PAWLEYS ISLAND TOWN COUNCIL MINUTES
JUNE 14, 2021

PRESENT: Mayor Brian Henry, Sarah Zimmerman, Ashley Carter, Rocky Holliday, Guerry Green.

ABSENT: None

Public Hearing:

1. **Ordinance 2021-05: An Ordinance Amending the Town's Unified Development Code to restrict the second story heated living space of residential development to 80% or less of the first story heated living space.**

2. **Ordinance 2021-06: An Ordinance to establish an Architectural Review Board for the Town of Pawleys Island.**

3. **Ordinance 2021-07: An ordinance amending the Zoning Map of the Town of Pawleys Island to change the zoning designation for Georgetown County Tax Map Number 42-0174-022-00-00, located at 636 Pritchard Street, from Conservation & Preservation (CP) to Residential (R-1).**

Mayor Henry called for the Public Hearing to begin at 5:01 PM. Scott Townes was the first person to make a public comment. Scott stated that he is not for or against the ARB however he believes the board is good to consider because of property values. Scott stated that Pawleys Island has something special and by preserving what makes it special will correlate to good property values on the Island.

Former Mayor Bill Otis was the second person to make a public comment. He discussed how in his terms of office he did his best to prevent any ARB coming into Pawleys Island. The former Mayor stated that the list of recommended guidelines he implemented in the early 2000's was good for that time however he believes a board is now necessary. The former Mayor discussed how most of the new construction on the island is built to maximize living space instead of preserving the Pawleys Island look. The former Mayor ended his comment by stating he resisted an ARB during his time in office, but he now believes one is needed as soon as possible.

Sandy Crosland was the third person to make a public comment. Sandy stated that she just wanted clarification of a comment Mayor Henry made in his video about the ARB. She wanted to understand what a "Good faith effort" meant. She discussed how she is worried of someone coming in and presenting a big dream home to the ARB that does not meet the recommendations, but the ARB sees a good faith effort and approves it anyways. She also stated that she liked the original ideas of the ARB more so than the recommendations.

Mayor Henry called upon Preston Janco (Town Clerk) to read aloud the comments that were emailed in. Preston introduced himself to Council and the meeting attendees. Preston read as follows: (See attached documents for written comments)

Mayor Henry closed the Public Hearing at 5:15 PM

REGULAR MEETING

CALL TO ORDER

Mayor Henry called the regular meeting to order at 5:15 PM.

PUBLIC COMMENTS

Mayor Henry called for public comments. No public comments were given.

APPROVAL OF MINUTES

A. 5-17-2021 Regular Meeting

Mayor Henry calls for an approval of the regular meeting minutes. Ashley Carter motioned for approval. Rocky Holliday seconded the motion. The motion passed unanimously.

B. 6-3-2021 TC/PC Joint Workshop Meeting

Mayor Henry calls for an approval of the joint workshop meeting minutes. Ashley Carter motioned for approval. Rocky Holliday seconded the motion. The motion passed unanimously.

REPORTS AND UPDATES

A. Administrators Report

Mayor Henry asked for Ryan Fabbri to give the administrators report. Ryan stated that he was going to introduce Preston however he was able to introduce himself earlier in the meeting. Ryan discussed that the 4th of July T-Shirts should be arriving tomorrow. They will sell for $20 a shirt and will be sold out of the old Town Hall. Ryan also stated that the 4th of July parade will be held on July 4th at 10:00 AM. Mayor Henry stated that we still need judges for the parade. Ryan said that he has been in touch with the Events Committee on getting judges for the 4th of July parade.

B. Police Report

Mayor Henry called upon Chief Mike Fanning to give the police report for the month of May. Chief Fanning stated that it has been a calm Summer so far. There has been a decrease in traffic for the month of May however traffic has increased year-to-date according to the traffic cameras. Chief Fanning discussed a house burglary that had taken place on the island. Through the investigation nothing was found to be stolen. Chief Fanning stated that Investigator Jono Fairfield had dusted for fingerprints on some of the items left by the suspected burglars, but no fingers prints were found.

C. Building Report

Mayor Henry called upon Ryan Fabbri to provide the building report. Ryan said there is nothing new besides the new construction at 611 Springs Ave.

