

**MINUTES
PAWLEYS ISLAND TOWN COUNCIL**

DATE/PLACE: April 13, 2015
Pawleys Island Chapel

PRESENT: Mayor Bill Otis, Mike Adams, Glennie Tarbox, Howard Ward & Sarah Zimmerman

EXECUTIVE SESSION

Glennie Tarbox made a motion to step down into Executive Session to discuss an easement not received and receive legal advice. Mike Adams Seconded. All in favor. Glennie Tarbox made a motion to step down from Executive Session. Mike Adams Seconded. All in favor.

PUBLIC HEARING – FENCE ORDINANCE AMENDMENT, INSTALLATION REPAIR OF NON-PERVIOUS DRIVEWAYS AMENDMENT, NON-CONVERSION AGREEMENT ORDINANCE

Mayor Otis asked if there was anyone present to speak. No one was present to speak on the ordinance amendments. The public hearing was closed.

OPEN SESSION, PUBLIC INPUT

Henry Thomas stated, in regards to the request he has made to build a dock to the creek, that he received a letter from DHEC which stated that they would allow one dock to be built on a parcel of land that has 75 feet of frontage however, a parcel of land has to have a tax map #. Mr. Thomas would be happy to build one dock and share it with the Walters.

William Walter stated that he owns 180 Myrtle Avenue that is an unpaved section of the road that is north of 3rd Avenue. His family purchased the property in 1948 and has been the owner of the property since the late 1950's. He and his family very much oppose the non-exclusive use and control agreement between the Town and Mr. Thomas because it allows Mr. Thomas to build a private dock on public land and it protrudes into the roadbed. Mr. Thomas does not own any property within 100 feet of Myrtle Avenue and 20 feet of the creek. He does have a 4 foot easement at the northern section of their property to walk across only. Mr. Thomas has no physical or legal connection with the road or the creek.

Kathryn Walter stated that she is opposed to Mr. Thomas having the ability to build a dock to the creek.

Mayor Otis stated that in the Walter's letter they wrote to the Town that they do object to the Thomas' building a dock to the creek however, the letter states that they reserve the right to modify or expand their reservations as additional information comes to light. To Mayor Otis, this sounds like they really do not oppose, because they reserve the right to change their mind. He further explained that there is no existing use and control agreement. The use and control agreement is dependent upon certain things set forth in the letter that was sent out to direct neighbors of the Walters family and the Thomas family on Myrtle Avenue, one of which is that all property owners who received the letter must approve the proposed dock. The Walters then stated that they oppose the dock. Attorney DuRant will review the responses from the property owners involved. Attorney DuRant stated that at this point we cannot move forward until something is worked out between the Thomas' and the Walter's. Mayor Otis stated if the property owners can come up with something that the Town feels comfortable supporting it will be given all consideration.

April 13, 2015

APPROVAL OF MARCH 9, 2015 MEETING MINUTES

Mike Adams moved to approve the minutes of the March 9, 2015 meeting minutes. Seconded by Glennie Tarbox. All in favor.

STATUS OF ENTERING THE APPEAL OF THE GEORGETOWN COUNTY GROIN PERMIT AS AN INTERVENER

Attorney DuRant stated that he has no idea why the Judge had not ruled on this and there has been no progress of this matter.

POLICE REPORT

Chief Fanning reviewed the February 2015 police report. (See Attached) Regarding the South Parking Lot, Chief Fanning stated that there would be 4 cameras where you first enter the lot and the other 4 would be the southern-most end of the lot. We would have to have some boring done under the lot for electricity. The total installation is estimated to be \$3,600 with an additional \$185 utility cost per month. Glennie Tarbox asked if the County would be willing to share some of this expense since the south lot is owned by the County. Attorney DuRant stated that we may want to get something in writing with the County like a mutual aid agreement to get permission to set up the cameras at the south-end lot. **Mike Adams made a motion to have a committee to talk to the County Administrator to see if they would monetarily support installation and the monthly cost for the cameras at the south end parking lot. Mike Adams amended his motion to have a committee member talk to the County Administrator to see if they would monetarily support the monthly cost for the cameras at the south end parking lot. Glennie Tarbox seconded.** Mayor Otis stated that there is no time frame about proceeding with this once we get County approval. **Howard Ward made a motion to amend the motion to proceed with the camera installation at the south end parking lot if the County agrees to pay for 50% of the all the costs then Council will approve going forward with the project and make all the necessary budget amendments. Mike Adams seconded, Glennie Tarbox agreed. All in favor.**

FINANCIAL REPORT

Mayor Otis stated that the financial report is about as clean as you can get. We have \$1,000 under budget for the month and yr. to date in income and approximately \$3,000 under budget for the month and \$30,000 under budget yr. to date in expenses. There was a typo in the Beach Management section of the budget that showed \$1,000 for the year that was approved and it should have been \$10,000. **Mike Adams made a motion to change the Beach Management budget line item amount to \$10,000 from \$1,000. Glennie Tarbox seconded. All in favor.**

BUILDING REPORT

Mayor Otis stated that it was quiet in the month of March.

