay District Height Limit Plan as reflected in the Town of Mount Pleasant Building Height Plan increasing the height limit from thirty five feet to forty feet and fifty five feet for portions of the development known as Mount Pleasant Square, located at the intersection of Ben Sawyer Blvd. and Rifle Range Rd., which parcels are specifically identified by TMS#'s 532-11-00-139, 142, 143, 146, 151, 170, 176, 178, and which comprises approximately 14.35 acres of land, with Revised Impact Assessment and Sketch Plan.**

Ms. Farrell suggested that these two items be reviewed together with separate motions and reviewed the requests with the Committee.

Mr. Santos asked what the tree replacement requirement would be if the trees that are proposed to be moved do not survive. Ms. Farrell answered that by ordinance, the developer would have a 100% replacement requirement.

Ms. Stokes-Marshall expressed concern about retail facing Rifle Range Road. Ms. Farrell answered that this was a concern of both staff and the Planning Commission and both agreed that

it would be better to have a limitation on retail facing Rifle Range and that residential of office uses may be more compatible with the character of Rifle Range.

Mr. Burdette suggested that the focus of the retail should be Coleman Boulevard.

Ms. Stokes-Marshall suggested that this should be reviewed before final reading. She asked about the additional parking being requested. Ms. Farrell answered that the request is for 1.4 spaces per unit as opposed to the Town's requirement of 1 space per unit. The Planning Commission recommended consideration towards this request. She stated that one of the goals of the Coleman overlay district was to have reduced parking to reach a more urban balance.

Mr. Burdette asked how many more spaces are being requested. Ms. Farrell answered that they are requesting approximately 100 additional parking spaces.

Mr. Santos suggested that the applicant be prepared to address these issues at the Town Council meeting. Ms. Farrell stated that she was not sure where the applicant was in terms of addressing the concerns of the Planning Commission and this Committee.

Mr. Satish Lahti, developer, stated that in regard to having retail facing Rifle Range Road, they have amended the plan to only have retail on the corner building areas, with the store fronts away from Rifle Range Road and along Disher Drive.

Mr. Burdette stated that staff does not think that retail facing Disher Drive should necessarily be required and suggested that residential uses would be preferable.

Mr. Lahti stated that they would review the concerns and see how they could be addressed. He stated that regarding the additional parking, it was based on the number of bedrooms for the residential uses. He stated that it is assumed that a two bedroom home would potentially have two vehicles and is the reason for the additional parking.

Mr. Santos agreed that there should not be any commercial facing Rifle Range Road.

Ms. Stokes-Marshall expressed concern with there being any retail uses facing Rifle Range Road, including uses on the corners of the buildings, because it would not be compatible with the residential nature of Rifle Range Road.

Mr. Santos suggested that it would be difficult to make a left turn onto Rifle Range Road from the shopping center and asked if the developer considered having this be a right out only. Mr. Lahti answered that because of the amount of traffic on Rifle Range Road and the difficulty of turning left, it would probably be a right out only turn by default. Mr. Larry Meisner, Kimley-Horne and Associates, stated that the shopping center has several access and suggested that these other accesses would be utilized during peak hours. Mr. Santos suggested that this was an assumption and asked if the intersection could be signalized. Mr. Morrison answered in the negative and stated that because of the proximity to Ben Sawyer, a signal would not be feasible.

Mr. Burdette suggested that this shopping center had the most access points of all the centers in Mount Pleasant.

Ms. Stokes-Marshall asked if signs could be erected to encourage drivers to use the other accesses. Mr. Morrison answered that drivers will seek the least resistant route.

Mr. Santos moved to recommend to Town Council approval of the request to annex and zone AB, Areawide Business District and CBS-OD, Coleman Boulevard - Ben Sawyer Boulevard Overlay District, an approximate one-half acre parcel of land located at 1021 Rifle Range Road and identified by TMS# 532-11-00-143, to be included in the development known as Mount Pleasant Square, with the stipulation that the developer work with staff regarding reconsideration of commercial uses facing Rifle Range Road, including at the corner buildings and that there should only be residential uses on Disher Drive. Mr. Swails seconded the motion. All in favor.

Mr. Santos moved to recommend to Town Council approval of the request to amend the CBS-OD, Coleman Boulevard - Ben Sawyer Boulevard Overlay District Height Limit Plan as reflected in the Town of Mount Pleasant Building Height Plan increasing the height limit from thirty five feet to forty feet and fifty five feet for portions of the development known as Mount Pleasant Square, located at the intersection of Ben Sawyer Blvd. and Rifle Range Rd., which parcels are specifically identified by TMS#'s 532-11-00-139, 142, 143, 146, 151, 170, 176, 178, and which comprises approximately 14.35 acres of land, with Revised Impact Assessment and Sketch Plan, with the stipulation that the developer confirms commercial use areas. Ms. Stokes-Marshall seconded the motion.

Ms. Stokes-Marshall asked if the height requested is consistent with the height restriction for the Coleman Boulevard overlay district. Ms. Farrell answered in the affirmative.

Ms. Stokes-Marshall called for a vote on the motion. Motion passed on a 2 to 1 vote with Mr. Swails being opposed.

5. Discussion of zoning and setback requirements in portions of old Mount Pleasant

Ms. Farrell stated that in the old Mount Pleasant areas there are non-conforming lots that when the owner wants to do renovations or additions to his home, find it difficult to do because of the setback requirements. She stated that in reviewing the variance requests to the Board of Zoning Appeals, a number of them were regarding setbacks and most in the old Mount Pleasant area. She stated that staff would like to review the current setbacks and possibly suggest some amendments.

Ms. Stokes-Marshall asked if the amendments would pertain to the Old Village historic area of Mount Pleasant. Ms. Farrell answered in the negative. Ms. Stokes-Marshall suggested that this should be accomplished.

The Committee agreed to direct staff to look at possible amendments pertaining to zoning and setbacks for portions of old Mount Pleasant.

6. Discussion of draft Central Mount Pleasant Development Agreement

Mr. Burdette stated that he asked Mr. Fava to give a presentation so that the Committee could better visualize what the development would look like.

Ms. Farrell stated that staff met with the applicant to address details of the development agreement. She stated that staff received a letter from Mr. Fava addressing some of the issues discussed in the meeting with staff and also included revised trip generation numbers.

Mr. Fava distributed a copy of his letter to staff for the Committee to review and stated that Mr. Tim Keane would review photos that are representative of what they envision the development would look like.

Mr. Keane briefly reviewed the project with the Committee and gave a PowerPoint presentation on how they envision the development once completed.

Mr. Burdette asked about the picture of a development in San Francisco and what the height of the structures was. Mr. Keane answered that the height was approximately 60 feet in height, which is slightly taller than what they are proposing. Mr. Burdette asked if the scale and width of the Excelsior Grand in Minnesota is similar to their development. Mr. Keane answered that it would be slightly wider than the Minnesota development. Mr. Burdette asked what the size of the Birkdale Village was and if it was comparable to their development. Mr. Keane answered in the affirmative.

Mr. Swails asked if the main street would be Hungryneck Boulevard. Mr. Keane answered in the affirmative. Mr. Swails asked if this development would be similar in size to Belle Hall. Mr. Burdette answered that Belle Hall is a larger development (87 acres) than the mixed use tract, the height restrictions would be different, and the residential use is not integrated into the commercial, as it would be for this development.

Mr. Fava stated that this development would be a true mixed use development with the commercial and residential uses side by side.

Mr. Burdette stated that there are "glass ceilings" in communities as they are in the business world that at some point must be broken. He suggested that this development might be one of those instances where the glass ceiling could be broken and suggested that this may be the best location for this type of development. He stated that Hungryneck Boulevard Ph 2 would not function the same as phases 1, 3, or 4, and can take on the role of a more downtown feel than the other phases of Hungryneck Boulevard.

Mr. Swails asked if the developer would like to dedicate the right-of-way to the Town in lieu of impact fees. Mr. Fava answered in the affirmative. Mr. Swails stated that it would be a significant amount of money to fill in the lake and build Hungryneck Phase 2 and suggested that a more cost effective option would be to move the alignment of this phase of Hungryneck Boulevard. Mr. Fava stated that they envision a partnership with the Town for the construction of this phase of Hungryneck Boulevard. He stated that the developer is proposing to fill in the

lake and are asking that the Town confirm the original fund allocation for the construction of this road. Mr. Swails suggested that a different alignment would be better for the Town. Mr. Fava stated that the commercial was desired to be closer to the road and the diversity of the commercial increases the Town's tax base. He stated that they want a project that is resident and community friendly.

Mr. Burdette asked if the driving speed would be lower for Hungryneck Phase 2. Mr. Morrison answered in the affirmative and stated that the posted speed would be 30 mph as opposed to the 35 mph posted speed further down Hungryneck Boulevard. He stated that the project would meet the LOS standards.

Mr. Fava stated that there would be interconnectivity from this project to Rifle Range Road.

Mr. Burdette stated that the Town sees an opportunity to partner with the developer for the construction of Hungryneck Boulevard Phase 2.

Ms. Stokes-Marshall stated that she wanted to ensure that there was an equal cost sharing for the construction of the road. Mr. Fava stated that they are working with the Town Attorney and Mr. Paul Trouche regarding the cost sharing for the construction of Hungryneck Boulevard.

Mr. Swails thanked the developer for the presentation and that he is more comfortable with the vision of the project, but is still concerned with the density being proposed.

Mr. Burdette noted that this development would have easy access to a federal highway, which is a benefit. He asked about the height of the hotel that was depicted. Mr. Keane answered that the hotel was approximately 80 feet in height, which is taller than the height they are proposing for the hotel.

Mr. Fava stated that they will continue to work with staff as necessary, but asked that the Committee and Town Council consider approval for first reading at the April Town Council meeting, with any additional issues to be worked out before final reading.

Mr. Burdette noted that a public hearing would be held at the April Town Council meeting on this project. He stated that staff is still working out details with the developer regarding the development agreement and stated that they would not have all of the issues resolved before the Town Council meeting, but if desired, Town Council could move forward with first reading.

There being no further business, the meeting adjourned at 3:10 p.m.

Submitted by,
L. Lynes
PlanComm04032007

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
MAY 1, 2007

MINUTES

Municipal Complex, Conference Room 103

Members Present:	Mayor Hallman, Chair, Kruger Smith, Paul Gawrych, Thomasena Stokes-Marshall
Also:	Billy Swails
Staff:	Mac Burdette, Joel Ford, Brad Morrison, Paul Lykins, Acting Chief Sewell

Mayor Hallman called the meeting to order at 9:00 a.m.

1. Approval of Minutes

Mr. Smith moved for approval of the minutes of the previous meeting; seconded by Ms. Stokes-Marshall. All present were in favor.

2. Update on Ben Sawyer Bridge

Mr. Burdette stated funding for the Ben Sawyer Bridge has been reinstated. The estimated cost is $25 to $30 million, 20 percent of which is State match and the remaining is Federal. He stated given the fact that the environmental documentation process was almost complete when the project was put on hold, it will now be completed with another public meeting and a public hearing. This will be coordinated with the highway administration. Mr. Burdette indicated a report was published indicating there are sever steel conditions on Ben Sawyer Bridge. He suggested his thought is that report in the paper maybe reason the funding being reinstated. Mr. Burdette stated the current schedule anticipates the letting of the construction in the fall of 2008. He added Parsons Brinckerhoff will continue to be the engineering firm performing the design. The Federal Highway Administration does not support the use of the bridge replacement funding for construction of additional bike/pedestrian facilities on the causeway. Mr. Burdette stated one of Council's stipulations was Council would sign off on the design of the renovation provided that a bike/pedestrian lane was included. He stated that is something Council is going to have to reevaluate in light of this information. Mr. Burdette suggested he was not sure how much additional pressure could change their mind in that regard.

Mayor Hallman stated it takes two to approve the bridge. If the Town is not going to get anything out of it he does not see why the Town is dealing with it.

Mr. Burdette stated the bridge needs to be done; otherwise it will hurt the Town economically.

Mayor Hallman asked if this was the Town's bridge or Sullivan's Island.

Mr. Burdette indicated it was half and half. The Town has to sign off on the plans and Council can condition that anyway they would like. He added he wanted to make sure the Committee understood the information staff has received says the Federal Highway Administration is not

willing to use any of these funds for bike, trail walks, or pedestrian lanes leading up to the bridge from the causeway. He suggested it was up to Council as to where they wanted to go with that.

Mr. Smith asked if Ice-Tea grants could be used.

Mr. Burdette stated they could put in for it but they are not sure if the Town would received any funds.

Ms. Stokes-Marshall asked if there was any indication of what the bike lanes would cost.

Mr. Burdette responded in the negative.

Mr. Morrison suggested not at this point. He added when talking with the program manager for this area he indicated they would be willing to do some design work within this contract to determine the feasibility of adding a bike/pedestrian lane. He stated he feels any modification to the causeway is going to put the Town need to get OCRM's approval because they are going to get into the marsh by constructing a bike facility. He suggested the Federal Highway Administration's concern is not only the cost but also having a permitting issue hold up the entire project.

Mr. Burdette suggested the Town could request state funding.

Mr. Lykins stated the bridge itself will have bike/pedestrian lanes.

Mr. Burdette stated there will be bike lanes on one side of the bridge with no connecting sidewalk or bike lane on the causeway. He suggested that does not make any sense.

Mr. Smith asked if there was anyway to can leaver the bike path to keep it from going into the marsh.

Mr. Morrison stated the Committee needs to make sure they understand the structure itself is going to be replaced and will accommodate bikes with 14 lanes and a side walk facility within the bridge structure. Council is to pushing for a sidewalk on the causeway.

Mr. Burdette suggested what is in place currently does not meet any standards.

Mr. Morrison stated the Town had to get a permit for moving the sidewalk a foot toward the critical line.

Mr. Ford stated that path had been in place prior to him coming to the Town. He suggested the Town received one grant years ago to overlay. He stated it seems at the very least the Town could get C-funds to improve it further.

Mr. Morrison stated the sales taxes were something discussed at the meeting on Sullivan's Island as a potential funding source.

Mr. Burdette stated staff could ask.

Mr. Gawrych stated the Town has talked about this for some time. Originally there was $27 million allocated for the bridge and the Town has always talked about a bike path that would tie into what is being done on Coleman and eventually tie into the Arthur Ravenel Bridge. He stated he is not sure how to get there so he would look to Mayor Hallman for advice as to who to speak with. Mr. Gawrych stated he feels everyone is aware of how important it is to do this for the Town. He stated he wrote Senator Campsen two years ago about this and it got lost in the shuffle and he did not pursue it.

Mayor Hallman stated if the Committee was in acceptance he would go to the appropriate individuals to see what help the Town can get.

Mr. Smith asked what the estimated cost was.

Mr. Burdette suggested it would be more then $500,000. Mr. Burdette asked when staff believed this would be coming back to Town Council for approval of a concept.

Mr. Morrison stated his assumption would be that would occur right after the public meeting.

Mr. Burdette suggested Council will have the opportunity to state whether they support the project or not in the next several months. He stated that is when Council needs to decide if they are going to hold firm on their original position or not.

Ms. Stokes-Marshall asked if staff was aware of what Sullivan's Island's position was on this matter.

Mr. Burdette stated they just want the bridge fixed. If they end up with a better bike lane they will be very happy but if they do not they will just live with it. He indicated they would support it and write letters.

Mr. Gawrych suggested one of the things Sullivan's Island said if the bike lane became a problem they wanted nothing to do with it.

Mr. Burdette stated their first priority is the bridge.

Mr. Smith stated he had not heard anything about the Highway 41 Bridge.

Mr. Gawrych suggested he could speak about that after concluding the business regarding the Ben Sawyer Bridge. He stated that was discussed at CHATS last week.

Mr. Burdette indicated when the Town does have the opportunity to comment again they will go back and restudy all notes made regarding lane closure because there are businesses that will be jeopardized by any major closing of the road. The agreement was they would keep open except for a seven day period. Staff will need to revisit that information.

Mr. Gawrych stated last week during the CHATS meeting he asked SCDOT where the Highway 41 Bridge stood. He stated currently SCDOT views this as a project that has no funding.

Mr. Morrison stated it is a project that has no funding but what SCDOT did commit to Mr. Gawrych upon his question was to go ahead and resolve this issue of height.

Mr. Gawrych stated SCDOT representative stated they would look into the height issues. Mr. Gawrych indicated to the representative that he was glad he would look into it but there is a letter from the Town and from Berkeley County that says they both agree to a height. He stated he has exchanged some email with Senator Grooms but his hand are full and he just commits when they get some light with everything he will do his best to look back into the Wando Bridge situation.

Mr. Morrison stated SCDOT does not want to build a 45 foot bridge. They are supporting the Town and Berkeley County's application for the lower height.

Mr. Burdette suggested they also do not want to get sued by the sailboat owner.

Mr. Gawrych noted that boat has been removed.

Mayor Hallman asked staff to look back into the Highway 41 Bridge to see who he can correspond with.

3. Road connection – Porchers Buff/Hwy 41

Mr. Burdette stated there have been a lot of questions from Council regarding recent approvals of land development in the Porchers Bluff/Highway 41 area as to how the connector road would actually work. He stated that road is being turned over to Thomas and Hutton for design.

Mr. Lykins suggested that is being considered. He added as part of the Hungryneck Phase IV project it has always been known that there needed to be a connection from Highway 41 to Hungryneck Boulevard. Mr. Lykins showed past connection thoughts on the map. He indicated the current option is to have a connection at Porcher Bluff Road. There will be an intersection on Highway 41 at the Colonnade and the road will proceed across property owned by Laurel Hill and tie into Gregory Ferry Road.

Mr. Burdette stated based on experience to date this may be a condemnation issue.

Mr. Lykins suggested the road will also go through the development which is in the planning process and then tie into Highway 41.

Mr. Burdette indicated there are some issues at Highway 17 with property owners who are probably not going to work with the Town.

Mr. Lykins stated there was some impact to the storage buildings and a home.

Mr. Burdette indicated they would not take a house but there is need for a small portion land. He suggested this could possibly be a situation that cannot be negotiated. Mr. Burdette asked when staff thought the design for the road would be complete.

Mr. Lykins suggested staff needs to negotiate a scope of services and fee with Thomas and Hutton. He added they have already completed a section of this designed. He stated the Town could probably be done in the next 60 days.

Mr. Burdette asked how much of this would need to be built by the developer and how much will be the Town's responsibility.

Mr. Lykins suggested a majority will be the Town's responsibility. He stated approximately one third would need to be done by the developer.

Mr. Burdette stated this would be an eligible project for impact fees if Council wishes. He stated this project is estimated to be a two year project.

Mr. Morrison stated one of the questions was in reference to the right of way issue. He stated Gregory Ferry Landing is a public road so it is automatically dedicated right of way to the Town and will be constructed by the Town.

Mr. Ford indicated the crucial area is Highway 17.

Mr. Burdette suggested the Town may be able to work something out with Laurel Hill. He stated he would not think the condemnation cost will be tremendous based on its zoning and uses. He suggested there appears to be some wetlands and that is a permit issues. Mr. Burdette reiterated this was approximately a two year project and by that time the Town should be able to handle the funding.

Mr. Gawrych indicated, as he said at the retreat, this is all very much needed. He stated this was being talked about at the same time they were talking about completion of Hungryneck Phase IV; he added he would not want this project to be tied with Phase IV because of not knowing when Phase IV will coming online.

Mr. Burdette stated if this project was ready before Phase IV they would move forward. If it happens to coincide and can be bided at the same time that would be wonderful but it not they will move forward.

4. I-526 speed limit study

Mr. Burdette indicated the study came out and it was said that 65 MPH is what the speed limit should be and SCDOT does not agree with reducing the speed limit.

Mayor Hallman asked if they set the speed limits.

Mr. Morrison responded in the affirmative. He stated Council has the report and he would be happy to go into as much of the technical detail as the Committee would like. He added generally SCDOT looks at what is called the 85 percentile which is a reasonable and comfortable speed for drivers. This gives a good indication of the comfort level. He stated three sections were studied, one was posted at 65, another at 68 and the others were 64.2 and 63.

Mr. Burdette asked why the section through most of Daniel Island is 60 MPH. He asked what causes that to be a reasonable speed in that area and then have it increases to 65.

Mr. Morrison stated he was not sure if that has something to do with the Clements Ferry Road interchange being more active. He suggested he was not exactly sure of the answer to the question.

Mr. Burdette asked what thought was different about that area. He stated he felt this was unusual.

Mayor Hallman suggested it could relate to the population.

Mr. Burdette stated there are as many people in the Bell Hall area.

Mr. Morrison indicated he did not have the answer to the reasoning.

Mr. Burdette requested that Mr. Morrison ask the state what the difference is.

Mr. Gawrych thanked staff, SCDOT, Prentis Findlay and especially Acting Chief Sewell and his staff for the assistance in addressing this matter. He stated he feels the word has gotten out that when you enter Mount Pleasant they better slow down.

Mr. Burdette asked Major Sewell to discuss the latest enforcement program for the area.

Acting Chief Sewell indicated the Police Department is going to continue enforcement in the area. Currently the two major speedways are the Ravenel Bridge and I-526. He indicated speeds are getting above 100 MPH. Acting Chief Sewell indicated he personally does not like the look of having multiple cars out in the enforcement but there is no another way to deal with this. He stated he feels this method will get the best results.

Mr. Burdette asked if unmarked cars are used.

Acting Chief Sewell responded in the affirmative and added they are used particularly on the aggressive driving defenses. He stated they are trying to leave a car to shoot the radar and then

are sending marked units after it. He reiterated they are also using unmarked cars for aggressive driving behaviors. He stated those are the people who are changing lanes and speeding in and out without their turn signals.

Mr. Burdette stated truck travel is getting heavier and heavier. He asked if the Police Department was observing any violations from the trucking industry.

Acting Chief Sewell stated they are not finding the truck drivers to be speeding as much as the motorist.

Mr. Gawrych thanked everyone for the outstanding working. He stated he feels the word is out.

5. US 17/I-526 Intersection Improvement Project

Mr. Burdette indicated staff wanted to make sure the Committee was aware that the Town has signed the intergovernmental agreement with the State Infrastructure Bank (SIB). It will be going out this afternoon. He asked Mr. Morrison to talk about why it was important for the Town to get their agreement signed before anyone else.

Mr. Morrison stated he feels everyone realizes the funding issues with the SCDOT and the Infrastructure Bank. He added it appears the Infrastructure Bank might be the primary funding source for large capital projects. He suggested there are a lot people in line to get money coming from the SIB. Town Council originally submitted the application over two years ago and it got approved.

Mr. Burdette indicated HDR was helpful with getting this done. He added the Town is also signing a contract with HDR to begin the design process. Mr. Burdette indicated there is $7 million available for design and land acquisition. He added staff was aware it would take more for land acquisition but there would be enough for design and there should be approximately $4.5 million for land acquisitions. Mr. Burdette suggested as the Town gets further into this they can go back to the SIB and let them know how much as been used and request additional funding.

Mayor Hallman indicated he feels anything that happens now will be strongly supported.

Mr. Burdette stated if the Town can get this project done in a timely fashion and do it according to policy he feels that will be very impressive if the Town every has to go back and asked for additional funds.

Mayor Hallman stated he felt Mr. Morrison was on target. There has been a reluctance to get an agreement on the Highway Department politically. He added that he sees them as taking government money that is coming down from Washington and letting that fund small projects within the highway authority itself and then use the Infrastructure Bank for six or eight large projects.

Mr. Morrison suggested this is an accelerated project. This is an aggressive schedule to get the bid in a time and an environment for the construction industry that will benefit the Town as far as the cost goes.

Mr. Gawrych asked what the anticipated schedule is.

Mr. Morrison suggested August 2008 start construction. He stated they are moving as fast as possible.

Mr. Burdette stated the representative of the bank as already said they are looking at Central Mount Pleasant if the bank is bought. He suggested there have been discussion with other properties.

6. Update – ongoing projects

Mr. Burdette stated he asked Mr. Lykins to provide the Committee with a detailed report of the process on Hungryneck Phase IIA, III, Whipple Road widening, and Bowman Road. Those are the projects that the Town has the money for and are very far along in design if not completed. Mr. Burdette stated this is a lot of work and he want to impress that on the Committee.

Mr. Lykins indicated prior to speaking about those specific projects he wanted to summarize the construction schedules for all projects. Hungryneck Boulevard IIA started yesterday, it is anticipated that Wingo Way will start on August 15, Whipple Road will start in September, and the tentative schedule for Hungryneck Boulevard Phase III has always been November. There are some things to be done with ground improvements and wetland and permitting and things of that nature. Due to the extensive amount of underground utilities and the design and permitting that staff has to do they are looking at some time in November 2008 before starting construction on Bowman road. Based on the schedule just laid out the Town is going to be under construction for the next four or five years non stop. More specifically, the bid process will start on Wingo Way next month and go to construction in August with a completion date in March.

Mr. Burdette asked if the Town had the right of way.

Mr. Lykins indicated they are still working on that task. He stated he does not anticipate any problems. The Ginn Company has submitted a title for real estate for the property and Mr. Young is reviewing that. The plat is complete and he has given all the copies to the Ginn Company for them to dedicate the right of way.

Mr. Burdette suggested there is approximately $800,000 left.

Mr. Lykins indicated Council did add to that.

Mr. Burdette suggested there is approximately $1.2 million. He asked if the estimated included bike lanes on both sides.

Mr. Lykins stated the project has a bike lane on one side and a hiker/biker trail on another side.

Mr. Burdette asked if it also included decorative lighting and curb and gutter and some landscape.

Mr. Lykins responded in the affirmative.

Mr. Burdette asked if there a bridge where crosses the marsh.

Mr. Lykins indicated it was just pipes. He stated the project will take some time to build because as part of the project there will be some sidewalk improvements on existing Wingo Way as well as a right turn lane from Mathis Ferry Road. There are bad soils at Patriots Point that need to be surcharged and that will add 60 to 90 to the project.

Mr. Burette stated the park is going to be opened in Christmas 2008. He asked if road would be ready to go by the opening of the park.

Mr. Lykins indicated the road would be complete in March 2008.

Mr. Gawrych stated he does not want the one right of way issue to get away from anyone.

Mr. Lykins stated the OCRM permit was received today and staff is coordinating with Mount Pleasant Waterworks on water and sewer.

Mr. Lykins suggested Rifle Range/ Six Mile is a small project. The plans are completed and staff has submitted them to SCDOT for review because that is their road. There are some small right of way acquisitions. Staff hopes to begin that process in June and start the bid process in August.

Mr. Burdette suggested the funding has been available for some time.

Mr. Lykins suggested staff would probably need to look at the funding on that because these plans have been sitting for two years.

Mr. Smith stated the residents in this area have always complained about the fact that they did not want stop signs or turn lanes.

Mr. Burdette stated they want traffic lights.

Mr. Smith stated the Town is putting in turn lanes.

Mr. Burdette stated that is all the Town can put in according to SCDOT.

Mr. Smith asked what the residents sentiment on turn lanes.

Mr. Burdette stated staff discussed this with the Council and Council agreed at this point the Town is doing what is right for the public.

Mr. Ford stated it is not that the residents are against the turn lane it is just that they wanted to the traffic lights installed when the turn lanes went in. He added the problem is this is SCDOT's road and it did not meet the warrant test.

Mr. Burdette stated the turn lanes are needed because this is an unsafe intersection.

Mr. Ford suggested staff will pursue the traffic signal in the future.

Mr. Burdette indicated it should have been a roundabout and initially it was said that a roundabout was acceptable but they then went back and said it was not needed. Mr. Burdette stated this has been a difficult process and staff feels it is time to move on.

Mr. Lykins stated construction started Hungryneck Phase IIA on Monday and will be completed in November.

Mr. Burdette stated that road was going no where. He stated he presumed the Town will block it off.

Mr. Ford suggested it would be blocked at the Hasell Property.

Mr. Burdette asked why it would not be blocked off at Bowman Road.

Mr. Ford stated there is an economic development site.

Mr. Burdette stated they would be using the access from Stuart Engles.

Mr. Ford stated he was talking about when they get going.

Mr. Lykins suggested the Shellpoint or the Watermark Development will be used for access.

Mr. Burdette asked what the latest on the Shellmore Development.

Mr. Ford suggested they are pulling permits.

Mr. Lykins stated staff has met on the Whipple Road project and laid out a schedule for the bid process. The bid process starts in June. He stated this is longer bid process because of the July 4 holiday. He stated staff would like the contractors to take their time and provide a good bid because this is a major widening project. He suggested the Town is also giving the utility companies to move their facilities. The project will go out for bid in June and award a contract in September. Mr. Lykins indicated this will be a 12 to 15 month project with estimated completion in October 2008. He suggested staff is working on the traffic signal design, permitting, and utility coordination.

Mr. Burdette asked if staff saw anything that could possibly hold up the anticipated completion date.

Mr. Lykins responded in the negative.

Mr. Burdette asked if there was any land acquisition.

Mr. Lykins responded in the negative. He stated everything was by permission. Mr. Lykins added there are some individuals staff is have hard time getting permission from but changes will be made and they will be able to move around it.

Mr. Burdette asked what would be done to keep the flow of traffic on Whipple going as best possible during the construction phase.

Mr. Lykins suggested there would be no day time closures. There will have to be night work. Mr. Lykins indicated that would not be an easy process because there is no room to work.

Mr. Burdette asked if that would cause a price issues.

Mr. Lykins stated it could but based on the recent bids he feels the prices are relatively good.

Mr. Gawrych stated the construction price increase is much better then the right of way price increase.

Mr. Burdette asked if sidewalks would be located on both sides.

Mr. Lykins responded in the affirmative.

Mr. Burdette asked if lighting was included.

Mr. Lykins suggested there was a $20,000 lighting budget. He suggested there are a couple of overhead lights at the intersection and four or five decorative lights in the medians.

Mr. Burdette stated currently there is no lighting. He asked if that was serviced by Berkeley Electric.

Mr. Lykins indicated the area was services by SCE&G.

Mr. Burdette added the powerlines will go under ground. He added the Town does have the issue the Town approved with Mount Pleasant Waterworks relocation of its water and sewer lines to the Town's property. They will have to go back and re-vegetate the tree lines that are going to be obliterated. Mr. Burdette stated this is going to be a very nice road.

Mr. Smith asked if the construction project that is going on will interfere with this project in any way.

Mr. Ford responded in the negative.

Mr. Burdette suggested staff would need to set up a meeting with the school district to inform them of what will be taking place with this project.

Mr. Lykins stated staff has completed the right of way plans for Hungryneck Phase III. Staff will be turning those right of way plans over to the agent to get a price to acquire the properties. Mr. Lykins indicated he anticipates right of way acquisition starting in approximately 60 days. As part of the right of way acquisition process staff will look into acquiring some parcels in the vicinity of Six Mile Road which will be needed for Phase IV.

Mr. Burdette asked what property would need to be bought for Phase III itself.

Mr. Lykins indicated the Town would have to buy some of the Waters Edge HOA property. He suggested they would be dedicating what would be needed to get the new entry sign but there is some high ground near the front of their development.

Mr. Burdette asked if the HOA was going to make the Town pay for that.

Mr. Lykins indicated he was not sure of that.

Mr. Burdette stated staff would need to write a letter and ask about that. He stated the staff went out of their way to make this project right for them and he feels they should give the Town that land.

Mr. Smith asked who would get the money.

Mr. Burdette stated it would be the HOA.

Mr. Smith stated he would think they would be willing.

Mr. Lykins suggested they do need some money to relocate their sign to the new entrance.

Mr. Burdette stated he would rather pay to relocate their sign the pay for land. He asked if the Town would have to get any land from the commercial areas or approaches to the Isle of Palms Connector.

Mr. Lykins stated they would need to get a very minor foot or two on one office building.

Mr. Burdette asked if staff could avoid doing that at all.

Mr. Lykins responded in the negative.

Mr. Ford concurred.

Mr. Smith asked if the County was helping.

Mr. Burdette stated that the County said they would nothing to help the Town build any phase of Hungryneck Boulevard.

Mayor Hallman asked if when the work was finished on Phase IIA if that would be the time they would let the bid on Phase III or are contractors already in place.

Mr. Lykins suggested Phase III will be in the November time frame. He stated currently his sights are on Wingo Way and Whipple Road.

Mr. Burdette stated starting in sequence the projects are Hungryneck Boulevard Phase IIA.

Mr. Lykins indicated follow Hungryneck Boulevard Phase IIA would be Wingo Way, Whipple Road in September, Rifle Range/Six Mile in October, and Hungryneck Phase III tentatively November maybe be a month or two later.

Ms. Stokes-Marshall asked if this was all going to take place in 2007.

Mr. Lykins responded in the affirmative.

Mr. Burdette suggested it would not be a surprise if Hungryneck Boulevard III slipped to January 2008.

Mayor Hallman asked about the equipment currently on site.

Mr. Burdette stated that was for Phase IIA, he added staff is not even close to starting Phase III.

Mayor Hallman asked what the County has said.

Mr. Burdette reiterated the County has said they would not help the Town in anyway on Hungryneck Boulevard.

Mr. Smith stated he finds that unacceptable.

Mr. Burdette stated the Town is having to buy land from a commercial property, using tax payer funds, because the County will not give the Town three or four feet of their land.

Mr. Smith expressed concern about the County not assisting the Town.

Mr. Burdette stated the Town would not have to be buying any commercial property if the Town would have given the Town the needed land.

Mayor Hallman stated that road will also help the County residents as well.

Mr. Lykins suggested the new consultant has gone out to get some new survey date on Bowman Road. There were some problems with the original survey data. Once that work is complete next month staff will see how the plans match up to the survey. Mr. Lykins indicated the thought is that it will match well. If it does the right of way plans will be revised to make some minor corrections and look at some drainage work, start utility coordination, and start right of way acquisition in October.

Mr. Burdette asked when the Town will know exactly what will need to be acquired from what is know as the K-Mart property.

Mr. Lykins suggested is aware of that currently.

Mr. Burdette stated he would like to set a meeting with the new owners to see if the would be willing to gift the land to the Town. That is estimated to be a fairly high number as far as right of way acquisition cost.

Mr. Lykins suggested there is a lot of utility relocation and coordination to do and that is why the construction date is being pushed back to last 2008. Staff does have some design work that needs to be done and permitting needs to be completed.

Mr. Burdette suggested it would be approximately 16 months before starting construction. He asked why that was.

Mr. Lykins stated the utilities are what are going to hold the Town up. The utilities have to be moved prior to widening the road. Staff wants to do some investigative work upfront and see if staff can reduce some of those conflicts with utilities. That would save many months.

Mr. Burdette indicated he was aware that this is the most complicated project right now. He asked if the Town needed any expertise to help through this project.

Mr. Lykins responded in the negative.

Mr. Burdette asked if staff was sure they have people who have a lot of experience in road construction to help guide the Town through the maize.

Mr. Ford stated changing consultants helped a great deal.

Mr. Lykins stated the consultants were recommended by SCDOT.

Mr. Smith asked what the anticipated completion date is.

Mr. Lykins stated if they start in November 2008 it is probably a 16 month project.

Mr. Morrison stated this project was funding in 2001 with a little under $5 million. He added staff new at that time that was probably a low estimate. The Mayor has worked through the years to get $8 million in federal funds to put toward the project. A significant amount of the design was put on hold because the Town did not have the funding and that has caused some delays. He added the Town has had significant delay due to the original design. Mr. Morrison stated Mr. Lykins has to work though all of this and that is why the Town hired Ralph Whitehead. They have done a tremendous of SCDOT widening projects.

Mr. Burdette asked who the engineer on the project.

Mr. Lykins indicated it was Whitehead and Associates.

Mr. Burdette stated the project should be complete about the time they start building Johnnie Dodds Boulevard.

Mr. Lykins responded in the affirmative and added he anticipates they will be some coordination with that.

Mr. Burdette stated the Town wants to make sure they don't get done spending $1 million on improvements and then they take it up. Mr. Burdette reviewed anticipated routes for Hungryneck Boulevard Phase IIB with the committee. He showed on a map where the route as proposed with Central Mount Pleasant would go and connect in.

Mr. Ford suggested the proposed route moves further into the lake and then out and around.

Mr. Lykins pointed out on the map the first proposed route.

Mr. Burdette pointed to where the Sporting Good shop will be located. He stated the original route would take the road through a portion of that property. Mr. Burdette asked staff to point to the route that would be used if for some reason Central Mount Pleasant.

Mr. Lykins pointed on the map where the route would be.

Mr. Burdette stated he wanted the Committee to understand with the Town's preferred route the Town will have to fill in a corner of the lake. He added the Town will also have to negotiate right of way with that. The Town has approximately $4 million banked for Phase IIB. The cost

of that, if the Town builds it, will be approximately $5 million depending on what the value of the lake is and there is debate over what that would be. The owner says one thing and the Town would say another. Mr. Burdette stated even though the Town is waiting on to see what will happen with Central Mount Pleasant and the proposed route the Town is also keeping close contact with the preferred route if that were to fail because staff would like to get moving if for some reason that does not happen. Staff's objective is to get IIB and IIA connected.

Mayor Hallman asked how much it would cost to fill in the lake.

Mr. Burdette stated if the Town's scenario were to happen they would only have to fill in a small piece of the lake.

Mr. Ford indicated the cost to fill in the small area of the lake is approximately $1.5 million.

Mayor Hallman suggested he has heard some astronomical figures.

Mr. Burdette stated staff was talking about the Town's preferred route.

Mr. Ford reiterated the Town's preferred route could take approximately $1.5 million to fill in the lake. He stated that is not for construction that is only for fill.

Mr. Burdette asked what the cost of the entire lake being filled in.

Mr. Ford stated to do the Central Mount Pleasant fill scenario that the developer wants it is going to cost him approximately $9 million.

Mr. Burdette stated the Town would not pay that. Mr. Burdette stated there is a lot of confusion about the routes. Mr. Burdette pointed to where the original route goes through but that does not seem acceptable any longer so if Central Mount Pleasant should not get approved or not be developed - he then pointed to what the Town's preferred route would be. He suggested the cost would be approximately $5 million. Mr. Burdette added currently the Town has $4 million available which put the Town is good shape to get started if it had to be done. He stated the hope is it will work out to the Town's advantage.

Ms. Stokes-Marshall asked with taking the Town's preferred route if it has to be built, what is the overall consensus in reference to the opposition or approval of the residents.

Mr. Burdette stated they want the Town to stay aware from their dyke. He added the Town will probably have to use part of the dyke. More then likely the Town will have to do some mitigation to make them happy but the Town is not going to be nearly as much into their dyke and into their like. He suggested residents would prefer the Town to go through the lake; they want the Town as far away from their lake as they can get.

Ms. Stokes-Marshall asked what the benefits, pros and cons, with the route coming across as the developer wants.

Mr. Burdette stated they would pay for all but $4 millions of the project.

Ms. Stokes-Marshall stated she did not mean in terms of what will be paid for it but what is the rational.

Mr. Ford stated it make residents who have expressed concern happy and if the developer builds it is his location what it does do is create land values that currently do not exists and the Town will reap tax benefits from.

Mr. Burdette stated currently the Town is probably getting $150 a year in taxes from this lake. When the lake becomes high land and is built on it becomes a major economic investment for the Town of Mount Pleasant. Mr. Burdette stated it is up to Council to decide if this is an acceptable project but if the Council decides it is a good project, the lake being high land is worth a lot more in terms of revenue to the Town then it is as a lake.

Mr. Smith asked if filling in part of the lake, if it has to be done, is less expensive then putting it on pilings.

Mr. Ford stated staff did do some bridge estimates and they were off the scale.

Mr. Burdette stated this is probably a 24 month project.

Mr. Smith asked what the depth of the lake is.

Mr. Ford suggested the average dept of the lake is 18 feet and it is 975,000 cubic yards.

Mr. Burdette stated he hopes this has overview has been helpful. He stated if Council has any questions please let staff know.

7. Adjourn

With no further business the meeting adjourned at 10:00 a.m.

Respectfully Submitted,
Dionna L. Ebeling
050307

SPECIAL TOWN COUNCIL MEETING

WEDNESDAY, JULY 18, 2007

Mayor Hallman called the meeting to order at 8:30 a.m. In attendance were Council members Joe Bustos, Kruger Smith, Thomasena Stokes-Marshall, Paul Gawrych, Billy Swails, and Nick Collins. Mr. Santos arrived at 8:50 am, and Mr. Glasson arrived at 9:48 am

Staff in attendance included Mac Burdette, Eric DeMoura, Allen Young, Chief Sewell, Charlie Potts, Jan Crates, Sally Phipps, Joel Ford, Christiane Farrell, Chief Williams, Ted Summerford, Ken Ayoub, Brad Morrison and Paul Lykins.

Mr. Burdette stated that he found these retreats very productive and intended to make very good use of Council's time today. He stated that today he wanted to primarily have Council focus on the financial future of the town. He stated that during the budget process, the town is using the unappropriated fund balance, which is like using your savings account. He stated that the revenue stream does not meet all the town's cost. He stated that in the past this was used for the budget, but there were also revenues exceeding our projections to the extent that this unappropriated fund balance was replenished. He stated that it is still healthy today. Mr. Burdette stated that Charlie Potts would be presenting Council with the financial future, and that he would present the unfunded projects, with solutions and strategies, then Brad Morrison would be discussing transportation development impact fees. He stated that the bottom line is that staff would be requesting Council to increase the impact fees. He stated that he would also review the projects list for 2007/2008 and said that it is the most ambitious in the history of the town. He stated that last year's was pretty tough; however, this year's is going to be extremely ambitious. He stated that if staff accomplishes this they deserve all the accolades.

Mr. Burdette stated that Mr. Smith asked that a garbage transfer station be discussed as well.

Mr. Burdette stated that staff is not seeking decisions on the financial items today; however, attempting to obtain Council's position. Mr. Burdette called up Charlie Potts to address council.

Mr. Charlie Potts, Administrative Services Director, introduced Mr. David Hurt, who is the new finance officer. Mr. Hurt moved over from the town's business license office.

Mr. Potts stated that staff knew they would be using the fund balance for at least one year, possibly two. He stated that happened once before in the town's recent history (budget year 2001/2002). He stated that this was the last time there was a recession in the town. He stated that there was a great deal of thought process on the assumptions made.

Mr. Potts reviewed the General Funds Assumptions presentation with council, stating on the revenue side, there are no rate or fee increases programmed into the numbers that are currently being discussed. He stated in reference to the population, this was a big discussion as there was a nice range between a staff member with a little over four percent to the McKibben study number of seven and a half, to the state budget and control number with is about 2.1 percent. He stated that in order to come up with a factor, they took the middle of the range – and came up with 2.82 percent. Staff is assuming that the tax law changes are here to stay and will have a tax millage increase limitation in place. He stated that the assessment caps do not apply for debt millage; however, they may affect the long term assessment and ultimately what a mill is worth to the Town of Mount Pleasant. He stated that the reincorporation of James Island has caused a one time [redacted] back in sales tax revenues to the rollback fund and the municipal revenue fund, which is about thirty percent of the total local option sales tax.