D. Financial Report

Mayor Henry called upon Ryan Fabbri to give the financial report. Ryan Fabbri discussed the Town's current finances and how these next couple months will be the Town's prime tax collection time. Sarah Zimmerman asked Ryan if the Underground Wire money is coming in correctly. Ryan said it is. Mayor Henry asked Ryan if everyone is paying the bill. Ryan stated that all but 10 properties are paying the bills. The other 10 properties are either avoiding the bills or they are blatantly saying that they are not going to pay the bill. Ryan stated that he is working with realtors to be transparent with possible home buyers about the outstanding balances on the properties. Rocky Holliday asked Ryan about the Town's revenue intake. Ryan explained that revenue gain is much higher than it usually is at this time and that the Town's spending is under what was projected.

BUSINESS

Mayor Henry stated that he would like to make some comments about the emails that were submitted regarding the ARB before Council gets into discussion of the proposed Ordinances. Mayor Henry stated that all the guidelines/recommendations were written by the Planning Commission and an architect. There was no outside commission involved. Mayor Henry reiterated that your house can be built exactly to what it was if it is ever destroyed by a calamity (fire, storm, etc). Mayor Henry discussed that the entire Planning Commission represents everyone on Pawleys Island not just the historical district. Mayor Henry stated that we are one Island and that no one is trying to change Pawleys Island. The goal is to preserve Pawleys Island.

Ashley Carter discussed a conversation he had with his neighbor regarding the ARB. His neighbors concern was that many people connected with Council have boxy houses which is one thing the ARB would try to prevent. Ashley stated he believes that the establishment of the ARB will provide the town with the ammunition it needs to prevent future boxy houses.

Sarah Zimmerman stated that the initial guidelines were trimmed back to be more flexible and that the island is not going to be filled with cookie cutter houses. Sarah stated that she believes the ARB is not overly restrictive.

A. **Final Reading of Ordinance 2021-05: An Ordinance Amending the Town's Unified Development Code to restrict the second story heated living space of residential development to 80% or less of the first story heated living space.**

Rocky Holliday discussed the small lot issue when it comes to this Ordinance. He stated that small lots are unique, but this board will not get in the way of these small lots being able to build at least a minimum of 2000 square feet. Mayor Henry stated that the board will not step over any existing development code. Guerry Green discussed that the Sunset Clause is built into the establishment of the ARB so that it can have an automatic review in two years. If the ARB is succeeding, then Council could expand on the guidelines. If the ARB is failing, then Council could disband it. Mayor Henry called for a motion to approve. Rocky Holliday motioned to approve. Ashley Carter seconded the motion. The motion passed unanimously.

B. **Final Reading of Ordinance 2021-06: An Ordinance to establish an Architectural Review Board for the Town of Pawleys Island**

Mayor Henry discussed that the ARB would consist of 5 members, the ARB will operate alongside the Town Architect, and that the ARB will vote not the architect. Rocky Holliday discusses the workshop Council had with the Planning Commission. Rocky stated that the town will want to avoid the appeals process and have the ARB and the builder work closely in developing a house plan that fits the builder and the Town's needs. Mayor Henry called for a motion. Ashley Carter motioned to approve. Rocky Holliday seconded the motion. The motion passed unanimously.

C. **Final Reading of Ordinance 2021-07: An ordinance amending the Zoning Map of the Town of Pawleys Island to change the zoning designation for Georgetown County Tax Map Number 42-0174-022-00-00, located at 636 Pritchard Street, from Conservation & Preservation (CP) to Residential (R-1).**

Ryan Fabbri stated that this rezoning is just a housekeeping item. Ryan said he heavily researched to figure out why this lot was zoned CP. However, there was nothing in the records to show why. So, the conclusion is that it was a mistake. Ryan stated there is already a house on this lot and that there should be no reason they should not be able to rebuild if the house was ever destroyed or taken down. Sarah Zimmerman asked if it would alter the property taxes in anyway. Ryan said no. Mayor Henry asked for a motion. Guerry Green motioned to approve. Ashley Carter seconded the motion. The motion passed unanimously.

D. Resolution 2021-01: A resolution of the Town Council of the Town of Pawleys Island to adopt the Architectural Design Guidelines

Ryan Fabbri stated that this Resolution is for Council to adopt the ARB guidelines. The guidelines can be revised, and the Sunset Clause is included within this Resolution for Council to automatically review the ARB after two years. Mayor Henry asked for a motion. Rocky Holliday motioned to approve. Ashley Carter seconded the motion. The motion passed unanimously.