PLANNING COMMISSION REPORT

- Ordinance to adopt a non-conversion agreement requirement – Second Reading

Jim McCants stated that the non-conversion agreement requirement is to be for new buildings or substantial home improvements of 50% or more, giving us permission to inspect the ground level area at least once a year to be sure it is not being used for any mechanicals or plumbing or any kind of living space. Mayor Otis stated that the only thing he would like changed is in 5-2.3 ...duties and responsibilities of building inspector... amend to change building inspector to community official. **Mike Adams made a motion to approve second reading of the non-conversion agreement requirement as amended. Glennie Tarbox seconded. All in favor.**

- Amend fence ordinance to require a permit and UDO section that lists fences as not requiring a permit – Second Reading
Jim McCants stated that this ordinance adds the wording that a building permit is required to build all fences and remove from article 3-6.3 that fences are exempt from permits. **Glennie Tarbox made a motion to approve second reading to add wording stating that a building permit is required to build all fences and to remove in article 3-6.3 that fences are exempt from permits. Mike Adams seconded. All in favor.**
- Ordinance requiring a permit for the installation modification or extension of new driveways constructed of other than gravel, shale or crushed stone – Second Reading
Jim McCants stated that in article 3-4.14 it reads that driveways are prohibited from being constructed out of impervious material. A permit is required for the construction, replacement or reconfiguration of driveways consisting of material other than gravel, shale or crushed stone. **Glennie Tarbox made a motion to approve second reading requiring a permit for the construction, replacement or reconfiguration of driveways consisting of material other than gravel, shale or crushed stone. Mike Adams seconded. All in favor.**
- Comprehensive Plan review – Preliminary decisions
Jim McCants stated that the Planning Commission met with Tom Britton from the Waccamaw Regional Council of Governments to review just an update of the plan because we will have to have a total rewrite of the plan in a few years so some things don't need a revision at this point. Some of the areas that we will update will be the population as it has dropped from 138 to 103, according to the latest census. The economic element will remain the same. In Natural Resources Mr. Britton felt we should acknowledge the activity the Town has with FEMA's Community Rating System (CRS) and the Flood Damage Prevention ordinance. In the Community Facilities we will need to update the information pertaining to the new library. There is no change in the Housing Element. In the Land Use Element, the Map Exhibit 7.1 and 7.4 will need updating. The non-residential uses will need some tweaking in the Transportation Element. The charts in the Priority Investment Element will need some updating. Tom Britton said that he would need approximately 2 weeks to work on this then another Planning Commission meeting will be scheduled to review the updates. The Town Council approved paying WRCOG up to \$6,500 for Tom Britton's work on the Town's Comprehensive Plan.

DISCUSSION CONCERNING ROCK JETTY ALONG MIDWAY INLET

This was deferred to next council meeting.

ASSISTANT ADMINISTRATORS REPORT

- CRS Class 4, Actions Planning
Ryan Fabbri reviewed the spreadsheet he created showing the 2,040 CRS points we acquired at our last cycle visit in 2013 based on the 2007 FEMA Manual. Another column shows the points that he feels we would have if we were to have a cycle visit today which is 2,553 points that would barely give us a class 5. Another column shows the points we do not have yet, but are attainable in Ryan's opinion, which amount to approximately 1,000 points. Ryan feels we could get at least 50% of those points without devoting a lot of time or money. There are 2 areas that require major prerequisites or changes to get to a class 4. A class 4 requires 3,000 points. Charleston County has the only CRS 4 east of the Mississippi.