Mr. Potts stated that the McKibben study assumes housing starts at six hundred. Here, end of there year, housing starts at about five hundred and staff wanted to use that as a base going forward. He stated that all the economic indicators say that the spring or early summer will have a flat economy and slow housing starts.

Mr. Burdette stated that permit allocations allows a little over 600 new construction homes and believes that over the next several years, an average of approximately 500 is reasonable.

Mr. Potts stated that the town did not have any bond or lease proceeds in the projections on the revenue side. He stated that the good news is that the commercial starts over the next year or so is extensive. He stated that commercial is six percent tax rates and most implies a business license – so there is positive impact to offset the flat economy.

Mr. Potts indicated that staff took a three year average of council action for COLA and pay for performance numbers and took the existing workforce and moved it forward at four percent. He stated that they also considered a wage and compensation study scheduled for fiscal year 2009/2010 which was also considered an impact. Mr. Potts stated that staff only put in the projections for those employees that staff feels is necessary for capital projects already approved by council, such as the Waterfront Park, Fire Station #6. He stated they are moving forward with the eleven percent for healthcare. He stated that there is an unusual accounting rule in the budget cycle, which is GASBE 45 which could be as much as $1.2 million annually or approximately $600,000. He stated that what staff used as a number going forward is $1 million annually.

Mr. Burdette stated that GASBE 45 will be discussed in detail later in the meeting.

Mr. Potts stated that CPI was 3.5% on operating expenditures. He stated that CPI and regular CPI are forecasted at a little be less; however, there are some expenditures that are moving along such as insurance, fuel and energy costs, which are moving faster than 3.5%. He stated that it is the same with cash capital outlay which are items such as police vehicles and computer equipment.

Mr. Potts continued to review the General Fund Revenue/Expenditures and stated that somewhere around 2009/2010 or 2010/2011 the town would have used at least two years worth of fund balance going forward.

Mr. Burdette stated that if you go back to years preceding 2005/2006 we are talking about the fastest growth rate of any municipality in South Carolina, particularly up to the year 2000/2001 when the town enacted permit allocation. He stated that when that was happening, commercial was coming in and our revenues were running 10% per year increases. He stated that those years, with exception of one year, the town did not have to use fund balance. He stated that those big growth periods are likely over. He stated that as a result of that growth, as well as good budgeting by staff, and good decisions by council, the town has avoided increasing property over the years, keeping our millage at 38.6. He stated that there is no evidence that the town will ever get back to the growth rates that the town had prior to 2001/2002.

Mr. Potts reviewed the major categories of revenues and discussed expenditures. He stated that they are using 7.88% with current taxes going forward. He added that the current taxes and the local option sales tax are roughly half of the general fund revenue. He stated that with state shared revenues, they are a function of the health of the state's general fund, as well as the population calculations going forward. He stated that the 2009/2010 and 2010/2011 years are when the town should anticipate taking a look at good look at revenues and expenditures.

Mr. Burdette stated that on the agenda, there is a section that discusses solutions for the 2009/2010 timeframe.

Mr. Potts stated that the general fund is healthy with a few years worth of fund balance while staff and council make decisions.

Mr. Potts then reviewed the Transportation Impact Fees stating that they were increasing impact fees by 3.5% beginning in the next fiscal year. He stated that the impact fees were also affected by housing starts, construction and economic slow down. He stated there is approximately $6 million in an undesignated fund balance that can be used with Hungryneck, Phase IV and other projects. Mr. Potts stated that the transportation impact fee is servicing the existing debt that the town has on existing transportation projects. He stated that as the debt pays down, funds will become available to re-direct to other projects. However, presently the impact fees that were forecasted are covering debt service and other transfers.

Mr. Burdette stated that no new projects, other than what is already bonded are shown on the graft of the transportation impact fees. He stated that if council looks at the transportation plan, there is approximately $80 million in projects, and whatever other projects that council anticipates in the future, will make the red line (expenditures), go up.

Mr. Potts reviewed the Hospitality Tax information, stating that revenues indicated a slight pull back of about 1.6% however; he stated that they are taking hospitality tax forward at the CPI of about 3.5%. He stated that a great deal of revenues in hospitality tax is reserves for public safety or other projects that are already moving forward.

Mr. Burdette stated that it is split up at 36% of all the revenue coming in each year goes to transportation projects; 34% goes to police and fire and then recreation 25%, accommodations tax committee gets 5%. Mr. Burdette stated that

some of these funds may need to be pulled back from Transportation in the future and allocate it to police, fire or recreation in order to help balance out the separation from what the town is receiving in revenues and what is being spent to help replenish the fund balance.

Mr. Potts stated that there is the state statute where there are allowable expenditures under hospitality and there then there is the Town's ordinance that splits the revenue.

Mr. Burdette asked council if they could imagine what the town's budget would be like if they had not enacted the ordinance establishing hospitality tax. He stated that having this source of revenue coming in is critical to everything the town does – the most important thing on the impact fees that council has accomplished.

Mr. Potts reviewed the road projects coming out of last year's budget, where council elected to do transfers for Wingo Way and Bowman Road, which is where the expenditures show a significant increase. He stated that other than this, the reserves and expenditures are in line and well below what the town will be doing with revenues in hospitality.

Mr. Burdette stated that what this indicates is that the town has some capacity to use some of these funds to assist with the budget concerns the town has with the general fund as long as it is done correctly.

Mr. Potts reviewed the Accommodations Tax and stated that this is state, local and then the Charleston County/Patriots Point funding that also comes across for maintenance. He stated that staff put the numbers together in order to show this on the graft to council.

Mr. Burdette stated that the State Accommodations Tax goes through the Accommodations Tax Advisory Committee (ATAC) for recommendation on funding back to Council. He stated that the local accommodations tax does not go

through ATAC, as this is decided as part of the budget process just for council. He stated that the Patriots Point complex funding comes from the Charleston County Accommodations Tax to assist with maintenance.

Mr. Potts stated that if accommodations grow by three percent there may be some funding availability.

Mr. Burdette stated that these monies are tightly constrained by state law than hospitality taxes in the way they are utilized. He stated that there will be discussions on how council needs to focus on the accommodations tax area, which is tourism, as it can become a driver for other segments such as the construction industry, if used appropriately to bring funding in thorough business license fees, permit fees, etc. He stated that this will help stimulate activity in other areas that will help the general fund.

Mr. Potts stated that the general fund pays a little less than half of the existing debt service for the town.

Mr. Burdette stated that this is a strategy area and over time, the amount of general fund money that is being used to reduce the debt service needs to be reduced. He stated that as much as possible, special funds need to be used to do this.

Mr. Potts continued to explain the general obligation debt analysis.

Mr. Smith stated that when staff was figuring in the revenue was the extensive commercial included in the housing starts.

Mr. Burdette stated that it was not; however, it was included in the budget projections. He stated that in the seven percent increase in revenue – these known commercial are included. He stated that there is a lot that cannot be projected; therefore staff is trying to be conservative.

Mr. Smith asked if the anticipated growth of the staff was also included. Mr. Burdette responded in the positive.

Mr. Smith asked if anticipated growth of raw materials has been included.

Mr. Burdette stated that there are no new road projects in the estimates provided – only what council has funded, such as Bowman Road or Hungryneck Phase II.

Mr. Potts stated that cash capital outlay has been primarily been computer equipment and police vehicles. Mr. Burdette added that these figures include replacing twenty five police cars every year, forever.

Mr. Bustos stated that in looking at the percentages for roads, he noticed that thirty six percent of hospitality tax is spent on roads and presumably one hundred percent of the transportation impact fees are spent on roads; where does the rest of the funding come from.

Mr. Burdette stated hospitality tax, impact fees, some accommodations have been used before, general fund money; however, most of the funding comes from impact fees or hospitality taxes or state or federal share, such is the case at Bowman Road.

Mr. Bustos asked how much of the general fund money is used on roads. Mr. Burdette responded that it is a very small amount.

Mr. Bustos asked how much out of accommodations tax money is used. Mr. Burdette stated that very little is used.

Mr. Burdette stated the road situation is in great shape except when you hear what the transportation plan calls for to be built in this town, approximately $80 million at today's cost, he stated that there is no way the town is going to collect enough impact fees or hospitality taxes to build $80 million in roads. He stated that council must be selective in what is done. He stated that the debt that we have allows us to borrow it, but we must ensure the debt service can be paid off and want to keep it in impact fees. Mr. Burdette stated that impact fees can only be

used to address road related construction projects or capital equipment. Mr. Burdette gave several examples.

Mr. Smith asked Mr. Burdette to give council some information on impact fee laws and TIF laws.

Mr. Bustos asked about funding for road maintenance and asked if we were keeping a fund for maintenance of all these roads.

Mr. Burdette stated that one of the biggest unknowns for the future of Mount Pleasant is maintenance of all the roads. He stated that the new ones would be here for the next 25 years and in good shape. He stated that the town was more worried about the subdivision roads that have been built in the last 25 years and are counting on half cent sales tax and CTC and council has allocated approximately $45,000 a year for road maintenance. He stated for roads like Mathis Ferry, which is state-owned, the town does not include that in our road maintenance. Mr. Burdette stated that regarding every road that is over a certain age, you should be able to go to the CTC and ask for them to show you when that road is going to be repaved up to 2011. He stated that it is all computerized and scheduled.

Mr. Burdette stated that the town has a patching machine that was recently acquired through the budget and it allows staff to do project the size of a small driveway apron. This equipment has been a very helpful as before staff was doing the work by hand.

Mayor Hallman recessed the meeting at 9:31 am and reconvened at 9:41 am.

Mr. Burdette said that those that had an opportunity to go to the Municipal Association meeting in Greenville hoped that council agreed with what staff observed, which is that the Greenville main street redevelopment project is incredibly successful and with modifications, is how staff is hoping to build Coleman Boulevard. He stated that he wished that the citizens who are worried

about height would go to Greenville and see what a fifty-five foot building looks like which is not obtrusive at all.

Mr. Burdette stated that there are projects that are coming or already here which are not on the tax rolls yet. Some have already paid their impact fees and building permit fees as they are under construction; however, some have not yet started. He stated that none of these that are coming are on the tax rolls yet: Kohl's, Wal Mart, Circuit City, The Tides, The Landing, Bi-Lo addition on Rifle Range Road, The Beach Company project at the Dollar Store, GDC improvements at Coleman Boulevard, Chris Frazier's condos and offices up front, Watermark project – Mediterranean Shipping/GenPhar. He stated that there are five banks that have opened since January 1, 2007, that are not on the tax rolls or under construction. Wando Park Boulevard has a major project going on; Arcadia Publishing; Bessemer Road offices; Marriott Hotel offices in front of the Marriott; Gregorie Ferry Landing mixed use development, Central Mount Pleasant in the next five years; Town Centre has two new buildings; Seaside Farms; Laurel Grove road area which is not on the tax rolls yet although it is finished; Chick-Filet and McDonalds that are coming to Oakland; The Oakland Shoppes and Restaurants; Roper Hospital when we get building permits from them, unless we can work out FILOT; Baker Auto; Medical Arts Center at Wingo Way; Mark Mason condo project if approved; supermarket at Dunes West; Publix at Coleman; Shoppes at Rivertown and Somersby. Mr. Burdette stated that these are projects that must be identified for the tax rolls over the next year or two. He stated that this is why we are predicting a seven percent in revenue each year, because of the projects just mentioned.

Mr. Burdette stated that if there was anything council could come away with in the last presentation he hopes it was that the town is in good shape with

everything, but the general fund. This is where there will likely be a problem fairly soon. He stated there are possible obligations that may be pursued, that there is no funding for. He stated one of these projects is GASBE 45. He stated that staff did put $1 million into the costs to show council what the budget problems are going to be.

Mr. Burdette stated that they received the bid back for the Senior Services Center and it is overbid by $400,000 and believes that they may be able to get the bid down $100,000 or $150,000. He stated that there will be approximately $200,000 left over from the gymnasium project that can be transferred to the Senior Services; however they will still be approximately $100,000 short which will likely have to come out of the General Fund.

Mr. Burdette stated that regarding Hungryneck Phase IV – there is $3 million budgeted for right-of-way acquisition and design. He stated that the estimate was approximately $15 million to build this road, including acquisition of property. He stated this means that the town would need to borrow approximately $12 million. He stated that with the revenue we have, we do not have the capability to repay a $12 million bond.

Mr. Burdette stated that regarding Transportation Plan Projects, he stated there is $80 million dollars worth of plans, but needs to work with council to identify which projects they should be budgeting for such as Hungryneck Phase IV, widening of Highway 41. He stated there is also the strategy to find federal and state monies to do the remaining. He stated there is a great deal of projects to accomplish in the transportation plan.

Mr. Burdette stated that in reference to Fire Station 6 at Carolina Park, building the station and equipping it, this is not a problem as there are enough funds in impact fees to take care of this and a commitment of $750,000 from

Carolina Park to assist in building the station and providing equipment. He stated that as soon as the station is open with a pumper truck, it will require 13 personnel; and with a ladder truck, personnel would increase to 21. He stated with 13 personnel, multiplied by $30,000. This would be $400,000 a year out of the general fund forever. The town would have a tough time covering that right now.

Mr. Burdette stated that GASBE 45 Funding is a nightmare for everyone. He stated that our options are to (1) do nothing which will affect our bond ratings in the future, which will increase our interest rate; (2) reduce the benefits for our retirees in the future; (3) keep it like it is, a liability that we are going to fund, which is $1.2 million per year. Mr. Burdette asked Mr. Potts to provide Council with a more detailed explanation of GASBE 45.

Mr. Potts stated that this is a new accounting rule and is not a law. He stated that it is promulgated by the governmental accounting standards board. He stated that they want the public sector to cost out what is called "over forced employment benefits" which is post employment health care benefits for retirees. He stated the town is currently in a "pay as you go" for thirty-six retirees, but the actuarial study shows the annual required contribution is not only the "pay as you go" fees that are already budgeted, but also the cost of the benefit in the year that it is earned by the number of employees that the town has. Then the town must come up with an amortization of this unfunded liability and add this to the "pay as you go" cost and this is the annual required contribution. He stated that since most all the municipalities in the state have been on a "pay as you go" situation, they all have a large unfunded liability that must be addressed/identified/cost it out and some type of financial plan must be put together to come up with the annual required contribution. It is a major process and involves taking a look at benefits and finances to see how much can be done to address GASBE 45. He stated that the

requirement for next year states that an actuarial study must be done and the amount of the unfunded liability must be identified – based on presumptions such as health care, average cost of investment, required contributions that will be set aside, number of employees. He stated that it is a complicated actuarial study to identify this unfunded liability and is divided into an annual contribution which is what the financial markets are expecting the municipalities to fund. He stated that a lot of municipalities are struggling with this as credit ratings and the ability to bond projects ultimately suffer. Mr. Potts stated that the immediate requirement is an actuarial study and the creation of a financial plan.

Mr. Burdette stated that the lease expensive route is to change the way the town allocates benefits to retirees, which would be $600,000 a year (2 mils in taxes) and it must come from the general fund. He stated that this is a serious issue for everyone.

Mayor Hallman asked what the urgency was and if City of Charleston has already funded this.

Mr. Burdette stated that the City of Charleston had to do theirs this past fiscal year because of the size of the city and their budget. He stated that the larger cities had to comply earlier that the smaller ones.

Ms. Stokes-Marshall asked if this was coming from the federal level.

Mr. Burdette stated that this is coming from the Accounting Standards Board.

Mr. Potts stated that the private sector had to deal with this a few years ago under FASBE and now GASBE is following suit similar to GASBE 34, where the town had to change the way the audit was being done at the end of the year. Under FASBE, they asked the public sector to assign a cost of the benefit in the year it is

earned. What is being done now is we do not pay the cost of the benefit until the employee retires and everyone does it that way. However, the accounting board is saying that we need to identify this liability and set aside funds in a trust each year.

Mr. Burdette stated that we have thirty six retirees now, but in twenty years there will likely be one hundred retirees who will pay under the present plan, approximately $250.00 per month for the insurance package, which includes the spouse. He stated that this needs to be put aside now or the accounting boards will notify the bonding agencies of a liability that is not covered, which indicates a higher risk, which means higher interest rates for bonds. He stated the consultant that will review this will report to committee.

Mr. Burdette stated that regarding the Waterfront Park, the cost of operation and maintenance of this park will likely be approximately $200,000 per year, which will begin in early 2009 which has not been allotted for.

Mr. Burdette stated that regarding Carolina Park Recreation Facility, there is approximately $2 million for this facility; however half of this will go into water, sewer and building the road into the park. Therefore there is not enough funding to develop the first phase of the park. He stated that it is possible for the hospitality tax fund may be used.

Mr. Burdette stated that in reference to Stormwater Fund issues, since the state handed over the NPDES requirement without any funding, it will cost approximately $100,000 a year and this will need to come out of the general fund or the stormwater fund; however, most of the stormwater funds are already allocated. He stated the stormwater fund was adopted approximately nine years ago and the town charges $18.00 a year for a single family house. He stated that council promised the public that this would not be increased for at least seven

years; however, it has been nine years. He stated that the town is the lowest in the state for what we charge.

Mr. Burdette stated that Ms. Stokes-Marshall asked that the Museum request be put on the agenda, which was requested by the Historical Commission. He stated that there is no funding at this time. He stated that if it was built in the TIF district, then TIF funds could be utilized. He stated that a curator would also have to be considered unless docents were utilized. He stated that it would be approximately $1 million to build the museum and $100,000 a year thereafter for operating costs.

Mr. Glasson asked what type of museum.

Mr. Burdette stated that a few years ago, the Planning Committee passed the Historical Commission to look at the need for a museum.

Ms. Stokes-Marshall stated that as a result of this, there was research done in certain categories in reference to the museum, and someone from the Historic Commission addressed an email to the Town Administrator inquiring as to what was our position in terms of moving forward or making a decision. She stated that with all the projects that are in front of council for the next five to ten years, she did not view a museum as a priority.

Mr. Burdette stated that this would be a compilation of documents and artifacts on the history of the East Cooper area, Christ Church Parish, photographs, etc. He stated that council could discuss this at some point; however, there is no funding available.

Mr. Burdette stated that in reference to Wage and Compensation 2008, he stated that every four years the town takes a look at what the employees are being paid in relation to other similar positions are bringing into the market statewide.

He stated that the next one to be done is in 2008 to take effect in 2009's budget. This normally increases the cost $300,000 to $400,000 each time this is done. He stated that this is not a one time cost, but every year thereafter.

Mr. Burdette stated that these are some of the things that could impact the general fund issue. He stated that Mr. Potts did allocate some funding for the cost of the wage and compensation study. Mr. Burdette stated that we probably provide services better than most municipalities, but there is a cost.

Mr. Gawrych asked why all the bids were way over bid. Mr. Burdette stated that the architect is currently reviewing this - line item by line item, unit by unit, and will report back on the 31st of July.

Mr. Burdette stated that water and sewer is a separate cost and quite considerable, as they have to run the lines. Ms. Stokes-Marshall asked if Waterworks would work with us on this. Mr. Burdette stated that this should be addressed by council, not staff.

Ms. Stokes-Marshall made a motion requesting that Mr. Swails put this item on the Water Supply Committee agenda to be addressed before the Water Commission in reference to working with the Town on the sewer costs for the Senior Center; seconded by Mr. Gawrych. All present were in favor.

Solutions and Strategies for Financing the Future

Mr. Burdette reviewed the list of solutions and asked that Town Council review some of them immediately as they are time sensitive. He stated that one of the items not listed is making cuts, which can be done, as the budget needs to be balanced. He stated that raising taxes is an option and one that council should look at, as the town is at 38.6 mils. He stated that Goose Creek and Isle of Palms are the only two municipalities in the tri-county region that is even close to the towns.

He stated that if you look at any comparable city to the town, it is not close to 38.6 mils. He said that Charleston, Rock Hill, Greenville versus Mount Pleasant is double what is paid in Mount Pleasant. He stated that this is not a reason to raise taxes; however, the stated has the town, if we want to raise taxes, limited by the CPI which is a little over three percent and limited by our growth rate, which they say is 2.1 percent, which is more like three percent. He stated that if you compute all this, the most we can raise taxes in any one year is two mils, which is six to seven hundred thousand. He stated that they did not even put into the state law the ability for council to go to the public with a referendum.

Mr. Smith stated that he read that Isle of Palms raised theirs by eighteen percent.

Mr. Burdette stated that the way that can be done is to separate out millage per capital costs. In other words, if we could identify all of our capital costs and it comes to a value of ten mils; then you have operating and the two mils would only affect the operating portion of the budget and the capital can be raised seven to twelve mils and the stated could not stop it. He stated that ideally, for the next three years, raise taxes two mils a year for three years. A cost of a $400,000 house is approximately $100.00 a year. Mr. Burdette stated that if council would like to do this, then they only have until August 15th as the county sets the millage around September 1st.

Mr. Smith asked how we could separate our budget into the two categories.

Mr. Burdette stated that Mr. Potts would have to do the calculations, coordinate with the county and an ordinance would have to be done. Mr. Burdette stated that if we waited until the August council meeting, it would not be enough time, as there has to be first and final reading and these meetings need to be

separated by seven days. Mr. Burdette reiterated that separating the capital from operating does mean anyone is raising taxes.

Mr. Smith made a motion for council to ask the staff to have Mr. Young create the ordinance to separate the operating budget and a capital expenditure budget; seconded by Mr. Collins. All present were in favor.

Mr. Burdette stated that they would schedule a special council meeting at some point to do first reading and another to do second reading.

Mr. Burdette continued with the following solutions:



Mr. Burdette stated that if Council would like to build Hungryneck Boulevard and some of the projects that there is no other choice but to increase the Transportation Development Impact fees.

Mr. Burdette stated that increasing the stormwater fees to $25.00 per residential and twenty five percent increase for commercial. He stated that it is

going to be more expensive in the future and the town will need to bear the responsibility unless we raise it.

He stated that regarding the Wellness Program to stabilize employee insurance costs, he stated that the target is to stabilize the increased cost of health insurance for employees and staff feels that they can do this significantly. He said they would be coming back to council on how this can be implemented.

Mr. Burdette went to the next item to consider ending permit allocation this year. He stated that it is unlikely that the town will ever hit 600 homes again. He stated that they are concerned that in 2010 there will be 500 units left for multi family.

Mr. Burdette stated that marketing the town is another alternative. He stated that we have never marketed the town. He stated that there are one thousand houses for sale in the town. He stated that we have a great deal of day visitors and with Coleman Boulevard revitalization, it will increase. He stated that we need to be more aggressive going after the tourist market. He said the town does not do enough to market Mount Pleasant. Mr. Burdette stated that our expert, Ashley McKenzie should be provided funding to develop a marketing program.

Mr. Santos stated that during the Tall Ship event there were tourists all over at the Maritime center looking over at Mount Pleasant. He stated that the water taxi service should seriously be addressed to be docked at the new Waterfront Park or Patriots Point.

Mr. Burdette stated that money needs to be invested, such as Coleman Boulevard Revitalization. There needs to be an action plan on what needs to be done.

Mr. Burdette continued reviewing the following solutions:

Solutions for a stronger financial community (continued)

- Continue economic development – jobs
- Streamline commercial development approval process (i.e. DRB amendments)
- Implement Transportation Plan for efficient traffic flow
- Public education about services, cost of services, cost of living in Mount Pleasant vs. other communities
- Consider contract with TischlerBise to study fiscal impacts of development scenarios
- Annexation Program for existing 6% properties (incentives)

Mr. Burdette stated that one thing that can cripple our growth in the town is a major traffic problem. He stated that people are not going to come to a place that does not going to have an efficient transportation plan. He stated that he believes we have the best of anywhere around.

Mr. Burdette stated that the town needs to do a better job of explaining to the public why there is an increase in public services.

Mr. Burdette stated that that council might want to consider hiring someone such as TischlerBise to review what is being said, as well as the McKibben study, the development scenarios, etc.

Mr. Burdette stated that we need to come up with some annexation incentives to encourage businesses to come into Mount Pleasant. He stated that we are hiring an annexation coordinator to help with this.

Mr. Burdette continued with the following items:

Solutions for a stronger financial community (continued)

- Public investment in commercial growth corridors such as Coleman Boulevard. Need to push redevelopment of Coleman Boulevard
- Continue beautification efforts
- Market recreation programs
- Complete Waterfront Park
- Develop a master plan, in conjunction with the Johnnie Dodds Boulevard Redevelopment Plan, for Patriots Point, Waterfront Park, and McGrath Darby Boulevard to Houston Northcutt area

Mr. Burdette stated that he believes we can do a contract with TIF funding to hire a Coleman Boulevard manager for the duration of this project, which is approximately five years. He stated that we cannot manage this project as well as it needs to be managed. He stated that dealing with SCE&G, telephone company, cable, water and sewer conflicts – someone needs to run this project full time.

Mr. Burdette stated everyone wants to live in a beautiful city and we could do more. There is some funding in the budget to start some beautification in the median in the north end of Mount Pleasant so it is uniform with what is on Johnnie Dodds Boulevard currently.

Mr. Burdette stated in reference to the parks and recreation program, according to the McKibben study, after 2012 all the facilities we have is all we are going to need unless we begin new programs that need a separate facility. He stated there are approximately 10,000 children ages 4 to 17 and need to know how many the town is actually reaching, which is approximately fifty percent. He stated that there is a market and feels the town needs to market this stronger. He

stated that a program created by staff, a dodge ball and kick program, and there were a number of children that normally do not sign up for programs, that signed up for this. He stated that this will attract more families in the long run.

Mr. Burdette stated that the Waterfront Park is a "magnet" and there is Phase I money and believes the park can be completed in four to five years.

Develop a master plan, in conjunction with the Johnnie Dodds Boulevard Redevelopment Plan, for Patriots Point, Waterfront Park, and McGrath Darby Boulevard to Houston Northcutt area. He stated that this is incredible development and redevelopment opportunities in this area. He stated that to tie these in to the park with trails – he stated that the town really needs to work on a master plan, similar to what we are doing with Johnnie Dodds and Coleman Boulevard.

Mr. Burdette continued with the following solutions:



Mr. Burdette stated that there are plenty of projects for this year and staff does not have the capability to do much more. He stated that the public should be more involved.

Mr. Burdette stated that he does not know if Charleston County School district is going to build another high school or just keep one, however, there are a great deal of high school children that are going to Trident Tech taking courses while still in high school. He stated that if we can get this component to Wando, this would be a magnet for those looking to bring their families. Mr. Burdette stated that it is going to be politically difficult for Charleston County Schools not to build a high school with already 4,000 students in one location; however, it is going to be difficult to spend $70 million to build a second high school, when a 9th grade academy could be build for $20 million next to Wando High School and take care of Mount Pleasant's high school growth issue forever. Mr. Lewis has asked for reactivate the school study that the town had.

Mr. Burdette stated that if we could have a college here in Mount Pleasant, this would be a good thing.

Mr. Bustos stated that public transportation is very important aspect. Mr. Burdette stated that as the demographic changes ten years from now, there will be more demand for public transportation.

Mr. Santos stated that he also believes that if Trident Technical College opened up a branch in Mount Pleasant to teach "trades" such as engineering, plumbing, electrical, HVAC, it would be very successful.

Mr. Burdette stated that the region is woefully behind in this and is not certain how to go about making it happen; however, there is a captured market.

Mr. Santos asked if they talked about doing this at Carolina Park at one point. Mr. Burdette responded in the affirmative and stated that they have land set aside for this.

Ms. Stokes-Marshall asked if there was a contact at Trident Technical College where discussions could begin.

Mr. Burdette stated that it is up to Council to do this and he would suggest approaching the President. Mr. Burdette also stated that Mayor Hallman was the Chairman of the Higher Education Committee.

Mayor Hallman stated that there is a Trident Tech Board and feels we may be able to have some discussions with them.

Mr. Burdette stated that the schools in Mount Pleasant are the reason why we attract so many families; however, the school district is not going to be able to keep up with the demands down the road.

Mr. Burdette stated that the list could go on; however, asks that Council review the list to determine how to make the town stronger then direct staff.

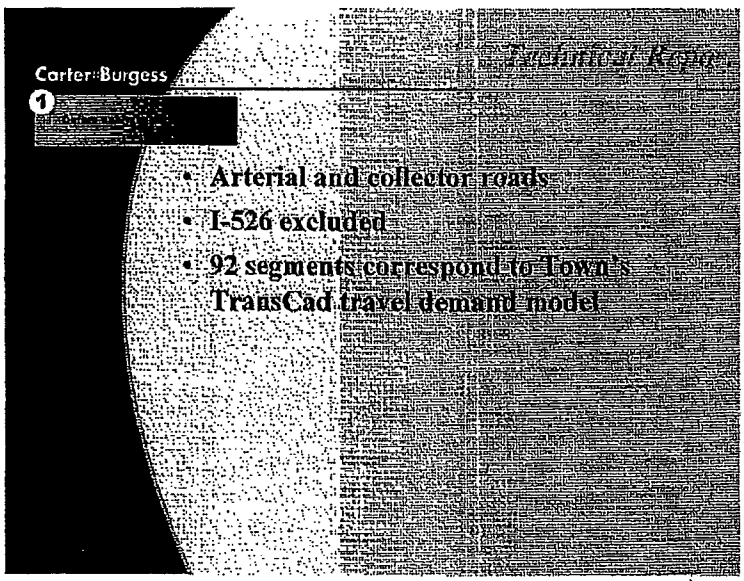
Mr. Bustos stated that all the boards and commissions that deal with businesses should be look at.

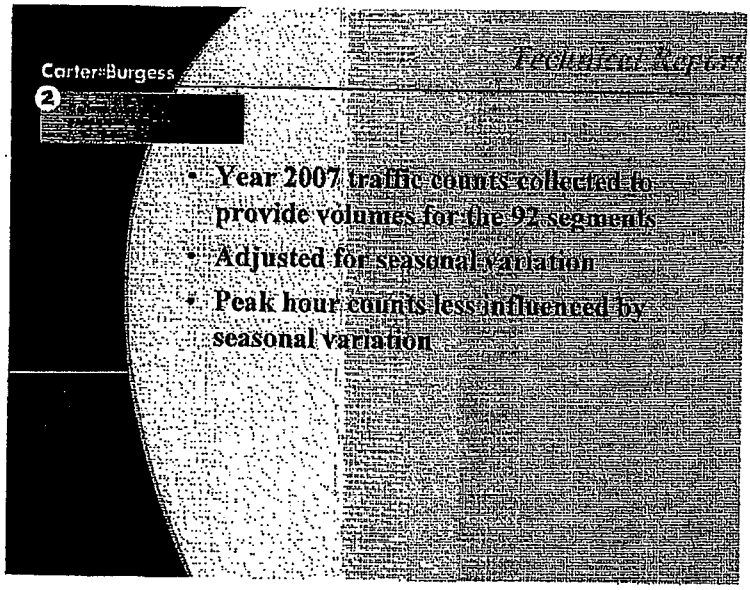
Transportation Development Impact Fees

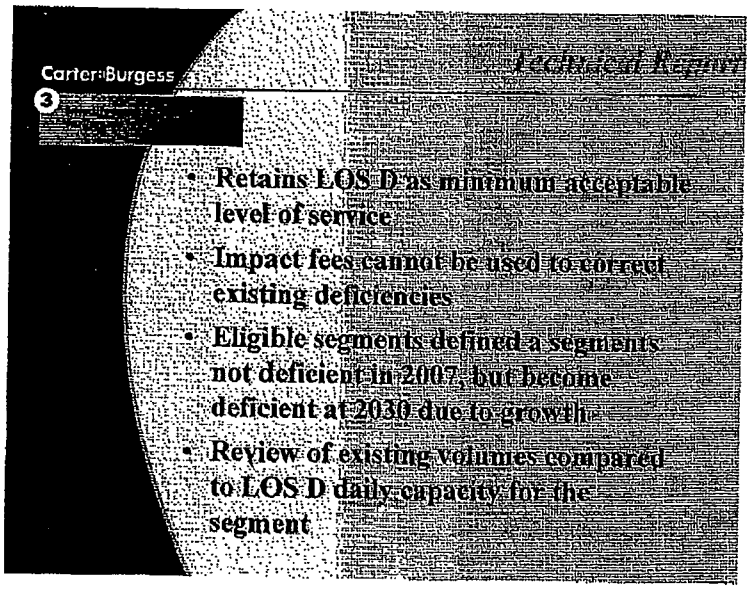
Mr. Burdette stated that if the town is going to build Hungryneck Boulevard and some of the other transportation projects, we are going to have to collect more non-general fund revenue to do this – impact fees for growth related road projects is the correct way to do this. This is growth paying for growth.

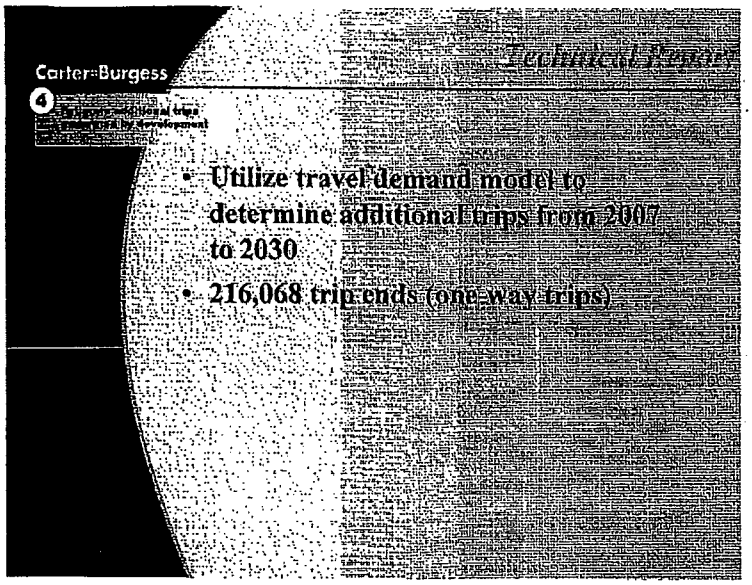
Mr. Brad Morrison stated that this was introduced in the Transportation Committee. He stated that he has provided Council with a draft report from Carter-Burgess on the Transportation Impact Fees.

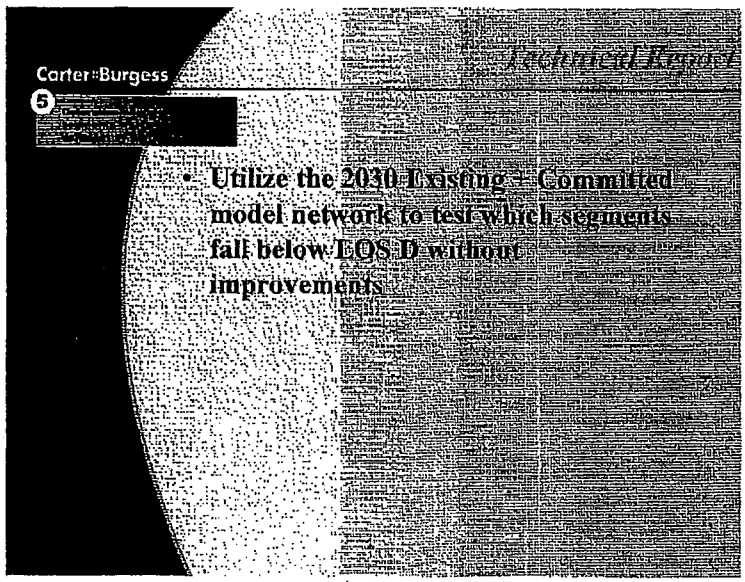
Mr. Morrison stated that he would discuss the technical report which is a required element to go along with an ordinance to increase the impact fees; to talk about the process for adopting the fees that council has to take, as well as the Planning Commission; then a parallel process that is done with the transportation capital improvement program that council needs to identify a cost feasible portion of the overall long range transportation plan. Mr. Morrison explained the methodology below:

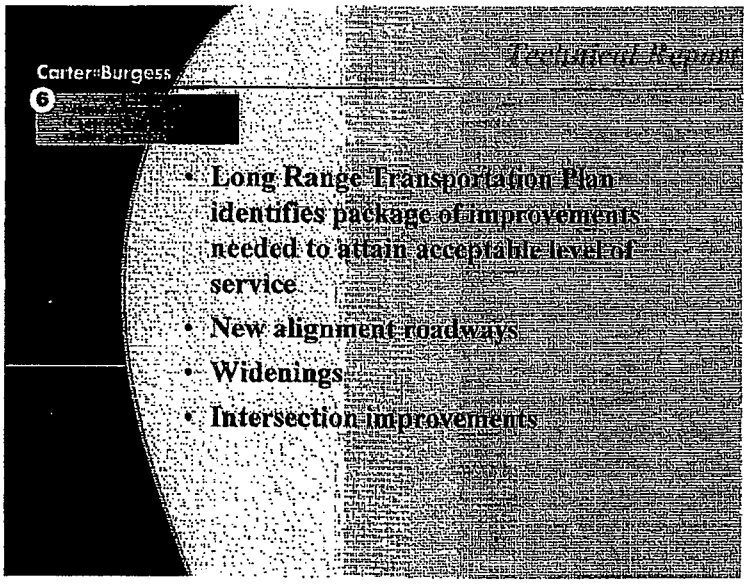


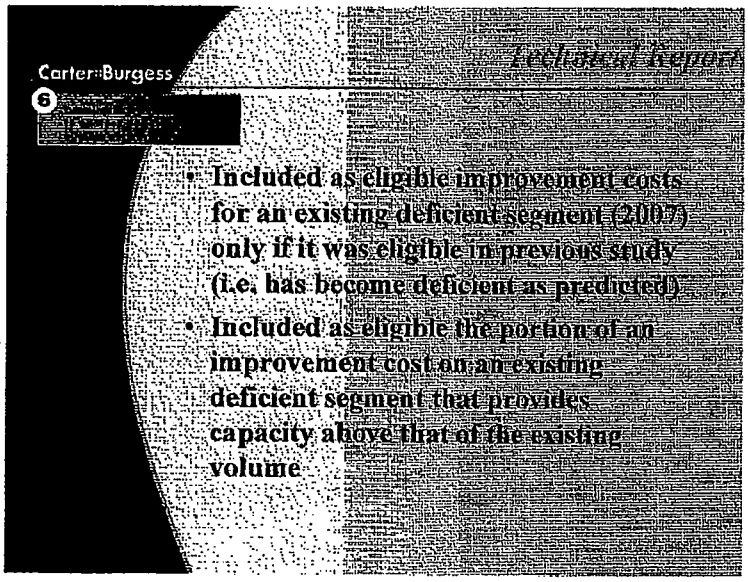

Carter-Burgess
2
Technical Report
• Year 2007 traffic counts collected to provide volumes for the 92 segments
• Adjusted for seasonal variation
• Peak hour counts less influenced by seasonal variation

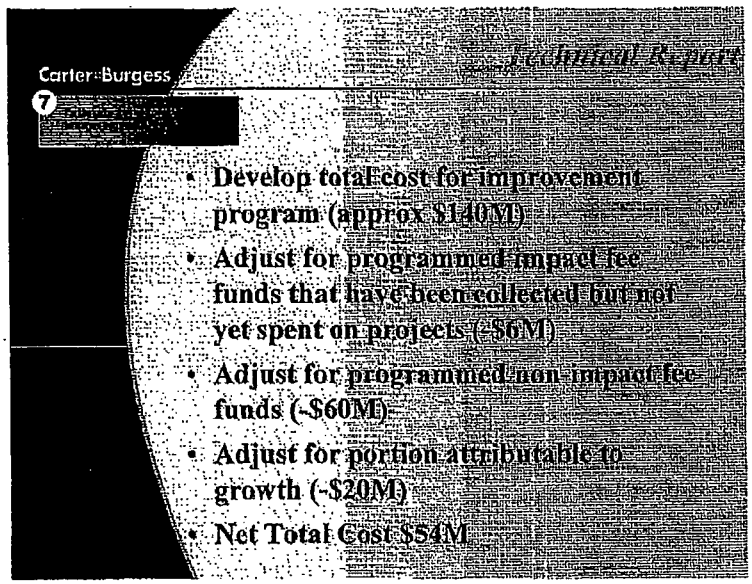

Carter-Burgess
3
Technical Report
• Retains LOS D as minimum acceptable level of service
• Impact fees cannot be used to correct existing deficiencies
• Eligible segments defined a segments not deficient in 2007, but become deficient at 2030 due to growth
• Review of existing volumes compared to LOS D daily capacity for the segment

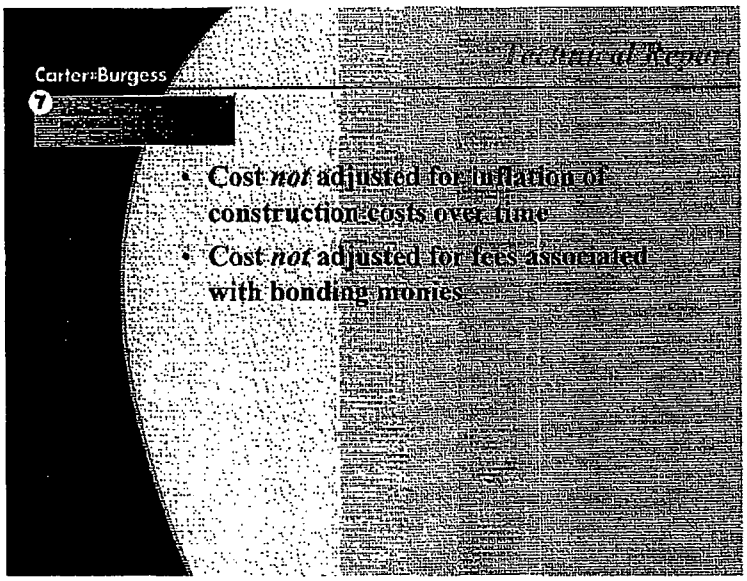

Carter•Burgess
4
Technical Report
• Utilize travel demand model to determine additional trips from 2007 to 2030
• 216,068 trip ends (one way trips)

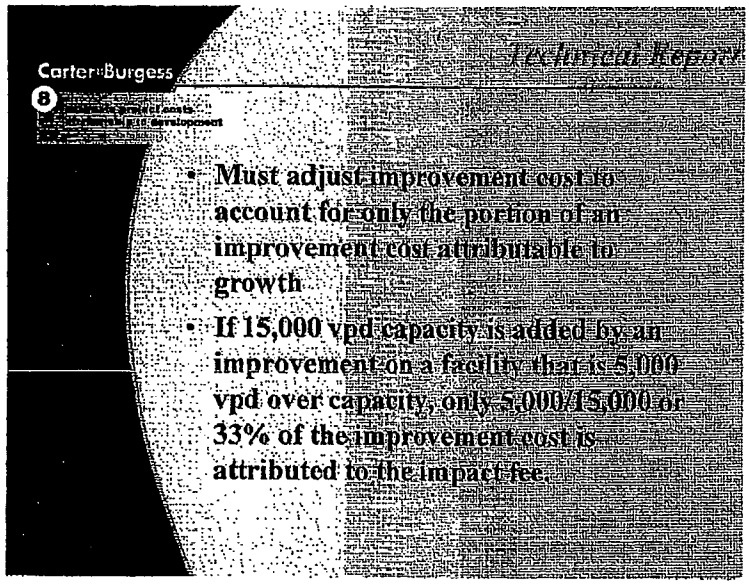

Carter•Burgess
5
Technical Report
• Utilize the 2030 Existing + Committed model network to test which segments fall below LOS D without improvements