E. Appointments to Boards, Commissions and Committees

Mayor Henry discussed that Council will now appoint the members to the ARB. Mayor Henry stated that Ken Leach, John Felton, Linda Keller, Frank Robinson, and Green Deshamps are the people that are up to be appointed. Ryan Fabbri reminded Council that the ARB members will have staggered terms so Council needs to appoint three people for 1 year and two people for 2 years. Council agreed to have Ken Leach and Linda Keller serve two years, and to have Frank Robinson, Linda Keller, and Green Deschamps serve 1 year. Mayor Henry asked for a motion. Ashley Carter motioned to approve. Rocky Holliday seconded the motion. The motion passed unanimously.

F. Coastal Science & Engineering – North Inlet Jetty

Ryan Fabbri discussed with the Council the Coastal Science & Engineering proposal regarding the repair of the North Inlet Jetty. Ryan stated that in the packet was the proposal amount. Mayor Henry stated that this is a start, and that Council should review this for the next meeting. Ryan reiterated that this amount is just for a consultation with Coastal Science & Engineering. Sarah Zimmerman stated that this would be a $13,000 consultation if approved.

COMMENTS BY COUNCIL MEMBERS

Rocky Holliday thanked the Planning Commission for all their hard work regarding the ARB. Mayor Henry stated that the Town had just found out Myrtle Ave is going to be paved within the next year.

ADJOURNMENT

Mayor Henry asked for a motion to adjourn the meeting. Guerry Green motioned to adjourn. Rocky Holliday seconded the motion. The meeting adjourned at 6:12 PM.

APPROVED

8/9/21

DATE

ATTEST

8/9/2021

DATE

Town of Pawleys Island
323 Myrtle Ave
Pawleys Island, SC. 29585

14 June 2021

RE: Submission for Public Hearing on Creation of an ARB and Associated Ordinances

Dear Mr. Fabbri,

We are opposed to the creation of an ARB for the following reasons:

1. We believe it will have a punitive effect on smaller lots. Once the threshold of 2000 square feet is exceeded, the ARB would subject the homeowner to the 80% restriction on the size of the upper floor with no guarantee of dispensation without appeals to this same board or litigation.
2. It would also be next to impossible to meet the minimum architectural design element of not having slab sided exterior walls on any side. This would require a porch or similar design element between adjacent houses which would further restrict or cut into, in our case, a 20 foot wide building envelope.

Thank you for your consideration.

Howard and Linda Bond
754 Springs Avenue
Pawleys Island, SC. 29585

Barry Stanton's Comments re Proposed Ordinance 2021-06 and ARB or BAR in General, 6-14-21

Lady and Gentlemen and Citizens:

Ryan Fabbri kindly offered to read these comments in their entirety and include them in the record of the 6-14-21 meeting. I have sent them ahead by e-mail as well to each of the five council members.

I oppose the Proposed Ordinance 2021-06 regarding the ARB on your agenda today, which according to the May minutes of Council, has been altered since first reading.

I oppose the also Proposed Ordinance 2021-05 regarding the 80% rule, which according to the May minutes of Council, has been altered since first reading.

I oppose the creation of a Pawleys Island architectural review board.

And I oppose creation of a set of Pawleys Island architectural guidelines which are NOT found in Proposed Ordinance 2021-06. They are in a manual, off to the side, and the manual is not specified to be part of an ordinance which can only be changed by ordinance.

I oppose all of these things categorically.

The package of measures above is being too hastily prepared and presented for adoption. Its whole stated premise is without actual basis and its content reveals that the real purpose is actually other than historical preservation as stated. The whole concept of aesthetic lawmaking is generally illegal and unwise. The drafting, mechanics and other execution of the ordinances are defective.

And the actual content and procedure described in what is proposed for passage is not what they are represented to be in the previous minutes and in the sales pitch video.

The whole package should be voted down as unwise. But if there is any hesitation, there should be more hesitation, and many questions should be asked and be <u>reliably</u> answered before it goes any further.

To list only a few points for illustration:

1. Is this the required "public hearing"? The agenda includes 10 minutes for "Public Hearing" at 5:00. Then, after the meeting is called to order at 5:10, there is an agenda item of unstated length for "public comment." I hope there is much, and much discussion.

