

**MINUTES
PAWLEYS ISLAND TOWN COUNCIL**

DATE/PLACE: June 13, 2016
Pawleys Island Chapel

PRESENT: Mayor Bill Otis, Ashley Carter, Rocky Holliday & Sarah Zimmerman

ABSENT: Mike Adams

EXECUTIVE SESSION: 30-4-7(a) 2, LEGAL ADVICE ON PROPERTY OR EASEMENT ACQUISITIONS, 30-4-7(a) 1, EMPLOYMENT REVIEW AND COMPENSATION

Sarah Zimmerman made a motion to stand down in to Executive Session to receive information on the two items on the Agenda. Rocky Holliday seconded. All in favor. Sarah Zimmerman made a motion to stand down from Executive Session. Ashley Carter seconded. All in favor. Mayor Otis stated that the Executive Session was held to consider the two items on the agenda and no decisions were made in accordance with the Freedom of Information Act.

OPEN SESSION, PUBLIC INPUT

No one had signed up to speak.

APPROVAL OF MAY 9, 2016 REGULAR MEETING

Sarah Zimmerman made a motion to approve the May 9, 2016 meeting. Ashley Carter seconded. All in favor.

APPEAL OF GEORGETOWN COUNTY GROIN PERMIT AS AN INTERVENER

Town Attorney, David DuRant, stated that there was a letter sent to the Judge asking him to make a ruling but as of this time there has been no response.

Mayor Otis asked for a motion to move the next agenda item, “Dog Ordinance Revision, first reading” after the next agenda item. **Sarah Zimmerman made a motion to move the Dog Ordinance Revision, first reading agenda item #4 to item #5. Rocky Holliday seconded. All in favor.**

MAY 29 TOWN HALL MEETING ACTIONS TO CONSIDER:

Mayor Otis stated that we had close to 40 people in attendance and there was a lot of discussion and many good points made. It was a very positive meeting. There was a comment on putting up something to block the unsightly, large piece of equipment at the lift station across the street from the Town Hall, as this is one of the first things that people see when they come on the island. There was a comment made as to why we don’t have a boardwalk in the beach area of Shell Road. Some other issues to be followed up on were:

- ❖ Dogs on the beach, relaxing leash law. This was the subject most brought up at the meeting. It was discussed whether dogs should be allowed on the beach without leashes during a specific time period or time of year. The Chief had reviewed other coastal ordinances:
 - Isle of Palms allows dogs on the beach between only between 4 p.m. and 10 a.m. from September 15th thru March 31st and only between 5 a.m. and 9 a.m. from April 1st thru September 14th. Owner or custodian has to be in close proximity to the dog, leash in hand and dog under control

- Folly Beach does not allow dogs on the public beach at any time between 10 a.m. and 6 p.m. from May 1st thru September 30th.
- Myrtle Beach does not allow dogs on the beach between 10 a.m. and 5 p.m. from May 1st thru Labor Day. Must be on a hand held leash not exceeding 7- feet and under the direct control of the person having custody of the animal.
- Surfside Beach prohibits at large, off owner's property including the beach unless on a leash not exceeding 7-feet and under the control of the person having custody.
- North Myrtle Beach dogs are prohibited from the beach between 9 a.m and 5 p.m.
- Georgetown County unlawful for dog to run at large or without a leash on or along the beach-front between 9 a.m. and 7 p.m. Between 7 p.m. and 9 a.m. an owner or keeper who can demonstrate to the satisfaction of the animal control officer that the dog is under control of the owner/keeper by means of voice or other commands and that the dog is not behaving in such a way as to become a public nuisance to persons on the beach will be allowed.

Ryan Fabbri stated that some beaches allow a certain stretch of beach or zones that allow dogs, but that they are where there are no homes. Attorney David DuRant stated that you may have difficulty with the constitutionality of an ordinance when you preempt the state law by allowing dogs on the beach at certain times of day and certain times of the year.