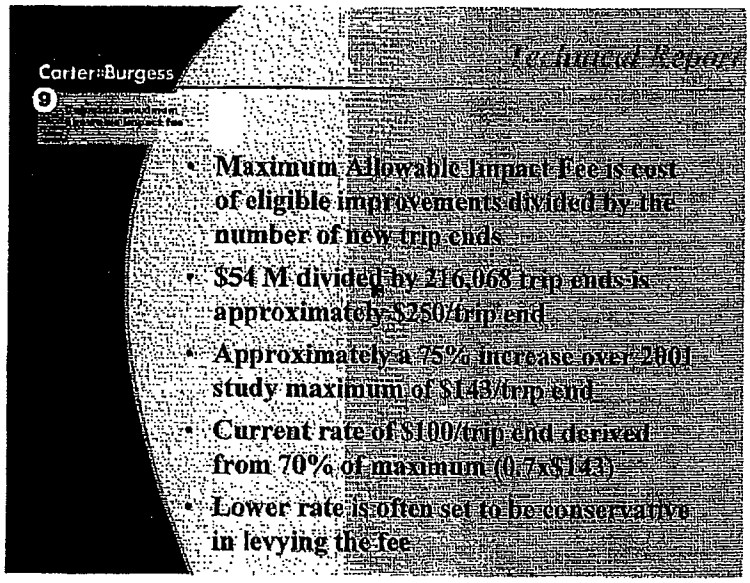

Carter-Burgess
6
Technical Report
• Long Range Transportation Plan identifies package of improvements needed to attain acceptable level of service
• New alignment roadways
• Widenings
• Intersection improvements


Carter-Burgess
6
Technical Report
• Included as eligible improvement costs for an existing deficient segment (2007) only if it was eligible in previous study (i.e. has become deficient as predicted)
• Included as eligible the portion of an improvement cost on an existing deficient segment that provides capacity above that of the existing volume


Carter Burgess
Technical Report
• Develop total cost for improvement program (approx $140M)
• Adjust for programmed impact fee funds that have been collected but not yet spent on projects (-$6M)
• Adjust for programmed non-impact fee funds (-$60M)
• Adjust for portion attributable to growth (-$20M)
• Net Total Cost $54M


Carter Burgess
Technical Report
• Cost *not* adjusted for inflation of construction costs over time
• Cost *not* adjusted for fees associated with bonding monies


Technical Report
Carter Burgess
8
• Must adjust improvement cost to account for only the portion of an improvement cost attributable to growth
• If 15,000 vpd capacity is added by an improvement on a facility that is 5,000 vpd over capacity, only 5,000/15,000 or 33% of the improvement cost is attributed to the impact fee


Technical Report
Carter Burgess
9
• Maximum Allowable Impact Fee is cost of eligible improvements divided by the number of new trip ends
• $54 M divided by 216,068 trip ends is approximately $250/trip end
• Approximately a 75% increase over 2001 study maximum of $143/trip end
• Current rate of $100/trip end derived from 70% of maximum (0.7x$143)
• Lower rate is often set to be conservative in levying the fee

Carter::Burgess

Fee Comparison at Different Levels of Maximum

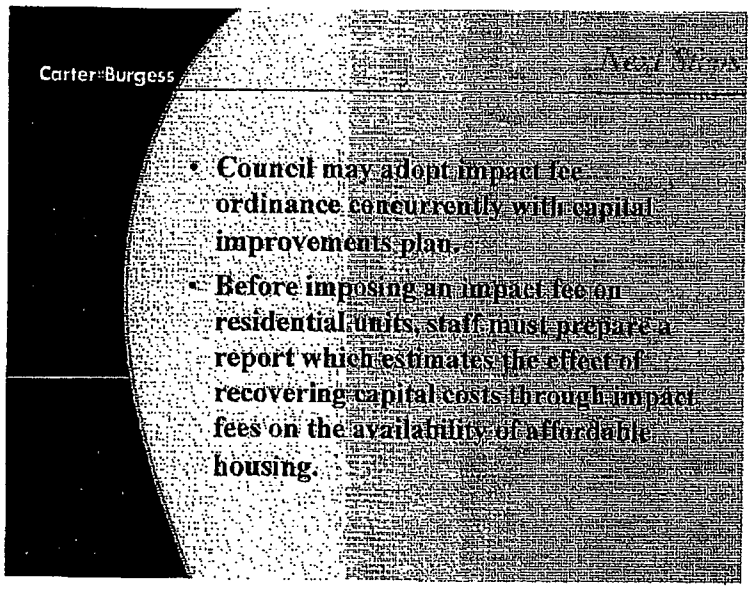
	Current Fee	Per	100%	80%	70%	60%	50%
Single Family	$958.05	Dwelling	$2,396.81	$1,917.45	$1,677.77	$1,438.09	$1,198.41
Condo/Townhome	$586.60	Dwelling	$1,467.64	$1,174.11	$1,027.35	$880.58	$733.82
Hotel	$892.98	Room	$2,234.01	$1,787.21	$1,563.81	$1,340.41	$1,117.01
General Office	$1.10	Sq. Ft.	$2.76	$2.21	$1.93	$1.66	$1.38
Medical Office	$3.62	Sq. Ft.	$9.05	$7.24	$6.34	$5.43	$4.53
Shopping Center	$2.84	Sq. Ft.	$7.09	$5.67	$4.96	$4.25	$3.55
Quality Restaurant	$160.34	Seat	$401.12	$320.90	$280.78	$240.67	$200.56
Drive-In Bank	$14.07	Sq. Ft.	$32.72	$26.18	$22.90	$19.63	$16.36
Percent Increase Over Current Fee			150%	100%	75%	50%	25%

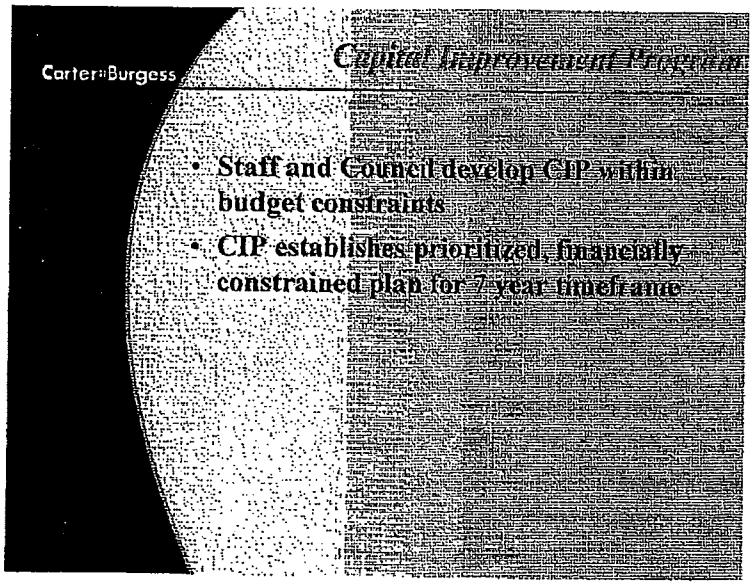
Mr. Smith stated that the last time this was done, the seventy percent was selected.

Carter::Burgess

Next Steps

- Council enacts resolution directing Planning Commission to conduct necessary studies and recommend a capital improvement plan and impact fee ordinance according to the timeframe designated in the resolution
- Council conducts public hearing after 30 day notice on capital improvements plan which must be adopted by ordinance





Mr. Morrison stated that if council started in August with the resolution, council would likely end up in the October first reading – November second reading, timeframe.

Mr. Morrison stated that there was discussion about Hungryneck Phase IV, which staff estimates will cost between $15 and $16 million dollars. He stated that there is approximately $3 million in the bank today. Mr. Burdette stated there is approximately $6 unencumbered balance in impact fees to use in various roads. Mr. Burdette stated that for example – let's say that $4 million of this is used toward Hungryneck IV –now it is down to approximately $9 to $10 million. He stated that the rule of thumb is about $125,000 per million and we are at $1.25 million per year additional collection that the town needs to have on top of a ten year bond, on top of what the town is already collecting which is approximately $2 million per year. He stated that assuming that coming in on the revenue side is the same ($2 million) as in the past; $1.25 million would still be needed to pay for this.

Mr. Morrison stated that a fifty to seventy percent increase would be necessary to achieve this.

Mr. Burdette stated that staff does not want the town to take on a $10 to $14 million obligation unless it is assigned to a special fund that would work for taking care of the whole obligation is developmental impact fees if Council raises the rate.

Mr. Morrison stated that the $10 million is only to complete Hungryneck Phase IV and no other projects.

Mr. Burdette stated that if we do not build Hungryneck Phase IV and widen US 17 from the Isle of Palms Connector to Highway 41, he asked Mr. Morrison what our traffic condition would be in 2025.

Mr. Morrison stated that the consultants ran a model to determine that if we built a six lane US 17 from IOP Connector to Hwy. 41 and a three-lane Hungryneck Boulevard, these two facilities will reach capacity in 2018 to 2020. Mr. Morrison stated that if we do not building Hungryneck Phase IV, there will be severe congestion even with the six lane US 17.

Mr. Burdette asked Mr. Ford what the build out would be just for those residing in the town limits – not counting the County in 2030.

Mr. Ford stated that he believes it will be over 20,000.

Mr. Burdette stated that the town is getting ready to commit $3 million to purchase land for Hungryneck Phase IV and if council does not want to build Hungryneck Phase IV, if a funding plan cannot be determined, staff needs to be advised right away.

Mr. Smith stated that land is not getting any less expensive, construction costs are on the rise and believes that this project should move forward.

Mr. Bustos stated that he does not see three lanes for Hungryneck Phases III and IV being a benefit. He stated that we are trying to attract young families and provide affordable housing and does not see how this can be done if we are adding additional taxes onto mortgages, and this is just for transportation. What about police, fire, recreation that must also be added. He stated that encouraging businesses to come to Mount Pleasant and collecting the six percent assessment are the revenues that should be used; create more incentives to encourage businesses. He stated that if this means slowing down on some of the road building he believes we should. He stated that all these fees add up.

Mr. Burdette stated that if we do not have an efficient road system, that would be a disincentive to locate to Mount Pleasant. Mr. Burdette stated that we are still going to have a three percent growth rate and the traffic problems are going to be severe in the north end of Mount Pleasant in twenty years.

Mr. Smith made a motion that the town change their impact fee for transportation to the seventy percent figure as indicated on the presentation; seconded by Mayor Hallman. Mr. Collins, Mr. Gawrych, Mr. Smith, Ms. Stokes-

Marshall and Mayor Hallman were in favor. Mr. Bustos, Mr. Glasson, Mr. Santos, and Mr. Swails were opposed. Motion passed 5-4.

Mr. Burdette stated that they will begin the process which will ultimately come back to Council in an ordinance.

Mr. Gawrych stated that he would like to discuss Highway 17 with Council. He stated that he understands that the town currently has close to $5 million from developers. He stated that there has been a rough estimate of $10 to $11 million to do six lanes from the Isle of Palms Connector to Highway 41 with no curbs, because of the basket weavers. Mr. Gawrych stated that he also understands there is $6 million is unappropriated fund balance for impact fees.

Mr. Burdette stated that some of this could be used for Hungryneck Phase IV and some would be left which could be applied to Highway 17.

Mr. Gawrych stated that he understands that this is a federal highway, the "Avenue of Tourism", and realizes that the Mayor is working very hard to find additional funding; however, this needs to be done.

Mr. Burdette stated that if council would like to go into the unappropriated fund balance, he would suggest that $2 million be left in the event of a downturn in the economy. He stated that $4 million would be the maximum to use out of this.

Mayor Hallman stated that he recently met with Mary Peters, the Secretary of Transportation and provided her with a proposal to do what council is discussing today, on US Highway 17. He stated that they requested some additional paperwork which Brad Morrison completed and submitted to establish some priority.

Mr. Burdette stated that whoever funds this project, a design still must be done. He stated some of this money could be used to develop the design.

Mr. Gawrych made a motion to direct staff to begin moving forward on the design of the six lanes from the Isle of Palms Connector through Highway 41; seconded by Mr. Santos.

Mr. Burdette stated for clarification, this would be coming from the development impact fee for transportation and the unappropriated fund balance.

Mr. Gawrych amended him motion as stated by the Administrator; Mr. Santos amended his second. All present were in favor.

The meeting recessed at 11:50 am and reconvened at 12:30 pm.

Projects List 2007/2008

Mr. Burdette stated that he would like to discuss projects that staff is working on for this fiscal year. He stated that there at approximately one hundred projects or program that staff must execute in the next twelve months.

Mr. Burdette discussed the following projects:



Project List 2007-2008

- Upgrades to Patriot Point Nature Trail – Phase II
- Hamlin Park LWCF
- Bowman Road Widening – Design / ROW Acquisition
- Hungryneck Blvd – Phase IIA - Construction
- Hungryneck Blvd – Phase IIB – Design per Development Agreement
- Hungryneck Blvd. – Phase III – ROW Acquisition and Construction
- Hungryneck Blvd – Phase IV – ROW-Acquisition-Design

Project List 2007-2008 (continued)

- Mathis Ferry Rd Vegetation Management Plan
- Wingo Way Extension Construction
- Replace traffic signals to Mast Arms (Northcutt & Patriot's Point)
- Coleman Blvd Mast Arms & Undergrounding Project
- Enhancement to Edwards Park
- Action plan for Dunes West Boulevard
- Design & Construct Intersection Improvements Six Mile / RRR

Project List 2007-2008 (continued)

- Whipple Road Widening – Construction
- Construct Community Dock at Remley's Point
- Construct records storage building at 6 Mile Facility
- Johnnie Dodds Redevelopment Plan
- I-526 – US17 Interchange Design
- Transportation Impact Fee Update
- Design and Construction of Kayak Trail
- Comprehensive Plan Update
- Gregorie Ferry Connector Design

Project List 2007-2008 (continued)

- Construct 2 "Welcome to Mount Pleasants" Signs
- Construct Visitor's Center
- Implement Employee Wellness Program
- Construct Sweetgrass Pavilion
- GASB 45 Study
- Municipal Complex Renovations
- Design Carolina Park / Faison Road Infrastructure
- Farmer's Market/Linear Park Design & Construction

Project List 2007-2008 (continued)

- Recodify Ordinances
- Design and Construct Memorial Waterfront Park, Phase I
- Complete Coleman Boulevard Revitalization Master Plan
- Development of Annexation Policies
- Acquisition of Town Hall Additional Property
- Acquisition of Shem Creek Water Access
- Acquisition Plan for Half Cent Sales Tax Open Space Property

Project List 2007-2008 (continued)

- Whitehall Drainage Installation –(CDBG Grant)-Phase III
- Mathis Ferry Road Ditch Piping (North & South)
- Implement National Pollutant Discharge Elimination System
- Design Expansion & Improvements to Six Mile Complex
- Replace roof at Police Sub station at Edwards Park
- Painting / Repairs to Exterior at Alhambra Hall
- Repair oak flooring in Alhambra Hall lobby area

Project List 2007-2008 (continued)

- Paint interior at the Darby Building
- Porcher's Bluff Roundabout Landscaping
- Highway 17 North Landscaping (Vicinity of Oakland to Carolina Park)
- Storage facility at Whipple Tennis Center
- Construct Track Facility at Park West
- Design Recreation Complex at Carolina Park
- Construct Bathroom and Shelter Facility @ Patriots Point Complex and add netting to field #1

Project List 2007-2008 (continued)

- Construct Senior Center
- Senior Center furnishings Program
- "Think Safe" Safety Program
- Design fire station number six
- Design of Fire and Police Training Facility
- Implement Phase II of Paramedic Program

Mayor Hallman stated that he met with the new Wal-Mart Super Center manager and made a recommendation for Wal-Mart to sponsor a room at the new senior center. He stated that he has a good feeling that Wal-Mart will do the sponsorship. Mr. Burdette stated that $150,000 is needed to fund this project to furnish the senior center.

Garbage Transfer Station – requested by Mr. Smith

Mr. Burdette stated that all the trash (leaves, bed springs, etc), currently is loaded in to our big trucks and hauled to Bees Ferry Landfill allowing our trash trucks to keep on the route. He stated that time is everything in this process. He stated that garbage is taken down to Romney Street Waste Recovery site in the packers. He stated that at some point, everyone is concerned that this will be shut down. He stated that if that happens, packers will be going back and forth to Bees Ferry Road and the time it will take will require more crews and equipment, as well as maintenance and repairs as it will double the mileage (fuel costs). Mr. Burdette stated that if the recovery station is closed, it would be financially

favorable for the town to build a transfer station for garbage at Six Mile, which must be all enclosed with a compaction system and separation system. He stated that it would take a couple of million dollars to build it and $700,000 to run it.

Mr. Smith stated that he has been talking to John Reno who serves on the Isle of Palms council and Mayor Sottile who used to contract with the Town. They stated to Mr. Smith that if we do obtain some type of coordinated effort with all the major cities that so much is going to be tied up in equipment, manpower and damage to the equipment. He stated that he would suggest that we collectively come together to fund something like this. Mr. Smith stated that he feels it is the county's responsibility to fund this as they are in the disposal business.

Mr. Smith made a motion for council to authorize the Administrator and staff to begin negotiations with all municipal parties involved to begin negotiations to develop some type of contractual arrangement to establish and manage a garbage transfer system; seconded by Ms. Stokes-Marshall.

Mayor asked that while a site is being explored, to consider the cost. Mr. Burdette stated that this will not require a large parcel of land and believes that the Six Mile property will be able to accommodate this. He stated this is this compacted and if we look elsewhere, residents are not going to want this next to their property, although this is all enclosed.

Mr. Gawrych stated that the county has property everywhere and feels that this is where this should go.

Mr. Bustos stated that rather than negotiation, to look at the feasibility of doing this project.

Mr. Smith stated that the Administrator has already said that it is feasible, but this has been discussed for years and is necessary to do.

Ms. Stokes-Marshall stated that prior to her serving on Council in 1998 this was one of the main concerns that needed to be addressed.

Mr. Burdette stated that the volume of garbage generated by Isle of Palms and Sullivan's Island is approximately one-fifth of the volume of Mount Pleasant; therefore the Town is going to have to take the lead.

All present were in favor.

Mr. Burdette stated that the next item is Executive Session.

Council adjourned into executive session at 1:30 pm and reconvened the council meeting at 2:22 pm.

Mr. Stokes-Marshall made a motion to authorize staff to proceed, in reference to the Olive Branch request, whereas we support their request for the abandonment of the portion of Mathis Ferry Road; seconded by Mr. Gawrych. All present were in favor.

There being no further business to discuss the meeting adjourned at 2:24 pm.

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
TUESDAY, FEBRUARY 5, 2008

Municipal Complex, Room 103

Present:	Mayor Hallman, Chairman Thomasena Stokes-Marshall, Paul Gawrych, Kruger Smith
Also:	Billy Swails
Staff:	Eric DeMoura, Joel Ford, Christiane Farrell, Brad Morrison, Paul Lykins

Mayor Hallman called the meeting to order at 10:45 am.

1. Approval of Minutes

Ms. Stokes-Marshall moved to approve the minutes from the previous meeting; seconded by Mr. Gawrych. All present were in favor.

2. Secondary Access from Faison Road to Roper St. Francis Hospital

Mr. DeMoura stated that last February, 2007 Charleston County Aviation Authority, by deed, transferred Faison Road to the Town of Mount Pleasant; however, the deed had a restriction. The restriction was "that the property shall not provide direct or primary access ingress or egress to any schools, residential properties or hospitals". He stated that Roper St. Francis is requesting a secondary access onto Faison Road and are asking that Town Council grant a variance from this restriction. Mr. DeMoura stated that Attorney Sam Applegate is present representing the hospital.

Mayor Hallman stated that this represents the best opportunity to obtain another access to the hospital and connecting the properties.

Mr. Smith asked if this road violates the covenant, as it states "primary".

Mr. DeMoura stated that it states "direct or primary access", which this road would grant direct access to the hospital.

Mr. Smith stated that his interpretation is that they do not want to make a main entrance from this road. He stated that if they did not want a secondary or emergency access, they would have stipulated such. Mr. Smith asked Mr. Applegate to comment.

Mr. Applegate stated that what he believes is that in the restrictions that were placed in the deed the Aviation Authority in conjunction with the FAA put certain limitations and restriction and there is some question that the specific language itself says "direct or primary". He stated there is some difference opinion as to whether they meant to say "direct and primary". He stated that this is not a primary access, therefore, he has asked the Aviation Authority for their approval for the variance and they have granted this subject to the Town of Mount Pleasant granting it as well. He stated that the FAA has also concurred. He stated that in the package that was sent to the Town, there is a letter from FAA and from the Aviation Authority stating that they approve this request, subject to the Town's approval.

Ms. Stokes-Marshall asked Mr. Applegate, for clarification, that the Aviation Authority has no objection to making this a secondary access. Meaning that for emergency vehicles to gain ingress and egress from the facility, this is agreeable with the Aviation Authority and FAA, as long as it is not used as a primary access and subject to the Town's approval.

Mr. Applegate responded in the affirmative. He stated that the primary access to the hospital will be from US 17.

Mayor Hallman made a motion to recommend that Council approve Roper Hospital's request to proceed with the secondary access road; seconded by Ms. Stokes-Marshall.

Mr. Gawrych asked if this will have the capability to flow both ways; besides the right-in, obviously it will be a left-out onto Faison Road.

Mr. Morrison stated that it is anticipated the US 17/Faison Road intersection be a signalized intersection that lines up with National Drive. He stated there will be full access at Faison Road.

Mr. Gawrych stated that if an ambulance goes down and turns left on Faison, you also then turn right. Can they also leave that way – will there be a left hand turn onto Faison to get to US 17.

Mr. Morrison responded in the affirmative.

Mr. Gawrych asked about the other side, as far as aligning an intersection. Mr. Morrison stated that it was wetlands on the opposite of the driveway. He stated that he would anticipate that it would be a full access even if there was a median before and it would break at that access.

Motion carried 3 to 1 with Mr. Gawrych opposing.

3. NPDS devices on Whipple Road Project

Hillary Repik stated that she would like to advise Council of some of the changes on the Whipple Road Project. She stated the original design included a retention pond between Coopers Point and Landings Run neighborhoods. She stated where the pond was designed to go is part of Hobcaw Creek and for permitting challenges, access challenges and destruction and neighborhood backyards, the redesign has gone to a "manufactured device". She stated that the pond structure will be replaced with a water quality device that will catch loose trash, trap sediments, contain pollutants, and trap any oil coming off of the roadway. She stated that the overall change order is approximately a 10% cost increase when you compare to the construction of a pond. She stated that similar to ponds, this device has long-term maintenance. She stated these devices are starting to be used more, as when doing the design under the current standards you must do both flood control and water quality. In some cases, a pond is not always the best or most cost effective means; if you cannot fit the pond in or you must do permitting and mitigation costs. She stated that these devices must be cleaned out twice a year, be inspected, as well as the oil and trash removed. Ms. Repik stated that this will be a part of the new Stormwater and NPDS operations.

Ms. Stokes Marshall asked if there were any pictures of the device.

Ms. Repik stated that the device will not be seen as it is an underground device. She stated it is a vault box where the water comes in and trash gets pulled out, sediment drops out and the oil comes out. She stated there is a manhole at the top which is all that is visible. She stated there will be a special truck that will clean out all the debris to provide water quality benefits.

Mr. Smith asked if something similar was done at Towne Centre.

Ms. Repik stated that Town Centre has several structures, also some in Olde Park, I'On, as well as in the new development projects. She stated that in previous years, the project would be designed with a larger pond to meet water quality requirements; however with the value of land, these devices are being used more frequently.

Ms. Stokes-Marshall asked if the device works better.

Ms. Repik stated that it is still in testing; however, it is being used more and more in the larger cities because it can actually trap the floatable trash, traps the oils which can be removed. She stated that in ponds, these items can still float and get out. She feels it is more effective in certain cases and to a certain degree, easier to maintain, versus pond dredging. She stated that the town's crews will attend special training to learn how to maintain the devices, in addition to the proper equipment.

Ms. Stokes-Marshall raised the issue of the 10% cost difference.

Ms. Repik stated that they did a rough take-off cost, but did not have a cost for mitigation.

Mr. Smith asked if some of the other ponds may be retrofitted with this device.

Ms. Repik stated that she did not foresee this in the near future, only if there was a case where testing indicated that there are certain problems. She stated that they are being designed in front of ponds on new systems. She stated that the old systems may have to be retrofitted one day; however proper testing would have to be made.

Mr. DeMoura stated that staff wanted Committee members to know how this impacts the Whipple Road project and how some of these unfunded mandates must be complied with.

Ms. Repik stated that an average pond costs the town approximately $800 per year which is treating it for algae and keeping it aesthetically pleasing. She stated that this does not including dredging or removal costs. She stated with this device, the contractor is charging the Town $600 per visit to inspect and properly remove the sediments, trash, etc. She said that eventually she expects this will be included into the maintenance program and do away with any contractual costs. She stated that for the first year of these devices being on line, the cost being $1,150 versus the $800 just for aquatic control.

Ms. Stokes-Marshall asked about staff training.

Ms. Repik stated that the town's maintenance crews have a large vacuum truck to clean out storm drain inlets and pipes. She stated these devices are more complex, as there is confined space entry, proper disposal of the oils and sediments, etc. She stated that staff will need to be properly trained as part of their program. Staff will be trained with the contractor at first and will then take over after that.

Mr. Gawrych stated that these devices work very well and the key is maintenance. He stated that he feels this will prove to be more beneficial versus digging a pond. He stated that the town needs to make sure that children will not be able to access the devices. He asked where this device will be located in relation to the current pond at the intersection of Whipple and Longpoint.

Ms. Repik stated that it is one ditch back upstream towards Longpoint Road. She stated that it will have latch covers with the town's lock system.

Ms. Repik stated that it did not impact the project's budget, but only a moderate change order.

Mr. Ford stated that they are under budget on this contract; therefore there is enough funding.

4. **Update – Ongoing projects**

Mr. Paul Lykins stated that on the Whipple Road project, construction is ongoing. He stated that they are working to resolve the underground utility conflicts.

Wingo Way will be completed next month.

Hungryneck Boulevard Phase III – Staff is still working on right-of-way acquisition, permitting, utility coordination, design and hope to have all these items complete in the next sixty days and ready for bid in the spring.

Hungryneck Phase IV – Design is underway.

Gregorie Ferry connector road, which will connect Highway 41 to Porcher's Bluff is currently under design, as is Highway 17 widening.

Mr. Gawrych asked if the same engineering company handling the Highway 17 widening is the same that will handle the Gregorie Ferry project.

Mr. Lykins responded in the negative.

Mr. Gawrych asked if staff has firmed up discussions with Collins Engineering on the fact that the road is going up to Darryl Creek.

Mr. Lykins responded in the affirmative.

Mr. Morrison stated there was one more update. He stated that the town contracts with the City of Charleston for signal maintenance, which is a fixed fee per signal cost. He stated that staff has been looking into developing a request for proposals to bid an "on-call" signal

maintenance contract where if a pole was struck, they would contact the contractor and they would respond immediately. He stated that this would be on a cost-plus basis. He stated that the town would obtain more efficiency out of the existing funds expended each year. He stated that he wanted to inform Committee and if acceptable, would proceed forward with bidding and an RFP for these services.

Ms. Stokes-Marshall asked for the amount the town currently pays the City of Charleston.

Mr. Morrison stated $105,000 per year for approximately forty-five (45) signals.

Mr. Morrison stated that we pay approximately $2,300 per signal and it is difficult to break out what the maintenance cost is per signal. However, if the town does the "on-call" contract, he will know the exact cost per signal and accurate history can be established.

Mr. Gawrych asked if Mr. Morrison was aware of companies who perform this service.

Mr. Morrison stated that SCDOT has approximately eight to ten "on-call" maintenance contractors.

Mr. Morrison stated that there will be a process and the information will come back to the Transportation Committee before approval to bid.

Mr. Gawrych sated that when you are driving on Highway 17 South, before coming to 526, there is only a small sign that says "right hand lane must turn". He asked if SCDOT would put the word "ONLY" on the large sign showing the 526 on ramp – similar to the one in yellow on the large sign driving on Highway 17 North at the Isle of Palms connector.

Mr. Morrison stated that he has asked SCDOT numerous times and has not received a response. He stated that this was a punch list item when the sign was completed approximately two years ago.

Mr. Gawrych asked what he could do to help.

Mr. Morrison stated he will request again, as the overhead signs are approved in Columbia. He stated that it will not take a new sign. He stated he will follow up with the Columbia office.

Mr. Gawrych stated that on another item, on Highway 17 and 41, he is aware that the reflector poles were necessary to install. He stated that these poles have been run over and leaning over.

Mr. Morrison stated that three months ago he spoke with the district traffic engineer and stated that SCDOT has an "on-call" maintenance contractor that should have these repaired. He stated that he will follow up with SCDOT again. He stated that the long term solution is for the town to do landscaping and remove the poles; however with the widening project, this would not be feasible.

Mayor Hallman requested that when Mr. Morrison writes the letter regarding the sign on Highway 17, to please copy his office, Councilman Gawrych, and Mr. "Buck" Limehouse at SCDOT in Columbia.

Ms. Stokes-Marshall made a motion to adjourn; seconded by Mr. Gawrych. The meeting adjourned at 11:12 am.

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
MONDAY, MARCH 3, 2008

Municipal Complex, Room 103

Present:	Mayor Hallman, Chairman Thomasena Stokes-Marshall, Paul Gawrych, Kruger Smith
Also:	Billy Swails, Joe Bustos, and Nick Collins
Staff:	Mac Burdette, Eric DeMoura, Joel Ford, Christiane Farrell, Brad Morrison, Paul Lykins

Mayor Hallman called the meeting to order at 12:30 pm.

1. Approval of Minutes

Ms. Smith moved for approval of the February minutes; seconded by Mr. Gawrych. All present were in favor.

Ms. Stokes-Marshall made a motion to amend the agenda to move Item #7 up to Item #2 with everything else to follow in sequential order; seconded by Mr. Gawrych. All present were in favor.

2. Sight Distance at Garden Way/Long Point in Snee Farm

Mr. Morrison stated that Mr. Ballester is present regarding this item. He stated that he has provided Committee members with a memorandum with a map regarding an intersection sight distance complaint. He stated that it is a limited sight distance and initial measurements indicated that it is almost one half of what the design standard is today. He stated that he has listed options in the memorandum from the most to the least restrictive; some being feasible and others not. He stated that option #1 was to close the road if the town felt it was that much of a safety hazard. He stated that he did not believe it was feasible in this instance. He stated that intersection sight distance is when the driver needs to find a gap in traffic, looking left and right. He stated that in this instance, the intersection sight to the right is acceptable, but to the left is where the restriction is. He stated in option #2, it would require significant removal of trees. He stated that he feels that options #3 and #4 are the best as it would require limited clearing of pine trees, small oak and sweet gum trees, in order to open up the sight distance. He stated that there was posting already at the location which the DOT did years ago in recognition of this problem. He stated that in discussions with DOT, there is

case law that supports that with an advisory speed such as the one that they have there, which is legally defensible for a substandard sight distance. He said there is a legal side and a practical side; the town is trying to look at the practical side, and what to do about it. He stated that if eight trees were cleared out, it would add another 100 feet of sight distance which equates to an additional 1 ½ seconds. He stated his recommendation would be for staff to be permitted to clear the area, as it is the Town's responsibility and the costs incurred would be to by Town. He stated he believes there is also some mitigation the Town may have to pursue.

Mr. Burdette asked why DOT would not be involved, as this is Long Point Road.

Mr. Morrison stated that the sight distance is for the Town's road. He stated that there is also a stopping sight distance that needs to be measured and if this is substandard, the Town could ask DOT. He stated that they may be able to assist the Town, as they have a program of clearing trees that are hazards and is something he can look into.

Mayor Hallman asked what the cost would be.

Mr. Burdette stated that tree removal is approximately $1,000 to $1,500 per tree for the big ones.

Ms. Stokes-Marshall said that she is familiar with this area and a number of residents utilize this road to enter and exit their homes. She stated that she understands there is a cost factor, but feels that it is important for the Town to provide a safe means for them to do so. She stated that the Town needs to do whatever possible to make sure residents enter and exit safely.

Mr. Smith stated that this is obviously a hazard; however, the Town has received more complaints from residents in this area for removing trees. He stated that he wants to ensure this is explained to the Snee Farm residents.

Mr. Morrison stated that Mr. Ballester is present on behalf of Snee Farm and stated that the HOA has been in contact with the Town and DOT and had similar issues with one of the other entrances and are having some of the trees removed.

Mr. Burdette stated that if this Committee would make a recommendation to Council, staff will obtain a price estimate for the Council meeting next week so that Council will know how much to appropriate for the removal of the trees.

Mr. Bustos stated that there is also the entrance into Snee Farm Lakes which is in between the two Snee Farm entrances which is also very hazardous which may merit closing.

Mr. Morrison stated that he believes that is their only entrance.

Mr. Bustos stated that they can always go to Garden Way.

Mr. Morrison stated that he would do a sight check.

Mr. George Ballister stated that he has lived in Snee Farm for 14 years. He stated that it was not as bad back then, but the traffic has increased immensely. He stated that it is very dangerous.

Mr. Gawrych made a motion to recommend to full Council to move forward with the discussions on the process of the tree removal, on the cost analysis and getting DOT's involvement in this process as well; seconded by Ms. Stokes-Marshall.

Mr. Smith suggested adding to the motion that the Snee Farm HOA be intimately involved in what the Town is recommending.

Mr. Gawrych amended his motion; Ms. Stokes-Marshall amended her second. All present were in favor.

3. **Update on Johnnie Dodds Boulevard Improvements by Charleston County Roadwise staff**

Mr. Morrison stated that he asked County staff, Jim Fisher with TransSystems, Dan Moses with the LPA Group; the program manager for Roadwise, Kurt Taylor, Jim Armstrong, and County Councilman Joe McKeown.

He stated that the last meeting was in November and there are several things transpiring; the concept that TransSystems has been developing and preliminary design is about to begin which is a separate contract.

Mr. Fisher stated that he spoke to Council in December at Wando High School and got a directive at that time to meet with staff and consultants who are working on the corridor redevelopment plan. He stated that they have done that and one major thing they gathered from that meeting was how to handle pedestrian crossings. He stated schedule wise there are concurrent things going on. They are wrapping up the final report and will provide that to Roadwise Charleston County and the Town for review and comment. After that time, they will come back to full Council and make a formal presentation and ask for support of the

preferred alternative. He stated that with that process, the County Council has approved the contract to proceed with the 30% design, which was completed at the February 19th meeting and they expect this week to obtain contract and notice to proceed to begin this work. He stated that the major work that the Town will be seeing is surveying being done on Johnnie Dodds Boulevard, which will be a 3 ½ month process.

Dan Moses stated that the public will begin seeing a great deal of survey activity from the Ravenel Bridge up to I-526. He stated that TransSystems has developed a database of property owners that may or may not be affected by the project. He stated that they will be sending out a public letter to those within the project vicinity to let them know that there will be survey activity and not right-of-way acquisition or construed as any type of construction, but only data collection for any of the alternatives that the Town and County may be moving forward with. He stated that one of the other things happening during this time frame is the completion of the concept design criteria report, at which point they will work on the environmental assessment document which is a requirement. This will happen approximately the same time as the field surveys. He stated that by the beginning of the summer, they will be submitting their draft Environmental Assessment to the various agencies, including the Town, County, DOT, FHWA and this will take 30 to 60 days over the summer. They anticipate their public hearing on the project to occur in September at the latest depending of the review periods. He stated that after that time, they move forward with the design of right of way plans and acquisitions and have a very strong consideration for design-build as a component of this project. He stated that the next several months is very critical.

Mr. Smith asked the "design to build" was the concept that was challenged by someone in Greenville when the Ravenel Bridge was built.

Mr. Moses responded in the affirmative.

Mr. Smith asked what the outcome was, and asked if the town is at risk.

Mr. Moses stated that the was not sure of the outcome and stated there is always risk, but as far as design-build, he stated it is a delivery system that has been tried and true over several years and DOT continues on with it.

Kurt Taylor stated that the Supreme Court found fault with the State DOT using a design-build method because they weren't allowed under their own regulations and statutes. He stated that this will be a Charleston County project and it has been adopted in their procurement ordinance a method to use design build construction and believe that it is safe, unless challenged.

Mr. Burdette stated that he believed there was going to be an effort to begin looking at sources of revenue to complete the project as it is unsure if $70 million will complete it. Mr. Moses stated that they are working on the finance plan at this time and the County has worked through the bond sales and they can obtain that information from the County budget office. He stated they will be looking internally within the program as well as efforts externally as well with staff.

Mr. Gawrych stated that he was taken aback that a survey of the road was not completed yet to let Council know if it was 200 feet or 180 feet, which impacts everything. He stated that it was the understanding between Roadwise, County Government and the Town. He stated that one is collecting revenue for the road, and one is planning for the road. He stated that he keeps hearing about compiling the data to cover all the options and when all the options are received, how does this reach the public without delaying the process. He asked Mr. McKeown to talk about what has been taking place on Maybank Highway with the City of Charleston and the County and what is happening here to make sure things are working in the right direction.

County Councilman Joe McKeown stated that he will let staff talk about specific and procedurally what this will look like as plans come. He stated that in reference to Maybank Highway, the City of Charleston's Transportation and Planning Committees and the County's Transportation and Planning staff and for the most part, working together. He stated that back in November as the City progressed on their John's Island community plan, they realized they thought they were behind a four lane road, but they really are not and indicated they wanted the County to look at alternatives and came before County Council and wanted something different. He stated that it was discussed for two hours, but they agreed to stop what was being done at the time and give the City several weeks to determine what they would be requesting. He stated the City must put their stamp of approval on whatever option

is chosen. The County Council is not going to build a road through a municipality without that municipality's approval. He stated that County Council is going to work with the Town cohesively on what Johnnie Dodds Boulevard is going to look like for the next 50 years.

Mr. Gawrych stated that in reference to the revenue, they are looking at $50 million just to do the intersection at US 17 /I-526 and stated with the elevated exchange at Bowman and another area, when referring to the $70 million, he can see those two intersections being the same amount. He asked what needs to be now to say that $70 million is not going to be enough and if this is being conveyed to County Council.

Mr. Fisher stated that when cost was discussed at one of the recent updates, it is obvious to everyone that more funding is necessary to complete the whole project. He stated that the interchange at Bowman Road is nowhere near in length or scope as the Hungryneck project and does not know if the $50 million includes right-of-way. He stated that they likely have less value in right-of-way for the three mile corridor than the Town has at the US-17 / Hungryneck project.

Mr. Swails asked what the target completion date looks like.

Mr. Moses stated that they are looking currently at late summer of 2012.

4. **Design cost of widening US17**

Mr. Burdette stated that staff is negotiating with the consultant for the design project and the cost for that is $2.1 million. He stated the Town has approximately $3 million in cash mainly from the Carolina Park contribution. He stated that they anticipate approximately $2.5 million from Oakland Plantation and hopes that the County will come through with another $3 million and there are two increments of $1.5 million each from the TIF. He stated that the cash fund will be depleted just by the design which will take sixteen months, which will give staff time to acquire additional funding. He stated that this is likely the biggest design contract that the Town has had in quite some time.

Mr. Gawrych asked Mr. Morrison what his estimate would be from Isle of Palms Connector to Darryl Creek Road for the design and construction of the six lanes

Mr. Morrison stated that based on the widening out from Town Center, he feels that the cost is easily $5 million per mile for the widening and stated that from IOP connector to Darryl Creek is 5.2 miles, so it appears to be approximately $25 million plus.

Mr. Burdette stated that staff is also going to look at the possibility of design build if DOT will work with the Town. He stated that to get it designed it will be sixteen months.

5. **Wingo Way land exchange**

Mr. Burdette stated that adjustments need to be made.

Mr. Ford provided Committee members with a diagram. He stated that it had to do with all the engineering files being transferred from surveyors to engineers and developers. He stated that Mr. Ginn has been understanding and has already signed the documents and staff has the deed prepared. He stated that he will provide these documents to Mr. Young to prepare the ordinance, as it is a land swap, no cost considerations.

Mr. Burdette stated that this would be addressed at Council on Tuesday, and stated that the road would be opened in approximately 2 to 3 weeks with a ribbon cutting ceremony.

6. **Enhancement grant request**

Mr. Ford stated that this grant request is for $150,000 and is a part of the TEA-21 program with TIF and BCD COG. He stated that this is for the Fairmont intersection improvements, which will be mast arms, pedestrian crossing. He stated that the Town's share is approximately $30,000 which would come from TIF funding.

Mr. Burdette stated that the Committee would need to make a recommendation to Council to proceed forward with the grant request.

Mr. Smith made a motion to recommend to Council that they approve the grant request as depicted by staff; seconded by Mr. Gawrych. All present were in favor.

7. **SCANA fiber optic cable on Coleman Boulevard cost sharing**

Michael Robertson stated that part of the under grounding project is that they will be removing the traffic signal cable from overhead to underground services. SCANA communications contacted the Town and stated that since they already have fiber in the ground, would the Town be willing to go into a cost share agreement to install their fiber into the ground as part of the Coleman project, and in return, they would give the Town access to six fibers to run our traffic signals and cameras not only to Coleman, but throughout portions of the Town. This would include Coleman, Johnnie Dodds and a portion of Long Point Road. He stated that the obvious savings would be that the Town would not have to pay for the conduit and pay for maintaining the communications cable. SCANA would be

responsible for their maintenance system, except the immediate portion that serves our traffic signals. Mr. Robertson stated that the Town's share of the cost is estimated to be $35,000 for Coleman.

Mr. Burdette stated that staff would see if they could use the non-standard service fund that SCE&G has set up for the Town to pay all or a portion of that. TIF funds would be used for anything over that amount on Coleman. He stated that Council needs to act on this. He stated that he would like the Committee members to be comfortable with the project and then staff will bring the agreement back for final approval. He stated that it is a good idea.

Mr. Gawrych made a motion to recommend to full Council to go forward with discussions on the Coleman Boulevard cost sharing; seconded by Mr. Smith.

Mr. Gawrych asked when the public would begin to see potential work on Coleman.

Mr. Robertson stated that all the communication and power lines and Comcast cable are currently underground and SCE&G is beginning the conversation of all the existing businesses to the new underground business, but it will not be until June or July before the poles and lines disappear. He stated the foundation for the mast arms will begin in approximately 3 weeks.

All present were in favor.

8. Pitt/Venning All-Way Stop Control proposal

Mr. Morrison stated that these are state roads and there has been a request from Mr. John Wallace to consider making the intersection an all-way stop. He said the northwest-bound approach is not stop controlled. He stated that it is an awkward intersection.

Mayor Hallman stated that it is a dangerous intersection.