2. Proposed 2021-06 nowhere states that existing houses are grandfathered, as represented in the promotions. Much less does it state how that would be handled if they were. There is mere mention that the procedure applies to "new development," which can mean anything at a later time. This leads to weeding through definitions in other statutes which refer to new construction and remodeling, and refer to construction as any "change to improved or unimproved real estate." If a house suffers a calamity and the owner seeks to rebuild it, but is not allowed to rebuild it exactly the same way or does not want to rebuild it exactly the same way, what then? The answer needs to be stated in the actual law, not be speculated upon verbally from a front porch or a meeting.

3. Proposed 2021-06 nowhere states that an owner cannot build without approval of the ARB. I cannot tell whether this is simply a glaring defect in drafting or a stealth measure to make the ordinance look friendlier to the owner. The proposed ordinance states that an APPLICATION must be made. The proposed ordinance states that the ARB can grant or deny the application. But the proposed ordinance does not appear to state anywhere the consequences of approval or denial. Is this the basis of Mr. Henry's statement in the video that all that is being required is that the owner participate in a good faith procedure? If so, why does the proposed ordinance have provisions for "appeal" of decisions, and "enforcement" of the ordinance? Further, if this is the case, why does the "manual" of undisclosed legal status divide its guidelines into "mandatory" and "encouraged" items? Why does it further state that compliance of the owner with ALL the "mandatory" items does not assure the owner a right to ARB approval?

4. What will be done with the $800 in fees collected by the ARB? Is this for the owner to pay yet a second architect, whose job is to tell the first paid architect what he can and cannot do?

5. Why is the unpaid volunteer ARB authorized to hire and pay an architect? Can the architect not also volunteer? The whole thing sounds very expensive.

6. Why is the ability of the ARB to make exceptions to the guidelines included if all that is required of an owner is good faith participation or if the ARB already has virtually standardless, unbridled, unreviewable discretion to deny an application? Is this simply an empty "variance" provision providing window dressing and a selling point? There are already plans mentioned in the June 3 workshop minutes to add a "Pawleys Landscaping Look." Unless R.F.W. Alston or Joshua John Ward left notes as to their preferences for oleanders or wax myrtle, are these also going to be part of the horse trading that goes into making an exception? The exceptions provisions provide the owner no rights or protections. This is already a vague and subjective area. These provisions simply mean that the ARB can help some owners if it wants to and not help other owners if it does not want to.

6. If the ARB's purview is limited to external appearance, why does the "manual" of undisclosed status have specific requirements for extensive presentation of floorplans, and an ability to examine such things as the owner's architect's consideration of living areas, sleeping areas, service areas, entry areas, and the "planning of interior spaces"?

7. In addition to forcing upon an owner, substantial additional costs for actual construction as a result of design not of the owner's choosing, the scheme requires soft costs and building delay for the following:

a. A mandatory architect;

b. A mandatory meeting of that owner-paid architect with the zoning administrator;

c. Extensive submittals to the ARB and further submittals as it may dictate;

d. The ability of the ARB to postpone hearings;

e. The ability of the ARB to call a public hearing;

f. The nearly standardless unbridled ability of the ARB to deny an application; and

g. The ability of the owner to pursue an expensive and ~~fruitless appeal only in court.~~

The wish list of architectural features and the idea of an ARB may be well intentioned. It appears that earnest, generous work has gone into it, as well as some Town expenditures. I would like to see some of the referenced features in future construction on Pawleys Island. However, I would never suggest legislating these things for my neighbors and future neighbors, or imposing $200,000 in additional uninsured soft costs on them before the first shovel broke ground.

The amount of work that has been put into an unconstitutional, ill-conceived and otherwise bad idea is no reason to enact it into law.

If, as stated, "it is now or never" to adopt the measure, never is perfectly acceptable and preferred.

My hope is that the work done will still be helpful in generating discussion, introducing people, and at least letting the many know what the few may genuinely envision for the people and their houses on Pawleys Island.

I will now elucidate on some of the above problems with the package and objections to it.

If time permits, Ryan, keep reading. If not, please read as far as you can and please make these remarks a part of the record available to all and to posterity.

