

TRAFFIC & TRANSPORTATION COMMITTEE

January 24, 2022

A meeting of the Traffic & Transportation Committee was held this date beginning at 2:03 p.m., by video conference.

Notice of this meeting was sent to all local news media.

PRESENT

Committee Members: Councilmember Brady (Chair), Councilmember Seekings, Councilmember Parker (joined at 2:04 p.m.), and Mayor Tecklenburg

Also Present: Andrea Derungs, Jennifer Cook, Jeremy Collins, Chip McQueeney, Robert Somerville, Tom O'Brien, Mallary Scheer, Melissa Cruthirds, and Rick Jerue

1. Invocation

The meeting was opened with a moment of silence led by Councilmember Brady.

2. Approval of Minutes

On a motion of Councilmember Seekings, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve the minutes from the January 10th, 2022 meeting.

3. Public Hearing: **Accept comments on the status of the portion of Frampton Street lying between Inverness Drive and Harbor View Road and on the status of the portion of Fairway Drive lying between Burning Tree Road and Harbor View Road, both of which lie within the Country Club II subdivision of James Island. After the public hearing, the Committee may or may not recommend that the City Council of Charleston take action to address the status of these rights-of-way in accordance with the general authority of the City and section 5-27-150 of the South Carolina Code.**

Councilmember Brady stated that Mr. Daniell would have 10 minutes to present his position, as the person who requested the hearing, then the City would have 10 minutes to present its position. After the presentations, the Committee members would be able to ask questions of either party. Finally, the public would have 10 minutes to provide comments.

Dr. Herman Daniell said he had lived at the house for over 50 years. It was difficult for him to speak because he had suffered a stroke, so his son, Tony, spoke on his behalf. Mr. Tony Daniell said it was important for his dad to say that because some people were saying he wasn't qualified to speak on the issue. He said it was clear that Title 57 stated that roads could not be closed without the direction of City Council or court order, of which there was neither. He said his driveway was blocked twice a day, every day. He said it wasn't in the best interest of all to move the children from the school onto his street. He said there were "no standing or parking" signs, which Mr. Rogers alleged he had put up because people were jumping the line, but Mr. Daniell said that wasn't true and it had been an access street when he was a kid. Additionally, they didn't have a homeowner's association, so no one could claim it as common ground to put a sign up. He also said there was a gate that was supposed to allow people in and out of

the school, but they had shut that down when they closed the street. He said the road closure had nothing to do with safety, property values, or people cutting through. To get to the cut through, one would come in on Frampton, turn right on Burning Tree, go one block, and they would right back where they were. He appreciated the opportunity to speak.

Mr. McQueeney said he was there to advise and not advocate one position over another. He initially looked into this case in November 2020. In 1965, Mr. Daniell's portion of Country Club II was subdivided. There was a dedication on the plat that the rights-of-way and streets were dedicated for the use of the public. The property tax card showed that the developer conveyed Mr. Daniell's lot in 1967. Mr. Herman Daniell became the owner of the lot in 1968 and the sole owner in 1998. In early 2020, it was conveyed to Mr. Tony Daniell and two other members of the Daniell family. A newspaper article from 1967 showed an ordinance passed by County Council that showed traffic improvements on Frampton Street and Fairway Drive. In 1974, the area was annexed into the City of Charleston. The minutes from the May 25, 1976 City Council meeting showed that both the Committee on Streets and the Committee on Public Safety and Traffic considered a plan developed by the Director of Traffic and Transportation, which recommended doing cul-de-sacs. City Council adopted the reports and set a public hearing for June 15, 1976, which was advertised in the media. Those minutes showed that 20 residents in the neighborhood supported it, and 1 person opposed it. At the time, people were coming down Fairway Drive to avoid traffic lights. During the meeting, Councilmember Ader suggested that they block Fairway Drive at Harborview Road and Frampton Street at the entrance of Harborview Middle School. Councilmember Stephens then made a motion to barricade the road. The minutes stated the road was not being closed or abandoned but instead barricaded, and the motion passed unanimously. Mr. McQueeney said if the City had closed and abandoned those roads, the abutting owners would still own up to the center line of the streets, but the City would no longer have right title, so they would not have been able to do anything with it in the future. He said the road was blocked, but it was not permanently closed and abandoned by the City.