Mr. Smith asked if any parking spaces are being lost.

Mr. Morrison stated that two would be lost.

Mr. Smith asked if anyone has discussed this with the businesses.

Mr. Morrison stated that they have not, as they do not do anything in the Old Village without making the Committee aware, but this has not been discussed with the business owners. He stated that the two parking spaces lost are shared with all the businesses and are not even marked for parking spaces.

Mayor Hallman stated that the residents are entitled to a four-way stop.

Mr. Burdette stated that this would need to go to Council.

Mr. Smith made a motion to request Council to permit the establishment of a four-way stop at Pitt and Venning streets and that Mr. Brad Morrison discuss this with the local businesses at this location to ensure there are no complaints; seconded by Mr. Gawrych.

Ms. Betsy Wallace stated that her husband is the one that began this process. She stated that the two parking spots that will be lost are not marked and are only used by residents with extra cars and leave them parked them all the time. The businesses do not use these parking lots.

Mayor Hallman asked how many businesses were at that location.

Mr. Burdette stated approximately 12 businesses.

All present were in favor.

9. Long Point/Belle Hall Parkway turn restriction proposal

Mr. Morrison stated that this has been discussed several times and he has attached a report from the DOT of the crash occurrences at that location, which indicates that all the crashes are left turns being made from Belle Hall Parkway onto Long Point. He stated it is a minimal volume, but is a safety concern.

He stated that if the Committee concurs, he will coordinate with DOT to design a restrictive island that restricts this movement. He stated that the Committee needs to make a recommendation to Council. He said that this is a state road.

Mr. Gawrych stated that this is a bad left hand turn and asked if the Belle Hall HOA has been apprised.

Mr. Morrison stated that he has not discussed this with them. He stated that eighty-eight percent of the volume that approaches the intersection makes a right hand turn.

Ms. Stokes-Marshall stated that in limiting this to a right hand turn, the other residents would need to take Paul Foster and wanted to know if consideration was given to place additional signage that would direct the residents. She wanted to ensure that the HOA at Belle Hall should be advised.

Mr. Morrison stated that he has included extra signage in his memorandum and would make the HOA aware.

Mr. Burdette stated that the reverse 911 call system could also be used in that entire area to make the residents aware of what is being discussed. He also asked if there has been any discussion regarding the Waffle House.

Mr. Morrison stated that the left in to Belle Hall Parkway would be a concern, but does not feel the left out of Belle Hall Parkway has any affect. He stated there is no significant crash history on the left in from Long Point Road.

Mr. Smith asked if this impacts the fire stations.

Mr. Burdette stated that Egypt Road is used by the fire department.

Mr. Morrison is asking the Committee to approve the concept of implementing the restriction and if there are other considerations.

Mr. Burdette stated that there are two choices; one to move ahead with Council and see if DOT will approve it; or take interim steps and find our what the residents in Belle Hall HOA thinks about it.

Mayor Hallman stated that this will either go to Council next month or if a special meeting is sooner, it will be addressed at that time.

Mr. Burdette stated that what was suggested is that an interim step would be taken for Committee to direct staff to get with the Belle Hall HOA and obtain their input about this proposal to eliminate the left out.

Mr. Smith stated that a motion is not necessary as it appears that there is a consensus among committee members.

Mr. Burdette stated that as long as no one is looking for something at the Council meeting other than what was just discussed.

10. SCDOT responses to various issues

Mr. Burdette stated that these are the DOT responses to questions that were posed some time back.

Mr. Morrison stated that in reference to the sign modification at I-526 southbound on US17, he called SCDOT before he wrote Mr. Limehouse the letter and asked again, and they have committed in 45 to 60 days to have the sign up.

Mr. Morrison stated that last fall, the Committee asked DOT to consider lowering the speed limits on Rifle Range Road and Highway 41. He stated that they performed speed

studies and they indicated the existing speed limits are acceptable and appropriate for the driving conditions. They stated they are not going to lower the speed limits on Highway 41 or Rifle Range Road.

Ms. Stokes-Marshall asked if DOT takes into consideration the people that live on the roads that are off of Rifle Range or Highway 41, needing to turn in or out of those roads.

Mr. Morrison stated that DOT does not want to set a speed limit that is arbitrarily too low. They try to find the balance and set the speed limit.

Mr. Smith asked if the highway department has any mechanism to address the waiting time.

Mr. Burdette stated that if it is a public road, but if it is a driveway to your property, probably not.

Mr. Gawrych asked how soon the light at Bessemer Road and Highway 41 was going up.

Mr. Morrison stated that he does not have an answer, but it would create gaps. He stated that he would look into it. He stated that a warrant study would have to be done which requires the SCDOT's approval. Mr. Burdette stated that it would not require going to full Council

Mr. Gawrych made a motion to direct staff to get with DOT to conduct the warrant study for the intersection of Bessemer Road and Highway 41 for a signal; seconded by Mr. Smith. All present were in favor.

Mr. Burdette stated that at some point there would be the connecting road from Porcher's Bluff that will come through and connect to Highway 41 at the Colonnade and a traffic signal there.

Mr. Gawrych asked Mr. Morrison about all the damaged posts at Highway 17 and 41. Mr. Morrison stated that he called SCDOT and they stated they would send their maintenance crews to repair this area.

Mr. Burdette asked if the guardrail system was feasible.

Mr. Morrison stated that there is a device that is the same as the bollard system, except at the bottom is something similar to a curb and this is something to consider at this location.

11. Update – ongoing projects

Mr. Lykins stated that the Whipple Road construction is ongoing and still dealing with underground utility conflicts, but making headway.

Mr. Burdette asked about the issue of night time work and complaints.

Mr. Lykins stated that the contractor has gone back to daytime work and they are looking for new locations for a lay down area and will eliminate the noise conflict from the neighborhood.

Mr. Gawrych asked about completion.

Mr. Lykins stated that the contractor is behind schedule and is trying to make up for lost time. He believes that the completion date of March, 2009 can still be met. He stated that the contractor is currently behind on the storm drain task.

Mr. Lykins stated that Wingo Way is substantially complete and will be opened in approximately 3 weeks.

Mr. Lykins stated that Hungryneck Boulevard right-of-way acquisitions, utility coordination and design is still ongoing and looking to bid the construction in July.

Mr. Lykins stated that Hungryneck Phase IV final design is underway.

Mr. Burdette stated that staff met with Mr. Eddie Buck and for Hungryneck Phase III the Town must acquire some property behind his storage facility. He stated that staff is looking at land swaps where land does not have to be purchased. He stated there is some residual pieces of property that the Town owns from the Six Mile facility and looking at the option of swapping land, but this would have to be approved by Council. He stated that appraisals would need to be done first to the values may be compared. He stated that there is still Meridian Condos to be considered and purchased.

Mr. Lykins stated that the offer has been made, but it needs to go to their Board of Directors. He stated that on the subdivisions, staff had to revise the appraisals to take into account the property they are dedicating to the Town. He stated that the Town has some properties on Six Mile Road, some strip takes, Laing School and some acquisition for future phase of Hungryneck Phase IV.

Mr. Lykins stated that design will begin on the Gregorie Ferry connector this month and design plans will be completed this summer. This is the road that will connect Highway 41 to Porcher's Bluff.

Mr. Lykins stated that on Bowman, the Town is getting ready to enter right of way acquisition and final design and the consultant is developing a scope and fee for this work.

Mr. Lykins stated that at Rifle Range and Six Mile, the Town is going to proceed forward with the signal design and right of way acquisition in the process of obtaining a scope of services and fee for this as well.

Mr. Morrison stated that last month he asked the Committee about proceeding forward with an "on call" signal maintenance contract and has since then developed a scope to bid this type of work. He stated that this relates to other projects that the Town is actually building. He stated that part of the bridge project was to bring the camera system into our Police Department and Vincent Anderson has been working on this to get the fiber connection to the Town of Mount Pleasant and that has been established. He stated that what this also enables the Town to do is to use the same fiber to come into this building into a closed looped system to review all the timing on the computer as "real time". He stated that equipment would have to be purchased and this on-call maintenance contract will enable the funding used every year more efficiently and build some of the infrastructure for the Town. He stated that hopefully in the next few years, we will have our own traffic control center. This would allow them to respond much quicker.

Mr. Gawrych stated that on Hungryneck Phase II, at night there is no way to tell you are coming up on a dead end.

Mr. Lykins stated that the signs put up are gone and lights are forthcoming.

Mr. Gawrych stated that when the frontage road was built at Park West and US17 intersection, South Morgan's Point, which runs into National Boulevard. When the frontage road was originally built, before the Food Lion Shopping Center, there was a buffer which was torn down and had to replant. He stated that those plants are gone.

Mr. Ford stated that he has already worked it out and Berkeley has agreed as a part of the overall transmission these wax myrtles will be replace, but it will be awhile before we see them.

. Ms. Stokes-Marshall made a motion to adjourn; seconded by Mr. Gawrych. All present were in favor.

There being no further business to discuss, the meeting adjourned at 1:45 pm.

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
MONDAY MARCH 31, 2008

MINUTES

Municipal Complex, Conference Room 103

Members Present:	Mayor Hallman, Chair; Thomasena Stokes-Marshall, Paul Gawrych Kruger Smith
Also:	Billy Swails, Joe Bustos, Nick Collins
Staff:	Mac Burdette, Paul Lykins, Joel Ford

Mayor Hallman called the meeting to order at 10:45 p.m.

1. Approval of Minutes

Mr. Gawrych moved for approval of the previous meeting minutes; motion seconded by Ms. Stokes-Marshall. Motion carried unanimously.

2. Land exchange recommendation with Mr. Eddie Buck – Hungryneck Boulevard Phase III

Mr. Burdette stated there is a good opportunity for a land exchange with Mr. Eddie Buck regarding Hungryneck Boulevard, Phase III which would eliminate the need to buy land from Mr. Buck for the right-of-way. He sees an opportunity to enhance his property by the land swap and the Town can enhance its Public Service Department by filling in a drainage pond. Mr. Ford will review this with Committee and then Committee will recommend this to Town Council.

Mr. Ford had a handout showing what will be done. It will be a one-to-one swap in terms of land area. PS&J worked on a modification of the drainage plan from a prior contract the Town had with them. Mr. Ford stated there is a retention pond behind the Public Services building and by modifying and filling it, it gives Mr. Peele more usable land for storage needs. The Town would then give Mr. Buck the portion to the rear of the Town's property that abuts Mr. Buck's property. An appraisal by Atlantic Appraisals indicates the dollar values are about even on the two 1.59 acre parcels at $300,000.

Mr. Burdette stated this is economic development in that it is planned to build a hotel adjacent to Mr. Buck's property that is near the Crab House Restaurant, but it was denied ultimately because the Lutheran Church next door opposed it. The hotel would need additional parking and the parcel of property that Mr. Buck would get from the Town would be made into a parking lot for the hotel next door to the Crab House. It would have to go through the zoning process for approval, he said.

Mr. Smith moved to recommend to Town Council to proceed with the land exchange with Mr. Buck as discussed by the Town Administrator; motion seconded by Ms. Stokes-Marshall. Motion carried unanimously.

Mayor Hallman asked what it would cost to fill in the retention pond with dirt. Mr. Burdette answered that he was sure they could find plenty of suitable dirt over at Park West and getting dirt would not be a problem. Mr. Burdette explained that the new retention pond is being built as a result of the road and is included in the road funds.

3. Update – ongoing projects

Mr. Lykins reported that Hungryneck Boulevard Phase III rights-of-way acquisitions are ongoing. Hungryneck Phase IV design is ongoing. Design has just begun on the Gregorie Ferry Connector and will be completed in August. Whipple Road construction is ongoing and despite utility conflicts, they are making headway. Wingo Way is nearly complete and there are a couple of minor construction items to finalize this week and that will be done. The roadway is already striped. The road can now be driven on.

Mr. Burdette suggested they keep Wingo Way extension closed into Patriots Point once construction on the waterfront park is begun because there will be a lot of heavy equipment brought in. He suggested that it be kept closed for the first quarter of the year since some curb cuts will have to be made and there is no place to turn around because of the center median. Mr. Burdette said the road would be opened periodically for special events such as 4th of July, etc.

Mayor Hallman stated he is getting a lot of calls as to why the overhead lights are off on the Mount Pleasant side of the Ravenel Bridge, but are lit on the Charleston side. Mr. Burdette stated they would get Mr. Morrison to check into that right away.

Mr. Gawrych asked about the status of the warrant study for a traffic light at Porcher's Bluff and Highway 41. He had gotten several calls on it. Mr. Ford stated that Mr. Morrison has been told to enter into a contract with whomever we have under a retainer service since it is already in this year's budget. Mr. Ford stated it should be accomplished by May and he would send Mr. Gawrych an update by email.

4. Adjourn

There being no further business, Mr. Smith moved to adjourn the meeting at 11:00 a.m. Motion seconded by Ms. Stokes-Marshall. Motion carried unanimously.

Submitted by:

Patty Wallis
Administrative Secretary
3/31/08

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA

TRANSPORTATION COMMITTEE

MONDAY, MAY 4, 2009

MINUTES

Municipal Complex, Conference Room 103

Members Present:	Mayor Hallman; Kruger Smith; Thomasena Stokes-Marshall; Paul Gawrych
Also Present:	Nick Collins; Billy Swails
Staff Present:	Mac Burdette; Brad Morrison; Paul Lykins
Also Present:	Daniel Kelly and Charlie Potts

Mayor Hallman called the meeting to order at 10:22 a.m.

1. Approval of Minutes from the April 7, 2009 Meeting

Mr. Gawrych moved to approve the minutes from the April 7, 2009 meeting, seconded by Ms. Stokes-Marshall. All were in favor.

2. CTC "C" Funds construction project requests

Mr. Morrison handed out packages to committee members, and said that they would find inside a memorandum regarding his suggestions for potential projects for the CTC funds. He stated that this was done on a yearly basis and is due on June 26th. 2009. He said that he would like to give members enough time to go over these projects, and that he was offering four projects for their consideration.

Project #1. Rifle Range Road and Six Mile Road

Mr. Morrison stated that at this time there is a funding short fall of $180,000.

Project #2. Rifle Range Road at Hamlin

Mr. Morrison went on to say that none of these projects have been prioritized by the transportation staff, but at some point they would have to be prioritized. He said that there had already been conversations about the importance of this particular area. This being Charleston County School District and the Jennie Moore Campus. There is state funding available to address safety concerns at this location, but the amount isn't known. He said that he did not know the improvement cost yet, but said that we might want to request the funds. He also said that other funds could be requested from the school district or the Dept. of Transportation.

Project #3. The Adaptive Signal System

Mr. Morrison said that historically these have been very expensive systems. However, there is one on the market presently that is very cost effective. The cost of installation is around $25,000 per intersection. He stated that the initial results are anywhere from 20% to 60% reduction in travel time, stops, and things of that nature. He went on to say that we may apply for a Department of Energy Grant for Coleman project and possibly Johnnie Dodds Blvd. He said that this is cutting edge and that the DOT is interested also.

Project #4. Rifle Range sidewalk from Six Mile Road to Hamlin or as far as we could go with it.

Mr. Morrison stated that he has submitted to the DOT for stimulus funding. So far he has not received an answer. Mr. Morrison said that this was open for discussion.

Mr. Burdette said that he thinks we keep coming back to Six Mile and Rifle Range and that we have already committed funds to this project. The county has already committed funds and we are short about $200,000. Given the second choice we could not do the whole Hamlin project for $200,000 and that we could not do the sidewalk either. He said that we are leaning towards trying to finish off the Six Mile Road/Rifle Range Road project.

Mayor Hallman said that he thinks this would be a smart thing to do and requested a motion.

Ms. Stokes-Marshall stated that Mr. Morrison had said that this is not a priority.

Mr. Burdette suggested that the committee sets the priority.

Ms. Stokes-Marshall moved to recommend to Council the Rifle Range/Six Mile Road Turn/ Lane Signal Project to be submitted for CTC funding.

Mr. Gawrych seconded the motion and all were in favor.

Mr. Gawrych said that now that we have the stimulus money for the sidewalks, we should make sure the monies go towards the sidewalks.

3. Approval to apply for Bikes Belong Grant

Mr. Morrison asked Mr. Kelly to present the re-marking plan for Whipple Road delineated bike lanes. Mr. Morrison said that although he had not had a response on this,

he will be meeting with Mark Nesbitt this week regarding this issue. One option offered is to re-stripe the facility for delineated bike lanes if the Town were to take over the road. He suggested that we could do this ourselves or maybe something else. He went on to say that Mr. Kelly would tell the committee members about the grant.

Mr. Kelly stated that the name of the grant is Bikes Belong Grant and that it is not a cost share grant. He said that this grant is not a sole funding grant and would fund up to $10,000. He passed out cost estimates to members, one of which was for Whipple Road and the other for Wingo Way/Coleman Blvd. He said that the Wingo Way/Coleman project is approximately 80% the length of the Whipple Road project. He said that the two final costs were aimed high. He also said that he thought we could get the funds and that we would also need $4,000 to $7,000 out of budget, depending on which road we pursue. He said that some portion of the roads would be turned over to the Town by the State. The reason being, the state has not adopted these standards at this time.

Mr. Morrison stated that if we do not get an answer from the DOT, the Town could consider this option –the $10,000 grant for Whipple Road, and, some time in the future request $4,000 to $7,000 out of the Town budget.

Mr. Burdette suggested using TIF money for Wingo Way.

Mr. Morrison said that a small amount of money will have to be budgeted and that we could use Daniel Kelly's work study as an in kind match.

Mr. Kelly said that we could always apply for another grant, as it is available quarterly.

Ms. Stokes-Marshall asked if the Whipple Road project total would be $17,617. She said that the $10,000 grant would cover the amount agreed upon when the Whipple Road project was approved for bike lanes.

Ms. Stokes-Marshall moved to recommend to Council that the committee accept staff's application for the Bikes Belong Grant for the Whipple Road project, seconded by Mr. Gawrych.

Mayor Hallman called for a vote and all were in favor.

Mr. Gawrych asked if the Town could put sharrows on Whipple Road right now.

Mr. Morrison said that we could not put them on a state facility because the state has not adopted the policy. This policy has not been adopted at the national level but is expected to be adopted this year. He said that the state would only adopt what the national standard is, and even if they did, they would not put them on Whipple Road. He suggested taking the road out of the state system was an option.

Mr. Gawrych wanted to know why the state would not put the sharrows on Whipple Road.

Mr. Morrison said that the sharrow guidelines could be approved, but the application guidelines would not be met for Whipple. He said that Whipple Road already has fourteen feet and that this standard does not apply. The state would say if the Town wants to put them down, the Town would have to take the road out of the state system.

Mr. Gawrych said that if we have a fourteen foot road, and the state would not want to put them down even if approved nationally, is it because it is unsafe?

Mr. Morrison said the state would say that they do not meet the national standard.

Ms Stokes-Marshall asked if the Town would have to take the road in order to do this.

Mr. Morrison said that we could use the money to re-stripe. Keep our options open and secure the grant.

Mr. Smith asked Mr. Potts how much money we have received in stimulus grants through the eCivas grant software.

Mr. Potts said $600,000

Mr. Smith said it was worth its weight in gold.

4. **Right of Way Acquisition Policy**

Mr. Morrison said that this was a work in progress as previously discussed. He asked if Council wanted to look at this and that there are guidelines. This covers the decision- making process for Right of Way Acquisition for the Town. For projects where the Town has no funding, the decision- making is solely at the SCDOT level. For projects that are Town funded, we propose a different process – that is a tiered process, where some level of authority would remain with the MPDOT and escalate to the Town Administrator and Council. At this point, the lowest level, MPDOT would have $75,000 to settle on a piece of property which includes acquisition of property and up to $75,000 for re-location assistance.

Mr. Morrison said that the next level of authority beyond $75,000 would go to Mr. Burdette who would have $150,000 level. Anything over $150,000 would go to Council.

Option 2.

Mr. Morrison said this option is similar to option one in that Mr. Burdette would retain the $150,000 cap, but if the parcel was a full take, Mr. Burdette would have the authority to negotiate up to 20% of the Town's appraised value to settle that property. All this

entails is arguing over the value of the property. He said that he had discussed this with Mr. Paglorini.

Option 3.

Mr. Morrison said that this option is exclusive of the first two. There is no cap. Mr. Burdette would have 20% leeway regardless of value.

Mr. Morrison said that however you settle on the Town Administrator's level of authority, another recommendation is if condemnation action is called to trial – meaning the Town Council has already given permission to go ahead and use condemnation, file it, and proceed - the administrator would have some flexibility to settle the case up to 15% of the Town's last offer before the case is settled by the court. Or, during the process, if in front of the judge and the judge suggests the parties get together to negotiate, it would make sense to give him the authority if the parties are very close, as opposed to having to go back to Council.

Mr. Morrison said that the Town Attorney has looked at the policy, as his concern is from a public awareness standpoint. This is within the normal process.

Mr. Morrison said that we would provide bi-monthly reports of all this for the public as well. Information will be available to see what is going on.

Mr. Burdette said there are two things. Any authority given to the administrator is predicated on there being a budget already approved to cover those costs. Secondly, if the committee is comfortable with the current system, that is o.k. We have no objection to keeping it as it is right now.

Mr. Smith said that he likes the idea of divesting ourselves from some of this authority and thinks the plan is good, but likes option 1 which is cut and clear, as well as the settlement action flexibility at trial. Mr. Smith told Mr. Morrison that he had done a good job.

Mr. Smith motioned to recommend to Council that we accept the Right of Way Acquisition Policy as submitted by staff to include option one under the Town Administrator's portion, seconded by Mr. Gawrych.

Mr. Burdette said that there will be a report as to what action we take. He said that there will be no question as to what was approved for purchase of a property.

Mr. Burdette said that this goes to Town Council for consideration.

Mayor Hallman called for a vote and all were in favor.

5. Update – ongoing projects

Mr. Lykins said that he would like to talk briefly about Bowman Road project which is getting close to start of construction on phase one. He said that we would wrap up acquisition, permitting and DOT review of the bid package this month, so we can get the project on the street.

Mr. Lykins said that phase two Right of Way Acquisition would begin this month.

Mr. Lykins said that on the US 17 Widening Project, the right of way plans will be complete this month. He said that we have started some preliminary work and title work on acquisitions for that project. The environmental document should be complete this month and we should have project ready for construction this fall.

Mr. Lykins said on the Interchange Project, the right of way acquisitions begin this month on some of the larger tracts.

Mr. Lykins said that we are continuing to develop and refine bridge plans, and that construction on the project should begin this fall as well.

Mr. Lykins said that lastly, the Hungry Neck Blvd. Phase 111 construction is on-going and will be complete this November.

Mr. Burdette asked about Hungry Neck Blvd. Phase 11B, if they have started work.

Mr. Morrison said yes, we had a pre construction meeting with O.L.Thompson which is the contractor for Central Mount Pleasant Phase 11B, with Mills Buxton and their staff and Thomas & Hutton just to see who is doing what, and to exchange information and plans. Preliminary work has started. The lake level will be brought down this week. They are currently scheduled to have the road finished by the end of February next year and we will keep an eye on that as we have an obligation to finish our section of the road within four weeks of that date.

Mr. Burdette said that he understands the lake will not be filled as much as was initially planned.

Mr. Morrison said that they are going to leave the portion between the road and Laurel Lakes. They will leave that portion for future detention until they figure out how that area is going to develop. Everything between the road back towards Hwy 17 and the Watermark will be filled in. Initially, there was a misunderstanding. Mr. Morrison thought there was going to be a causeway.

Mr. Burdette said that was correct.

Mr. Morrison said they are filling it in but leaving a good portion unfilled.

Mr. Burdette asked if there would be a guard rail by the side of the road where the lake is going to remain.

Mr. Morrison said that is not in the plans. That is something we talked about and will be investigated to see if the guard rail will be required.

Mr. Burdette said that depending on the amount of shoulder by the lake, it will just be a matter of time before somebody runs into the lake. It could happen.

Mr. Morrison said there are several hundred feet of this section of road.

Ms. Stokes-Marshall said that we should look at this problem sooner rather than later.

Mr. Burdette said that he is not sure if we are required to do this but will discuss it with the developer. He said that he would also talk to Mr. Young about the safety issues

Mr. Burdette said that we programmed money to design a road that would connect Porchers Bluff Road to SC 41.

Mr. Lykins said that we have pretty much finished the design and it's about 90% complete, and now we are trying to get our wetlands fill permit. It could take some time.

Mr. Burdette said that regarding Hungry Neck Phase 1V, the consultants have been asked to stop the design process. He said that we are many years away from doing any work on this phase. The Town purchased property by Porchers Bluff and the Town is in good shape with regard to what our acquisition agents appraised it for, but you never know. To make sure we can cover any surprise there, he said we should hold off on the design of Hungry Neck Phase 1V. We could start the project any time we wished to, but thinks it prudent to sit tight and at least wait until the school has finalized the plans for Jennie Moore Elementary and the complex, which is probably a year and a half away. He suggested that we sit tight for a while.

Mr. Gawrych asked regarding Phase 11 B - if the pond will be drained completely away.

Mr. Morrison said that the water level would be lowered but not all the way to the bottom. He said that there was some bad material at the bottom of the pond and they would put in good fill which would push the bad material out of the way.

Mr. Gawrych asked for the name of the geo-technical engineer.

Mr. Morrison said that S & M E Engineers are doing the work. Mr. Morrison said that Horace Pettit has all the plans and geo tech reports. He said that they have a good understanding of how they are going to build the road.

Mr. Gawrych asked if the dirt would sit there for an extended period of time.

Mr. Morrison said that whatever material they are using, it will not really matter until they get to about seven to eight feet from the road surface, which is where you are essentially bridging anything beneath. He said that there would be about eight feet of fill.

Mr. Burdette asked if there was anything on Johnnie Dodds Blvd. that needed to be reported.

Mr. Morrison said that he had a good meeting a couple of weeks ago with the state highway engineer and his senior level person, along with Jim Armstrong and Jim Fisher, to talk about these differences or impasse that we have reached, and Mr. Morrison believes we have a good path forward. The County is finalizing its final submittal and justification as to why we are requesting certain things. Why we don't want to design our frontage roads for a large WB-62 truck. They discussed the ramp at Bowman Road and how it will operate, and some sight distance issues. He said that we will provide the justification and get it to them. We will then meet again in Columbia and hopefully resolve these issues at that time. If issues are not resolved, then you will know where their final answer is on certain things. He said that he had seen some flexibility that we had not seen previously.

Mr. Burdette said that the Town thinks this is important. We are funding 100% of this state road improvement, and it is frustrating when they want to dictate to us, and it is not clear to us why this is a standard they cannot have flexibility with.

Mr. Gawrych said that this has come down to three items, and he complimented Mr. Morrison for holding fast on these issues. He and Mr. Morrison have discussed that we are not going to back off these items Mr.Gawrych said that he thinks it is unfortunate that they have to meet again in Columbia, but if that's what they have to do, then that's what they have to do.

Mr. Burdette said that we did get surprised recently on funding for our US 17 project.

Mr. Morrison said we have $380,000 from a different grant, which will help.

Mr. Gawrych asked about going up Hwy 17 North. He said that Council voted to take the money that we had, and go as far as we could with it, possibly go all the way to Hwy 41. He asked Paul Lykins about the design process being ready by the fall, and did that mean all the way to Wando High School.

Mr. Lykins answered in the affirmative to SC 41.

Mr. Gawrych then asked if we would begin construction at that time with the money that the Town has, or would we wait for grant money.

Mr. Lykins said that we will proceed with the first phase in the fall.

Mr. Gawrych said that was what Council had voted on unanimously.

Mr. Burdette stated that was for 2011. He said January 2011 and then corrected himself and said that he meant 2010.

Mr. Morrison said that we are getting the design plan and environmental document for the entire five miles. You have to have the environmental document for the whole project and then break down the project into phases as we will do. We will have a design for the first phase and bid it, and see what we get.

There being no further business, Mayor Hallman adjourned the meeting at 11:00 am.

Submitted by
Kerry Cook
May 4, 2009

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
ANNEXATION COMMITTEE

MONDAY, NOVEMBER 2, 2009
9:00 a.m.

Conference Room 103
Municipal Complex
100 Ann Edwards Lane, Mount Pleasant, SC

MINUTES

Members Present: Thomasena Stokes-Marshall, Acting Chair; Joe Bustos
Members Absent: Nick Collins, Chair
Also Present: Billy Swails
Staff Present: Mac Burdette, Kent Prause
Also: David Niesse, MPWW

Call to Order: Acting chair, Ms. Stokes-Marshall, called the meeting to order at 9:01 a.m. Ms. Stokes-Marshall stated for the record that Mr. Collins will not be at the meeting.

1. **Approval of Minutes from the August 31, 2009 meeting**

Mr. Bustos moved for approval of the minutes; motion seconded by Ms. Stokes-Marshall. Motion carried.

2. **Request to annex property with a single family residence located at 507 Maggie Road Extension, Snowden Community, identified by TMS No. 556-00-00-180.**

Mr. Prause stated this was a single family residence and the property in the Snowden Community is contiguous by virtue of the commercial property that fronts Long Pointe Road. They would like to be in the Town of Mount Pleasant. Mr. Prause stated they are on a dirt road and they checked the area out to make sure the Town's garbage trucks could access the property from the main road and that road is sufficient. They will have to bring their garbage containers out to the road and they understand that.

Mr. Bustos asked if they have water/sewer. Mr. Prause stated he believed that they do, but is not certain.

Mr. Burdette stated that most of the Snowden Community has sewer service, but he is not certain they have both water and sewer. He stated they have a big grant to do one or both of those services.

Mr. Bustos asked if they understand that they have to tie in to sewer services if they annex and the Committee should have answers to those questions. Mr. Prause stated he would check into it and get the answers to those questions. For clarification, he noted that the current ordinance reads they have to connect only if the sewer line abuts their property.

Mr. Bustos moved for approval of the annexation as described; motion seconded by Ms. Stokes-Marshall. Motion carried.

3. **Request to annex an approximately 3.0 acre tract of land known as Shade A Plenty Mobile Park, located at 1156 BB Lane, or alternatively 1156 Russell Drive, identified by TMS No. 532-00-00-022.**

Mr. Prause stated this is a trailer park that has been in the county for a very long time, but they want to have sewer service. They are annexing into the Town to get it and they will come in as a non-conforming use just as they are in the county. Mr. Prause stated the Town does not have a zoning

classification for a trailer park and that was explained to the residents. It will be similar to the situation they have in the county whereby the court ruled that as long as a trailer park is kept functioning and it does not go into disuse completely, they can move individual mobile homes in and out without violating the non-conforming status of the property; therefore, they will come into the Town as a non-conforming use since it is another one of the 'donut holes' in the Town which will eventually be used in another type capacity.

Mr. Bustos moved for approval of the annexation as described; motion seconded by Ms. Stokes-Marshall. Motion carried.

4. **Request to annex three properties comprising approximately 1.93 acres of land identified by TMS Nos. 580-00-00-001, 002 and 003, located respectively at 2978 and 2972 US Highway 17 North, to be zoned Planned Development-Mixed Use Suburban-Rural (PD-MU-SR) District zoning for property known as Gregoric Ferry Landing.**

Mr. Prause stated that annexation would allow them to have additional highway frontage. There are three parcels; one directly behind the other. Both have single family residences on the parcel and they front Highway 17. It takes them up to the right-of-way with Porcher's Bluff Road. They want to annex and add this into their Planned Development zoning ordinance and they want to do some other things; therefore, they would like to be a part of the Town.

Mr. Bustos moved to approve the annexation as described; motion seconded by Ms. Stokes-Marshall.

Ms. Stokes-Marshall asked about the right-of-way acquisition of Porcher's Bluff Road. Mr. Prause stated they plan to build a portion of what is known as the Gregorie Ferry Road connector that will tie into Porcher's Bluff Road and ultimately go over to Gregorie Ferry Road and Highway 41. They will build the portion that is on their property. The part that needs to be acquired to make the right-of-way alignment with Porcher's Bluff Road is on the adjacent parcel to the north; a storage facility parcel that is between one of the lots to be annexed and Royall Sweetgrass Hardware store. Mr. Prause stated they will not be able to acquire that because it would involve a negotiation or acquisition on the part of the Town to acquire that right-of-way.

Hearing no further discussion, Ms. Stokes-Marshall called for the vote. Motion carried.

5. **Request to annex property with a single family residence located at 3909 Colonel Vanderhorst Circle, Dunes West, identified by TMS No. 594-03-00-020.**

Mr. Prause stated this is one of those parcels that was left out when Dunes West was annexed into the Town. Some of them had been conveyed to other interests. Mr. Prause stated the owner of the parcel is a new owner and when he found out his first responders for fire service was the Awendaw Fire District, he decided he definitely wanted to be in the Town of Mount Pleasant.

Mr. Bustos moved for approval of the annexation as described; motion seconded by Ms. Stokes-Marshall.

Ms. Stokes-Marshall asked if the owners of the few remaining parcels that have not been annexed are aware of the situation. Mr. Prause stated most are still undeveloped lots and there is not much incentive for annexing an undeveloped lot (increased taxes) unless they want it for marketability.

Hearing no further discussion, Ms. Stokes-Marshall called for the vote. Motion carried.

6. **Request to annex an approximately 18.204 parcel of land owned by Commissioners of Public Works of the Town of Mount Pleasant known as "New Tract A", located on east side of Thomas Goodwater Road 50' R/W Private Ingress/Egress Easement approximately**

155 feet north of its intersection with US Highway 17 North, bearing TMS No. 615-00-00-069.

Mr. Prause stated this is a parcel that Mount Pleasant Waterworks has acquired and their intention is to utilize the property for another Waterworks facility in that northern part of the Town because they anticipate growth in that area. Because it is on the other side of the Urban Growth boundary line, it will come in as RR - Rural Residential. Mr. Prause stated the anticipated Waterworks facility, possibly including a water tank or even a sewer treatment facility would be a conditional use in that RR Zoning District. He noted there are a couple of issues he wanted to make everyone aware of and one is the dirt road access to the property. Waterworks intent was to work with Carolina Park to gain access through their property to Darrell Creek Trail. But with the current condition of Carolina Park, that may make things a little more difficult. There is also the issue of amending the PD and/or the Development Agreement because the access on Darrell Creek Trail is currently limited. Also, they may wish to accommodate other future users and will need to look at those uses and how they fit in with the zoning. Mr. Prause stated they have been in discussions with them about those concerns and another meeting is planned for next Wednesday to discuss these issues further. He stated that as far as annexation goes, the Planning Department recommends approval of the annexation.

Mr. Bustos asked Mr. Niesse (MPWW) what they planned to put out there on the property. Mr. Niesse replied a storage facility/trucks are currently there. Long term, they may put a wastewater treatment facility out there on the property. Mr. Bustos asked who the wastewater facility would benefit. Mr. Niesse responded it would probably be for the Carolina Park area and for anything that develops north of there. Mr. Bustos asked if it would be for Awendaw. Mr. Niesse responded, no.

Ms. Stokes-Marshall stated that for all the reasons Mr. Prause verbalized, it is in the interest of the Town of Mount Pleasant to annex the property; however, there is a 'red flag' that goes up in her mind when they are talking about a dirt road; accommodations for future uses that are unknown; who would benefit from the wastewater treatment facility and a lot of other questions along those lines. She reiterated that she did believe it would be in the best interest of the Town to annex the property into the Town of Mount Pleasant. Mr. Prause agreed.

Mr. Bustos asked if Waterworks had already purchased the property and Mr. Niesse answered in the affirmative.

Mr. Burdette stated that anything Waterworks wishes to do with the property, they can do it in the county. He stated his recommendation is that it should go before Town Council.

Ms. Stokes-Marshall reiterated that it is in the county now and the Town of Mount Pleasant has absolutely no control over what does or does not happen there. If it is in the Town, at least any proposals for future use would be under the control of the Town. She stated she wanted to make that statement for the record and this item should be forwarded to Town Council with no recommendation.

7. Adjourn

Hearing no further business, the meeting was adjourned at 9:18 a.m.

Submitted by:

Patty Wallis
110209

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
PLANNING AND DEVELOPMENT COMMITTEE
NOVEMBER 2, 2009
MINUTES

Municipal Complex, Room 103

Present:	Thomasena Stokes-Marshall, Chair, Billy Swails, Gary Santos
Absent:	Paul Gawrych
Also:	Joe Bustos
Staff:	Mac Burdette, Eric DeMoura, Christiane Farrell, Brad Morrison, Rick Griles, Eddie Bernard, Kelly Cousino, Kevin Mitchell, Martine Wolfe

Ms. Stokes-Marshall called the meeting to order at 9:30 a.m.

Mr. Swails moved to amend the agenda and move item #4 to be discussed as item #3. Mr. Santos seconded the motion. All in favor.

1. **Approval of Minutes from the October 5, 2009 meeting**

Mr. Swails moved to approve the minutes from the previous meeting. Mr. Santos seconded the motion. All in favor.

2. **Employee years of service recognition**

Ms. Farrell recognized Eddie Bernard for his ten years of service. Ms. Stokes-Marshall thanked Mr. Bernard for his years of service with the Town.

3. **Review of Planning Commission recommendations from the October 21, 2009, meeting**
   a. **Request to amend Ordinance No. 06082 pertaining to Planned Development-Mixed Use Suburban-Rural (PD-MU-SR) District zoning for property known as Gregorie Ferry Landing, located on the north side of US Highway 17 North at its intersection with Porcher's Bluff Road, by annexing into the town three additional properties comprising approximately 1.93 acres of land identified by TMS Nos. 580-00-00-001, 002 and 003 and adding the same thereto, AND amending the existing permitted uses and development standards thereof. Approval of impact assessment and sketch plan also.**

Ms. Farrell reviewed the request with the Committee. Ms. Farrell stated that a credit for transportation impact fees has been requested to offset impact fees and that any remainder should be applied as a credit and earmarked for the acquisition and construction of approximately 700 linear feet of right-of-way adjacent to Stow Away Storage site to complete the access alignment to US 17/Porcher Bluff Road. She stated that the Annexation Committee met and recommended annexation of the property.

Mr. Swails asked about the impact fees and if the total amount was known. Ms. Farrell answered that the estimate of what should be paid is known but the value of the ROW is not. It is estimated that they would have approximately $565,000 owed in impact fees.

Mr. Santos asked if the extension of Porcher Bluff Road would dead-end at Gregorie Ferry Road. Mr. Burdette answered in the affirmative and stated that the design is being completed. Mr. Morrison answered that it is proposed to be completed in the future, but currently is not funded. Mr. Santos asked if the two-lane road would be able to handle the capacity. Mr. Morrison answered that it is the Gregorie Ferry Road connector and stated that there currently it has a poor level of service. He stated that the majority of the traffic would be on US 17 and there would be a low volume of traffic.

Ms. Stokes-Marshall asked if this would be addressed in the future. Mr. Morrison answered in the negative and stated that this is a result of realignment of Hwy 41. Ms. Stokes-Marshall stated that this is a valid area of concern and should be addressed.

Mr. Swails suggested that this should have careful consideration and suggested that a solution on the roads might be able to be accomplished, but time should be taken to ensure the right course of action is taken.

Mr. Swails moved to recommend to Town Council for deferral of this item to the December Planning Committee meeting. Mr. Santos seconded the motion.

Ms. Stokes-Marshall asked for additional information on the impact fees. Ms. Farrell answered that it is an impact fee eligible project and the applicant has requested that any remaining impact fee credits be used for the acquisition and construction of the additional 700 linear feet to connect to US 17/Porcher Bluff Road.

Mr. Burdette suggested that the funds not be earmarked for the construction of the 700 linear feet as there may be other Town projects that the funds could be used for in the future.

Ms. Stokes-Marshall asked if the applicant, Mr. Tony Berry had any concerns with the motion. Mr. Burdette suggested that a full presentation at the Town Council meeting would be beneficial as there would be new Town Council members that would not be familiar with the project.

Mr. Swails moved to amend his motion to include that a full presentation on the project be presented at the November Town Council meeting. Mr. Santos seconded the motion.

Ms. Farrell asked if there were any concerns with the planned development request or the remainder of the requests. The Committee answered in the negative. Mr. Berry stated that they are comfortable with meeting with the Committee or Town Council as necessary.

Ms. Stokes-Marshall called for a vote on the motion. All in favor.

b. **Request to amend ordinance No. 09009 pertaining to Planned Development-Workforce Housing (PD-WFH) District for property formerly known as Church of God Tract, now known as Carriage Hill Landing, by rezoning an approximately 1.05 acre tract of land identified by TMS No. 614-00-00-396 from R-1, Low-density Residential District to PD-WFH District AND to rezone from PD-WFH District to R-1, Low-density Residential District an approximately 4.77 acre portion of an approximately 9.98 acre tract of land identified by TMS No. 614-00-00-397, both now or formerly owned by Church of God, located on the south side of US Highway 17 North near its intersection with Carolina Park Boulevard.**
c. **Proposal to amend the Vegetation Requirements Section of Chapter 156 (Zoning Code) of the Mount Pleasant Code of Ordinances, Section 156.210 (D) pertaining to Bufferyard Fence Structures.**
d. **Proposal to amend various portions of Chapter 156 (Zoning Code) of the Mount Pleasant Code of Ordinances pertaining to Conditional Use and Special Exceptions uses in the NC, Neighborhood Commercial, AB, Areawide Business and AB-2, Areawide Business-2 zoning districts by eliminating the requirement that certain uses or property not be located within 100 feet of residential property.**

Mr. Santos left at this time (9:48 a.m.). There being no quorum present, items 3b, 3c, and 3d were deferred. Mr. Burdette noted that these items would appear on the November Town Council agenda.

Mr. Burdette stated that Town Council could take action on the items if desired or could refer them back to Committee.

4. Staff review of Cellular tower adjacent to Candlewood Subdivision

Mr. Burdette stated that he asked for staff to brief the Committee on this staff action.

Ms. Farrell reviewed this item with the Committee. She stated that this was a conditional use and reviewed the definition conditional uses with the Committee and how they are approved. Ms. Farrell stated that conditional uses are approved at staff level and do not require any public notification. She stated that if the specific criteria is met, the conditional use is then approved.

Mr. Burdette stated that the notification policy could be changed by Town Council if desired.

Ms. Farrell stated that when the conditional use was approved, notification to adjacent property owners was given. She stated that according to state law, an appeal can be filed within thirty days of notification. She stated that those not notified of the cell tower approval would be able to appeal the Zoning Administrator's decision within thirty days of notification, which would be when the cell tower was erected on October 21st. She stated that this would mean that the period for filing an appeal to the BOZA would be November 19th.

Mr. Swails asked if conditional uses could be approved by Town Council. Ms. Farrell answered in the negative and stated that the zoning code could be changed to remove cell towers as a conditional use, but would rather be a special exception, which would require approval from the BOZA.

Mr. Burdette stated that the Town must allow for the cell towers and there has been numerous case law on this issue and it is becoming more difficult to regulate. Ms. Farrell agreed and suggested that some changes to the zoning code could be done.