As for the rush: The rush alone with no final product to consider until the last reading is reason enough not to approve the measure. The rush to adopt Proposed Ordinances 2021-05 and 2021-06 may be contrary to state law. The June reading will only be the first reading of each in its present form. Under S.C. Code §5-7-270, a proposed ordinance must be introduced in its final form and then must have two readings.

Rushing to approve something not presented as complete until the last reading, is also just a bad, bad, unwise idea.

You should not have readings and conditional approvals of an incomplete or flawed ordinance and continue to advance it toward adoption based on assurances of things that will be looked into and fixed before the next reading or based upon unsupported off-

the-cuff, unverified, unenforceable assurances or assumptions as to things which may be legally and factually incorrect and not contained in the ordinance.

As for the entire idea: The whole idea of legislating aesthetics, or worse, legislating obedience to the future whim of an unelected unpaid group with the power to hire yet another unelected person to guide them, is unconstitutional.

The idea of aesthetic zoning and an architectural review board for Pawleys Island is a scary, scary, bad, unwise idea, is counter to the island culture, and is unconstitutional. Just because your HOA in Atlanta or Columbia does it does not mean you are free to do it here.

This is a town which is a subdivision of state government. It is controlled by statutes and by two constitutions which protect property rights, and consequently, people. The appearance of a person's property is not determined by the vote of his neighbors or the vote of a mob, who do not own it. This is not Hilton Head or Debordieu.

There, one hundred percent of the owners and their predecessors willingly bought their property subject to deeds which contained privately imposed mandatory membership in an additional subgovernment, just like a condominium has.

Where the property there is subject to specific standards on landscaping, paint color, house shape or window style, it is because ONE HUNDRED PERCENT of the owners or their predecessors agreed to the privately imposed specific standards, and where the standards are not specific and the property and the people are instead subject to group or board decisions at some later point on such matters of taste, it is because ONE HUNDRED PERCENT of the owners or their predecessors agreed to be subject to the later whim of a board or other group.

The state or a political subdivision of the state legislating aesthetics and amorphous "considerations" is an entirely different matter.

It is generally unconstitutional. Charleston has an ARB that is old, preservation oriented, very sophisticated, limited to districts, and truly anchored in at least some history, and it has been very controversial. It is generally acknowledged that the first versions of the ordinance were illegal. It has cost owners millions of millions of dollars and has spawned much,

much litigation costing all parties many millions. Pawleys is not Charleston, either.

Even when carefully crafted – which this proposed ordinance is not – such an ordinance is highly suspect, is unnecessarily pushing to the edge of legitimate government and beyond, and is generally bad constitutional hygiene.

The U.S. Supreme Court has never upheld the constitutionality of purely aesthetic zoning. Where there is not even an historical preservation purpose that can be stated with a straight face, this proposed ordinance would not be "lucky."

It is a recipe for endless, constant, and expensive litigation.

Its very existence also leads to corruption, ruins the culture, and is repugnant to American and island ideals.

It will likely cause owners to become disgusted and leave, and the culture and heritage of independence, neighborliness and laissez faire respect and connectedness which was cherished will become that of factionalized strangers, whether they be incoming hedge fund managers, bingo tycoons, or movie stars. They won't be offering their houses for rent, either.

The culture will continue to degrade to that of, if not a crabby HOA, a snotty country club or coffee klatch of MBAs and would-be planners. The already fragile economics of beach home ownership will go over the brink it is sitting on. Things will be very different indeed. It will not be "Pawleys as it is." (That was the old mission statement, which has been changed.)

Some may still be quite at home, but this Council should affirm individual independence from local tyranny and vote the measure down.

As for the false premise of an existing, or even former, "Pawleys Look": If actually examined rationally, the founding premise of the measure, the preservation of a proposed "Pawleys Look," is without a sound basis. The whole premise behind the proposed standards and the creation of the board is fiction. There is neither an historical nor present-day basis for the "Pawleys Look" described by Mr. Henry and alluded to in Proposed Ordinance 2021-06, and no data is offered to support the assertion.

It appears more apt to say it is an anecdotal concept of some folks who met in a house or somewhere and found a construct to

combat "boxy houses," require houses in Pawleys to simply be more expensive to build and maintain, and impose other features from a select era they thought well of.

The fictitious Pawleys Look is a look the sponsors are trying to bring back or create, not preserve. Pawleys does not need branding. It certainly does not need every house to fit a logo on a golf shirt or a Town seal.