Councilmember Seekings asked what relief Mr. Daniell was seeking. Mr. Daniell said he wanted the streets to comport with City Code and for the roadblocks to be taken down. Mayor Tecklenburg said it didn't seem like City Council, at that time, had any intention of giving up legal ownership of the street, which they would have been subject to if they had closed and abandoned it. He asked Mr. McQueeney if Council had acted legally. Mr. McQueeney said he thought they had. There was another statute, 527-150, that allowed City Council the ability to not just close, but open, alter, or widen streets. He said this was a case of altering and that it was clear Council had only intended to temporarily impede vehicular access. Councilwoman Parker asked Mr. McQueeney if it was legal, or if he just thought it was legal. Mr. McQueeney said it was legally done and procedure was followed. He said they had followed 527-150 and that they didn't have to follow 57-9-10 through 40, which was the statute Mr. Daniell cited. She asked Mr. Daniell what he was seeking. He said he wanted relief from all the traffic – that the entire neighborhood drove through their block, and they didn't have quiet enjoyment of their house. He also said that Statute 57 required that a public hearing be advertised 3 times and for notification to be given to all the abutting owners. He said neither of those had been met.

Councilmember Brady set one minute as the time limit for public participation.

1. Tony Daniell said it was unfair to have the entire neighborhood's traffic come past his house. It was unsafe and had killed their property value. Every other street in the neighborhood was empty. He didn't understand how people could say they had an easy time getting into and out of the neighborhood, unless they drove the wrong way. He didn't know why they should bear the brunt of traffic so that the rest of the neighborhood could have quiet streets. He also didn't know who had put Mr. Rogers in charge of moving traffic and posting signs.
2. Donna Daniell said they had constant traffic from the neighborhood. Their property was polluted by car exhaust day and night, and they dealt with noise that other residents did not have to face. It was not safe for the children and grandchildren on their street to play. The neighborhood was designed to have two access roads to Harborview. She said they shouldn't be the only entrance and exit for the neighborhood, and if anyone was cutting through the neighborhood, it was the residents. She asked the Mayor what he would do if it was his residence.
3. Tom Finnegan said there were two sides of the story. He was the head of the civic association in the neighborhood, of which Mr. Tony Daniell had not participated. He said there were 95 lots in the neighborhood and 93 homes. Of those, 95% of them wrote in, emailed, or signed affidavits against re-opening the road. The only person who wanted the road re-opened was Mr. Daniell. He said that he was not friends with Councilmember Appel, and they were not in collusion. He also pointed out that the school was only open 185 days/year.
4. Worth Beacham said his family moved into the neighborhood in September 2021, and they were strongly opposed to re-opening the road. They had two kids and one of the main reasons they bought the house was because it was blocked and set back from Harbor View Road. The loss of privacy was one thing, but the safety threat posed to their children and their neighbors was more important. If the road was reopened, it would turn into a cut through road for vehicles looking to get from Harbor View to Folly. On Inverness Road, there were 10 children under the age of 6 that would be at risk from speeding cars. He also noted that many streets in the neighborhood didn't have sidewalks.
5. David Swanson said he agreed with Mr. McQueeney's assessment. He had lived in the neighborhood for 25+ years, and the streets had remained the way they were now. He, along with most of the other Country Club residents, was opposed to the road being reopened. He said they all dealt with the school traffic. His wife had gotten into a bad accident there, and they had tried to address it with the school, but the school district was difficult to deal with. They tried to do their best with what was there.
6. Miguel Torres said he had lived on Burning Tree, between Frampton and Fairway, for 24 years. He said a lot of folks had not mentioned that there were 9 houses greatly impacted by the traffic and that 9 senior citizens and 5 young children lived in them. He said people sped through that part of the neighborhood like it was a drag strip and ignored existing signage. He also noted that emergency vehicles could not get into the neighborhood.
7. Anne Marie Hagood said she echoed the sentiments of 99% of the neighborhood. Reopening the entrances would be a detriment to the neighborhood as a whole. It would make the neighborhood a race track for people trying to avoid the Harbor View and Folly Road intersection. She said that if this was done in 1976, Dr. Daniell would have been living in the

house at that time, but there was no record of complaint from him. She said they all dealt with trying to get into and out of the neighborhood, but the school traffic was only there for 20 minutes, twice a day, for 185 days/year.

8. Tony Daniell, speaking on behalf of Dr. Herman Daniell, said there was already a cut through, so he didn't understand why everyone spoke about a cut through being so dangerous. He said Ms. Hagood mentioned it was a minor inconvenience, but it wasn't actually an inconvenience to her because she could go the other way. Meanwhile, he couldn't get out of his driveway. He also said it wasn't just the school traffic. It was 24/7, 7 days a week. He said they knew they were going to get the majority of the school traffic because they lived across from the school. However, the school had tripled in size and Harbor View Lane was widened to 4 lanes. He asked why people would get off a 4 lane highway to drive through a neighborhood.