Mr. Burdette stated that it was unfortunate that at the time it was rezoned, that the proposed development plans did not come to fruition. He suggested that some changes to the zoning code could be in order and suggested that the cell towers could be considered a special exception. He stated that as far as being a hazard, the Town must rely on the engineer's determination regarding the safety. Ms. Farrell stated that the tower can withstand 130 mph winds and after that the tower is designed to collapse within itself.

Mr. Swails asked if the Zoning Administrator's decision could be appealed to BOZA and then possibly to Circuit Court. Mr. Burdette answered in the affirmative and stated that the Town Attorney would be the attorney for the BOZA. He stated that Town Council or a Town Council member could appeal a decision of BOZA as well.

Ms. Rhonda Lincoln, 1589 Longview, stated that she has pictures that would speak more to the aesthetic concerns with the tower. She also expressed concern with safety if the tower does fall. She suggested that the value of her home would be significantly impacted if allowed to remain.

Mr. Mark Bevivino, 1515 Circle Court, stated that he lives behind Ms. Lincoln and all he sees is cell tower.

Mr. Whit Parnell, 1592 Longview Road, stated that his house is 103 feet from tower and expressed concerns with safety of his home if the tower were to fall. He also expressed concern with his property values.

Ms. Stokes-Marshall thanked the residents for their comments and understands their concerns with safety, aesthetics, and potential of lowering property values.

Mr. Parnell stated that the existing power lines or transformer stations can be seen because of the buffer, but the cell tower is extremely prominent.

Mr. Swails stated that the issue would have to be appealed to the BOZA. Mr. Burdette stated that if requested, it could be placed on the Town Council agenda. He suggested that the language in the zoning code should be reviewed by Town Council if desired and that it could be addressed at the next Committee meeting.

Mr. Burdette stated that it is impossible to determine all possible scenarios and extenuating circumstances and suggested that this is one of those cases.

5. Discussion regarding potential development within the Sweetgrass Village Overlay District-Village Commercial area

Mr. Burdette stated that the sweetgrass overlay district was established and stated that there are some economic development opportunities that the overlay district does not allow for that might be considered appropriate for the area. He stated that one of the property owners would like to pursue some uses that are not necessarily compatible with the current overlay district, but might be desirable for the Town.

Mr. Swails asked if the property was in the Town. Mr. Burdette answered in the negative.

Ms. Stokes-Marshall suggested that this should be revisited to detetmine if the uses would be compatible with the area. She suggested that all interested parties should be involved in the discussion and be consulted on any proposed changes.

Mr. Burdette stated that the property owner would like to give a presentation. Mr. Shay Gregorie stated that he was not aware of the overlay district and was not notified that the overlay district was being established.

Mr. Tim Cook stated that the main concern is the buffer and setbacks that are imposed within the overlay district that make the property difficult to develop.

Mr. Burdette stated that the main concern is the amount of curb cuts that could potentially be given. He stated that where possible, it would be preferable to have an aggregation of properties or interconnectivity within the properties to eliminate the number of curb cuts.

Ms. Farrell suggested that building size would be another consideration as the County has a 5,000 square foot maximum building footprint and the Town has a 10,000 square foot maximum. She suggested that the building size limitation could impact the aggregation of properties potentially resulting in more curb cuts.

Ms. Farrell stated that this property is part of a node within the revised Comprehensive Plan, which would allow some redevelopment opportunities. She stated that the Boone Hall store is an example of something that currently would not be allowed in the overlay district because of its building size, but could be considered an appropriate use for the area.

Ms. Stokes-Marshall suggested that this should be further reviewed. Ms. Farrell stated that there has been some initial discussion with the County. Ms. Stokes-Marshall asked for staff to work with the County and interested parties and come back to the Committee with some recommendations. Ms. Farrell stated that this would take some time to accomplish.

Mr. Swails suggested that it should be reviewed on a case-by-case basis. Ms. Stokes-Marshall disagreed and suggested that the overlay district should be reviewed in its entirety.

Mr. Prause stated that the County has embraced the node concept and having interconnectivity. He noted that the properties were not originally platted for commercial use.

Mr. Burdette suggested that there should be dialogue between Town Council and County Council as well. Ms. Stokes-Marshall agreed and agreed that there should be connectivity. Mr. Burdette suggested that staff work with the County and bring back to the Committee in December and then to Town Council their recommendations and then move forward with County from there.

Mr. Gregorie suggested that he has offers for development and stated that his main concerns are the buffer and setbacks. Mr. Burdette stated that this would be addressed through BOZA.

Ms. Stokes-Marshall suggested that all of the property owners be contacted and made aware of this process going forward.

Mr. Swails asked how Mr. Gregorie could move forward. Mr. Burdette answered that they would need to annex into the Town and then could apply for a variance from BOZA for relief from the setback and buffer requirements. Ms. Farrell stated that Mr. Gregorie has met with staff, including the staff liaison for BOZA regarding these issues.

Mr. Cook asked if they could approach BOZA to get an initial reaction on their requests. Mr. Burdette answered that he would have to defer to the Town Attorney, but suggested that because BOZA is a quasi-judicial body, this would not be possible.

Mr. Burdette stated that Town Council could change the overlay district unilaterally without talking to County Council.

There being no further business, the meeting adjourned at 10:40 a.m.

Submitted by,
L. Lynes
PlanComm11022009

MOUNT PLEASANT TOWN COUNCIL
November 10, 2009
Council Chambers – 100 Ann Edwards Lane – Mount Pleasant, SC

Mayor Kruger Smith called the meeting to order at 7:00 p.m. In attendance were Council Members Paul Gawrych, Ken Glasson, Thomasena Stokes-Marshall and Billy Swails. Staff members present were Mac Burdette, Allen Young, Eric DeMoura, Chief Sewell, Chief Williams, Jody Peele, Levica Kirvin, Scott Rogers, Charlie Potts, Christiane Farrell and Brad Morrison.

Mayor Smith offered the prayer, followed by the Pledge of Allegiance led by Mr. Glasson.

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

Mr. Gawrych moved to approve the agenda, seconded by Ms. Stokes-Marshall. All present were in favor.

Mayor Smith thanked everyone giving him the opportunity to serve so many years, stating he had been blessed, and that it was his humble honor and privilege to serve the Town. He thanked his fellow Council Members, Staff and his family for their support. He thanked former Mayor Harry Hallman and his wife Brooke for attending, as well as Congressman Henry Brown.

Mr. Burdette thanked Mayor Smith for his nearly three decades of service to the Town, and for the support he has given the Staff over the years.

AWARDS AND PRESENTATIONS

The Honorable Judge David Michel, Chief Municipal Court Judge, conducted the Swearing-In Ceremony of Mayor William D. Swails.

Mayor Swails then conducted the Swearing-In Ceremony of Council Members Linda Page, Elton Carrier, Craig Rhyne and John Burn. Thereupon, the newly elected officials assumed their seats at the Council bench.

Congressman Brown congratulated Mayor Swails and the newly elected Council Members.

Mr. Young stated that regarding the election of Mayor Pro Tem, each Council Member is entitled to one nomination and no second is required. With respect to voting, if there is only one candidate for the office of Mayor Pro Tem, he recommends a voice vote, but if there is more than one nomination, he recommended a secret ballot. He said the winning candidate must receive a vote of fifty percent of the present members. Mr. Young stated that if this procedure is acceptable to Council, the appropriate motion would be "I move to adopt the election procedure for Mayor Pro Tem recommended by the Town Attorney in the November 10 memo".

Mr. Glasson moved to adopt the procedure recommended by the Town Attorney, seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Glasson moved to nominate Mr. Gawrych as Mayor Pro Tem, seconded by Ms. Stokes-Marshall. Mr. Gawrych abstained from the vote, and all others present were in favor.

Mayor Swails stated that the Committee Assignments had been distributed in sealed envelopes, and asked that the Council Members please make every effort to attend their assigned meetings.

Ms. Nancy Wood, President of the Alhambra Garden Club presented the Town with their highest honor, the "Alhambra Applause" for the Waterfront Park. Mayor Swails thanked Ms. Wood on behalf of the Town.

Mr. Burdette presented Mr. Lee Cave of the Planning Department and Captain Stanton Gragg of the Police Department with their twenty year service awards, thanking them for their dedication to the Town.

Mr. Burdette presented Employee of the Month awards to Field Training officer Scott May and Detective John Byrd of the Police Department, Firefighter/Paramedic Randy Dahlman, Firefireghter/Paramedic Jeremiah McCarthy, Firefighter/Paramedic Ashley Abt, and Firefighter

Jeremy Ray from the Fire Department, and Michael Robertson from the Planning Department, thanking them for their outstanding service.

Mayor Swails called for approval of the October 13, 2009 Town Council and October 22, 2009 Special Town Council minutes and the October 2009 financial statements. *Ms. Stokes-Marshall moved for approval, seconded by Mr. Gawrych. All present were in favor.*

CORRESPONDENCE AND PUBLIC STATEMENTS

Mr. Burdette stated there were several people who had signed up to speak on specific agenda items, but no one had any general comments.

PLANNING NEW BUSINESS

Ms. Farrell stated she would like to address the first three items together as they are all part of Gregorie Ferry Landing. She stated this property is located just beyond the Highway 17 and Highway 41 intersection, and is currently zoned Planned Development Mixed Use Suburban Rural. This proposal is to annex and add three additional properties into the Planned Development, and to amend the existing uses and development standards for this planned development. She stated it also includes an increase in commercial square footage from just under forty thousand square feet to eighty-five thousand square feet, and as such a new impact assessment has been required in conjunction with this request. The request includes additional modifications to the PD to include that all uses allowed in Areawide Business, including special exception uses, will be allowed as use of right, modifications to parking standards, modification to tree protection standards and the ability to have conditional class. This amendment will also include a request that excess impact fee credits be earmarked for the acquisition of property to complete the Gregorie Ferry Connector Road. The Planning Commission held a public hearing at their last meeting and they recommended the project for approval by a vote of eight to one with the

following conditions. No commercial building can be over twenty-four thousand square feet, no uses are allowed that would increase the trips above that which is provided in the impact assessment, a convenience store/gas station is allowed as a use of right, not the other uses that were requested, and parking on the connector road must be parallel, and the impact fee credits should only be those that are provided within our ordinance. The Annexation Committee also reviewed and recommended approval of the annexation. The Planning Committee recommended that this item be sent back to the Committee for further review and discussion on practical transportation matters. Since the Planning Committee meeting, the developer of this project has submitted a letter specifically agreeing to the recommendations that were made by the Planning Commission and also requesting to strike the request that additional impact fees be earmarked for acquisition of property to complete the road connection. The ordinances in front of Council include all of those Planning Commission recommendations.

Ms. Stokes-Marshall moved to accept the recommendation as described by the Planning Director for the annexation and the impact assessment and the other items, including the letter forwarded to Council members to waive the impact fees.

Ms. Farrell stated the letter was to strike their request which was it was anticipated there would be excess credit due to the value of the right of way that they would be dedicating to the project and they wanted those credits to be earmarked to try and acquire the last seven hundred feet that is needed to connect back to Highway 17 to complete the Gregorie Ferry Connector Road. She said that was stricken from their request, so they would only ask for impact fee credits which we would do for any project building one of our impact fee eligible roads.

Mayor Swails said in fairness to our new Council Members, he would like these to be addressed one at a time.

Mr. Young asked if the letter was received before or after the draft of the ordinance, and Ms. Farrell said it would not affect the draft of the ordinance, which was drafted according to the Planning Commission recommendations which they have agreed to. She stated the only difference would be the impact fees, however what is written in the draft ordinance before Council tonight was that it would be in accordance with our code, so the earmarking is not addressed.

Ms. Stokes-Marshall moved for first reading of Ordinance 09076, seconded by Mr. Gawrych. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Mr. Gawrych moved for first reading of Ordinance 09077, seconded by Ms. Stokes-Marshall.

Mr. Tony Berry of 2137 Cavondale Drive, Rock Hill, South Carolina stated he and his partner Jimmy Carroll were the principals behind the development of this project and it was an honor to stand before Council, and an honor to be the first item on the agenda. He stated they were excited about the opportunity to bring some new development in a very fast growing part of Mount Pleasant, and they would do their part to provide some additional road infrastructure in an area that a lot of people are focusing on that will be a leg that will help promulgate the connection of Highway 41 and 17. He thanked Council for the opportunity and stated he would be glad to answer any questions.

Mayor Swails called for the vote and all present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Stokes-Marshall moved for approval of the impact assessment and sketch plan for Gregorie Ferry Landing, seconded by Mr. Gawrych. All present were in favor.

Ms. Farrell stated the next item is an ordinance to amend an existing Planned Development, a Workforce Housing Planned Development and also to rezone properties from R-1 to include them within this particular

Workforce Housing PD. She said the property owner annexed a total of 13-1/2 acres, and just under ten acres of that was zoned for Workforce Housing development, and the remainder of the property was zoned R-1. She said they are swapping some properties, portions of which were rezoned to R-1 from Workforce Housing, and the opposite is occurring with some properties being rezoned from Workforce Housing to R-1. She said the Planning Commission held a public hearing on this request, and they have unanimously recommended approval. The Planning Committee was unable to review the item due to a lack of a quorum.

Mr. Gawrych moved for first reading of Ordinance 09078, seconded by Mr. Glasson. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Farrell said the next item is pertaining to a bufferyard fence, and is a recommendation from the Planning Staff to rectify an ongoing problem. For the past several years requests have been made to the Board of Zoning Appeals for relief from requirement of a masonry wall when developing a commercial piece of property adjacent to an existing single family home property. The request for relief comes from a developer of commercial properties that is also sometimes supported by the adjacent single family home property. She said the proposal is to provide an option for a fence with wood infill and masonry piers or a natural undisturbed buffer instead of a masonry wall. She said the Planning Commission did have some concerns about the wood infill fence or buffer in that it may not always be appropriate, and the appropriateness should be determined by the proposed commercial use. The Planning Commission also expressed concerns about the maintenance of the wood infills. The Commission recommended approval with some changes, that the fence type and buffer will be determined during the design review process, with consideration of the proposed use and maintenance. Staff has revised the originally proposed text based on the recommendations of the Planning Commission, which is reflected in the

ordinance before Council this evening. The Planning Committee could not review due to lack of a quorum.

Mr. Gawrych moved for first reading of Ordinance 09079 seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Farrell the next item was a recommendation from the Planning Staff.

Mr. Gawrych moved for first reading of Ordinance 09080, seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Farrell reviewed the next item which was an annexation, which was recommended for approval by the Annexation Committee.

Ms. Stokes-Marshall moved for first reading of Ordinance 09081, seconded by Mr. Glasson. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Farrell stated the next item was an annexation as well, recommended for approval by the Annexation Committee.

Ms. Stokes-Marshall moved for first reading of Ordinance 09082, seconded by Mr. Gawrych. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Farrell stated the next item was another annexation, recommended for approval by the Annexation Committee.

Mr. Gawrych moved for first reading of Ordinance 09083, seconded by Mr. Glasson. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

Ms. Farrell stated the next item was an annexation of an approximately 18.204 acre parcel known as New Tract A, Ten Mile, located on the east side of Thomas Goodwater Road, identified by TMS No. 615-00-00-069. She stated the Annexation Committee elected not to make a recommendation at this time, recognizing that Council may wish to discuss it further.

Mr. Burdette said this does not have anything to do with the possibility of water and sewer in the Awendaw area. He said this is a service capacity for the north end of Mount Pleasant to eventually allow residents to pay bills there, and use it as a lay down area. He stated Staff agrees this is a good idea to try and expand the service area for Mount Pleasant Waterworks.

Mr. Gawrych moved for first reading of Ordinance 09084, seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read *FIRST READING BY TITLE ONLY.*

COMMITTEE REPORTS

ACCOMMODATIONS TAX ADVISORY COMMITTEE

No Report.

ANNEXATION REPORT

Ms. Stokes-Marshall stated the actions were handled under Planning New Business.

BIDS AND PURCHASES

No Report.

ECONOMIC DEVELOPMENT

No Report.

FINANCE

No Report.

FIRE

No Report.

PERSONNEL

No Report

PLANNING

Ms. Stokes-Marshall stated that Staff reviewed approving cellular towers in Economic Development Zoning district, and provided information about a recently constructed cell tower off of Whipple Road. She stated the

Committee also had some discussions about possibly zoning code amendments pertaining to the cell tower.

Ms. Stokes-Marshall stated a property owner who owns property within the Sweetgrass Overlay District Commercial area presented some concerns about development standards in this area, particularly buffers and setbacks. The Committee and Staff discussed that some modifications and standards may need to be considered. The Committee asked Staff to discuss this with Charleston County Staff prior to the December Committee meeting.

Mr. Carrier stated there was an e-mail asking for Council to waive the fee for the challenge, and Mr. Burdette said respectfully Council does not have the authority to waive fees like that. He stated the residents making the appeal have already paid the fee of $100.

Mayor Swails said they asked him to pay for it out of the Discretionary Fund, and he felt that it was not appropriate.

POLICE, LEGAL & JUDICIAL COMMITTEE

No Report.

PUBLIC SERVICES

No Report

RECREATION COMMITTEE

Mr. Gawrych said there is an extensive list of recreation activities that have taken place, and he would submit that to the Clerk.

TRANSPORTATION

No Report

WATERWORKS COMMISSION

No Report

WATER SUPPLY COMMITTEE

No Report

ADMINISTRATOR'S REPORT

Mr. Burdette said in observance of Veteran's Day tomorrow at 11:00 a.m., at the intersection of Lexington Drive and All American Boulevard, and Mayor Swails has asked that we make a decision tomorrow morning by 8:30 a.m. as to whether it will be canceled due to inclement weather.

Mr. Gawrych said if we cancel, he would like to consider December 7 as the date to be rescheduled. Mayor Swails said he felt like it should be canceled, as the weather is going to be terrible.

Mr. Burdette said that Council moved the December council meeting from December 8 to December 9 at 7:00 p.m. at the Wando High School Performing Arts Center, at which time we will recognize a number of young citizens at Wando for their achievements.

Mr. Burdette said there are vacancies that will be advertised. Old Village Historic District, Seats 3, 4 and 5, all two year terms that will be expiring in January of 2010. Current members Carol Byrnes, Catherine Rhea and Albert Baciocco are not eligible for reappointment. Mr. Burdette said Workforce Housing Advisory Committee Seat 6, Residential Home Building Representative, a four year "unexpired" term expiring in January 2012. Mr. Steve Wray was in that position but resigned after being appointed to the Planning Commission.

COUNCIL NEW BUSINESS

Mr. Burdette stated there is a Resolution reaffirming the intergovernmental agreement establishing a Charleston County Consolidated 9-1-1 Center and approving an addendum thereto. He stated this will add the City of Charleston to the agreement, by 2013. He said the plan is to have a consolidated communications center that will serve all of Charleston County and all of the jurisdictions of Charleston County. He said when this project was initiated, Charleston did not wish to be a member of the organization, but they have since changed their mind, and this Resolution would allow them to

be added. Mr. Burdette said all of the jurisdictions that are currently members would have to pass such a resolution.

Mr. Gawrych moved to adopt the resolution, seconded by Ms. Stokes-Marshall. All present were in favor. Mr. Burdette read the *RESOLUTION BY TITLE ONLY.* This Resolution *SIGNED, SEALED AND DELIVERED THIS DATE.*

Mr. Burdette stated the next issue is authorization for Mayor Swails to send a letter to our Secretary of Transportation Buck Limehouse regarding a request that a warrant be approved for a traffic signal on Rifle Range Road at the new entrance to the new Whitesides Elementary School. He stated a request was sent last month to the District Engineer for the approval of the warrant study, and the District Engineer, Mr. Clark, denied our request. He said the reason this is very important is when school takes in and lets out, it will create a big problem at that location, and this light would also serve the Mount Pleasant Waterworks headquarters, as well as the Joe Gawrych Baseball Complex which is also located there. If this is not approved, we may not have any other choice but to place a police officer at that intersection twice a day.

Mr. Gawrych moved to have the Mayor send that letter to the Secretary of Transportation to approve the warrant study for Whitesides School, seconded by Ms. Stokes-Marshall.

Ms. Stokes-Marshall said when she saw the response that was returned to us, she thought it was ridiculous. She stated that when you look at the location and the number of facilities and the amount and volume of traffic and knowing that there is a new school coming on board, it is better for us to have the traffic light in place to provide safety for our residents, as opposed to waiting until after something happens, and someone is injured or killed.

Mr. Gawrych said while we are doing this letter, we should reach out to the Chairman of the Charleston County School District, the Chairman of the Mount Pleasant Water/Sewer District, and the Chairman of Charleston

County to help the Department of Transportation to understand the significance of this traffic signal.

Mayor Swails stated he cannot imagine those busses coming out onto Rifle Range Road without a traffic signal.

Mr. Burdette said the developer of Central Mount Pleasant is required to buy the equipment and install this traffic signal, so there is no cost to the public.

Mayor Swails called for a vote and all present were in favor.

Mr. Burdette stated the next item is a recommendation to the Planning Commission, as in municipalities in South Carolina, they are responsible for naming roads. Mr. Burdette said we will be opening the third leg of Hungryneck Boulevard that starts near the Isle of Palms Connector at Water's Edge subdivision, and extends to connect with Six Mile Road. He said that will be opened likely in the second week of December, and it must have a road name for 9-1-1 purposes. He stated Council in the past had discussed the possibility of naming this section of road Sweetgrass Basket Boulevard, and the only address that will have to be changed is the County office building where DMV is located, and they have no objection.

Ms. Stokes-Marshall moved to forward the request to name the third phase of Hungryneck Boulevard Sweetgrass Basket Boulevard, seconded by Mr. Gawrych. All present were in favor.

Mr. Burdette said Staff would be contacting Council about a ribbon cutting ceremony for the opening of that road, which will be a great benefit to the residents that live in the Six Mile Community. He said all of the Public Services trucks currently have to use Six Mile Road, either in one direction or the other, every morning and afternoon and throughout the day, which is a lot of traffic. This will allow for most of those trips to go out to Isle of Palms Connector, which will alleviate a lot of heavy traffic in that neighborhood.

Mr. Burdette said the next item is to establish the Christmas holidays. He said Council policy establishes that Council approve Christmas holidays,

with the recommendation of the Department Managers. He stated the Department Managers did meet and have asked that the Christmas Holidays be Thursday, December 24, and Friday, December 25, 2009.

Mr. Glasson moved to accept the holidays recommended by Staff, seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Burdette stated Staff will send out to everyone what the garbage and trash schedule will be that week, and it will be posted in the newspaper.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Burdette said the recommendation of the previous Council was that this Council consider deferring appointments until December so that the new Council members would have a chance to weigh in on these appointments.

Ms. Stokes-Marshall moved to defer the appointments to Planning Commission Seat 7, Accommodations Tax Advisory Committee Seat 7, and Historic Commission seat 3 until the December Council meeting, seconded by Mr. Gawrych. All present were in favor.

There being no further business, Mayor Swails adjourned the meeting at 8:14 p.m.

Respectfully submitted,

Christine Barrett
Clerk of Council

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
TUESDAY, MAY 4, 2010

MINUTES

Municipal Complex, Conference Room 103

Members Present:	Mayor Billy Swails, Chair; Thomasena Stokes-Marshall, John Burn, Paul Gawrych
Also Present:	Elton Carrier
Staff Present:	Mac Burdette; Eric DeMoura; Brad Morrison; Paul Lykins, Daniel Kelley
Also Present:	John Reiter with SCE&G

Mayor Swails called the meeting to order at 9:30 a.m.

1. Approval of Minutes from the March 1, 2010 meeting.

Ms. Stokes-Marshall made a motion to approve the minutes from the March 1, 2010 meeting, seconded by Mr. Gawrych. All present were in favor.

2. Budget Review FY 2010/2011

Mr. DeMoura began by stating that the overall budget is down by $12,087.00 which is about 14%. He said this is a relatively small budget of $600,000. $7,800 has been removed from Workman's Compensation; contractual services is now $4,200. $20,000 has been put into the Transportation Budget for small paving. This is not new money, but was housed in non-departmental. This is now being held and accounted for by the Transportation Department and Mr. Morrison. One capital item is for a new pick-up truck which will replace a truck that is in dire need of repairs.

Ms. Stokes-Marshall made a motion to approve the Transportation Budget as presented, seconded by Mr. Burn. All present were in favor.

3. Park West Boulevard proposed resurfacing

Mr. Morrison began by saying that Mr. Burdette had requested a report on the cost of resurfacing Park West Boulevard. The road is showing signs of stress and failure in certain areas. Mr. Morrison said that he then asked Mr. Pettit to inspect the road and make an evaluation. Mr. Pettit did this by dividing the road into four sections and gave a cost estimate for each section. Mr. Morrison made reference to a memorandum he had distributed to the Committee members which showed the cost breakdown for each section of road. He said the cost for resurfacing the entire road from Dunes West through to Highway 17 North would be approximately $1,000,000. He said that the repairs should last approximately twelve to fifteen years. He said that the cost for repairing portions of the road which are in very bad shape would be approximately $250,000. These repairs would last approximately three to five years.

Mr. Burdette said that the time has come for Staff and the Committee to spend more time looking at the overall road resurfacing program. He said that most of the roads in the Town were built in the last twenty years and the Town is responsible for maintaining them. We will need money for

resurfacing sometime in the near future. Mr. Burdette suggested putting money aside from the half cent sales tax in order to build up a fund for resurfacing the roads.

Mr. Burn asked if there is any other funding available.

Mr. Burdette answered in the negative. He said that there is a possibility of receiving some funding from Charleston County.

Mr. Burn asked for Staff's opinion on whether to resurface the entire road or repair the worst sections.

Mr. Morrison said that he was there to provide information at this point. He said that the partial repairs would only last three to five years and would eventually need to be completely replaced.

Mr. Burdette said that in hindsight, it would have been better to install curbs and gutters on the road when it was built.

Mr. Morrison said that the shoulders should be maintained regularly when curb and gutter is not used.

Mr. Burdette said that the Committee should keep a close eye on this and approach the CTC and the County for the half cent sales tax for resurfacing funds. He said this should be a priority.

Ms. Stokes-Marshall asked if there were other roads that required maintenance.

Mr. Burdette said there will by many in the near future. However, most of them do not handle the volume of traffic that Park West Boulevard handles. The roads that do handle large volumes of traffic are mostly state owned roads such as Whipple Road, Mathis Ferry Road and Rifle Range Road.

Ms. Stokes-Marshall asked if there is an inventory of roads that need repairs.

Mr. Burdette said that the County keeps a record of these on the Resurfacing and Management Plan for the CTC. This plan includes every road in Charleston County. He went on to say that the Town had been very fortunate in this area. The Town has never budgeted more than $200,000 for re-surfacing. He feels that the Town should have a priority list for road improvements in the event funding becomes available. He said that the money allocated for road improvements this year, in the amount of $800,000 will pay for Dunes West Boulevard. Approximately $300,000 to $400,000 came from a law suit.

Mayor Swails agreed with Mr. Burdette and suggested keeping a close watch on the Dunes West Boulevard improvements in case there is any money left over.

Mr. Burn asked if it would be prudent to contract with a motor grading service.

Mr. Burdette said that we certainly wouldn't want to buy a motor grader as we would contract the work out. He said that we could ask the County to assist with this and that they would probably give the Town a good price. The County would have to work it into their schedule which is very heavy.

Mr. Morrison advised the Committee to go ahead with the shoulder work and the pavement repairs at this time. The cost for this work would be approximately $250,000.

Ms. Stokes-Marshall made a motion to ask the Mayor to send a letter to Mr. Pryor with Charleston County requesting assistance in support of the maintenance of Park West Boulevard and those roads which have been identified by Staff, seconded by Mr. Burn. All present were in favor.

4. Presentation of Action Plan to pursue Bicycle Friendly Community (BFC) designation by the League of American Bicyclists.

Daniel Kelley came forward and thanked the Committee for their time. He gave a brief history of the League of American Bicyclists which is a national organization that began over a hundred years ago. He said that this organization gives communities the opportunity to generate positive images by giving them access to touring and bicycle magazines. He said that bicycling is the third largest outdoor activity in the country. Mr. Kelley said that Dare County in North Carolina conducted an economic impact study which revealed an impact of $60,000,000 a year for the County. He said that Columbia, Greenville and Spartanburg, SC are communities that have applied for and received the bronze recognition. The City of Charleston applied and was given an honorable mention, but did not make the bronze status. Mr. Kelley pointed out a list of activities on the application which have been broken down into five categories. He feels that encouragement to participate in these activities should be a priority for the Town. For example, he mentioned that the Farmers Market would be celebrating bike month by having local bike shops display their model bikes, fully equipped with baskets and racks for carrying produce. Also, there will be a picnic ride this Friday to Waterfront Park. The Committee Members were invited to participate.

Mr. Gawrych expressed a very positive opinion of the plan, as did the entire Committee.

Mr. Burdette said he thought it would be a good idea to form an in-house Advisory Committee as suggested in the BFC Opportunity Matrix. He also suggested including outside interested parties involved in bicycling.

Mr. Gawrych made a motion to recommend to Full Council that we pursue the Bicycle Friendly Community Plan as presented today by the Transportation Committee, seconded by Ms. Stokes-Marshall. All present were in favor.

5. Watermark street lighting request

Mr. Morrison made reference to his memorandum, Agenda Item #5 pertaining to the section of Watermark Boulevard which is currently under construction. The developers, Central Mount Pleasant, would like to use the Shepherds Crook Light fixtures along this road. Mr. Morrison explained that there would be an annual maintenance cost increase of $5,000, to the Town, if these light fixtures are used.

Ms. Stokes-Marshall wanted to know who had made this request.

Mr. Morrison said it was requested by the Central Mount Pleasant developers. He said the lights have been approved for use in the Town by SCE&G.

Mr. Burdette explained that the Town would be responsible for the maintenance of these lights. These particular lights, the Shepherds Crook lights, are more expensive than the Acorn lights used in other areas of the Town. The additional annual cost would be $5,000.00.

Mayor Swails commented that each light would cost the Town approximately $100 a year for ever.

Ms. Stokes-Marshall expressed her concern for the additional cost which would only serve the residents of the Watermark Subdivision, and not the entire Town.

Mayor Swails asked Mr. Ashley Heggie, a representative of Watermark to come forward.

Mr. Heggie said that the developers had chosen this design of lighting in order to enhance the architectural design of the Watermark neighborhood. He said that the developers were using decorative sidewalks, pavers and landscaping to make the neighborhood more aesthetically pleasing, and the Shepherds Crook Lights are part of the overall look and feel.

Mr. Burdette asked Mr. Heggie if it is the developer's intention to use these lights on other residential streets in Central Mount Pleasant. He said that even though the residents pay a portion of the cost, and the Town pays a portion of the cost, the additional cost of these lights will impact both the residents and the Town.

Mr. Burn said that if these lights are purely for aesthetics, and to improve the marketability of the neighborhood, the Town should not be responsible for the additional cost.

Mayor Swails said that he did not like the idea of using the Town's money for the additional cost of the lights.

The other Committee Members agreed with the Mayor.

Ms. Stokes-Marshall made a motion to deny the request for the Watermark street lighting as requested, seconded by Mr. Gawrych. All present were in favor.

6. Street lighting standards for roadway projects

Mr. Morrison made reference to the memorandum, Agenda Item #6. He explained that in the past, the lighting designs for Town projects have been designed by Staff, but not necessarily to AASHTO guidelines. He said that approximately six months ago SCDOT implemented new lighting standards for state roads. The new standards require lighting plans to be designed to AASHTO guidelines on all state owned roads.

Mayor Swails asked Mr. Morrison if he was talking about the Interchange Project and Johnnie Dodds Boulevard.

Mr. Morrison answered in the affirmative. He went on to say that because of the new standards the Acorn Light which has been used by the Town in the past, cannot be used any more. There is not enough wattage, and the lights are not high enough. He said that the Cobra fixture was used on Highway 17 North. A new light fixture has also been introduced by SCE&G called the Mongoose. This particular light fixture projects light onto the highway creating better illumination. The poles for the Mongoose are required to be thirty feet high. He said that these new Mongoose lights will be used wherever maximum lighting is required. The former Acorn Lights will still be used where less lighting is required.

Ms. Stokes-Marshall asked if the Town has any other options on state roads.

Mr. Burdette said that the Acorn Lights could be used in-between the Mongoose Lights for aesthetic purposes.

Mr. Gawrych asked Mr. Morrison to explain the differences between the types of light fixtures, and why SCDOT had made the changes to the lighting plans.

Mr. Morrison explained that more and more municipalities in South Carolina are requesting street lights, and SCDOT had to come up with a standard for the entire state. He said that the new Mongoose Light has a higher wattage and casts light down onto the road and also onto the median.

Mr. Burdette said that the Town will continue to utilize the different light fixtures, and will evaluate the cost.

Mr. Morrison said the cost difference between the Cobra Light and the Mongoose Light is minimal. He also said that Michael Robertson in the Planning Department will be involved in the lighting choices for the Town.

Mr. Burdette said that Staff will be looking at the lighting plans for each of the major road projects in the Town, and will design each project according to the new standards. The Committee will be notified when the plans have been completed.

Mayor Swails asked if it would be better to have one kind of light throughout the Town.

Mr. Burdette answered in the affirmative. He said that he would prefer all the light fixtures to be black. He also said that the cost should be considered.

Mayor Swails suggested that the Committee leave the decision making to Mr. Morrison and his staff.

7. SCE&G distribution system at US 17/I-526 Overpass

Mr. Morrison began by saying that this item is related to the Town's Interchange Project at the section of Highway 17 North in front of Wando Crossing which will be a six lane roadway. All of the utilities will be placed underground at this section. This requires SCE&G to re-establish their distribution network. He introduced Mr. John Reiter with SCE&G who was there to explain a request from SCE&G to the Town. Mr. Morrison said that the Town owns the Bassett Furniture site, and SCE&G wants to utilize the site for an easement in order to accomplish the underground utility work.

Mayor Swails said that the Town owns the site now, but what happens when it is transferred back to SCDOT.

Mr. Burdette said that we have the right to allow SCE&G to use the site for an easement. When the time comes to transfer the land to SCDOT, the easement will be included in the transfer.

Mr. John Reiter came forward and made reference to a map of the area involved in the distribution system.

He said that the New Hope Baptist Church staff has been reluctant to sign an easement for the underground wiring. This requires SCE&G to re-design this portion of the project to by-pass the New Hope Baptist Church. This would be accomplished by bringing the line from behind Graddick Road and using an existing easement that was gained when the Bassett Furniture store was built. The line would continue to the NBSC Bank site and then on to the CVS and McElveen sites. He said there would be two locations for switch gears, which are basically ten

feet by ten feet boxes which will be needed to serve the Bassett site and other parcels in the area, now and in the future. Mr. Reiter said that he and Mr. Morrison had met at the site, and they both felt that this is achievable. This will serve two purposes: 1.) The New Hope Baptist Church site can be avoided and 2.) one of the legs will serve the UMA site in Central Mount Pleasant.

Mr. Burdette pointed out the property on the map that the Town owns. He said that SCE&G is trying to stay as close to the property lines as possible.

Mr. Ryder said that typically they try to run the underground lines one foot away from the property lines.

Mr. Burdette asked Mr. Ryder if the easement at the NBSC site will prevent the church from using the site for future parking.

Mr. Ryder answered in the negative. He said that the line will be in conduit and he has never had to dig up conduit for any reason.

Mayor Swails had a question about the area from Highway 17 N. to Graddick Road, whether it would be underground or above ground lines. Mr. Reiter said that approximately two hundred feet of the line on Graddick Road will be underground, and the remainder will be overhead. Mr. Reiter said that as soon as this problem is worked out, he will be ready to start construction.

Mr. Morrison stated that staff supports this plan. He also said that the Town will have ownership of the NBSC site.

Mr. Burn asked if there would be additional costs with this plan.

Mr. Reiter said that in exchange for the easement, the initial cost estimate will remain the same.

Mr. Burdette said that SCE&G has worked very well with the Town to try to keep the cost down. This was made possible by the Town giving SCE&G right-of-way. He also said that this would need to go to Council for approval.

Ms. Stokes-Marshall made a motion to allow the SCE&G distribution system at US 17/I-526 Overpass on property owned by the Town, seconded by Mr. Gawrych. All present were in favor.

8. Rifle Range Road/Hamlin Road intersection

Mr. Morrison began by saying that he had been notified by SCDOT last year that there was funding in their Intersection Safety Program for improvements at Rifle Range Road and Hamlin Road. He made reference to the map to show the Committee the proposed improvement plan. He said that he had met with SCDOT at the site to discuss the options for the improvements. The two options were a roundabout or a traffic signal and turn lanes. SCDOT engineers determined that a roundabout would not be possible due to severe ROW impacts. Mr. Morrison used the map to show there are access problems at this site. The proposed plan is to install a traffic signal with turn lanes.

Mayor Swails asked if the funding is available at this time and when will the construction start.

Mr. Morrison said the funding is available, and it is his understanding that the construction will begin in the fall of this year or early 2011.

Mayor Swails made the comment that a roundabout would serve better when the proposed new schools are built.

Mr. Morrison said that from an operational standpoint a roundabout might work better. However, there isn't enough room physically to build a roundabout. SCDOT would need to purchase the parcel of land in question in order to make it work.

Ms. Stokes-Marshall said that she was concerned about the amount of traffic on Rifle Range Road, especially with the additional traffic when the new schools open. She compared it to the situation at Whiteside's Elementary School, where a traffic study was implemented by SCDOT and it was determined that a traffic signal was not warranted.

Mr. Morrison said that he had informed SCDOT of the proposed new schools.

Mr. Burdette said that he feels sure the schools will be considered in future planning by SCDOT, and there will also be future discussion regarding a connecting road to Porchers Bluff Road. He said that the traffic signal will certainly improve the existing traffic conditions on Hamlin Road. It would be nice to have a roundabout, but it is very unlikely that SCDOT will approve. Mr. Burdette asked Mr. Morrison if SCDOT will stub out sidewalks on Rifle Range Road for future improvements.

Mr. Morrison said that he will request sidewalks along the entire portion of Rifle Range Road where improvements are made.

Mr. Gawrych asked Mr. Morrison where the funding is coming from.

Mr. Morrison said that the funding is from the SCDOT Intersection Safety Improvement Fund.

Mr. Gawrych asked if all these improvements, including the traffic signal, could be done for $1,000,000. He also said that the Town should be adamant about the sidewalks and there should be very clear communication between the school district and SCDOT. At some time in the near future, the Town will be connecting the access road behind Jennie Moore School to Porchers Bluff Road and the Town will need to get involved in the whole process with the school district and SCDOT.

Mr. Burdette asked Mr. Morrison who we would need to talk to at SCDOT.

Mr. Morrison said he thought Mark Nesbitt.

Mr. Burdette suggested contacting Bill Lewis.

Mr. Gawrych said that he would prefer a roundabout and maybe there is some other kind of design of roundabout that would work at that location.

9. Beaucastle Connector MID project

Mr. Burdette began by saying that the Beaucastle Connector Road (now Lymington Drive) was built as a Municipal Improvement District project with contributions from the Town of Mount Pleasant. It was built to provide safe access to the properties behind the area of Highway 17 where the widening occurred. The road provides access to Mathis Ferry Road. He went on to say that anyone who wants to tie into the road has to become a participant in the Municipal Improvement District. They are assessed on a yearly basis for the life of the project, to pay a proportion of the assessment. The assessment is based on the number of trips taken on the road. True Value Hardware was given the opportunity to participate, but the owners chose not to participate due to the cost involved. The property next to True Value has been purchased by

Bojangles Restaurant, and they would like to have access to Lymington Drive. The Town paid thirty three percent of the assessment.

Mr. Morrison said that the Town received a request from the Bojangles site developer. They do not want to pay the assessment for the use of Lymington Drive.

Mr. Burdette said that this is not an option due to the fact that everybody else had to pay.

Mr. Morrison introduced Mr. Kevin Berry with Earthsource Engineering, a representative for the Bojangles site developer.

Mr. Berry gave handouts to the Committee Members, and also showed a map of the area around the site. He made reference to the wetlands behind the Bojangles site which he said made it difficult to access the property. He said the developer would like to tie into Lymington Drive with an access road, which would work well for their deliveries and for the local residents who live on Mathis Ferry Road and Whipple Road who patronize the restaurant. He said the cost for building the access road to Lymington Road is approximately $100,000. He said there will also be wetland impact fees of $14,000 to $15,000. Mr. Berry said that if the assessment fees are added to these other costs, it would become cost prohibitive for the owners to build the restaurant.

Mayor Swails asked what the MID assessment fee would be.

Mr. Burdette said it is different for each property. He said that True Value Hardware should share the assessment with Bojangles because the properties connect.

Mr. Morrison said that would have to be worked out between the two owners of the properties. He said that Mr. Trouche, the attorney hired by the Town to work on the assessment originally, would be contacted with regard to the cost.

Mr. Berry said that both Mr. Lukert, the owner of True Value Hardware, and Mr. Archer, the owner of Bojangles, were both putting a great deal of money into the re-development of the parking areas in order to make the two properties flow more efficiently.

Mr. Morrison said he thinks the original proposed assessment fees were approximately $27,000 for the two properties.

Mr. Burdette said this money could either be paid all at once, or over a period of time.

Mayor Swails said that it would be unfair for the Town to relieve Bojangles of the MID assessment. He said that it would not be fair to the other property owners who have to pay the MID.

Mr. Gawrych agreed with Mayor Swails.

Mr. Berry re-iterated that the owners are prepared to pay the $120,000 for the new road and the wetland impact fees, and would just like some relief with the MID fees. He said that the other property owners did not have to deal with wetlands, engineering fees, and other costs involved.

Mr. Gawrych and Mr. Burdette suggested getting more information from Mr. Trouche as to the MID cost, and discuss it at the next Committee meeting.

10. Update – ongoing projects

Mr. Lykins made reference to a graph he had given to the Committee showing the major projects in the Town and the progress of each project.

Mr. Lykins said the funding for the US Highway 17 Widening and the US 17/I-526 Interchange projects has to be in place by September 1, 2010.

Mayor Swails asked Mr. Burdette how and when the Town will approach the State Infra-Structure Bank (SIB) for the funding.

Mr. Burdette said that Council has given permission to approach the bank for a loan. He said that we need to know what terms the bank will allow the Town for a $25,000,000 loan. He said the bank will want to know how the loan will be paid back. There will be a meeting with Debra Roundtree with the SIB. Mr. Burdette said that when we know the conditions of the loan, how the loan is to be paid, and over what length of time, the information will be given to Council. Council will then decide if the Town can afford to borrow the money. Mr. Burdette said that it's important to have an agreement with SCDOT in the event funding becomes available from either Federal or State resources, that the Town would not be precluded from receiving such funding or prevented from paying back the loan early.

Mr. Burdette asked Mr. Lykins for clarification on the US Highway 17 Widening ROW certification.

Mr. Lykins said that ROW certification should be in July, 2010 for the US Highway 17 Widening project. He also said that construction can start on the US Highway 17 Widening while ROW acquisition continues.

Mr. Lykins said that the Bowman Road Phase I project should start around June 1, 2010. Mr. Burdette suggested informing the property owners on Bowman Road, including the HOA at Parish Place, that construction will begin on that project in June, 2010.