With the proposed ordinance 2021-06, new owners can forget about that dream house. The Town Council and the ARB will have already had the dream for you.

There are not five houses in one hundred on the south end that currently have the supposed Pawleys Look. This is the look that is asserted by Mr. Henry to exist and which is asserted in the Proposed Ordinance 2021-06 to need "preservation." Equally few south end houses presently fit half the proposed "guidelines" of undisclosed legal status.

Not one in 20 houses in the 1950s did either. Go back and look at a picture of the classic Gary cottage, with its low-slope, one-slope roof and its two separated lower stories smaller than the upper. I doubt many on Town Council can tell you where it was.

Likely few houses on the north end have the alleged "Pawleys Look," either. Dr. Assey owned the whole north end beyond the end of the road for decades and had a cheap house with a flat roof. Go look at a cartoon of it on an old map by Jack Smyrl. And if you look at ALL the actual houses mid-island, probably more than just a bunch of them do not meet the criteria for the alleged "Pawleys Look."

Present-day reality and the history of the last 100 years is not the alleged Pawleys Look. History also does not emerge from thin air simply to fit another purpose, like making houses more expensive or enforcing the distastes of others. History and the present state of reality are not established simply from assumptions made from wishful thinking upon late arrival to the scene.

Historically, the architecture of beach houses was also influenced by capital being put at risk of loss to the ocean, hurricane winds, scant law enforcement, and other hazards, with no insurance. Architecture was influenced by lack of air conditioning, by wood or coal for heat, by no ductwork, by low

likelihood of winter uses, by limitations on plumbing and sanitary systems, by limitations on access, by household dynamics, by lack of federalized building codes, and by many things other than looks.

Steeper pitched roofs last longer, and are necessary in order to use cedar shakes, but they cost more to build and replace. Multiple roof pitches result from additions and other articulations, but are more expensive both to build and to maintain, and create more points for leaks. Every line an architect draws on a piece of paper costs more money.

Porches for sitting and even sleeping are more necessary without air conditioning, but become a less affordable extravagance when part of a square footage cap thought to be important to health and safetey.

Dormer windows for ventilation and relief from use of candles and lanterns make attic space useable, and may look cool. They may also actually defeat lift from hurricane winds, and are seldom included for that purpose. But they cost more and create multiple opportunities for water intrusion.

House architecture is not all about the look and there have been many different looks at the same time and at different times.

More houses on Pawleys don't have the alleged Pawleys Look than do.

There is no data offered concerning the approximately 550 houses on Pawleys to support the bald assertion that most of the houses on the island do or did have the collection of features the proponents say constitutes the so-called Pawleys Look.

It is probably more correct to say that the proponents took a list of at most ten percent of the houses, which they selected with no criteria except age and the proponents' own taste and wishes, and then threw out about half of them, reducing the list to at most five percent, and then used these because they thought they could abstract the desired standards from them.

Face it - they took a few iconic houses out of over 500, selected from them, only the ones that suited their goal and tastes, and decided all other houses should now share similar features.

The look they wish to enforce is nothing more than the look that they think OUGHT to be the Pawleys Look. In truth, it is taste and wishes, not preserving an existing predominant architecture.

Most of the 550 houses do not look like the iconic Liberty Lodge or the Tamarisk. It is all made up.

The children do not and did not all sleep in one attic bunkroom with no air conditioning or separate baths, like they did at the Prevost House/Summer Academy. For that matter, few houses have slave quarters like the Calhoun Lemon house or even separate guest houses. Zoning likely does not allow most lots to have a separate building for a kitchen to keep the rest of the house cool.

Some small families might feel cramped in the R.F.W. Alston house, one of the oldest on the island, which has no dormer windows and looks to have less than a 9 in 12 roof pitch. And many houses are no more "boxy" than the P.C.J. Weston House, the Pelican Inn, which has a second story larger than the first, and no dormer windows.

The whole premise of predominant architecture is a farce. There is no preservation justification for the extreme measure of aesthetic zoning.

It is simply an attempt to engage in business branding and terraforming the island to the tastes of those appointed while trying to legitimize it as historical preservation. It is Hilton Head after the fact, with the Pawley House as the building design standard.