The Clerk said they had received several comments online. She said Mr. Daniell had submitted 16 comments referencing City Code Section 57-9-10, Section 57-9-20, and City Council minutes from 1976. He also mentioned he had support from 4 people who agreed the roads should be open to provide a safer route for the neighborhood and to make visiting relatives easier. The Clerk said two people said the same arguments failed before City Council in 1976 and that the roads should be reopened to allow travel for emergency vehicles. Two people said the temporary blocks of Fairway Drive at Harbor View Road and Frampton Street to Inverness Drive were putting an undue traffic burden on and creating a safety concern for the Burning Tree Road residents. It was time to open the roads as they were designed and intended, for traffic to flow in and out of the neighborhood for the greater good of all. Fifty people were opposed to opening up the portion of Frampton Street lying between Inverness Drive and Harbor View Road and the portion of Fairway Drive lying between Burning Tree Road and Harbor View Road. Opening those access points would make the neighborhood a race track for people trying to cut off the corner light and avoid traffic. It would also put over 50 children in danger. One person said that the proposal for the carpool to turn off of Harborview onto fairway would impact at least 11 houses/driveways instead of just 1. One person asked the committee to deny the small minority's request to reopen the closed roads at Frampton Street and at Fairway Drive. One person said the school did not need additional points of access at the expense of the majority of the neighborhood and that other solutions should be found. The Clerk said she also received a hand written, mailed note that asked the Committee to not open the roads due to the risk of children who biked/walked to and from school. Others in the neighborhood had learned to deal with the traffic impacts. One person quoted the oath and responsibilities of a Councilmember. One person asked the Committee members to listen to the overwhelming majority of neighborhood residents and trust that they knew what was best for their children and community.

Mayor Tecklenburg said a number of participant comments were about the speed of vehicles in the neighborhood. He asked Mr. Somerville if they had received any requests from the neighborhood for traffic control measures, or if they had asked the Police Department to monitor the area. Mr. Somerville said they had installed a speed hump on Fairway Drive in 2018. Councilwoman Parker said they worked in a world where the majority won, but it didn't change the fact that it had negatively impacted folks. She questioned whether signs, speed humps, or Police presence could be effective. Mr. Daniell said no one had asked him to compromise. He also said that Title 57 stated that it had to be in the "best interest

of all,” not a majority rule. He knew there was a chance that the City wouldn’t reopen the road, even though he thought it was illegally closed, so he asked if they could instead put up signs that said “no exit” and “no entrance” at the end of Burning Tree Road and Fairway Drive. He said that would mean they dealt with the school traffic, but it would also mean that people couldn’t go up Fairway to enter Burning Tree. School traffic was part of the problem, but it was not the only problem. When they took away the drop-off spot on Inverness, it had increased traffic by 30%.

Councilmember Seekings asked Mr. Somerville if they had any enforcement activity in the neighborhood. Mr. Somerville said Charleston County’s resource officer had been the one monitoring the traffic at the school. The way the school was set up, the buses came in the back of the school and the parents picked up and dropped off on Frampton. When they started getting complaints, they reached out to CCSD, and the school said they would send out personnel to keep motorists in line and keep Mr. Daniell’s driveway from being blocked. The school also revised the drop off route on their property and changed it from a single lane to a two lane pick-up line. He said if they put up the “no parking, stopping, standing” signs on Mr. Daniell’s street, the parents wouldn’t have a way to get to the school. Councilwoman Parker asked if parents no longer being able to park at the church across the street was contributing to the problem. Mr. Daniell said the church had told him that their insurance company had said they couldn’t have parents and children on their property anymore because it was a liability issue. He said the problem wasn’t just his driveway being blocked, it was also that all the neighborhood’s traffic was being funneled through his street. Councilwoman Parker said there were adequate concerns coming from all parties, and she wished there was a solution that could be good for everyone. Mayor Tecklenburg thanked everyone for participating. He said he had to rely on Legal’s counsel that City Council, at that time, had acted at the request of Charlestonians and had acted legally. He questioned whether an additional speed hump on Burning Tree was needed and said he would request additional traffic enforcement. However, he noted they needed to continue working with CCSD. He said he was committed working with the neighborhood and using City resources to make it as good as they could.

Having no further business, the Committee adjourned at 2:59 p.m.

Andrea Derungs
Clerk of Council’s Office