- ❖ First Street to the pier, bad behavior, drinking – Mayor Otis stated that he had looked at the June minutes for the last few years which stated that something needed to be done or this behavior will get out of hand – it seems to be getting out of hand already this year. Chief Fanning stated Davis Drive beach area seems to attract a certain clientele that have occupied that area for so long that they feel it is their area. Council was in agreement that this problem will be monitored to put an end to these problems including more officers on the north end on weekends by rescheduling manpower and possible overtime.
- ❖ Parking and Safety, parking permits, planning commission review
- ❖ Flounder gigging resolution – questions were presented as to why the boat landings were not closed at 11:00 p.m. as the beach accesses are. We had a state law passed seven years ago that had a five-year term but now night flounder gigging with lights is back in force as the state laws term has expired. Flounder limits remain but DNR will require backup before they do anything at night. Ashley Carter talked with someone in Murrells Inlet who has a petition circulating that changes the limit of flounder caught to 5 and the minimum length to 15 inches which is now 14 and vast majority of the people who have signed the petition are flounder fisherman. Ashley will get the same petition sent to him to circulate in our area. **Sarah Zimmerman made a motion to adopt the flounder gigging resolution. Ashley Carter seconded. All in favor.**
- ❖ Cameras on Davis Street and the beach at Davis Street were suggested to find the offenders using the dunes in this area as bathrooms, and to identify excessive drinking and overall bad behavior. Ryan Fabbri stated that we had a company to look at the area for the best areas to install cameras. It was decided that there would be one looking east down Davis Drive and one looking north and south of Atlantic, another looking over the walkway to the beach and another one west down Davis Drive. There was concern by a property owner on Davis Drive that these cameras would intrude on his privacy so it was decided to move the area the cameras covered to not include his home and property, but to include the dunes. Chief Fanning stated that these cameras are not meant to intrude on privacy but they are an extra tool and as they are visible are more a deterrent to prevent crime. This area has been a problem area for a number of years.

If anyone is caught urinating in public, an arrest could be made for a sex offense with a \$155.00 fine and they would be put in jail, or a disorderly conduct charge can be made with a fine of \$300.

Ryan Fabbri stated that the cameras will cost the same amount as the 1st Street and the south lot cameras, One time costs are \$1,500 for cameras, \$400 for labor, and approximately \$1,000 for an electrician with an extra cost to get the wire from the street to the walkway; Monthly charges of \$75 per month to the security company and approximately \$69.99 to Time Warner for internet connection. Mayor Otis stated that it was discussed that a boardwalk could be installed in this area with railings to prevent individuals from cutting through properties. Currently there is a small walkway with mostly sand leading to the beach area. This would also give a clearer view of the beach area. Atlantic Avenue south of First Street will be cleaned to make the pavement area more visible for legal parking. **Sarah Zimmerman made a motion to approve camera installation at the Davis Street beach access area. Rocky Holliday seconded. All in favor.**

DOG ORDINANCE REVISION, FIRST READING

Mayor Otis stated that we had a court case recently regarding dogs off leash on the island. The property owner/owner of these dogs said that his property went to the mean high water mark and felt that he could have his dogs on the beach up to that point unleashed. A similar jury case was successfully prosecuted by our Town Attorney, David DuRant, using the state law regarding the ability of municipalities to police and patrol the beach for public safety purposes. Our existing ordinance mirrors the state animal ordinance, but this ordinance revision defines “running at large” as “being off the premises and not under the physical control of the owner or keeper by means of a leash or other similar restraining device not exceeding 20-feet in length.” Chief Fanning had asked Council to consider a 7-foot leash, but is not opposed a 20-foot retractable leash. “At large” means being off the premises, including the beach of the owner or custodian of the animal. “Beach” means those lands subject to periodic inundation by tidal and wave action so that no non-littoral vegetation is established. Section 4-2 (b) Change the “dwelling” to “private property” as dwelling infers the house. At our June 16, 2016 court, Judge Alan Walters also suggested that clarification needed to be done to our dog ordinance. Chief Fanning felt that this revision covered the needed clarification. **Sarah Zimmerman made a motion to approve the dog ordinance revision and make it effective with first reading with the pending ordinance doctrine. Rocky Holliday seconded. All in favor.**

BEACH COMMITTEE -ROCKY HOLLIDAY

Rocky Holliday stated he is working on getting together the availability of committee members to have their first meeting. He and Ryan are working on agenda items. Mayor Otis stated that the legislature adopted \$30 million for beach repairs as a result of storm Juaquin. We continue to ask for the \$3 million that Wayne Bean is lobbying for. PRT’s budget was cut by the Governors veto’s which complicates things. Since the last king tides we have had some scarping from the Pelican Inn to the south-end. Some scarps, mostly on the north side of the groins, are about 3.5 feet, and in some areas it is over the Mayor’s head.

Mayor Otis stated that it was suggested at the Town Hall meeting that a committee be formed to study parking at the north end. He noted that the Town Planning Commission minutes in November 2010 and January, and March 2011 indicated that the Planning Commission devoted their meetings to the discussion of parking issues on the north end of the island, and they made recommendations which were implemented as shown in the attached memo. It was agreed that though the problem is worse, nothing has changed enough since those meetings to initiate an additional study of our parking situation at the North End.