Mr. Lykins said that with reference to Bowman Road Phase II, Staff is waiting for SCDOT approval to proceed with ROW. At that time, the appraisal and acquisition process will proceed. This is estimated to take approximately ten months. Construction should begin in April, 2011.

Mr. Burdette said that there is funding available for Phase I of the Bowman Road project. However, the funding for Phase II will depend on the bid. If the funding is not available, the project will be shortened. Instead of going all the way to Rifle Range Road, it could end at Chuck Dawley Boulevard.

Mayor Swails wanted to know if Banks Construction, the contractor for the Johnnie Dodds Boulevard project, could be used to complete the Bowman Road project.

Mr. Burdette answered in the negative. He said that it would be very complicated and there could possibly be legal and government related issues.

Mr. Gawrych asked for clarification on the number of lanes on Phase II of the Bowman Road project and Mr. Lykins provided clarification.

Mayor Swails asked why there are stakes on Bowman Road, and Mr. Lykins said they are there to mark the new ROW line.

Mr. Gawrych had a question about the overpass at Bowman Road on the Johnnie Dodds Boulevard project. He wanted to know why there are two lanes going north and three lanes going south from the overpass.

Mr. Morrison said the third lane going south will enable the merge area to operate much more efficiently.

Mr. Lykins moved on to the Rifle Range Road and Six Mile Road project. He said that bidding will start in June, 2010, and construction will begin in August, 2010. He said that this is a simple project.

Mr. Burdette said that the residents in the area should be notified of the project before it begins.

Mr. Lykins moved on to the roundabout design for the Long Point Road/Needlerush Parkway project. He said the design will be complete in December, 2010.

Mr. Lykins reported that the sound wall on Highway 17 is under construction.

Mr. Morrison gave an update on the Highway 41 Bridge. He said there will be a SCDOT public hearing within the next few weeks, at which time a proposal will be made for a moveable bridge with a height of twenty feet.

Mr. Gawrych said the bridge is fully funded

There being no further business, Mayor Swails adjourned the meeting at 11:55 a.m.

Submitted by:

Kerry Cook

Tuesday May 4, 2010

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
TUESDAY, SEPTEMBER 7, 2010
MINUTES
Municipal Complex, Conference Room 103

Members Present:	Mayor Billy Swails, Chair, Paul Gawrych, John Burn, Thomasena Stokes-Marshall
Also present:	Linda Page, Elton Carrier
Staff present:	Mac Burdette, Brad Morrison, Paul Lykins, Jody Peele, Hillary Repik, Eddie Bernard

Mayor Swails called the meeting to order at 10:00 a.m.

1. **Approval of Minutes from the August 3, 2010 meeting.**

Mr. Gawrych made a motion to approve the minutes from the August 3, 2010 meeting, seconded by Ms. Stokes-Marshall. All present were in favor.

2. **JDB Landscape Maintenance Financial Impact**

Mr. Burdette stated that during a recent meeting with Jody Peele, Mr. Peele asked Mr. Burdette if he had looked at the landscaping plan for Johnnie Dodds Boulevard. Mr. Burdette said that he had looked at the design and that it looked very good. Mr. Peele brought it to Mr. Burdette's attention that the area involved is approximately three miles long. Mr. Peele said that this plan would create a major impact on the Public Services Department relative to the maintenance, man-power, equipment and cost of irrigation for this project. Mr. Burdette said that the water bill for Waterfront Park for the month of July, 2010, was $12,000, and this could be significantly higher at other times of the year. The landscape design for Johnnie Dodds Boulevard includes an irrigation system which could prove to be extremely costly. He suggested the Committee take another look at the landscaping plan in order to possibly lower the cost of maintenance by using plants that require less maintenance.

Mr. Peele came forward and said that when he looked at the plans it was obvious that this type of landscaping would require a tremendous amount of man-power and maintenance for his department. He said that he does not have the necessary personnel available at this time to address the issue. He said that he would need additional man-power in order to perform the maintenance on such a large scale. The plan/design he looked at was from Houston Northcutt Boulevard to Shelmore Boulevard, which is approximately 0.8 miles. He said that he had asked three landscape contractors for a cost estimate for maintenance for this portion of the design. He emphasized that the estimates he received were for labor only, providing once per week service. The estimates ranged from $111,000 per year to $195,000 per year. These ballpark estimates do not include mulch, water for irrigation, irrigation repairs and street sweeper. Mr. Peele also estimated what it would cost the Town to maintain the 0.8 mile area, based on four to five days per week maintenance. He based this on salary plus benefits and estimated $264,000 per year for labor only. This would cover the full length of the project from the Ravenel Bridge to the I-526

Interchange which is approximately 2.8 miles. He also estimated the cost of mulch to be approximately $40,000 per year, water at $25,000 and chemicals and equipment at $100,000. He said that the cost for labor and equipment could quite possibly increase.

Mayor Swails asked Mr. Peele what type of plants are shown on the plan.

Mr. Peele said that the plan shows massive curb to curb plantings, including trees, shrubs and flowers, all of which require a great deal of maintenance.

Ms. Stokes-Marshall asked who had selected the plants.

Mr. Peele said that Seamon-Whitesides had designed the plan. They specified which plants were to be used. He said that Eddie Bernard had already made some adjustments to the design and that SCDOT also has to approve the plan.

Mr. Burdette said that currently on Johnnie Dodds Boulevard, the only thing that has to be maintained is grass, and this is done by machine.

Ms. Stokes-Marshall said that the project overall had gone very well up to the point of discovering the tremendous cost of maintaining the landscaping. She asked if it would be possible for staff to go back to the drawing board and reassess the plantings.

Mr. Burdette said that Council should decide whether or not they want the design as is, or if they want to make changes which will be more cost effective.

Mr. Gawrych said that he had not seen any landscaping plans. He reminded the Committee that they had been told by the head of Roadwise at Charleston County, that the Town's job is to design the project, and Charleston County's job is to build the project. With that understanding, he suggested all the parties involved should get together and re-design the current plan to something more affordable for the Town to maintain. He also said that the SCDOT has to approve the plan and he asked Mr. Morrison if the SCDOT has a set date for approving the landscape plan.

Mr. Morrison said that there is plenty of time because the landscaping is done at the end of the project. He said that the design could be scaled back to whatever the Town wants.

Mr. Gawrych asked Mr. Bernard what directions he had been given regarding the landscape design.

Mr. Bernard said that he was given the plan which indicated where and what plants were to be used. He said that he is of the opinion that the proposed trees are important in the design, but he would not be against cutting back on the shrubs and using more turf.

Mr. Gawrych said that none of the renderings he has seen showed curb to curb flowers and shrubs. He expressed his opinion that the design needs to be cut back in order to make it more affordable.

Ms. Page said that the cost of this design will be approximately $500,000, and that Council should give their input before the Committee moves forward. She said that she would prefer planting trees and grass.

Mayor Swails said that there is plenty of time to re-evaluate the design.

Mr. Burdette suggested further discussion in December, 2010.

3. Preliminary Cost Estimates for CIP Projects

Mr. Burdette stated there are four stand-alone projects which are under consideration by staff in the event the Town receives a grant from the SCDOT in the near future. With that in mind, Mr. Burdette asked staff to develop preliminary cost estimates for these projects.

Mr. Morrison handed out a memorandum he prepared in order that Council may consider funding options. He said that Mr. Lykins had graphics of the four areas if they were needed. Mr. Morrison said that staff had made very conservative assumptions on some of the tracts, one of which is US Highway 17 North Frontage Road at Laurel Hill, which includes a portion that fronts Highway 17 North. The cost estimate for this project is $1,900,000.

Mr. Burdette asked if the estimate includes sidewalks and lighting.

Mr. Morrison answered in the affirmative. He said that the ROW has already been dedicated from the church and there are two more tracts that we need ROW from Laurel Hill.

Mayor Swails asked for the length of the tract.

Mr. Morrison said it is twenty one hundred feet.

Mr. Morrison moved on to the Gregorie Ferry Connector which is currently designed and going through final permitting by the SCDOT and environmental permitting. He said that a portion of the road is proposed to be constructed by the developer of Gregorie Ferry Landing.

Mayor Swails asked Mr. Burdette if the developer had agreed to donate additional money for this road.

Mr. Burdette said that he did not remember.

Mr. Morrison said that the developer had requested his impact fees be dedicated to this road.

Mr. Morrison said that it is his understanding that the developer is moving forward with his project.
He said that the cost estimate for this project is $2,800,000. This includes acquisition on a large storage facility which accounts for $800,000 of the overall cost.

Mr. Burdette asked if the estimate includes the signals at Highway 41 and Highway 17 North.

Mr. Morrison answered in the affirmative.

Mayor Swails asked if the projects were prioritized.

Mr. Morrison answered in the negative.

Mr. Morrison moved on to the next project, Long Point Road/Needlerush Parkway roundabout, with a cost estimate of $600,000.

Mr. Lykins gave a breakdown of $425,000 for construction, $42,000 for CEI and $133,000 for lighting, landscaping and utility relocation.

Mr. Morrison said that Thomas and Hutton Engineering based their cost estimate on the roundabout that was constructed on Mathis Ferry Road at the hospital. He said that the ROW will be dedicated by the Long Point HOA. The project is expected to be designed and permitted by the end of 2010.

Mr. Burn asked Mr. Morrison for the cost of a mast arm traffic signal at that location.

Mr. Morrison said a wood pole traffic signal would be approximately $50,000.

Ms. Page commented that the SCDOT would reimburse the Town for a wood pole traffic signal.

There was some general discussion regarding the previous meetings with the Long Point HOA, at which time the residents expressed their preference for a roundabout.

Ms. Stokes-Marshall reiterated her desire to keep the residents informed.

Mr. Morrison said there would be another public meeting sometime in the near future.

Mr. Morrison moved on to the Long Point Road Realignment Project. He said that the cost estimate of $2,700,000 is a conservative estimate.

Mr. Gawrych asked Mr. Morrison how much property the Town needs from Boone Hall Plantation, and the estimated cost of the property.

Mr. Lykins said the cost is approximately $625,000.

Mr. Morrison pointed out the location of the realignment on the map. He made reference to a mistake on his memorandum which states the project includes extension of Long Point Road to an extended Sweetgrass Basket Parkway. This should read "the project does not include extension of Long Point Road to an extended Sweetgrass Basket Parkway." He said that the cost for all four projects totals $8,000,000.

Mr. Gawrych asked Mr. Morrison if he had submitted all the necessary documents for the proposed grant.

Mr. Morrison said that he sent the documents to Mark Pleasant with the SCDOT last Thursday for receipt of the package on Friday, September 3, 2010. He said the projects will be graded this month and presented to the Commission at their October meeting in Columbia.

Mr. Burdette wanted to know how long each project would take from the bidding process to the actual completion of the project.

Mr. Lykins said the US17 North Frontage Road Project would take approximately six months to complete. He said that the Gregorie Ferry Connector Project would also be a six month project. The Long Point Road/Needlerush Parkway roundabout would take approximately nine to twelve months. The Long Point Road Realignment Project would take approximately ten months to complete.

Mr. Burdette said that all four projects are relatively inexpensive and quick turnaround. If the Town receives the necessary funding he feels that the improvements will serve the public well and create a very positive impact on the transportation system.

Ms. Stokes-Marshall reiterated her previous comments with reference to communicating with the residents in these communities.

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Ms. Page wanted to know if there would be a problem if the US 17 North Widening Project should coincide with the Long Point/Needlerush Parkway Project.

Mr. Morrison said that this project has not yet been designed. He said that it would be beneficial to merge the two projects together at the same time.

Mayor Swails said that this could work very well and would certainly be advantageous for the property owner.

Mr. Gawrych said it is a matter of timing.

Mr. Carrier wanted to know if staff has a priority list for these projects.

Mayor Swails said that he would prefer the Long Point Road/Needlerush Parkway Project. However, at the present time, this is just a wish list and we will have to wait until we receive the necessary funding.

4. **Discussion of Transportation Impact Fee credit for dedication of property designated for sweetgrass basket makers**

Mr. Burdette began by stating that the US Highway 17 North Widening Project will be a curb and gutter section of road. He said there had been some concern that the basket makers on this section of road would be impacted in a negative way. The Town has assured the basket makers that they all will have a place for their stands. It has not been decided yet exactly where the stands will be located. Mr. Burdette went on to say that there has been some interest in economic development along this section of Highway 17 North, which is in the County. A major deterrent for businesses that would like to come into the Town is having to pay Transportation Impact Fees. Such impact fees are not required by Charleston County. In an effort to encourage businesses to come into the Town, there has been discussion between Mayor Swails, Mr. Burdette and Mr. Gawrych regarding impact fees. He said there are three areas of priority for this section of the highway: 1.) safety for the basket makers; 2.) safety for shoppers who pull off Highway 17 North; 3.) and functionality of traffic. They would like to propose a credit on impact fees to business/property owners who will dedicate a portion of their property to basket maker stands. The business/property owner would allow access to their driveway and parking lot for people wishing to browse/purchase sweetgrass baskets. This would benefit the business/property owners by giving them credit on impact fees; the sweetgrass basket makers by giving them a safe area to display/sell their baskets, and also maintain the traffic flow on Highway 17 North. Mr. Burdette said that the Development Impact Fee Ordinance would need to be changed in order to do this. Also, a formula or some other way of determining the credit on the impact fees would be needed.

Mr. Carrier had a question about tax ramifications for the property owners.

Mr. Burdette said that he does not know how this would affect taxes for the property/business owners. He did say that one business has shown an interest already.

Mayor Swails is of the opinion that this is a very good way to attract more businesses to the Town.

Mr. Burdette said that there will no doubt be some issues between the basket makers, but this is to be expected.

Ms. Stokes-Marshall asked Mr. Burdette who would have control over the designated basket stands areas.

Mr. Burdette said that the Town would not get involved in that. He said that basket makers can be just as competitive in their business dealings as any other business. He is of the opinion that it would be more appropriate for the Sweetgrass Basket Makers Association to manage these areas.

Mayor Swails suggested this could be accomplished by deed restriction, and if it does not work for the basket makers, it can be deeded back to the property owners.

Ms. Stokes-Marshall said that throughout the entire process, the Town has been in the forefront in terms of identifying, promoting, protecting and advancing the culture of the Gullah-Geechee Heritage Corridor, which extends from Wilmington, North Carolina to Jacksonville, Florida. She is of the opinion that this will ensure the basket makers presence in the community, and also provide a safe and highly visible environment. She said that the Towne Center is a perfect example of how the Town has made provision for the basket makers. Also, the Sweetgrass Hardware Store has offered a designated area for a basket makers stand on their property.

Mayor Swails agreed with Ms. Stokes-Marshall and staff that this is a wonderful idea and the Committee should move forward as soon as possible.

Mr. Gawrych made a motion to move forward, as directed by the Town Administrator, with reference to impact fee credits for areas dedicated to the sweetgrass basket maker stands on Highway 17 North, seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Burdette asked Mrs. Repik with the Public Services Department to come forward. He said that Mrs. Repik had recently teamed up with the Transportation Department with regard to the Boone Hall drainage situation. He praised Mrs. Repik for her work/findings, which he said has saved the Town a great deal of money. Mr. Burdette said that Mrs. Repik has gone above and beyond her normal duties, and the Town recognizes her for a job well done.

5. Update – ongoing projects

Mr. Lykins reported that Phase I of the Bowman Road Project is moving along well. He said that staff is in the ROW Acquisition process for Phase II of the project, and staff has already made offers to some of the property owners. The K-Mart appraisal should be complete within the next few weeks. Permissions for ROW have been granted for Phase II.
Mr. Lykins said that staff is following the ROW process for US Highway 17North Widening/ I-526 Interchange Project. He said that the bids had been opened for the Rifle Range Road/Six Mile Road Project, and were higher than previously estimated.

There being no further business, Mayor Swails adjourned the meeting at 10:55 a.m.

Submitted by:
Kerry Cook
September 7, 2010

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
MONDAY, JANUARY 3, 2011
MINUTES
Municipal Complex, Conference Room 103

Members Present:	Mayor Billy Swails, Chair, Paul Gawrych, Thomasena Stokes-Marshall, John Burn
Also Present:	Nick Collins, Craig Rhyne, Kenneth Glasson, Linda Page, Elton Carrier
Staff Present:	Eric DeMoura, Brad Morrison, Paul Lykins
Also Present:	Stephen Thigpen P.E. (Charleston County), Billy Hardwick (United Infrastructure Group), William Coleman III, P.E. (Coleman-Snow Consultants, LLC), Kenny Pietz, P.E. (HDR Construction Control Corporation)

Mayor Swails called the meeting to order at 10:40 a.m.

Mr. Gawrych made a motion to amend the Agenda with Item 2. Becoming Item 3. And Item 3.Becoming Item 2. Seconded by Mayor Swails. All present were in favor.

1. **Approval of Minutes from the December 7, 2010 meeting**

Mr. Gawrych made a motion to approve the Minutes from the December 7, 2010 meeting, seconded by Ms. Stokes-Marshall. All present were in favor.

2. **Johnnie Dodds Boulevard – redirection of traffic around medical office building**

Mr. Morrison began by stating that there has been some concern from the tenants of the medical office building in front of the former East Cooper Hospital regarding the impending closure of Hospital Drive at Von Kolnitz Road. He said that a portion of Von Kolnitz Road, in front of the Medical Arts Building is already closed. The contractor is currently allowing utility relocations at this area before installing storm drainage. Mr. Morrison said that the main concern is the amount of time allotted in advance of the closure of the road. He said that in early December, 2010, the County began notifying businesses in the area about the impending closure of the road. The actual closure will occur on January 21, 2011. Prior to Christmas, the contractor, and the County, hand delivered road closure notices to the businesses/tenants. The notice also shows the detour route. Mr. Morrison explained that the contractor needs this area close to the interchange for use as a construction staging area. He said that the County also provided the road closure information to Google, Map Quest and some GPS companies. There will also be a press release on January 7, 2011, followed by a re-release a week later. Mr. Morrison said that everything is being done to keep the businesses/tenants informed. He, the Mayor and Mr. Barbee met with the property owners last week to discuss the road closure. The information will also be available on the Town's website and will include additional routes and time frames for the various phases of the project. Mr. Morrison said that this project will inevitably cause inconveniences to the public. However, the Town, and the County, will work together to provide up-to-date information as work on the project progresses.

Mr. Carrier said that we should be mindful of the patients who have appointments at the medical offices. He suggested that staff place information boards in the lobbies of the buildings, showing details of the alternative routes.

Mr. Morrison agreed with Mr. Carrier and said that he and Mr. DeMoura had already discussed placing information boards in the lobbies. He has discussed with Mr. Thigpen with Charleston County, the possibility of designating a departure route via the roundabout on Mathis Ferry Road for use as a way back from the medical offices along Hospital Drive.

Mayor Swails thanked Mr. Morrison and Mr. Barbee for meeting with the property owners last week. He said that this project is probably the biggest project ever in Mount Pleasant and he wants it to run as smoothly as possible. There will definitely be inconveniences to the public, but the Town will do everything possible to keep the residents/tenants informed. The Town will work closely with the County and the contractor to help keep the project running as smoothly and efficiently as possible.

Mr. Gawrych asked Mr. Morrison for a general overview and time frame for the construction.

Mr. Morrison said that the most critical portion of the project is segment three, which is the interchange/overpass. This structure will take the longest time to complete. He said that in approximately four months time, the work will begin on the widening and the frontage roads.

Mr. Hardwick with United Infrastructure Group said that work began today on the project.

Ms. Page reminded the Committee that the trees that are to be removed from Johnnie Dodds Boulevard can be relocated to Mathis Ferry Road, as previously discussed at one of the committee meetings.

Mayor Swails thanked Mr. Thigpen, Mr. Hardwick, Mr. Coleman and Mr.Pietz for coming to the meeting.

3. **Status report on additional road projects.**

Mr. DeMoura made reference to the four smaller road projects in question: US 17 Frontage Road (All-American Boulevard extension); Long Point Road/Needlerush Parkway Roundabout; Gregorie Ferry Connector and Long Point Road Re-Alignment.

Mr. Morrison handed out a memorandum to the committee members. (See Attached memorandum for details). Mr. Morrison said that the projects were not listed in any particular order. Mr. Morrison gave a brief update on the four projects listed in the memorandum.

Mayor Swails said that the Town will have more information on the funding for these smaller projects within the next couple of weeks.

With reference to the Long Point/Needlerush Parkway Roundabout, Mr. Burn wanted to know if Long Point Road will be closed during the construction of the roundabout.

Mr. Morrison said that the road will not be closed during construction.

Mr. Carrier asked why the cost of the roundabout increased from $400,000 to $600,000.

Mr. Morrison said that the $400,000 was the projected cost for construction only. The $600,000 includes the design and construction costs.

Mayor Swails made the comment that the ROW will be dedicated to the Town by the Long Point HOA. He asked Mr. Morrison if staff had made that clear to the HOA.

Mr. Gawrych wanted to know if the high cost of the roundabout is due to the drainage issues.

Mr. Lykins said there are drainage issues and sidewalks to be built. He explained that the cost projected could be a little on the high side.

Mr. Morrison gave a breakdown of the overall cost. He said that hopefully it will be less than the projected $600,000.

Mr. Gawrych said that he is of the opinion that the Gregorie Ferry Connector project should be put on hold for the time being. He said that the All-American Boulevard extension has been in process for some time and should be completed. As far as the Long Point/Needlerush Parkway Roundabout is concerned, until the Town acquires the property from the HOA, we should not move forward or spend more money on the project.

Mr. Gawrych then asked Mr. Morrison to explain the procedure for re-aligning Long Point Road with Old Georgetown Road. He said that this is a massive intersection and will obviously tie in with the widening of US Highway 17N, which has already been designed and approved. He wanted to know how this project will be worked out with the contractor who is awarded the US Highway 17N Widening project. He asked Mr. Morrison if this will be considered a change order or add on.

Mr. Lykins said that the normal procedure is to obtain a permit, and a construction plan, and give those to the contractor. That is how we will proceed.

Mr. Morrison agreed with Mr. Lykins. He said that SCDOT is already aware of the re-alignment of Long Point Road and have probably seen preliminary plans. There will be some discussion between staff and SCDOT prior to the bidding process. He assured Mr. Gawrych that all parties involved in the project will be made aware of the potential change order and that staff will work to minimize replacement costs as much as possible.

Mr. Gawrych said that he just wants to make sure that all the parties involved are made aware of the re-alignment of Long Point Road.
Mr. Gawrych asked the committee members if they would like to prioritize the four projects.

Ms. Stokes-Marshall agreed with Mr. Gawrych that all the entities involved in the project will be made aware of the re-alignment of Long Point Road.

Mr. Morrison assured Ms. Stokes-Marshall that this will be discussed at the pre-construction meeting. He said that SCDOT will not make any official comments until they are presented with a design plan for the re-alignment. He said that SCDOT has the same interest as the Town in the project, and, more than anything, they need to know that the Town is committed to the re-alignment.

Mr. Carrier wanted to know the time frame for the ROW procedure for the two properties to be acquired.

Mr. Gawrych said that ROW will begin after the Town receives the bids.

Mr. Morrison said that the owner of Boone Hall has met with staff regarding the acquisition of his property and is waiting for the Town to make an offer. So far, staff has not met with anyone associated with Christ Church.

Mr. Collins wanted to know where the new/re-alignment of Old Georgetown Road will end.

Mr. Morrison pointed to the area on the map where the road will end, near the Christ Church access.

Mr. Gawrych made motion to recommend to Full Council that the four additional projects be prioritized in the following order: 1. Long Point Road/Needlerush Parkway Roundabout, 2. Long Point Road Re-Alignment, 3. US 17 North Frontage Road (All-American Boulevard extension), 4. Gregorie Ferry Connector, and that the Transportation Committee proceed with implementation of these projects after receiving bids on the joint US 17 Widening and I-526/Hungryneck Boulevard interchange project. Seconded by Ms. Stokes-Marshall. All present were in favor.

4. Update – ongoing projects

Mr. Lykins said that Bowman Road Phase I will be paved this week if the weather permits.
Mr. Lykins said that Bowman Road Phase II is 70% complete with ROW acquisition and should be ready for bid in March, 2011.
Rifle Range Road/Six Mile Road construction will start today. He said that O.L. Thompson is the contractor for this project.

There being no further business, Mayor Swails adjourned the meeting at 11:20 a.m.

Submitted by:
Kerry Cook
January 3, 2011

TOWN OF MOUNT PLEASANT, SOUTH CAROLINA
TRANSPORTATION COMMITTEE
TUESDAY, SEPTEMBER 7, 2010
MINUTES
Municipal Complex, Conference Room 103

Members Present:	Mayor Billy Swails, Chair, Paul Gawrych, John Burn, Thomasena Stokes-Marshall
Also present:	Linda Page, Elton Carrier
Staff present:	Mac Burdette, Brad Morrison, Paul Lykins, Jody Peele, Hillary Repik, Eddie Bernard

Mayor Swails called the meeting to order at 10:00 a.m.

1. **Approval of Minutes from the August 3, 2010 meeting.**

Mr. Gawrych made a motion to approve the minutes from the August 3, 2010 meeting, seconded by Ms. Stokes-Marshall. All present were in favor.

2. **JDB Landscape Maintenance Financial Impact**

Mr. Burdette stated that during a recent meeting with Jody Peele, Mr. Peele asked Mr. Burdette if he had looked at the landscaping plan for Johnnie Dodds Boulevard. Mr. Burdette said that he had looked at the design and that it looked very good. Mr. Peele brought it to Mr. Burdette's attention that the area involved is approximately three miles long. Mr. Peele said that this plan would create a major impact on the Public Services Department relative to the maintenance, man-power, equipment and cost of irrigation for this project. Mr. Burdette said that the water bill for Waterfront Park for the month of July, 2010, was $12,000, and this could be significantly higher at other times of the year. The landscape design for Johnnie Dodds Boulevard includes an irrigation system which could prove to be extremely costly. He suggested the Committee take another look at the landscaping plan in order to possibly lower the cost of maintenance by using plants that require less maintenance.

Mr. Peele came forward and said that when he looked at the plans it was obvious that this type of landscaping would require a tremendous amount of man-power and maintenance for his department. He said that he does not have the necessary personnel available at this time to address the issue. He said that he would need additional man-power in order to perform the maintenance on such a large scale. The plan/design he looked at was from Houston Northcutt Boulevard to Shelmore Boulevard, which is approximately 0.8 miles. He said that he had asked three landscape contractors for a cost estimate for maintenance for this portion of the design. He emphasized that the estimates he received were for labor only, providing once per week service. The estimates ranged from $111,000 per year to $195,000 per year. These ballpark estimates do not include mulch, water for irrigation, irrigation repairs and street sweeper. Mr. Peele also estimated what it would cost the Town to maintain the 0.8 mile area, based on four to five days per week maintenance. He based this on salary plus benefits and estimated $264,000 per year for labor only. This would cover the full length of the project from the Ravenel Bridge to the I-526

Interchange which is approximately 2.8 miles. He also estimated the cost of mulch to be approximately $40,000 per year, water at $25,000 and chemicals and equipment at $100,000. He said that the cost for labor and equipment could quite possibly increase.

Mayor Swails asked Mr. Peele what type of plants are shown on the plan.

Mr. Peele said that the plan shows massive curb to curb plantings, including trees, shrubs and flowers, all of which require a great deal of maintenance.

Ms. Stokes-Marshall asked who had selected the plants.

Mr. Peele said that Seamon-Whitesides had designed the plan. They specified which plants were to be used. He said that Eddie Bernard had already made some adjustments to the design and that SCDOT also has to approve the plan.

Mr. Burdette said that currently on Johnnie Dodds Boulevard, the only thing that has to be maintained is grass, and this is done by machine.

Ms. Stokes-Marshall said that the project overall had gone very well up to the point of discovering the tremendous cost of maintaining the landscaping. She asked if it would be possible for staff to go back to the drawing board and reassess the plantings.

Mr. Burdette said that Council should decide whether or not they want the design as is, or if they want to make changes which will be more cost effective.

Mr. Gawrych said that he had not seen any landscaping plans. He reminded the Committee that they had been told by the head of Roadwise at Charleston County, that the Town's job is to design the project, and Charleston County's job is to build the project. With that understanding, he suggested all the parties involved should get together and re-design the current plan to something more affordable for the Town to maintain. He also said that the SCDOT has to approve the plan and he asked Mr. Morrison if the SCDOT has a set date for approving the landscape plan.

Mr. Morrison said that there is plenty of time because the landscaping is done at the end of the project. He said that the design could be scaled back to whatever the Town wants.

Mr. Gawrych asked Mr. Bernard what directions he had been given regarding the landscape design.

Mr. Bernard said that he was given the plan which indicated where and what plants were to be used. He said that he is of the opinion that the proposed trees are important in the design, but he would not be against cutting back on the shrubs and using more turf.

Mr. Gawrych said that none of the renderings he has seen showed curb to curb flowers and shrubs. He expressed his opinion that the design needs to be cut back in order to make it more affordable.

Ms. Page said that the cost of this design will be approximately $500,000, and that Council should give their input before the Committee moves forward. She said that she would prefer planting trees and grass.

Mayor Swails said that there is plenty of time to re-evaluate the design.

Mr. Burdette suggested further discussion in December, 2010.

3. Preliminary Cost Estimates for CIP Projects

Mr. Burdette stated there are four stand-alone projects which are under consideration by staff in the event the Town receives a grant from the SCDOT in the near future. With that in mind, Mr. Burdette asked staff to develop preliminary cost estimates for these projects.

Mr. Morrison handed out a memorandum he prepared in order that Council may consider funding options. He said that Mr. Lykins had graphics of the four areas if they were needed. Mr. Morrison said that staff had made very conservative assumptions on some of the tracts, one of which is US Highway 17 North Frontage Road at Laurel Hill, which includes a portion that fronts Highway 17 North. The cost estimate for this project is $1,900,000.

Mr. Burdette asked if the estimate includes sidewalks and lighting.

Mr. Morrison answered in the affirmative. He said that the ROW has already been dedicated from the church and there are two more tracts that we need ROW from Laurel Hill.

Mayor Swails asked for the length of the tract.

Mr. Morrison said it is twenty one hundred feet.

Mr. Morrison moved on to the Gregorie Ferry Connector which is currently designed and going through final permitting by the SCDOT and environmental permitting. He said that a portion of the road is proposed to be constructed by the developer of Gregorie Ferry Landing.

Mayor Swails asked Mr. Burdette if the developer had agreed to donate additional money for this road.

Mr. Burdette said that he did not remember.

Mr. Morrison said that the developer had requested his impact fees be dedicated to this road.

Mr. Morrison said that it is his understanding that the developer is moving forward with his project.
He said that the cost estimate for this project is $2,800,000. This includes acquisition on a large storage facility which accounts for $800,000 of the overall cost.

Mr. Burdette asked if the estimate includes the signals at Highway 41 and Highway 17 North.

Mr. Morrison answered in the affirmative.

Mayor Swails asked if the projects were prioritized.

Mr. Morrison answered in the negative.

Mr. Morrison moved on to the next project, Long Point Road/Needlerush Parkway roundabout, with a cost estimate of $600,000.

Mr. Lykins gave a breakdown of $425,000 for construction, $42,000 for CEI and $133,000 for lighting, landscaping and utility relocation.

Mr. Morrison said that Thomas and Hutton Engineering based their cost estimate on the roundabout that was constructed on Mathis Ferry Road at the hospital. He said that the ROW will be dedicated by the Long Point HOA. The project is expected to be designed and permitted by the end of 2010.

Mr. Burn asked Mr. Morrison for the cost of a mast arm traffic signal at that location.

Mr. Morrison said a wood pole traffic signal would be approximately $50,000.

Ms. Page commented that the SCDOT would reimburse the Town for a wood pole traffic signal.

There was some general discussion regarding the previous meetings with the Long Point HOA, at which time the residents expressed their preference for a roundabout.

Ms. Stokes-Marshall reiterated her desire to keep the residents informed.

Mr. Morrison said there would be another public meeting sometime in the near future.

Mr. Morrison moved on to the Long Point Road Realignment Project. He said that the cost estimate of $2,700,000 is a conservative estimate.

Mr. Gawrych asked Mr. Morrison how much property the Town needs from Boone Hall Plantation, and the estimated cost of the property.

Mr. Lykins said the cost is approximately $625,000.

Mr. Morrison pointed out the location of the realignment on the map. He made reference to a mistake on his memorandum which states the project includes extension of Long Point Road to an extended Sweetgrass Basket Parkway. This should read "the project does not include extension of Long Point Road to an extended Sweetgrass Basket Parkway." He said that the cost for all four projects totals $8,000,000.

Mr. Gawrych asked Mr. Morrison if he had submitted all the necessary documents for the proposed grant.

Mr. Morrison said that he sent the documents to Mark Pleasant with the SCDOT last Thursday for receipt of the package on Friday, September 3, 2010. He said the projects will be graded this month and presented to the Commission at their October meeting in Columbia.

Mr. Burdette wanted to know how long each project would take from the bidding process to the actual completion of the project.

Mr. Lykins said the US17 North Frontage Road Project would take approximately six months to complete. He said that the Gregorie Ferry Connector Project would also be a six month project. The Long Point Road/Needlerush Parkway roundabout would take approximately nine to twelve months. The Long Point Road Realignment Project would take approximately ten months to complete.

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Ms. Page wanted to know if there would be a problem if the US 17 North Widening Project should coincide with the Long Point/Needlerush Parkway Project.

Mr. Morrison said that this project has not yet been designed. He said that it would be beneficial to merge the two projects together at the same time.

Mayor Swails said that this could work very well and would certainly be advantageous for the property owner.

Mr. Gawrych said it is a matter of timing.

Mr. Carrier wanted to know if staff has a priority list for these projects.

Mayor Swails said that he would prefer the Long Point Road/Needlerush Parkway Project. However, at the present time, this is just a wish list and we will have to wait until we receive the necessary funding.

4. **Discussion of Transportation Impact Fee credit for dedication of property designated for sweetgrass basket makers**

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Mr. Burdette said that he does not know how this would affect taxes for the property/business owners. He did say that one business has shown an interest already.

Mayor Swails is of the opinion that this is a very good way to attract more businesses to the Town.

Mr. Burdette said that there will no doubt be some issues between the basket makers, but this is to be expected.

Ms. Stokes-Marshall asked Mr. Burdette who would have control over the designated basket stands areas.

Mr. Burdette said that the Town would not get involved in that. He said that basket makers can be just as competitive in their business dealings as any other business. He is of the opinion that it would be more appropriate for the Sweetgrass Basket Makers Association to manage these areas.

Mayor Swails suggested this could be accomplished by deed restriction, and if it does not work for the basket makers, it can be deeded back to the property owners.

Ms. Stokes-Marshall said that throughout the entire process, the Town has been in the forefront in terms of identifying, promoting, protecting and advancing the culture of the Gullah-Geechee Heritage Corridor, which extends from Wilmington, North Carolina to Jacksonville, Florida. She is of the opinion that this will ensure the basket makers presence in the community, and also provide a safe and highly visible environment. She said that the Towne Center is a perfect example of how the Town has made provision for the basket makers. Also, the Sweetgrass Hardware Store has offered a designated area for a basket makers stand on their property.

Mayor Swails agreed with Ms. Stokes-Marshall and staff that this is a wonderful idea and the Committee should move forward as soon as possible.

Mr. Gawrych made a motion to move forward, as directed by the Town Administrator, with reference to impact fee credits for areas dedicated to the sweetgrass basket maker stands on Highway 17 North, seconded by Ms. Stokes-Marshall. All present were in favor.

Mr. Burdette asked Mrs. Repik with the Public Services Department to come forward. He said that Mrs. Repik had recently teamed up with the Transportation Department with regard to the Boone Hall drainage situation. He praised Mrs. Repik for her work/findings, which he said has saved the Town a great deal of money. Mr. Burdette said that Mrs. Repik has gone above and beyond her normal duties, and the Town recognizes her for a job well done.

5. **Update – ongoing projects**

Mr. Lykins reported that Phase I of the Bowman Road Project is moving along well. He said that staff is in the ROW Acquisition process for Phase II of the project, and staff has already made offers to some of the property owners. The K-Mart appraisal should be complete within the next few weeks. Permissions for ROW have been granted for Phase II.
Mr. Lykins said that staff is following the ROW process for US Highway 17North Widening/ I-526 Interchange Project. He said that the bids had been opened for the Rifle Range Road/Six Mile Road Project, and were higher than previously estimated.

There being no further business, Mayor Swails adjourned the meeting at 10:55 a.m.

Submitted by:
Kerry Cook
September 7, 2010

THOMAS & HUTTON ENGINEERING CO.
935 HOUSTON NORTHCUTT BOULEVARD • SUITE 100
POST OFFICE BOX 1522
MOUNT PLEASANT, SOUTH CAROLINA 29465-1522
TELEPHONE (843) 849-0200
FAX (843) 849-0203

Letter Of Transmittal

TO: Joey Harris
SCDOT-Charleston

FROM: Dan Farley

DATE: August 5, 1999

RE: Encroachment Permit, US HWY 17
Stow Away Boat Storage

JOB #: J-12497

We are sending you _X_ Attached ___ Under Separate Cover Via _____ the following items:

Copies	Date	Description
1		Encroachment Permit

_X_ For Approval ___ For Your Use ___As Requested ___ For Review and Comment

---

Remarks: Attached is an Encroachment Permit Application for Stow Away Boat Storage, located at the west side of US HWY 17 and Porcher Bluff Road. Please call if there are any questions.

Signed: Dan S Farley

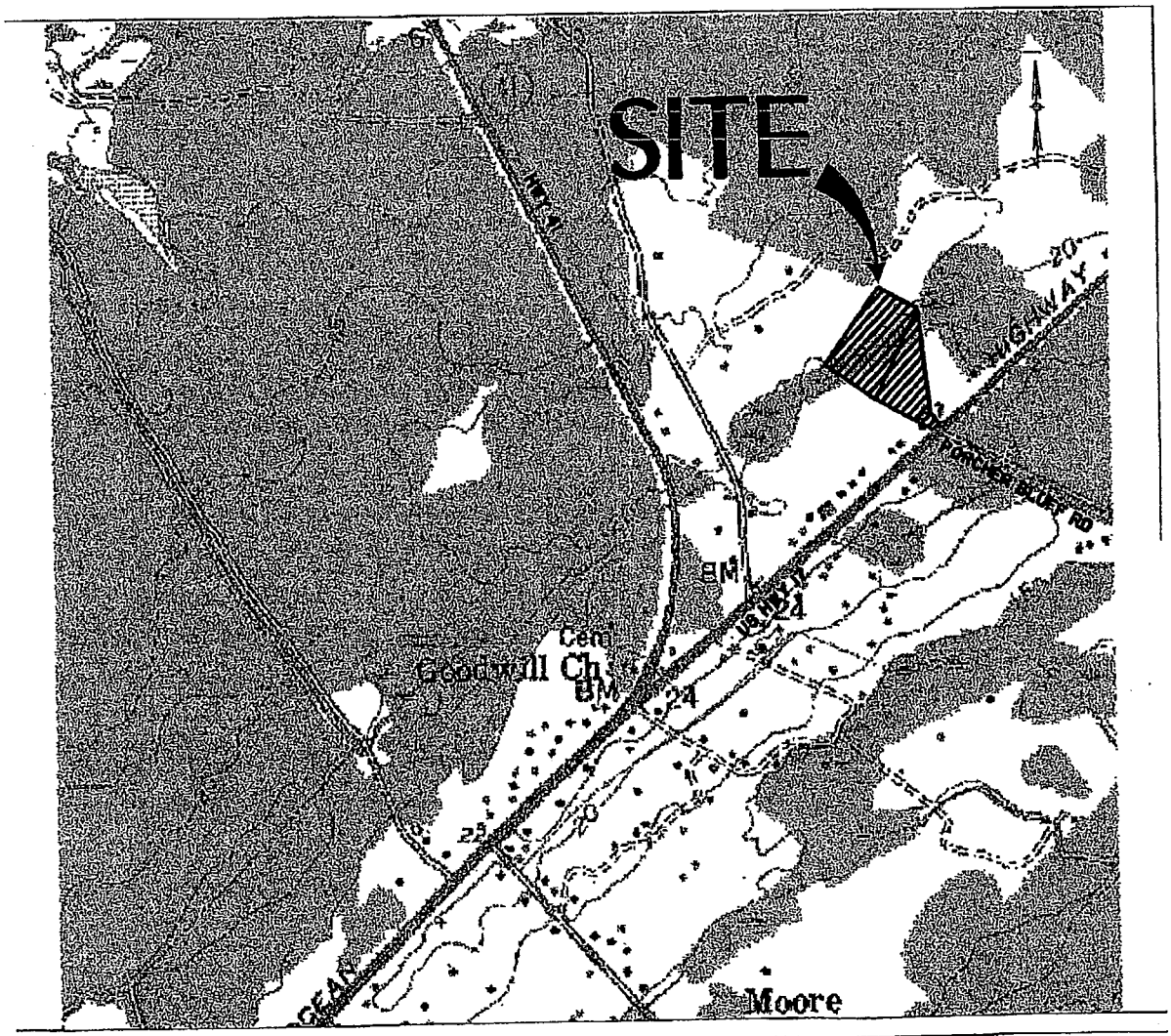
N:\12497\DOCS\HARRIS001.DOC

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stow Away Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: U.S. Hwy. 17



LOCATION MAP
SCALE: 1"=1000'

SCALE: 1"=1000'
0 500 1000 2000 3000

FT MOULTRIE, S.C.