We depend on the Georgetown County Flood Plain Management Plan that is part of the Hazard Mitigation Plan, that we adopt every year, and it does not look like it is structured appropriately to meet the criteria for a class 4. Ryan Fabbri recommends that we go for a class 5. Right now the Town's property owners are saving approximately \$370,000 a year because of our current rating of a class 6. **Mike Adams made a motion to approve going for a CRS class 5. Glennie Tarbox seconded. All in favor.**

- Pavilion Road Paving
There was an asphalt strike which delayed the paving. The strike is now over and the paving will begin before Memorial Day and possibly as soon as 2 weeks.
- Repair of the Pritchard Street Boat Landing
It is now complete. Mayor Otis will contact the Legislative Delegation to get reimbursement of this expense.
- Underground Wire Project Phase One and Phase Two: Construction Status, Easements, Invoicing and Collections – Continue Construction until June 12?
We have all easements for phase 1 except one. Santee Cooper has done a construction walk-through. They will be able start work provided we extend construction past the May 22nd date to June 12th. Pawleys Island Realty and Lachicotte Realty are ok with it. We now have 34 property owners who have not paid the 1st year's billing. Mayor Otis stated that we are very concerned about the easement process for phase 2. There is a May 15th deadline to get all easements out to our property owners to then enable us to complete the process by the first week in September which is when construction is planned to begin. Mayor Otis and Council agreed to allow construction to June 12th.
- Ryan Fabbri stated that the current phone system is approximately 10 years old and it is not working properly so we need a new phone system. He inquired with Frontier for a system that would cost \$3,800. It would have voice mailboxes, weekend callers would have an option to dial directly to the police department and leave a message if no one is in the office to take the call. We have enough money in capital outlay. Ryan will get two more bids for the next Council meeting for discussion.

Decisions on obtaining easements not received

Mayor Otis stated that have one easement that we have no response on at 334 Myrtle Avenue. We are now at the end of Phase I and if we want to have construction done by June 12th we need to decide what we are going to do. Attorney DuRant stated that there is a process called condemnation that allows municipalities to condemn property for projects such as this that initially requires that we try to negotiate with the land owner in good faith. He is recommending to council authorize a survey of the easement area as well as an appraisal to determine the value. Then notify the owner once we get the appraisal and give the owner 30 days to accept or reject it. If there is no action by the owner in that time frame, the Town then files a notice of intent to condemn. Once that notice is filed the easement process can proceed. Mayor Otis stated there may be a Santee Cooper survey in existence because there was one made for construction engineering. Mayor Otis stated that he and Council recognize that this is not something that you want to do. This has been going on with these property owners since before January, and Santee Cooper has been stonewalled. We are not talking about a lot of money because we are not acquiring property. We are only acquiring the easement in order to put something underground on the property that will never affect anything above ground.

We cannot keep this power line above ground over this property, because that would impact what this project is set up to do, which is to reduce storm damage outages as a result of storms. The impact of neighbors on both sides of this property would be substantially impacted by diminishing the efficacy of the project. **Mike Adams made a motion to approve proceeding with condemnation at 334 Myrtle Avenue. Howard Ward seconded. All in favor.**

PERMITTING FOR GROIN REPAIRS RECOMMENDED BY COASTAL SCIENCE – STATUS WITH OCRM

Mayor Otis stated that he met with OCRM and they have gone through our preliminary discussions on how the groins will be repaired. They said that if we proceed under those parameters we will be able to do it under a repair and maintenance contract.

COUNCIL MEETING AT THE CHAPEL IN THE FUTURE

Mayor Otis stated that several members have talked about getting the Chapel Board to agree to allow Town Council meetings at the Chapel, as opposed to going to the new library in Litchfield. We have had a greater attendance, here at the Chapel, at every meeting, than we have had at the old library. Mike Adams stated that it is more convenient for property owners to go to the Chapel. Howard Ward will ask the Chapel Committee to request that we have our Council meetings in the Chapel through the summer.

COMMENTS BY COUNCIL MEMBERS

Mike Adams asked if building inspectors are following proper procedures whenever permits are issued. Mayor Otis stated that we had several conversations with Georgetown County regarding inspectors. Ryan Fabbri stated that it has become a weekly thing that he is sending the County a list of properties that are having work done, and there is no permit, and no one has come out to inspect them. There was a meeting scheduled with Robert Cox but it was canceled as Mr. Cox was ill and that was to discuss 1 specific property and to improve the follow up on unpermitted projects. Ryan Fabbri note that the permits provides revenue for the County, but they are still mostly unresponsive.

Glennie Tarbox made a motion to adjourn. Howard Ward seconded. All in favor.

APPROVED

DATE

ATTEST

DATE