POLICE REPORT

Chief Fanning reviewed the May 2016 police report. See attached. Mayor Otis stated that we were advised by our Town Attorney several years ago when we had an issue of foxes on the north end that our policy of trapping, neutering and releasing (TNR) cats, which has been successful, is O.K.; but as a town, we cannot get into trapping wild animals. We do have names and numbers for companies that can trap wild animals.

FINANCIAL REPORT

Mayor Otis stated that we are ahead on income year to date. We sold the oldest police vehicle for \$3,200. Total expenses were below budget for the month and year to date.

Coastal Science 2015 invoices paid in May – Ryan Fabbri stated that Coastal Science billed us on December 30, 2015 but we never received it. So he recently received it and we paid \$5,500 in May 2016. Mayor Otis stated that we will be working with Coastal Science to do some aerial mapping to do some sand source identification.

BUILDING REPORT

Mayor Otis stated that there were a lot of electrical connections and a dock repair.

SALUTE FROM THE SHORE SCHEDULE AND POSSIBLE CONTRIBUTION

Mayor Otis stated that we will have the Salute from the Shore again this year with both military aircraft and volunteer vintage military aircraft with veterans and active duty military flying them. We have not been asked this year to sponsor the flyover but it was asked if the Town would want to make a contribution to help them offset their costs of the flyover. **Sarah Zimmerman made a motion to make a donation to Salute from the Shore of \$250. Rocky Holliday seconded. All in favor.**

ADMINISTRATORS REPORT

Underground Wire Project, Phase 1, The poles are down! This phase is done. It went pretty smoothly. We still have a couple of poles up that feed individual properties but they will come down soon. With what we had done a few years ago, we now have approximately 30% of our structures with underground wire. At this point we have about 58% of the island is completed. Costwise, about 75% that has been paid.

Construction Status and timetable Start date for Phase 2 and 3: Ryan Fabbri stated that the Phase 2 is not being worked on during the tourist season, but we have all the easements that we need. There are conduits sticking out the ground but Time Warner will cover them to protect them and for aesthetics. Phase 3, south end, of the 140 easements that we need we have 82. Santee Cooper will start at the south lot and work north. We have easements from 23 of the 35 houses that we need for the first section which meets the 17 houses that are already underground in the middle of the spit. Ryan would like to start these Phases in August but he will not pursue it until he is able to confirm with the sub-contractor that will be doing the work that an early start is possible. Phase 3 has not gone out to bid yet.

Agreement with DDC Engineers to study and recommend drainage solutions south of Second Street to the pierce street right of way – budget \$3,000 to \$6,000 subject to SCDOT discussions: Ryan Fabbri stated at 240 Myrtle Avenue there has always been a drainage issue and every time it rains the water has nowhere to go and creates flooding there. He had talked to DOT who will address this problem to try to fix it before we incur the cost to hire an engineer. Myrtle Avenue is scheduled to be paved mid-July so this means DOT must act quickly.

However, before this problem is fixed, the drains need to have the lines cleared of mud, debris, etc. but DOT is not able to do this, so Ryan got a quote to have it done by private company. We are now waiting to hear the time frame when all this can be done. It should cost us approximately \$3,000 for R.H. Moore to clear the lines. Council agreed with the plan.

Road Paving SCDOT: Myrtle Avenue is scheduled to be paved mid-July from its north end to the North Causeway.

Roadside trash between pickup dates: Ryan Fabbri stated that we pick up trash from property owners, generally after a major holiday 4 times a year, but property owners are putting out trash by the roadside other times and just leave it there which becomes unsightly, so the Town has been picking it up. It has been noted in the Town newsletter that property owners should not leave their debris by the road except during one of the designated trash pick-ups. There is an ordinance stating that the property owner should be notified to clear the debris and if they don't comply there can be lien against their property. Ryan feels that that is a little extreme but there should be some kind of repercussion if the property owner does not comply, like a fine of maybe \$100.00. Our Town attorneys are looking into it. Council is in favor of looking further into this issue.

Golf Cart Permits: Ryan Fabbri stated that he noticed an increase in golf cart traffic this summer. There is no easy way to get registration information on golf carts, so if one is parked illegally the police department boots the golf cart instead of issuing a ticket. Ryan checked with Folly Beach as to what they do regarding golf carts. They require a Town permit for golf carts which provides everything that is necessary to drive a golf cart in their Town, such as proof of insurance, registration (2 miles within the town limits for Pawleys), license, etc. We could do the same then issue them a sticker to be applied to the outside of the golf cart so it is easily seen. Legally, our Town attorney felt that there was no preemption of the State law. Council is in favor of moving forward with this.

COMMENTS BY COUNCIL MEMBERS

No comment.

Meeting was adjourned.

APPROVED

DATE

ATTEST

DATE