PROJECT:
STOW AWAY STORAGE

DATE: AUGUST 2, 1999

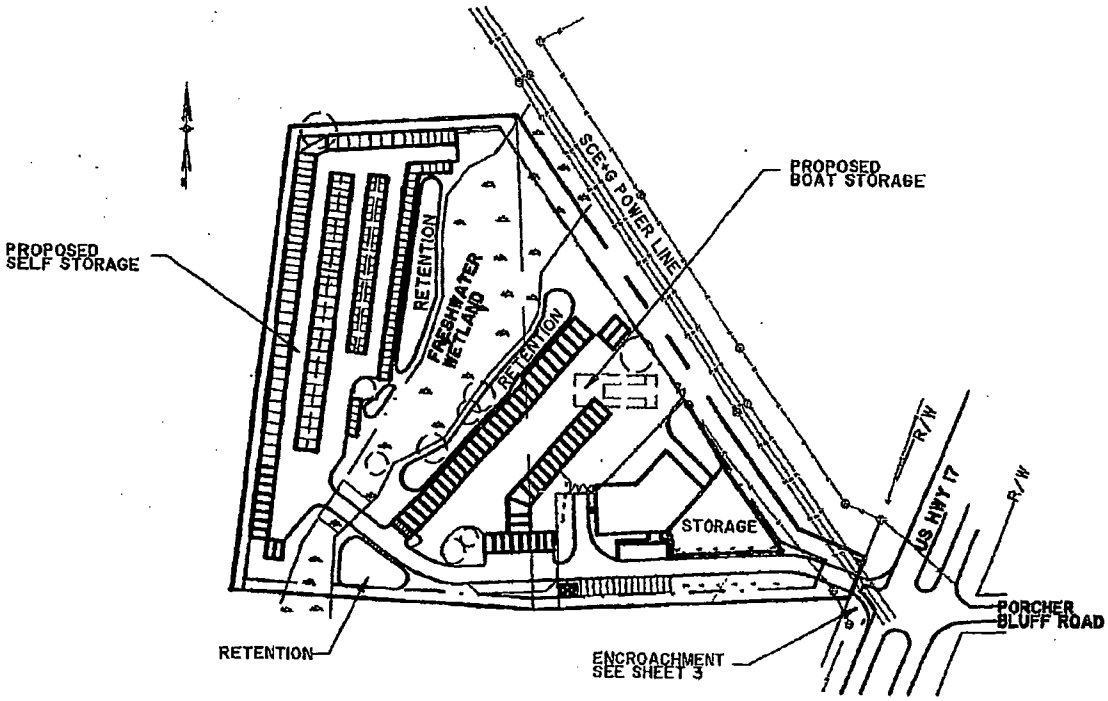
SHEET 1 OF 4

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stow Away Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County	CHARLESTON
Route Road:	U.S. Hwy. 17
Road Name:	U.S. Hwy. 17



SITE PLAN

SCALE: 1" = 200'

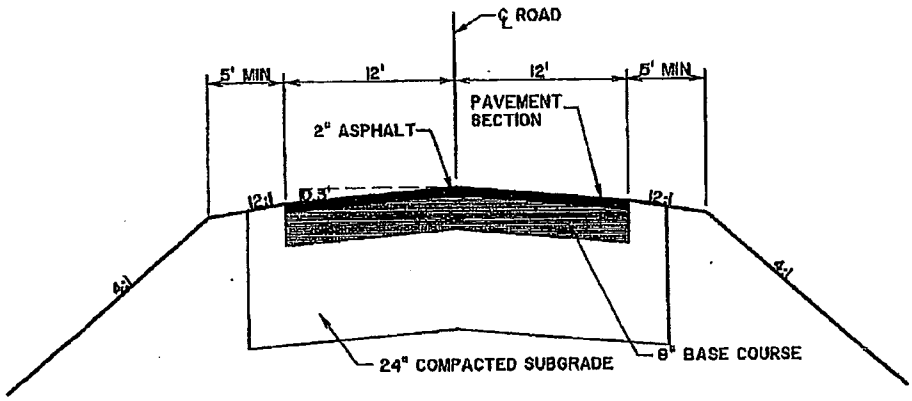
SCALE: 1"=200'
0 100 200 400 600

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

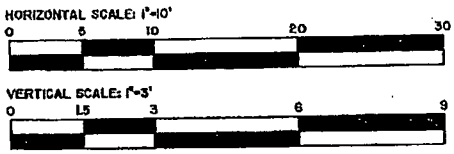
Name of Applicant:
Stow Away Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: U.S. Hwy. 17



TYPICAL ROAD SECTION

HORIZONTAL SCALE: 1" = 10'
VERTICAL SCALE: 1" = 3'



SHEET 4 of 4

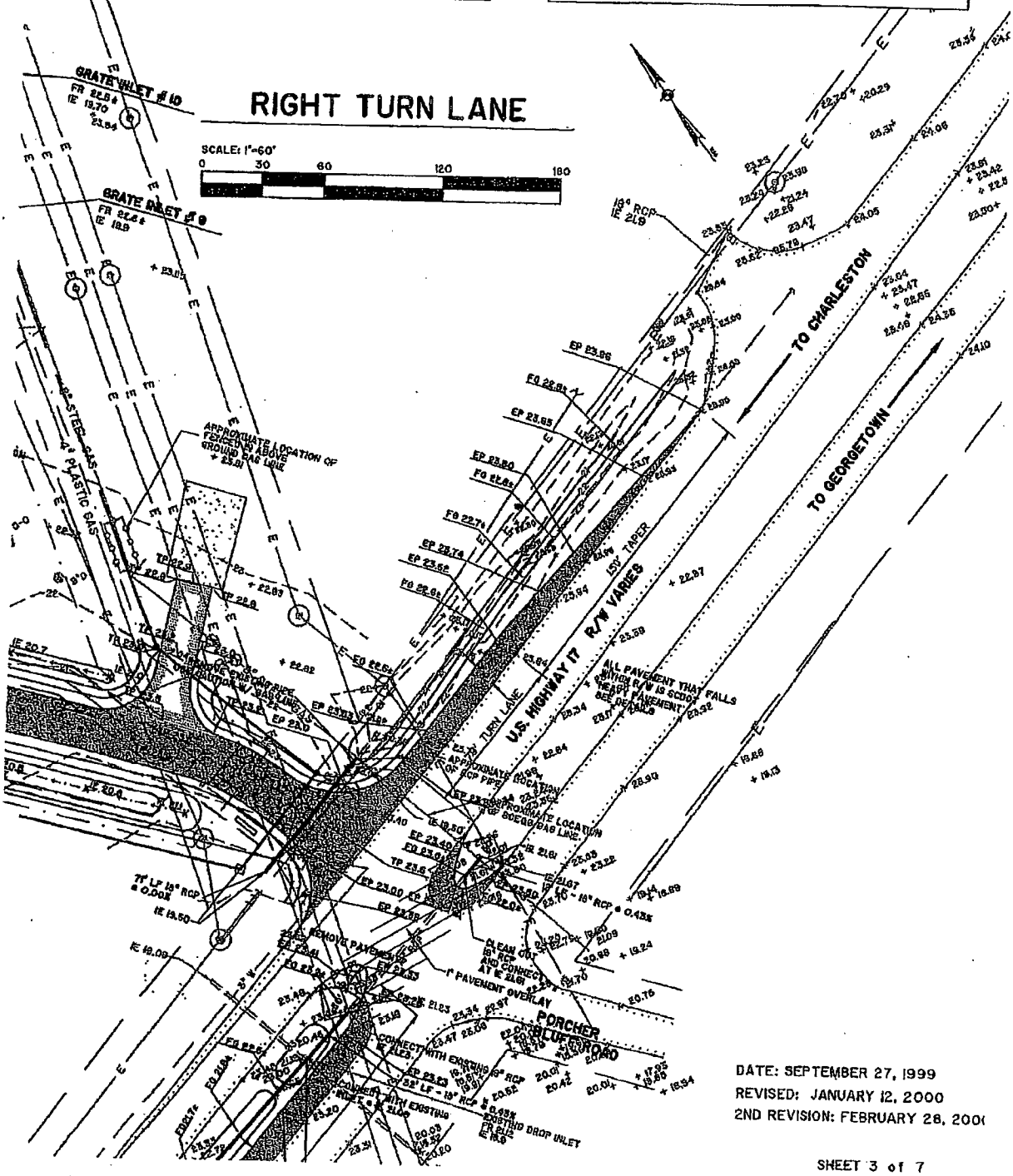
I:/12497/dwg/dotpermit/12497dot

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 200(

SHEET 3 of 7

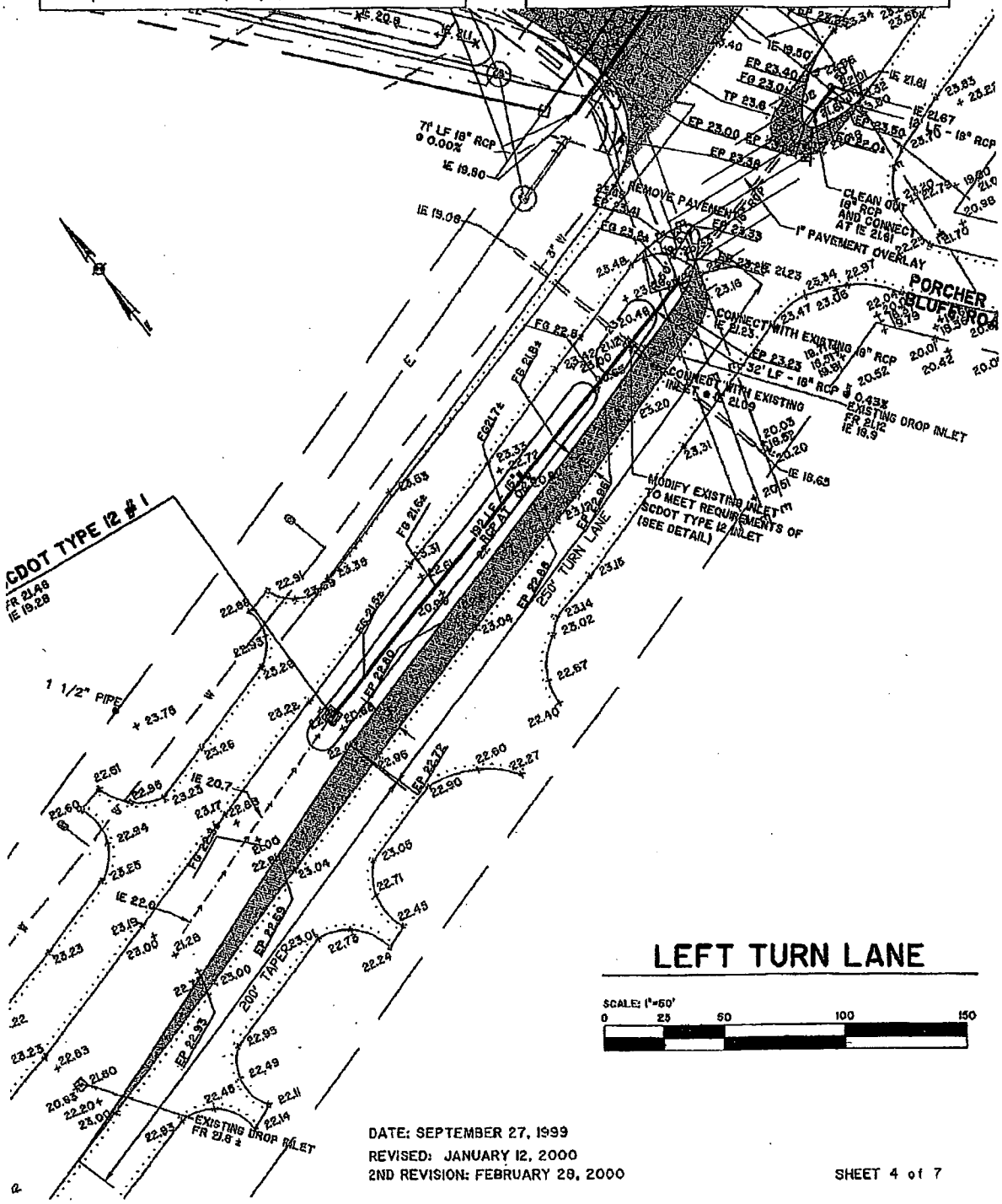
I:/1249/dwg/dotpermit/1249/dot

APPLICATION FOR ENCROACHMENT PERMIT

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



LEFT TURN LANE

SCALE: 1"=50'

0 25 50 100 150

DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 29, 2000

SHEET 4 of 7

STOW AWAY STORAGE, LLC
One Surrey Court
Columbia, South Carolina 29212

March 21, 2000

Mr. George Sissons
Charleston, South Carolina

RE: Access Easement

Dear Mr. Sissons:

As we discussed I enclose a form of Easement Agreement to be given by Stow Away Storage, LLC. The easement would give you a perpetual right to utilize Stow Away's driveway, at no cost and expense, to access U.S. Highway 17. The preliminary plans for our driveway and the location of the drive easement for you are attached to the easement. As these plans are finalized a complete definitive description of the easement will be attached to the easement and it will be recorded.

In connection with our granting the drive easement, you will be abandoning and terminating your drive cut on Highway 17. The easement has appropriate language for this purpose in it, as well.

If you are agreeable to terminating and abandoning your drive cut in exchange for the easement to be granted by us as described in the easement document, please acknowledge the same by signing a copy of this letter where indicated below and returning it to me at your earliest convenience. Should you have any questions, please do not hesitate to contact me.

Best regards,

E. L. Pooser, III

Acknowledged and Agreed:

George Sissons
Dated: 3-27-00

South Carolina
Department of Transportation

2401 Maintenance Way
North Charleston, SC 29406

Dear Permittee:

The attached permit has been approved with the following stipulations:

1. The South Carolina Department of Transportation (SCDOT) shall be given the opportunity to attend any pre-construction conferences.

2. SCDOT shall be notified of the date and time permitted work will begin. Notification of at least 48 hours must be given to the Department during the hours of 8:00 am to 5:00 p.m. Monday through Friday. Written notification is required before work can begin. A fax-back notification form has been attached to assist with this requirement.

Also, please note all provisions attached to or written on the approved permit, as well as the requirements outlined on the back of the permit. *Failure to comply with any of these provisions may result in stoppage of work, the permit being revoked, and removal of all materials placed within the right-of-way at full expense of the permittee.* I ask for your full cooperation in this matter so that we may avoid costly corrections and maintain the integrity of our transportation infrastructure.

Sincerely,

Tom Tilden

Tom Tilden
Resident Maintenance Engineer
Charleston County

AN EQUAL OPPORTUNITY

2401 Maintenance Way
N. Charleston, SC 29406

Permit Notice to Proceed
Fax-Back

Fax To: SCDOT Charleston Maintenance Office
(843) 740-1548

The fax is to inform the Department of the following permittee work:

PERMIT NUMBER: _____

ROAD NAME AND NUMBER: _____

NAME OF PERMITTEE: _____

SITE WORK CONTRACT NAME: _____

CONTACT PHONE NUMBER: _____

START DATE: _____

ESTIMATED COMPLETION DATE: _____

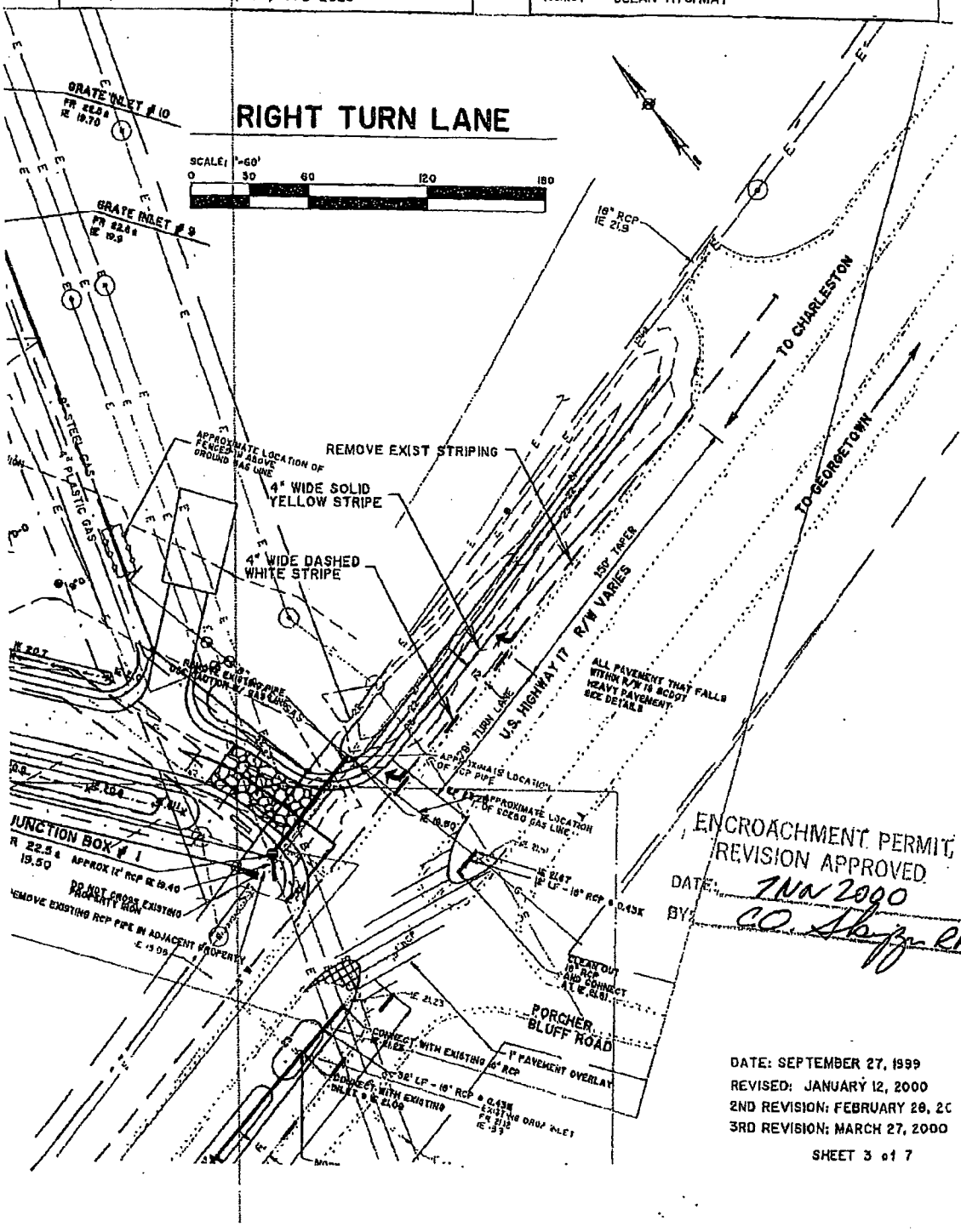
NOTES:

NOTE: Copy of this notification to be placed in permit file.

SCDOT

Name of Applicant:
Stowaway Storage, LLC
One Surrey Court
Columbia, South Carolina 29212
Telephone Number: (803) 772-2629

County - CHARLESTON
Route
Road: U.S. Hwy. 17
Road
Name: OCEAN HIGHWAY



DATE: SEPTEMBER 27, 1999
REVISED: JANUARY 12, 2000
2ND REVISION: FEBRUARY 28, 20
3RD REVISION: MARCH 27, 2000

SHEET 3 of 7

BK U358PG109

STATE OF SOUTH CAROLINA	)	
	)	ACCESS EASEMENT
COUNTY OF CHARLESTON	)	AND
	)	ABANDONMENT OF
	)	ENCROACHMENT PERMIT

THIS EASEMENT AGREEMENT (this "Agreement") is made and executed to be effective as of the 17th day of October, 2000, by and between **STOW AWAY STORAGE, LLC**, a South Carolina limited liability company (hereinafter referred to as the "Grantor"), and George Sissons (hereinafter referred to as the "Grantee").

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars and other good and valuable consideration paid by Grantee to Grantor, the receipt and adequacy of which are hereby acknowledged, the Grantor and Grantee do hereby agree as follows:

Grant of Access Easement. Grantor does hereby grant and convey unto the Grantee, his successors and assigns, forever, a non-exclusive and perpetual easement over, on, and through that certain portion of Grantor's property designated and delineated as "Access Easement for Sissons Property" and more particularly described on Exhibit B attached hereto (the "Access Easement"), for purposes of access, ingress, and egress by any and all pedestrian and passenger and delivery vehicular means between Grantee's property and U.S. Highway 17.

The Access Easement herein granted is to run through property owned by the Grantor, situate, lying, and being as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The Access Easement and all rights granted in favor of Grantee herein are limited in nature and scope, such that the use of the Access Easement by Grantee shall not materially adversely affect the use, enjoyment, and operation of the Grantor or its property.

Grantor shall be responsible for maintaining the Access Easement at Grantor's sole cost and expense.

CERTIFIED TRUE COPY
CHARLIE LYBRAND
REGISTER MESNE CONVEYANCE
CHARLESTON COUNTY, SC
DATE: Aug. 7, 2013
BY: Charlie Lybrand
NPW

Abandonment of Encroachment Permit. Grantee does hereby agree to abandon and terminate any rights Grantee may have to access U.S. Highway 17 by any means other than the Access Easement. It is specifically understood and agreed by Grantee that the grant of the Access Easement shall terminate any rights Grantee may have to access Grantee's property from U.S. Highway 17 by any means other than the Access Easement.

It is intended that the terms, conditions, easements, and rights granted and agreed to herein shall be perpetual and shall run with title to the Grantor's Property and the Grantee, respectively. It is further intended that the easements and rights herein granted and agreed to herein are, whether determined to be appurtenant or in gross, perpetual, assignable and divisible and that the division of the Grantor's property by ownership or lease or the assignment of Grantee's rights under this Agreement, shall entitle all parties to enjoy the benefits hereby granted and shall not be deemed to be an unlawful increase or burden upon the Grantor's property or Grantee, as applicable. This Agreement may be amended, modified, or terminated only by recorded written instrument duly executed and acknowledged by Grantor and Grantee, or their respective successors and/or assigns. If any provision of this Agreement is determined to be invalid, such determination shall not affect the validity or effect of the remaining provisions of this Agreement, all of which shall continue in effect as if such invalid provision had not been included herein. All provisions of this Agreement, including the benefits and burdens, run with the Grantor's property and are binding upon and inure to the heirs, assigns, successors, and personal representatives of the parties hereto, as applicable.

TO HAVE AND TO HOLD, subject to all encumbrances, easements, rights-of-way, restrictions, and agreements of record as of the date hereof, all and singular the rights, easements, and agreements before mentioned unto the Grantor and Grantee, its successors and assigns, forever.

AND, the Grantor does hereby bind itself and its successors to warrant and forever defend all and singular the said Access Easement unto the said Grantee, its successors and assigns, against itself, its successors and assigns, lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name this 17 day of October, in the year Two Thousand, A.D. and in the Two Hundred and Twenty-Fourth year of the Sovereignty and Independence of the United States of America.

IN THE PRESENCE OF:

WITNESS NO. 1

WITNESS NO. 2

GRANTOR:

STOW AWAY STORAGE, LLC

(SEAL)

By:
Name: E.L. Pooser, III
Title: Member

GRANTEE:

WITNESS NO. 1

WITNESS NO. 2

George Sissons
*aka George W. Sissons

BK U358PG112

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF RICHLAND)

PERSONALLY APPEARED before me the undersigned Witness No. 1 and made oath that s/he saw the within-named **Stow Away Storage, LLC** by E.L. Pooser, III, its Member, sign, seal, and as its act and deed, deliver the within-written instrument for the uses and purposes therein mentioned, and that s/he with the other witness who signed above as Witness No. 2, witnessed the execution thereof.

Neisle J. Rowland
WITNESS NO. 1

SWORN TO BEFORE ME THIS
17 day of October 2000

Tommy A Simpson (LS)
Notary Public for South Carolina
My Commission Expires: 2-6-2009

NPCOL1:429569.1-EA-(JAS) 025284-00000

BK U358PG113

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF _____)

PERSONALLY APPEARED before me the undersigned Witness No. 1 and made oath that s/he saw the within-named George Sissons,* sign, seal, and as his act and deed, deliver the within-written instrument for the uses and purposes therein mentioned, and that s/he with the other witness who signed above as Witness No. 2, witnessed the execution thereof.

Cristi M. Orr
WITNESS NO. 1

SWORN TO BEFORE ME THIS
30 day of October, 2000

Angela Rabon Jeffers (LS)
Notary Public for South Carolina
My Commission Expires: 12-12-2006

NPCOL1:428569.1-EA-(JAS) 025294-00000

EXHIBIT A

(Legal Description)

ALL that certain piece, parcel, or lot of land, situate, lying, and being in the Parish of Christ Church, County of Charleston, South Carolina, measuring and containing 5.36 acres, more or less, shown on a Plat made by E.M. Seabrook, Jr., Inc. dated May 17, 1989, entitled "Lands of Mary C. Seabrook, Yough Hall Plantation, Christ Church Parish, Charleston County, South Carolina." Said Plat is recorded in the RMC Office for Charleston County, South Carolina in Deed Book G-189, at Page 263.

BUTTING, BOUNDING, and MEASURING, on the North on lands now or formerly of Salah Hibri, a/k/a Salah Ahmed, 308.36 feet, more or less; on the East on lands now or formerly of Marcus O. Ackerman and Constance S. Berg, 666.29 feet, more or less; on the South on lands now or formerly of Elizabeth O. Wilson, 413.87 feet, more or less; on the West on lands now or formerly of Benjamin Seabrook, 629.08 feet, more or less.

TMS: 580-00-00-024

AND

ALL that piece, parcel or tract of land, situate, lying, and being in Christ Church Parish, County of Charleston, State of South Carolina, containing 3.481 acres, more or less, as shown on that certain plat entitled "Subdivision Plat Showing a Portion of Oakland Plantation owned by Oakland Associates, A South Carolina Limited Partnership, situate in Christ Church Parish, Charleston County, South Carolina" by James Landlord Owen, Jr., RLS S.C. Reg. No. 7624, dated May 22, 1985, and recorded in the RMC Office for Charleston County in Plat Book BE, Page 79, reference to which is craved for a more full and complete description.

TMS: 598-00-00-024

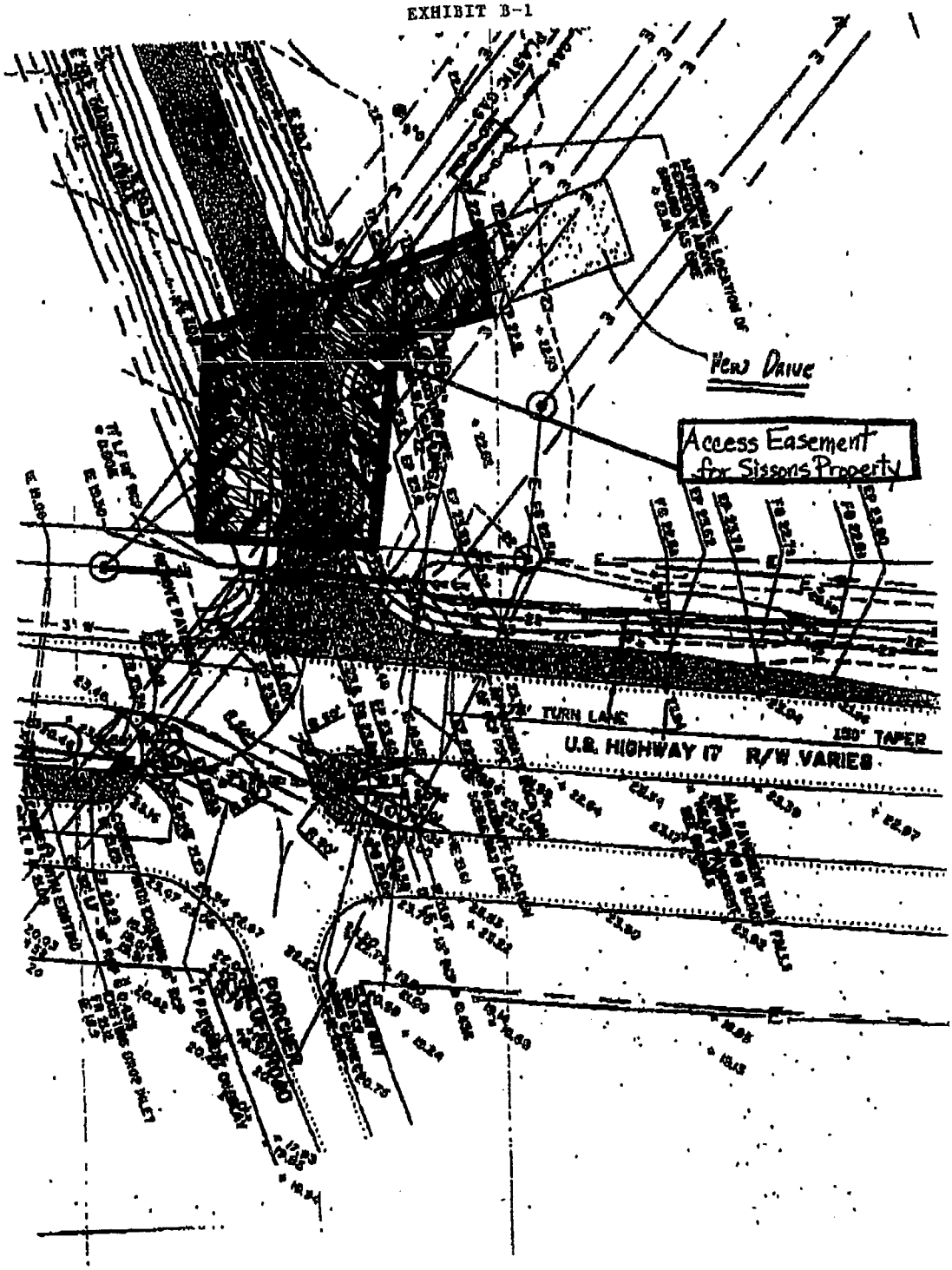
DERIVATION: Deed of Buffalo Creek Land Company, LLC to Stow Away Storage, LLC and recorded in the Office of the Register of Mesne Conveyances for Charleston County in Deed Book Z328 at page 662.

EXHIBIT B

All that certain piece, parcel, or lot of land designated and labeled as "Access Easement for Sissons Property" and further depicted by hashmarks on the attached sketch labeled Exhibit B-1.

BK U358PG116

EXHIBIT B-1



Nexsen Pruet Jacobs
+ Pollard
P. O. Drawer 2426
Cola, SC 29202-9732

BK B U358PG117

FILED

U358-109

2000 NOV 16 PM 12:01

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

14.00

South Carolina
Department of Transportation

June 20, 2008

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

RE: Deficiency Notice #1

Dear Mr. Pooser:

Upon a recent site visit to your area, it was noted that a gate had been constructed on a driveway that was agreed to be a shared access during the SCDOT encroachment permitting process. This action has lead to the paving of an unapproved driveway access at the intersection of US-17. The location of this access point is dangerous to the travelling public given its close proximity to US-17 and its location within a signalized intersection. One of the special provisions on your approved permit, March 29, 2000, required you to remove the unpaved drive during construction of the new access point into the property. This permit package also included an agreement letter dated March 21, 2000 stating that the unpaved drive would be removed and the new access would serve as shared access point for you and Mr. George Sisson's businesses.

The SCDOT is requiring that you reopen the agreed upon access point. Further action by the Department will be taken if this is not completed within 15 days of this notice and all associated expenses will be the responsibility of the property owner(s).

If you have any more questions or need additional information, please do not hesitate to call me at (843) 740 – 1655 ext. 501.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. George Sisson
Robert Clark, SCDOT District 6 Engineering Administrator
Mike Black, SCDOT District 6 Maintenance Engineer
Mark Nesbit, SCDOT District 6 Traffic Engineer

Chas. Maintenance File

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

EXHIBIT 8

WARREN & SINKLER, L.L.P.
ATTORNEYS AT LAW
SUITE 340
171 CHURCH STREET
POST OFFICE BOX 1284
CHARLESTON, S.C. 29402
(843) 577-0660
LAW@WARREN-SINKLER.COM
Writer's Email: dsinkler@warren-sinkler.com
FACSIMILE
(843) 577-6643

G. DANA SINKLER
JOHN H. WARREN, III
SCOTT Y. BARNES (SC & DC)
MARK S. SHARPE
ASHLEY DANTZLER WRIGHT
ALYSON C. CAMPBELL

August 20, 2008

Mr. Frank Fletcher
Sweetgrass Hardware, Inc.
3008 N. Highway 17
Mt. Pleasant, SC 29466

Dear Mr. Fletcher:

I have been retained by Mr. E.L. Pooser, Jr., Managing Member of Stow Away Storage, LLC ("Stow Away") to represent Stow Away in connection with Sweetgrass Hardware, Inc.'s ("Sweetgrass") use of the permitted access granted by the South Carolina Department of Transportation ("SCDOT") on the west side of U.S. Highway 17 opposite the Porcher Bluff Road intersection with Hwy. 17.

On July 13, 1999, Mr. Pooser executed and forwarded to the SCDOT an Application for Encroachment Permit seeking its approval of a 24' drive with a 30' radius on the south side and a 40' radius on the north side providing access for ingress to and egress from a tract of land purchased by Stow Away from Buffalo Creek Land Company, LLC by deed dated June 22, 1998 and recorded in the RMC office for Charleston County in Book 2328 at page 662. The Application was approved by the SCDOT on March 29, 2000 on condition that the Dirt Driveway on the north side adjacent to Stow Away's property shall be removed.

At the time, and now, the "Dirt Driveway" was and is owned by George W. Sissons who owned a parcel of land north of the intersection which was accessed by the Driveway. As a condition of the Encroachment Permit granted Stow Away, Stow Away was required by SCDOT to enter into an Access Easement and Abandonment of Encroachment Permit granting Mr. Sissons access to his property. In exchange, Mr. Sissons, as Grantee, agreed to "abandon and terminate any rights Grantee may have to access U.S. Highway by any means other than the Access Easement. It is specifically understood and agreed by Grantee that the grant of the Access Easement shall terminate any rights Grantee may have to access Grantee's property from U.S. Highway 17 by any means other than the Access Easement."

In April of this year, someone caused the "Dirt Driveway" to be paved and it is presently being used to accommodate customers of Sweetgrass by providing them ingress and egress to the hardware store in violation of Mr. Sissons' agreement with Stow Away.

By letter dated July 21, 2008, Richard L. Turner, P.E., Resident Maintenance Engineer with the SCDOT, sent Mr. John Royall a letter advising that the location of the unpermitted paved access that your business is presently using is dangerous to the traveling public and will be removed. The letter also advised Mr. Royall that Stow Away, which has the only permitted access point at this signalized intersection, will not allow access from its driveway, and he was asked to discontinue the use of the unpermitted driveway.

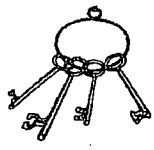
This letter is to advise you that unless you immediately discontinue the use of the unpermitted driveway and close your access to it, Stow Away will institute an action against Sweetgrass for injunctive relief and all costs and expenses associated therewith.

Yours very truly,

WARREN & SINKLER, LLP

G. Dana Sinkler

GDS/jd



BUIST, BYARS & TAYLOR, LLC
ATTORNEYS AT LAW

November 10, 2008

GRAY B TAYLOR
ATTORNEY AT LAW
gray taylor@buistbyars com

Via facsimile and U.S. Mail

G. Dana Sinkler, Esq.
Warren & Sinkler, LLP
171 Church Street, Suite 340
Charleston, South Carolina 29401

Re: Stow Away Storage, LLC
Client File No : 2008100189

Dear Mr. Sinkler,

I represent Sweetgrass Hardware, Inc., and am responding to your letter of August 20, 2008. I have visited the site, and reviewed the recorded easement by and between Stow Away Storage, LLC and George Sissons, which was recorded in the Charleston County RMC Office in Book U358, page 109, on November 16, 2000 (the "Easement").

Under the express terms of the Easement, your client granted George Sissons, and his successors and assigns, rights in the real property depicted in Exhibit B-1 of the Easement. Moreover, the Easement states that the "assignment of Grantee's rights under this Agreement, shall entitle all parties to enjoy the benefits hereby granted and shall not be deemed to be an unlawful increase or burden upon the Grantor's property or the Grantee". Sweetgrass Hardware, Inc. is a lawful assignee of Mr. Sissons, and therefore entitled to the full benefit of the Easement.

On several recent occasions representatives of the Charleston County Sheriff's Department have visited my client and demanded that the gate between their parking lot and the access easement be closed. When pressed as to the reason, my client was informed that every time he opened the gate, the manager of Stow Away Storage called the Sheriff's Department and complained, taking them away from other police business. Therefore, the officer's deducted that opening the gate constituted a "public nuisance", as it resulted in phone calls to their office. I find this logic somewhat creative, but nonetheless flawed, and will take this issue up separately with the Sheriff's Department.

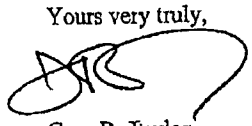
In response to your letter, our position is that Sweetgrass Hardware, Inc. and its patrons have a legal right to utilize the area subject to the Easement, and intend to do so. Any further

652 Coleman Blvd., Suite 200 • Mount Pleasant, SC 29464 • Tel (843)856-4488 Fax (843)856-0613
www.buistbyars.com

attempts by Stow Away Storage, LLC to interfere with this right will result in action for injunctive relief, and damages for any lost business.

Please feel free to contact me with any further questions or comments as to this matter. With kindest regards, I remain

Yours very truly,



Gray B. Taylor

Enclosure
cc: Mr. Frank Fletcher (via email)

STATE OF SOUTH CAROLINA	)	
	)	ACCESS EASEMENT
COUNTY OF CHARLESTON	)	AND
	)	ABANDONMENT OF
	)	ENCROACHMENT PERMIT

THIS EASEMENT AGREEMENT (this "Agreement") is made and executed to be effective as of the 17th day of October, 2000, by and between **STOW AWAY STORAGE, LLC,** a South Carolina limited liability company (hereinafter referred to as the "Grantor"), and George Sissons (hereinafter referred to as the "Grantee").

NOW, THEREFORE, in consideration of the sum of Ten and No/100 Dollars and other good and valuable consideration paid by Grantee to Grantor, the receipt and adequacy of which are hereby acknowledged, the Grantor and Grantee do hereby agree as follows:

Grant of Access Easement. Grantor does hereby grant and convey unto the Grantee, his successors and assigns, forever, a non-exclusive and perpetual easement over, on, and through that certain portion of Grantor's property designated and delineated as "Access Easement for Sissons Property" and more particularly described on Exhibit B attached hereto (the "Access Easement"), for purposes of access, ingress, and egress by any and all pedestrian and passenger and delivery vehicular means between Grantee's property and U.S. Highway 17.

The Access Easement herein granted is to run through property owned by the Grantor, situate, lying, and being as follows:

See Exhibit A attached hereto and incorporated herein by reference.

The Access Easement and all rights granted in favor of Grantee herein are limited in nature and scope, such that the use of the Access Easement by Grantee shall not materially adversely affect the use, enjoyment, and operation of the Grantor or its property.

Grantor shall be responsible for maintaining the Access Easement at Grantor's sole cost and expense.

Abandonment of Encroachment Permit. Grantee does hereby agree to abandon and terminate any rights Grantee may have to access U.S. Highway 17 by any means other than the Access Easement. It is specifically understood and agreed by Grantee that the grant of the Access Easement shall terminate any rights Grantee may have to access Grantee's property from U.S. Highway 17 by any means other than the Access Easement.

It is intended that the terms, conditions, easements, and rights granted and agreed to herein shall be perpetual and shall run with title to the Grantor's Property and the Grantee, respectively. It is further intended that the easements and rights herein granted and agreed to herein are, whether determined to be appurtenant or in gross, perpetual, assignable and divisible and that the division of the Grantor's property by ownership or lease or the assignment of Grantee's rights under this Agreement, shall entitle all parties to enjoy the benefits hereby granted and shall not be deemed to be an unlawful increase or burden upon the Grantor's property or Grantee, as applicable. This Agreement may be amended, modified, or terminated only by recorded written instrument duly executed and acknowledged by Grantor and Grantee, or their respective successors and/or assigns. If any provision of this Agreement is determined to be invalid, such determination shall not affect the validity or effect of the remaining provisions of this Agreement, all of which shall continue in effect as if such invalid provision had not been included herein. All provisions of this Agreement, including the benefits and burdens, run with the Grantor's property and are binding upon and inure to the heirs, assigns, successors, and personal representatives of the parties hereto, as applicable.

TO HAVE AND TO HOLD, subject to all encumbrances, easements, rights-of-way, restrictions, and agreements of record as of the date hereof, all and singular the rights, easements, and agreements before mentioned unto the Grantor and Grantee, its successors and assigns, forever.

NPCDI 1:428568 1-EA-(JAB) 025294-00000

AND, the Grantor does hereby bind itself and its successors to warrant and forever defend all and singular the said Access Easement unto the said Grantee, its successors and assigns, against itself, its successors and assigns, lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name this 17 day of October, in the year Two Thousand, A.D. and in the Two Hundred and Twenty-Fourth year of the Sovereignty and Independence of the United States of America.

IN THE PRESENCE OF:

WITNESS NO. 1

WITNESS NO. 2

GRANTOR:

STOW AWAY STORAGE, LLC

(SEAL)

By:
Name: H.L. Pooser, III
Title: Member

GRANTEE:

WITNESS NO. 1

WITNESS NO 2

George Sissons
*aka George W. Sissons

NPCOL1:429559.1-EA-(JAS) 025284-00000

BK U358PG112

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF RICHLAND)

PERSONALLY APPEARED before me the undersigned Witness No. 1 and made oath that s/he saw the within-named Stow Away Storage, LLC by B L Pooser, III, its Member, sign, seal, and as its act and deed, deliver the within-written instrument for the uses and purposes therein mentioned, and that s/he with the other witness who signed above as Witness No. 2, witnessed the execution thereof.

Nicole J. Rowland
WITNESS NO 1

SWORN TO BEFORE ME THIS
17 day of October 2000

Tammy A Simpson (LS)
Notary Public for South Carolina
My Commission Expires: 2-6-2009

NPCOL1:429582.1-EA-(JAS) 025284-00000

BK U358PG113

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF _____)

PERSONALLY APPEARED before me the undersigned Witness No. 1 and made oath that s/he saw the within-named George Sissons, sign, seal, and as his act and deed, deliver the within-written instrument for the uses and purposes therein mentioned, and that s/he with the other witness who signed above as Witness No. 2, witnessed the execution thereof.

WITNESS NO. 1

SWORN TO BEFORE ME THIS
30 day of October, 2000

(LS)
Notary Public for South Carolina
My Commission Expires: 12-12-2006

NPCOL1:429598.1-EA-(JAS) 026294-00000

EXHIBIT A

(Legal Description)

ALL that certain piece, parcel, or lot of land, situate, lying, and being in the Parish of Christ Church, County of Charleston, South Carolina, measuring and containing 5.36 acres, more or less, shown on a Plat made by B.M. Seabrook, Jr., Inc. dated May 17, 1989, entitled "Lands of Mary C. Seabrook, Yough Hall Plantation, Christ Church Parish, Charleston County, South Carolina." Said Plat is recorded in the RMC Office for Charleston County, South Carolina in Deed Book G-189, at Page 263.

BUTTING, BOUNDING, and MEASURING, on the North on lands now or formerly of Salah Hibri, a/k/a Salah Ahmed, 308.36 feet, more or less; on the East on lands now or formerly of Marcus O. Ackerman and Constance S. Berg, 666 29 feet, more or less; on the South on lands now or formerly of Elizabeth O. Wilson, 413.87 feet, more or less; on the West on lands now or formerly of Benjamin Seabrook, 629.08 feet, more or less.

TMS: 580-00-00-024

AND

ALL that piece, parcel or tract of land, situate, lying, and being in Christ Church Parish, County of Charleston, State of South Carolina, containing 3.481 acres, more or less, as shown on that certain plat entitled "Subdivision Plat Showing a Portion of Oakland Plantation owned by Oakland Associates, A South Carolina Limited Partnership, situate in Christ Church Parish, Charleston County, South Carolina" by James Landlord Owen, Jr., RLS S C. Reg. No. 7624, dated May 22, 1985, and recorded in the RMC Office for Charleston County in Plat Book BE, Page 79, reference to which is craved for a more full and complete description.