The Town Hall is beautiful and the architect did a stupendous job, especially after the "owner" made revisions to the architect's first proposals under no coercion from a board. Being hired and paid by the owner and answerable to the owner, he accepted them. The HISTORIC building the Town Hall replaced, however, was a two-story box with no porches to speak of. No one agreed that as a consequence of the replacement, all houses would soon need to look like Town Hall.

Privately owned property on Pawleys does not need to be re-developed by government developers. Simply saying that dormers and an attic story with extensive porches only on prescribed levels is the Pawleys Look is simply one person's perception or attempt at revisionist history and revisionist reality and does not make it so.

As for the flaws in the content and structure: The proposed ordinance itself is also flawed and poorly structured. It doesn't apply with any special purpose to a specific district of Pawleys, such as only what has been referred to as the "historic district." It is for north, middle and south.

It also states that a board is created, that an application to the board is required, and that the board can deny the application. However, it timidly, or sneakily, never states that an approved application is a condition of being able to build.

You can bet that it will be. You need to realize what this means. Mr. Henry states incorrectly in the Council's prepared video commercial that a soft approach is taken and that the standards are mere guidelines and are not heavy handed or hard and fast rules.

They are much worse. They do not have to be applied to everyone equally. Rather, they can be arbitrarily applied by the ARB to some people and not to others. Any one of them can be used to deny a building permit entirely. That is worse than a hard and fast rule, not better.

The only legal recourse for an owner is to then appeal to Circuit Court, where, by statute, the owner is virtually guaranteed to lose because such an appeal comes with the strictest standard of review that could be specified.

If you do not understand the scope of review, you need to. It means the appeal is illusory and the ARB has the first and last word on whether you can build anything other than what it prescribes. This is often couched in terms of "what we'd like to see."

The ordinance also approaches the matter exactly backwards from the standpoint of legislative authority. Instead of the elected council legislating standards and procedures, and then creating a board to administer them, the ordinance creates a board and is silent on the standards. You may have guessed it - those probably come later, after the camel has gotten his head into the tent. There is silence on whether the Town expects to illegally authorize the volunteer nonelected board to legislate guidelines and procedures. What a nightmare.

As for the proposed ordinance not containing what is represented: Finally, and not least, the proposed ordinance is

not what it is represented to be; it does NOT contain the provisions and protections that are being used as selling points. No reference has been provided for where the things stated in the commercial or in the minutes of the last council meeting are set forth. The things described by Mr. Henry in the commercial do not appear any place in the proposed ordinance or in any other ordinance.

It requires only reading the actual printed word to see that the proposed ordinance mentions nothing about grandfathering an existing house in any reasonable repeated iteration of it or grandfathering absolutely, any properties which have already been built upon, regardless of what the owner might want to rebuild after a calamity.

Most houses that are behind continually advancing other codes cannot be built back exactly the same way if destroyed completely or beyond a certain percentage. There needs to be not only "grandfathering," but a specification of what that means.

The proposed ordinance also mentions nothing to the effect that if the existing development code does not prohibit something, this -- quote - "takes precedence" - end quote. This was stated to make something "somewhat mitigated." There is no such thing. The zoning and other code provisions generally state that whatever the strictest provision is, it applies. The only thing Mr. Henry could be referring to is that if the Unified Development Code limits a second story to 80%, the ARB cannot make it 75% per se. However, this is not true if the manual is changed to 75% or the ARB coerces another change which makes a greater floor area impossible.

The assertion that the current development code trumps the AR guidelines in a way making the AR guidelines more permissive is backwards reasoning. The AR guidelines cannot give relief from other validly enacted parts of the code. But it is fallacious to state that whatever the rest of the code does not prohibit, gives relief from the AR guidelines.

Don't trust any assertion that a law can always be repealed later. That's like the government passing a new tax and promising to look at it again later, after interests in it have vested.

Those involved are all probably fine people. But what the board "intends" or assures and who is on it mean nothing. It can be a different board tomorrow. Or it can be the same board in a different mood tomorrow, or it can be the same board that was not telling the truth today about what it intends. The law that gets passed and what is written in it is what matters, not the people who are promising off the cuff not to enforce it against favored citizens in hypothetical circumstances in order to get it passed.

The ordinance does NOT say that all it requires is a "good faith" effort by a property owner, and it is not structured with such a limitation. Rather, the ordinance allows the ARB to deny the owner's request.