TMS: 598-00-00-024

DERIVATION: Deed of Buffalo Creek Land Company, LLC to Stow Away Storage, LLC and recorded in the Office of the Register of Mesne Conveyances for Charleston County in Deed Book Z328 at page 662

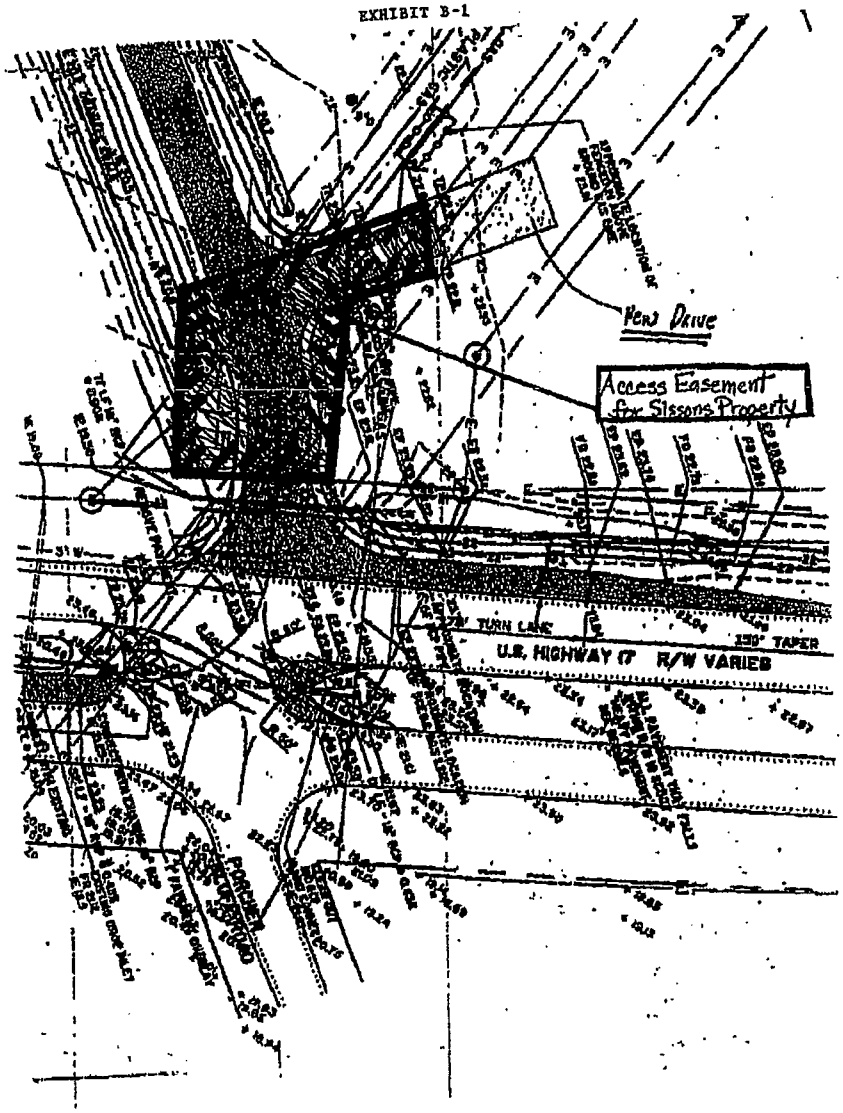
NPCOL:429569 1-EA-(JAS) 026284-00000

EXHIBIT B

All that certain piece, parcel, or lot of land designated and labeled as "Access Easement for Sissons Property" and further depicted by hashmarks on the attached sketch labeled Exhibit B-1.

NFCCL1:429569.1-EA-(JAS) 025294-00000

EXHIBIT B-1


Vera Drive
Access Easement
for Sissons Property
U.S. HIGHWAY 17 R/W VARIES
TURN LANE
150' TAPER

Nelson Pruett Jacobs
& Pollard
P. O. Drawer 2426
Cola, SC 29202-9732

BK E U358PG117

FILED

U358-109

2000 NOV 16 PM 12:01

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

14.00

After recording please return to:
Gray B. Taylor, Esq.
Buist, Byars & Taylor, LLC
652 Coleman Boulevard, Suite 200
Mount Pleasant, South Carolina 29464

STATE OF SOUTH CAROLINA)
) LICENSE AGREEMENT
COUNTY OF CHARLESTON)

THIS LICENSE AGREEMENT ("Agreement") is made this 13th day of November, 2008, by and between 4.0 LLC ("Licensor"), and Sweetgrass Hardware, Inc., (the "Licensee").

WHEREAS, the Licensor is the holder of certain non-exclusive rights under that certain Access Easement and Abandonment of Encroachment Permit dated October 17, 2000 and recorded in the Charleston County RMC Office at Book U358 at Page 109 (the "Easement Agreement"), which grants to the Licensor a non-exclusive and perpetual easement over, one and through that certain portion of Stow Away Storage, LLC's ("Stow Away") property as described in the Easement Agreement (the "Easement"); and

WHEREAS, the Licensor desires to authorize Licensee to use the Easement for ingress and egress access from Highway 17 to Licensee's property, as described on the attached Exhibit "A" (Licensee's Property"), and to grant an exclusive license to the Licensee for the same; and

NOW, THEREFORE, for and in consideration of the foregoing recitals, the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, Licensor and Licensee hereby agree as follows:

1. License for Use of Property. Licensor hereby grants to Licensee, for so long as Licensee leases the Licensee's Property, an exclusive license for ingress and egress access from Highway 17 to Licensee's Property.

2. Limitations on Use. The foregoing license shall be subject to:

a. The right of Licensor to adopt and amend reasonable rules and regulations pertaining to the use of the Easement, including, without limitation, rules establishing hours and vehicle or other limitations.

b. The right of Licensor to temporarily rescind this license for limited periods of time for the convenience of the Licensor.

c. Maintenance Responsibility. Licensee shall not have any maintenance responsibility for the Easement, but shall immediately repair any damage resulting from Licensee's exercise of this license.

3. Extension. This license may NOT be extended or renewed except with the express written permission of the Licensor. Licensee acknowledges that Licensor may refuse to extend this license beyond the initial term for any or no reason. Licensee also acknowledges that the Licensor is under no obligation to extend this License and that unless an extension is agreed to in writing, this License ends upon the conveyance of Licensee's Property to a third party.

4.

Enforcement. Licensee stipulates and agrees that it shall be bound by the terms of this license, and that it has entered into this license agreement voluntarily, of its own free will, and for good and valuable consideration. Licensee further states that it has had ample opportunity to consult with legal counsel regarding this license agreement, and has substantially participated in the drafting of this license agreement, such that it shall not be construed as if it had been prepared by one of the parties, but rather as if both parties had prepared the same.

a. The venue and jurisdiction for any dispute arising out of this license agreement shall be the Charleston County Court of Common Pleas. All parties hereto agree to waive any right they may have to demand a trial by jury.

b. Licensee further agrees that, in the event of its breach of the license agreement, Licensor shall be entitled to a temporary injunction restraining Licensee from continued use of the license and from any operations in violation of the license terms contained herein, and that the temporary injunction shall be issued without requirement for a bond. Such temporary injunction is agreed to by the Licensee in favor of the Licensor upon the motion of the Licensor for a temporary injunction made to the Charleston County Court of Common Pleas.

c. Licensee further agrees that, in its defense of any action brought to enforce the terms of this license agreement or the Covenants, it shall not raise any defense that the terms of the license agreement or the Covenants violate public policy, constitute an unfair restraint of trade, an unfair trade practice, or any substantially similar statutory or common law defense.

Licensor _____ (initial here) Licensee _____ (initial here)

5. Amendment. This license may be amended only in writing by an instrument signed on behalf of the Licensor and Licensee.

6. Severability. Whenever possible, each provision of this license shall be interpreted in such manner as to be effective and valid, but if the application of any non-essential provisions to any person or to any property shall be prohibited or held invalid, such prohibition or invalidity shall not affect any other provision or the application of any other provision which can be given effect without the invalid provision or application and without defeating the intent hereof, and, to this end, the provisions of this agreement are declared to be severable.

7. Notices. Any notices provided for in this license shall be in writing and shall be delivered to the primary business address of each party.

8. Termination. If Licensee fails to perform any of its obligations herein contained, in whole or in part, or violates any condition or obligation of the license, Licensor shall have the right, but not the obligation, to cancel this license upon ten (10) days written notice to Licensee.

9. No transfer of ownership. The use being made of the Easement by reason of this license is strictly permissive, not adverse, and it is agreed among the parties that the same shall in no instance ripen into an interest adverse to the interests of the Licensor under the Easement Agreement, or ripen into a permanent right by or for any reason whatsoever, including without limitation the passage of time or the continued use by Licensee beyond the term of this license.

10. Assignment. This license is personal to Licensee and may not be sold, transferred, assigned or given to any third party. The sale or assignment of a majority interest in the Licensee entities shall constitute an assignment for the purposes of this provision and shall constitute a violation of this License.

IN WITNESS WHEREOF, the undersigned have executed this agreement as of the date first written above.

WITNESS:

Cristi I. On

CRISTI I ON

Dana Lynn Fletcher

Dana Lynn Fletcher

DANA LYNN FLETCHER
Notary Public, South Carolina
My Commission Expires
July 19, 2017

4.0 LLC

George W. Sissons

BY: George W. Sissons
Its: Member

SWEETGRASS HARDWARE, INC.

Frank R. Fletcher

By: Frank R. Fletcher
Its: PRESIDENT

EXHIBIT A
(Licensee's Property)

ALL that certain piece, parcel, lot or tract of land located in Christ Church Parish, Charleston County, containing 1.93 acres, more or less, as shown and designated as Lot A on a "Subdivision Plat showing a portion of Oakland Plantation owned by Salah Hibri, situated in Christ Church Parish, Charleston County, South Carolina" prepared by James L. Owen, Jr., dated February 22, 1989 and recorded on July 15, 1991, at the Charleston County RMC Office in Plat Book CD at Page 139.

TMS No. 598-00-00-027

South Carolina
Department of Transportation

March 10, 2009

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

Mr. George Sisson
Sisson Scale
3018 Highway 17 N.
Mount Pleasant, SC 29466

RE: US-17 @ Porchers Bluff Road

Dear Sirs:

In late November 2008, South Carolina Department of Transportation (SCDOT) engineers reviewed the signalized intersection of US-17 and Porchers Bluff Road. SCDOT noted that motorists were utilizing an unpaved opening that is within the signalized intersection to enter and exit Royall Hardware and Sisson Scale due to a locked gate on the premises. SCDOT will erect a Type III barricade blocking access to the unpaved driveway within the signalized intersection to maintain the safety of the motoring public.

The public can now use the single permitted access at US-17 to access Stow Away Storage, Sisson Scale, and Royall Hardware. SCDOT engineers had conversations with all three business owners and/or owner representatives and were reminded of the challenge among the three parties concerning access permissions for a permitted driveway at the signalized intersection of US-17.

SCDOT's goal is to maintain a safe access for the travelling public, and for safety assurance, it is necessary that the gates remain unlocked for all parties to utilize access until an agreement is made between Stow Away Storage, Sisson Scale, and Royall Hardware

If you have any questions or concerns, please contact me at (843) 740-1655.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

cc: Mr. John Royall
Ms. Natalie Moore (SCDOT Legal)

PF /Chas. Maintenance

Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

South Carolina
Department of Transportation

June 19, 2009

Mr. E.L. Pooser, Jr.
Stow Away Storage, LLC
One Surrey Court
Columbia, SC 29212

Mr. George Sisson
Sisson Scale
3018 Highway 17 N.
Mount Pleasant, SC 29466

RE: US-17 @ Porcher's Bluff Road

Dear Sirs:

This is to advise that the unpermitted drive entrance onto US Route 17 at the intersection of Porcher's Bluff Road, which illegally encroaches on the right of way of the South Carolina Department of Transportation (SCDOT), is scheduled to be eliminated on or before July 3, 2009. In accordance with a permit issued March 29, 2000, allowing the existing drive entrance onto Porcher's Bluff Road, it was agreed by the Applicant E. L. Pooser, Jr. that the unpermitted drive onto US-17 would be removed, which was never done. Further, written statements of George W. Sisson, dated February 9, 2000 and March 21, 2000, acknowledge and agree that the unpermitted drive cut would be abandoned in exchange for the right to use the aforementioned permitted drive.

Since that time, additional access problems were created by the locking of a gate that was installed on the permitted drive that serves as the sole legal entrance to the Stow Away Storage and Sisson Scale facilities located on the premises, which would seem to contravene the conditions under which the encroachment permit was issued. SCDOT is advised that this gate will no longer be locked, thereby allowing access to be maintained to the businesses at this location. It is essential that access to this drive entrance remains unimpeded.

The blocking of the unpermitted drive by SCDOT will be accomplished by the installation of a Type III barricade on the right of way for US Route 17. If you have any questions or concerns about this matter, please contact me at (843) 740-1655.

Respectfully,

Richard L. Turner, P.E.
Resident Maintenance Engineer

PF/Chas. Maintenance

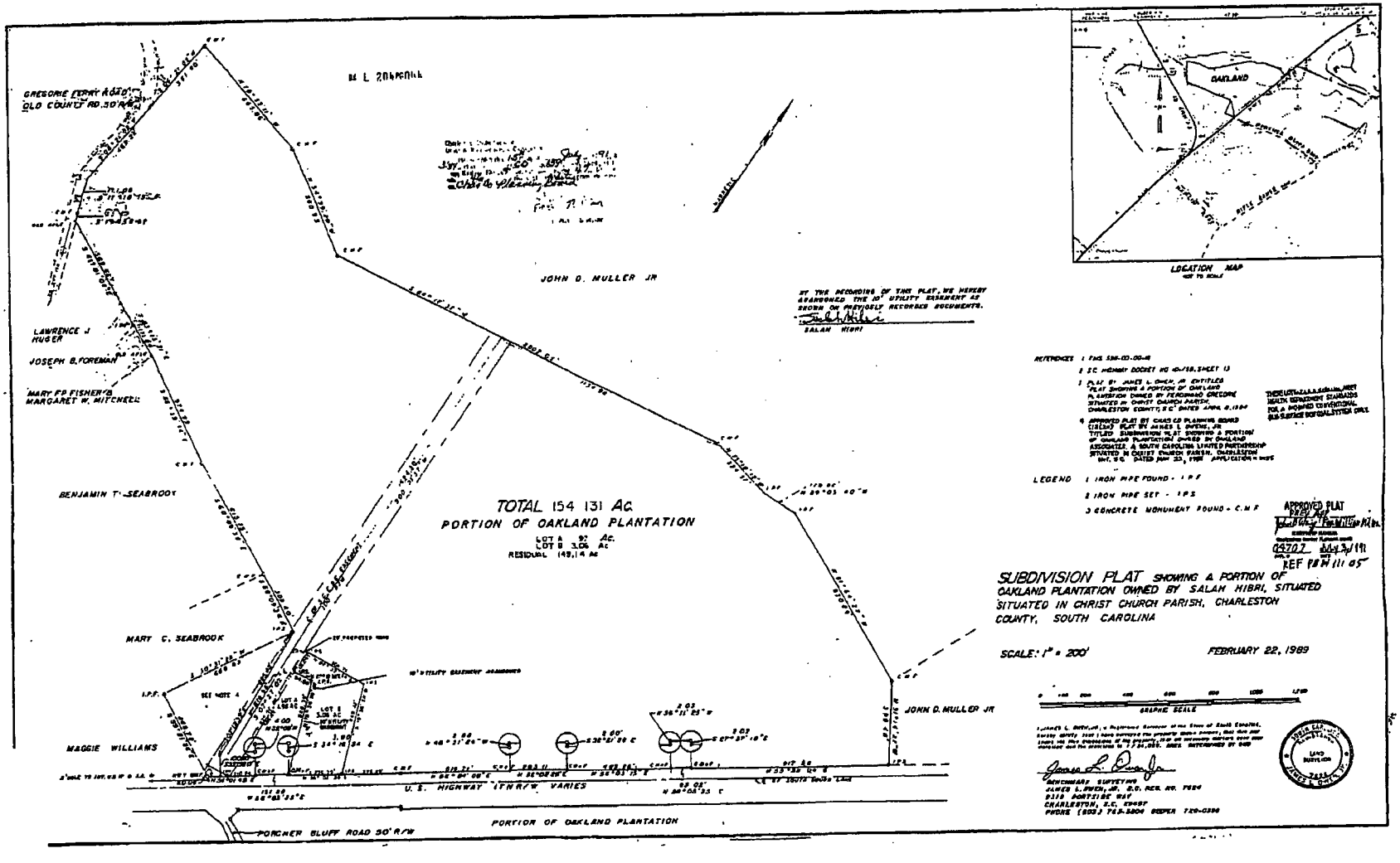
Charleston Maintenance
2401 Maintenance Way
North Charleston, South Carolina 29406

Phone: (843) 740-1655
Fax: (843) 740-1548

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

PLAINTIFF'S EXHIBIT
1
1-14-11 DM

BK Y250PG446
VICINITY MAP
SCALE: 1" = 1000'
SCANA DEVELOPMENT CORPORATION
TRACT 4A
253,237 sq.ft.
5.883 acres
TRACT 4B
85,852 sq.ft.
1.958 acres
TRACT 4C
431,963 sq.ft.
10.000 acres
TRACT A
Tract B
U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLAND
OVERHEAD POWERLINE
MORNINGDALE DRIVE
LEXINGTON DRIVE
U.S. HIGHWAY 17 NORTH R/W VARIES
GRAPHIC SCALE
1 INCH = 100 FEET
REFERENCE
LEGEND
NOTES
A SUBDIVISION PLAT OF
TRACT 4
CONTAINING 17.828 ACRES
OWNED BY SALAH BIBRI
LOCATED IN CHRIST CHURCH PARISH
CHARLESTON COUNTY, SOUTH CAROLINA
Southeastern Surveying, Inc.
147 Wappoo Creek Drive - Suite 102
Charleston, South Carolina 29412
(803) 795-8330 FAX 795-8007
DATE: 7-6-93
DRAWN: EAC
CHECKED: MBB
JOB: 58120
DWG: 3123JDWG
SHEET 1 OF 1


GREGORIE FERRY ROAD
OLD COUNTY RD 30' R/W
LAWRENCE J HUGER
JOSEPH B. FOREMAN
MARY FP FISHER &
MARGARET W. MITCHELL
BENJAMIN T. SEABROOK
MARY C. SEABROOK
MAGGIE WILLIAMS
JOHN D. MULLER JR
JOHN D. MULLER JR
SALAH HIBRI
TOTAL 154 131 Ac
PORTION OF OAKLAND PLANTATION
LOT A 92 Ac.
LOT B 3.06 Ac.
RESIDUAL 149.14 Ac
U. S. HIGHWAY 17 N R/W VARIES
PORCHER BLUFF ROAD 50' R/W
PORTION OF OAKLAND PLANTATION
OAKLAND
LOCATION MAP
REFERENCES
LEGEND
1 IRON PIPE FOUND - I.P.F.
2 IRON PIPE SET - I.P.S.
3 CONCRETE MONUMENT FOUND - C.M.F.
APPROVED PLAT
SUBDIVISION PLAT SHOWING A PORTION OF
OAKLAND PLANTATION OWNED BY SALAH HIBRI, SITUATED
SITUATED IN CHRIST CHURCH PARISH, CHARLESTON
COUNTY, SOUTH CAROLINA
SCALE: 1" = 200'
FEBRUARY 22, 1989
GRAPHIC SCALE
BENCHMARK SURVEYING
JAMES L. SWEIN, JR. S.C. REG. NO. 7924
2318 PORTSIDE WAY
CHARLESTON, S.C. 29407
PHONE (803) 763-3804 BEEPER 720-0396

ROA 955

Stowaway Storage
2988 Hwy 17 North
Mount Pleasant, SC 29466

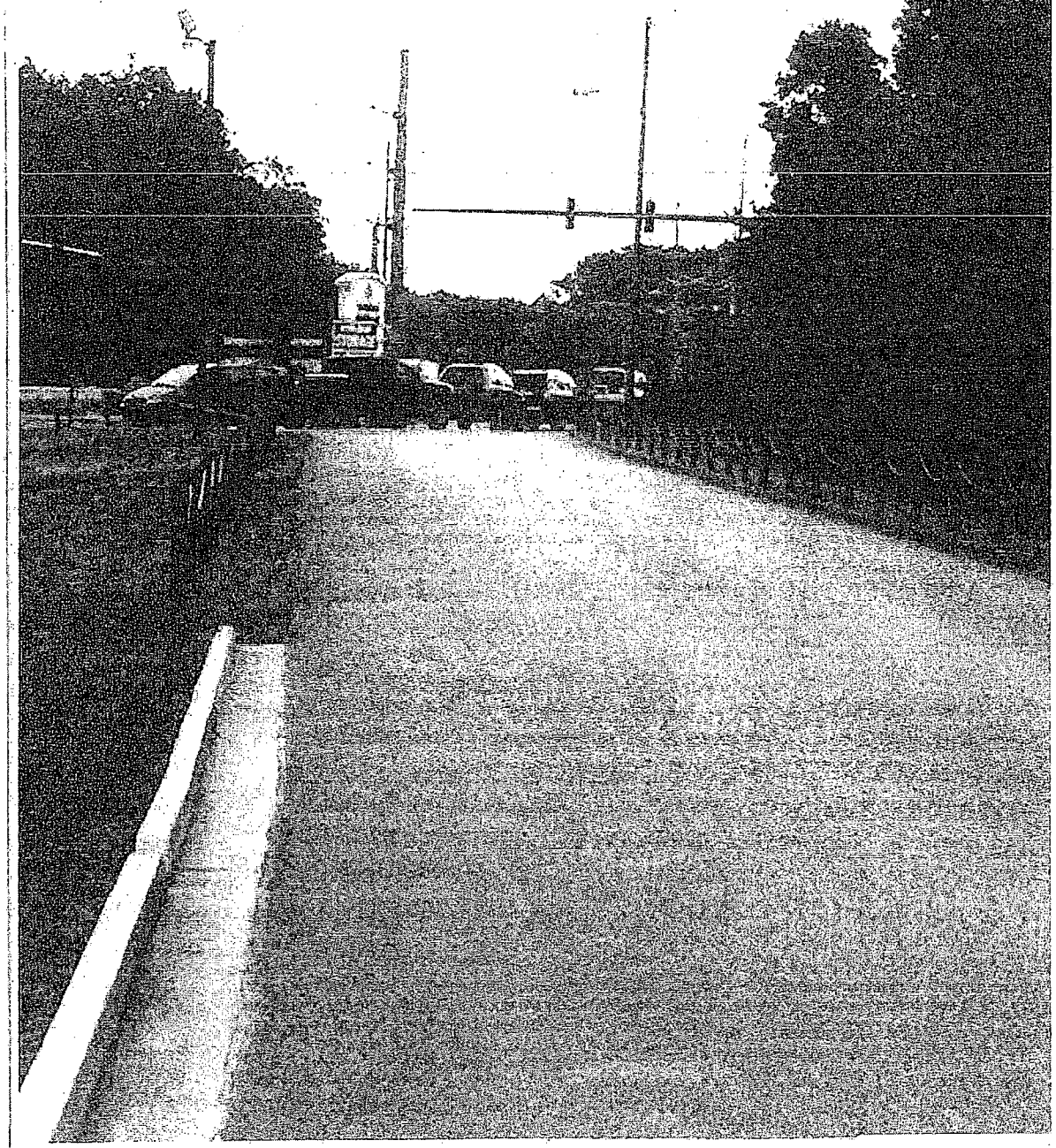
Video Surveillance - Camera 11 (Entrance at Hwy 17)
Cars per hour turning into Ace Hardware through Stowaway Storage property
(Does not include Highway 17 lost/turnaround traffic or Stowaway Storage traffic, or Sisson Scale (lettered) vehicles.)

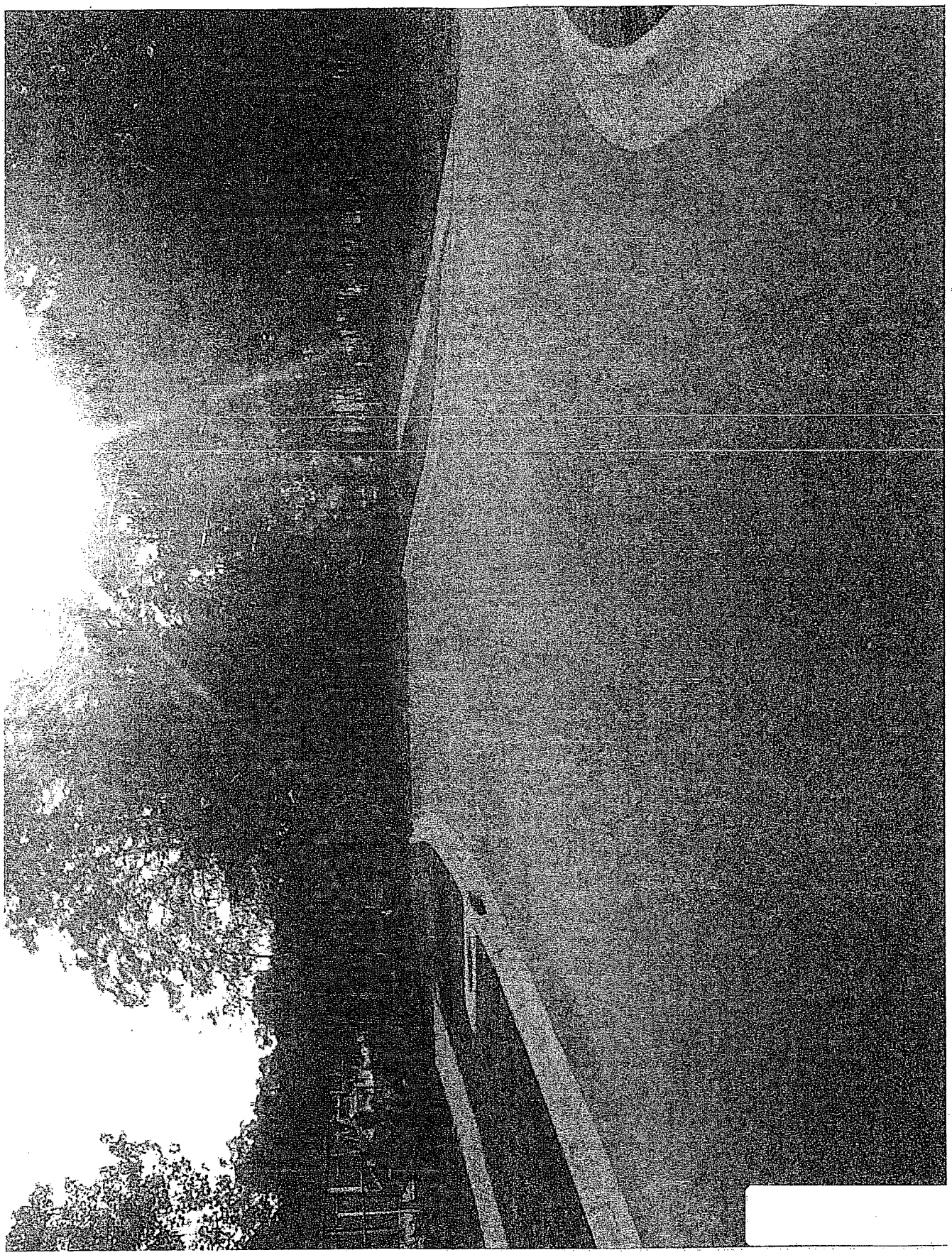
	Wed. 4/20/13	Saturday 7/13/13 (Sisson Scale not open)
7 - 8 AM	5	10
8 - 9 AM	24	43
9 - 10 AM	49	60
10 - 11 AM	73	57
11 AM - 12 PM	97	94
12 PM - 1 PM	98	96
1 - 2 PM	89	68
2 - 3 PM	95	105
3 - 4 PM	92	58
4 - 5 PM	64	60
5 - 6 PM	31	22
6 - 7 PM	15	3
12 Hour Total	732	676

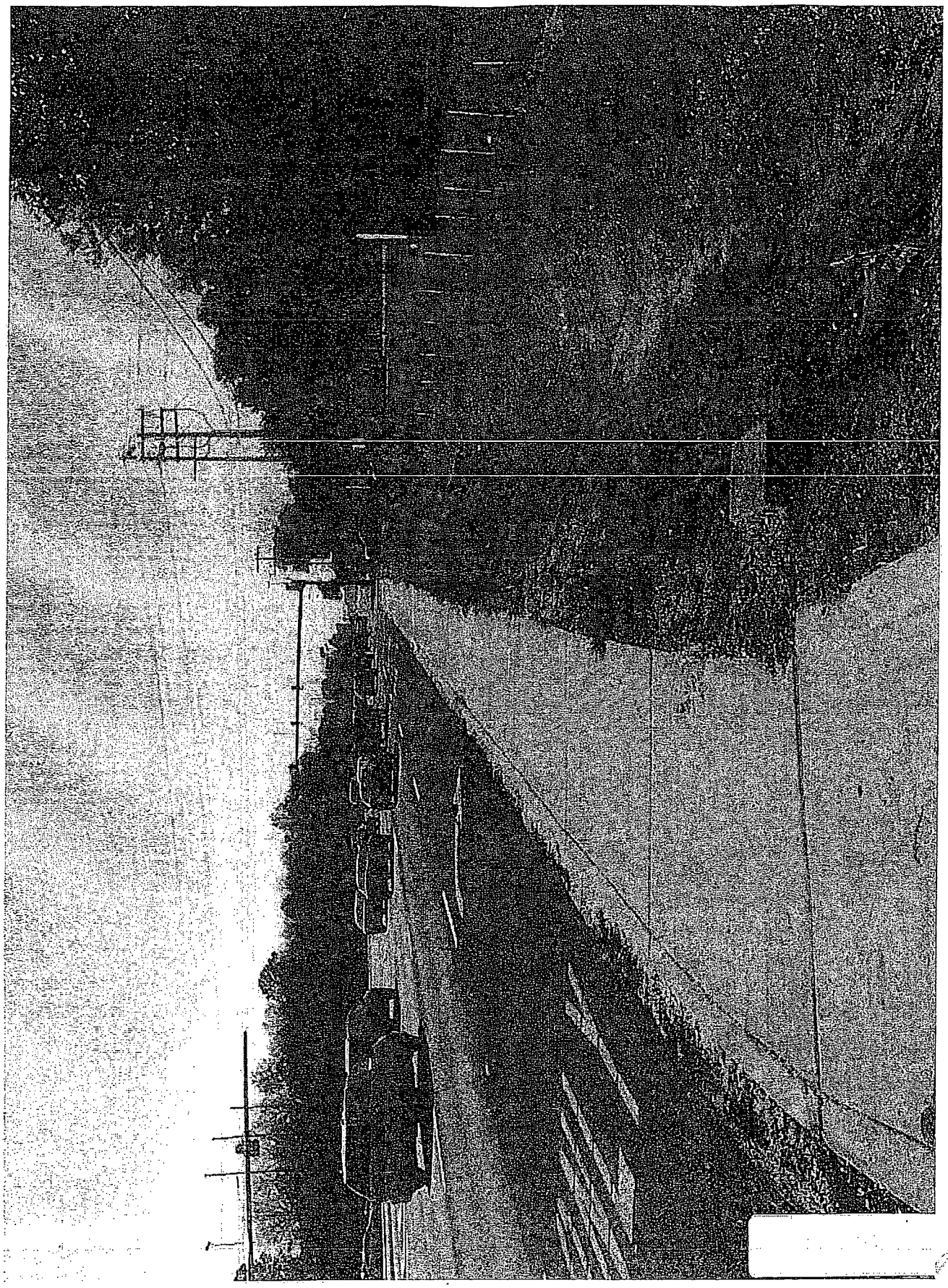
9/12/11 4:54 PM
PLAINTIFF'S
EXHIBIT
10
A-1473

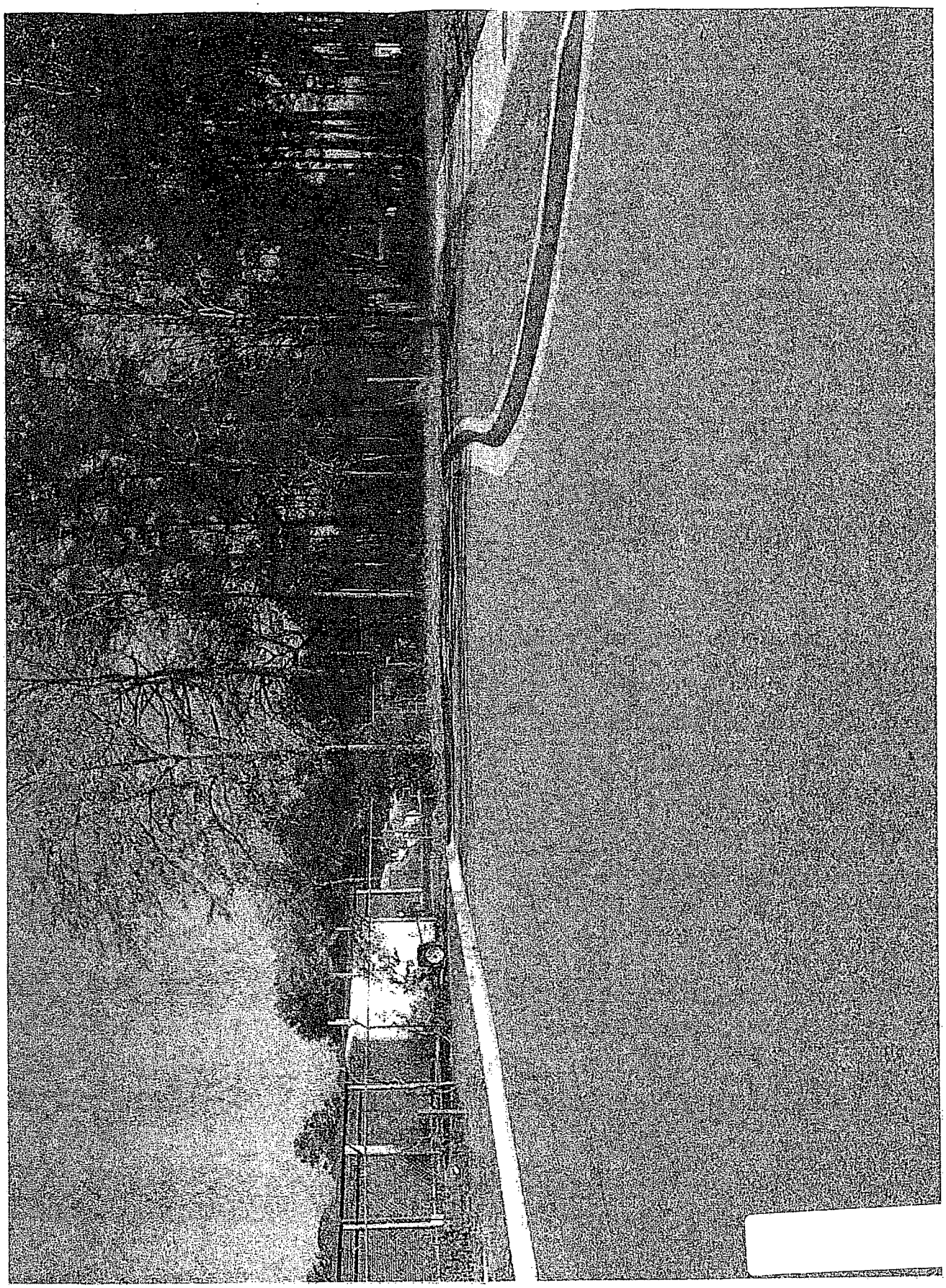
9/13/12 9:00 AM

PLAINTIFF'S EXHIBIT 7 8-14-13










BP0385727

PGS: 7

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

TITLE TO REAL ESTATE
(SPECIAL WARRANTY)

KNOW ALL MEN BY THESE PRESENTS, THAT STOW AWAY STORAGE, LLC, a South Carolina limited liability company, whose address is One Surrey St, Columbia, SC 29221 (hereinafter referred to as "Grantor") for and in consideration of the sum of Five Million and no/hundredths **($5,000,000.00)** Dollars to Grantor in hand paid at and before the sealing of these Presents by **MSC MTP, LLC,** a Delaware limited liability company (hereinafter referred to as "Grantee"), whose address is: **725 Park Center Drive, Matthews, NC 28105** (the receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these Presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions contained herein, unto the said Grantee, its Successors and Assigns forever, the following described property (the "Premises"), to wit:

ALL that certain piece, parcel or lot of land, situate, lying and being in the Parish of Christ Church, County of Charleston, State of SC, measuring and containing **5.36 acres**, more or less, shown on a Plat made by E.M. Seabrook, Jr., Inc., dated May 17, 1989, entitled "Lands of Mary C. Seabrook, Yough Hall Plantation, Christ Church Parish, Charleston County, South Carolina." Said Plat is recorded in the RMC Office for Charleston County, South Carolina, in **Deed Book G-189, at Page 263**.

BUTTING, BOUNDING, and MEASURING, on the North on lands now or formerly of Salah Hibri, a/k/a Salah Ahmed, Three Hundred Eight and 36/100 (308.36') feet, more or less; on the East on lands now or formerly of Marcus O. Ackerman and Constance S. Berg, Six Hundred Sixty-Six and 29/100 (666.29') feet, more or less; on the South on lands now or formerly of Elizabeth O. Wilson, Four Hundred Thirteen and 87/100 (413.87') feet, more or less; on the West on lands now or formerly of Benjamin Seabrook, Six Hundred Twenty-Nine and 08/100 (629.08') feet, more or less.

AND:

ALL that piece, parcel or tract of land, situate, lying and being in Christ Church Parish, County of Charleston, State of South Carolina, containing **3.481 acres**, more or less, as shown on that certain plat entitled "Subdivision Plat Showing a Portion of Oakland Plantation owned by Oakland Associates, A South Carolina Limited Partnership, situate in Christ Church Parish, Charleston County, South Carolina" by James Landlord Owen, Jr., RLS, S.C. Reg. No. 7624, dated May 22, 1985, and recorded in the RMC Office for Charleston County in **Plat Book BE, Page 79**, reference to which is craved for a more full and complete description.

BEING THE SAME premises heretofore conveyed to Stow Away Storage, LLC by deed of Buffalo Creek Land Company, LLC, dated June 22, 1999, and recorded June 23, 1999 in the Office of the Register of Deeds for Charleston County in **Deed Book Z-328 at page 662.**

TAX MAP NUMBER: **598-00-00-024**

This conveyance is made subject to taxes and assessments for the year 2014, and all subsequent years, and to all easements, covenants, restrictions and conditions of record and affecting the Premises (not to include, however, any mortgages, mechanics' liens, materialmen's liens, security instruments or other monetary liens), including but not limited to, rights-of-way indicated by instruments and plats of record, all other matters shown on plats of record, and to all applicable zoning and other land use regulations or restrictions of any political subdivision in which the Premises is situate (collectively, the "Permitted Encumbrances").

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, subject to the Permitted Encumbrances, all and singular, the said Premises before mentioned, unto the said Grantee, its Successors and Assigns, forever.

AND Grantor hereby binds Grantor and the Grantor's successors and assigns to warrant and defend, all and singular the said Premises unto the said Grantee, its Successors and/or their Assigns, subject only to the Permitted Encumbrances, against the Grantor and the successors and assigns of the Grantor, and Grantor does further covenant that Grantor has not done or suffered

anything whereby the said Premises have been encumbered in any way whatsoever by the said Grantor, except for the applicable Permitted Encumbrances herein.

IN WITNESS WHEREOF, the said Grantor has caused the within Title to Real Estate to be executed and delivered by and through the persons hereinafter named, they being duly authorized, on this 23RD day of January, 2014.

Signed, Sealed and Delivered
In the Presence Of:

STOW AWAY STORAGE, LLC,
a South Carolina limited liability company

Witness #1:

By: _____
E.L. Pooser, Jr., Member

Witness #2:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

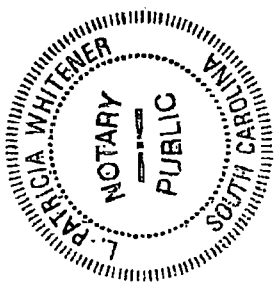
ACKNOWLEDGMENT

On this 23rd day of January, 2014, before me personally came the within-named Grantor, **STOW AWAY STORAGE, LLC,** by E.L. Pooser, Jr., its Member, who acknowledged to me that he executed the within instrument by and on behalf of the Grantor and who is personally known to me, or who were proved to me on the basis of satisfactory evidence to be the person(s) who executed the foregoing instrument.

(Signature of Notary Public)

My Commission expires: 12.20.20

[Affix Notarial Seal]



STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is known as **8.82+/- acres located on N. Highway 17, in Christ Church Parish,** bearing Charleston County Tax Map Number **598-00-00-024,** and was transferred by **STOW AWAY STORAGE, LLC** to **MSC MTP, LLC** on **January 23, 2014.**

3. Check one of the following: The deed is

   XX (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.

   ___ (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.

   ___ (c) exempt from the deed recording fee because (See Information section of affidavit):___

   (If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No XX

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):

   XX (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $5,000,000.00.

   ___ (b) The fee is computed on the fair market value of the realty which is - N/A -.

   ___ (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is - N/A -.

5. Check **Yes** _____ or **No** X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

   (a) Place the amount listed in item 4 above here: $ 5,000,000.00

   (b) Place the amount listed in item 5 above here: $ 0.00
   (If no amount is listed, place zero here.)

   (c) Subtract Line 6(b) from Line 6(a) and place result here: $ 5,000,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is **$18,500.00.**

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as the **Grantor**.

9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, or imprisoned not more than one (1) year, or both.

STOW AWAY STORAGE, LLC

By: _____ (Seal)
E.L. Pooser, Jr.
Its: Member

SWORN to before me this 23rd day of January, 2014.

_____
Notary Public for South Carolina
My Commission Expires: 12-20-20

[Notarial Seal]

L. PATRICIA WHITENER NOTARY PUBLIC SOUTH CAROLINA

RECORDER'S PAGE

SST

***NOTE*: This page MUST remain with the original document**

Filed By:

DODDS & HENNESSY, L.L.P.
ATTORNEYS AT LAW
P.O. BOX 298
CHARLESTON SC 29402

RECORDED

Date:	January 24, 2014
Time:	4:55:00 PM

Book	Page	DocType
0385	727	Deed

Charlie Lybrand, Register
Charleston County, SC

MAKER:
STOW AWAY STORAGE LLC

RECIPIENT:
MSC MTP LLC

Note:

# of Pages: 7

Recording Fee	$ 10.00
State Fee	$ 13,000.00
County Fee	$ 5,500.00
Extra Pages	$ 2.00
Postage	$ -
Chattel	$ -
TOTAL	$ 18,512.00

DRAWER	Drawer 4
CLERK	LRR

Original Book:

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AUDITOR STAMP HERE
RECEIVED FROM RMC
JAN 28 2014
PETER J. TECKLENBURG
CHARLESTON COUNTY AUDITOR

PID VERIFIED BY ASSESSOR
REP JAN 30 2014
DATE ASTRJB
UPDATED
4

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