There is now reference to a "Town Architect." That's not in the charter or the code and no election was held for one.

Also contrary to the presentation, the government does not "ease into" anything other than in order continue to ease people out of their rights thereafter or to simply plunge in the rest of the way once "in."

The legal expense the Town will have when the litigation starts and the revenue plummets is ignored. The Town has to outsource some of its services for lack of money, and cannot afford an aesthetics litigation board. Owners can't either. If someday, a hurricane takes out twenty houses at once, none of which will then be grandfathered without extensive litigation, which owners will be given the free pass and which ones will not? No one has any way of knowing until then, when it is too late.

"Keep Pawleys as it was" includes keeping Pawleys council OUT of people's business.

Please vote "no."

Thank you.

Best,

Barry

Mayor Henry

After careful review of your 5 minute video and architectural drawings, it is clearly obvious to me that an outside person/firm wrote the proposals
It was definitely not a local or a person that is intimately familiar with the unique charm of Pawleys. Yes, my family loves the history of the island. We spent summers there for well over 60 years, visiting Alice's grave, hearing of the Gray Man, crabbing at the creek, without air-conditioning, central heat, or dishwashers. That was part of the charm, as we tell our children and grandchildren about early days spent at the North End, burning our bare feet on the pavement to reach the ocean. Then we moved to the South End, where we collected discarded glass bottles found in the sand dunes, that we walked up to Lachicottes or Frank's to cash in for pennies.
Our children are in disbelief that there was no TV and no telephones. THIS is our history of Pawleys. We loved it enough for a brother, a sister, and a grandchild to get married in the Chapel.

The historic district is just that - a DISTRICT. It is well defined by the homes already there. They have their own history. Yes - they have gnarled trees and Spanish moss that we are not graced with. Their homes were built before ours and are blessed with the roof lines and porches you deem so significant. But that should not be forced on everyone. We do not want a cookie cutter island home like subdivisions you often see in cities. Your proposal is fine for that district. We are thankful for generations of families that return to our home each year as renters, bringing outside revenue to restaurants and stores. Apparently our home suits their needs or they would be returning to the historic district.

Our family is spread over several states and we cannot be in attendance at your meeting. However, I am voicing my opinion that while well intended, it is simply another case of "one size does NOT fit all". Please reconsider your guidelines before mandating them for every home owner.

Respectfully,
Carol M. Jernigan

Mayor Henry

I would like to respond to the work that has been done to create an Architectural Design Guidelines for the Town of Pawleys Island. It appears to me 90 percent of the details are geared toward those homeowners in the historical district. While it is a lovely part of the island, I do not have the luxury of a winding driveway, a landscaped yard and large wrap around porches.

Was any concern taken for the other homeowners?

As a South End homeowner, we do not have the land to accommodate such requirements. In the event a rebuild was ever necessary, it would have to be a shoebox house with porches. The land just simply doesn't exist for these guidelines to be followed on the South End.

While I have loved coming to Pawleys for decades, part of the charm is the uniqueness of the island homes. The term "Arrogantly Shabby" has defined Pawleys for years and these requirements would completely wipe that away.

I am not against some guidelines but those outlined in this document simply do not define the entire island. Please consider all homeowners (South End, North End and all in between) before approving any guidelines for the entire island.

I would welcome the opportunity to discuss this with you are any committee member. I can be reached at 832.851.4801 should the opportunity to discuss be considered by you or the committee.

Please, consider the entire town, as we all contribute to Pawleys Island through our taxes, pride in home ownership and commitment to the future.

Respectfully,

Beth Bumpass
Sandcastle
744 Springs Avenue

Preston,
Please include this in the June 14 meeting minutes

Mayor Henry,

After watching your video for the proposal ADG for the town of Pawleys Island, it appears you are trying to change the entire looks of what many of us have grown to love about Pawleys Island
I have been coming to Pawleys Island for 65 years and the uniqueness of the island
Is what makes Pawleys different.
As a homeowner on the South end, if rebuilding was ever necessary, the lot will not accommodate the proposed house
You will be taking all of the charm out of what we have built and grown to love.
I strongly suggest you take into consideration ALL property owners and not just the historical district
I am strongly against this.

Sincerely,
Jean Martin Grist
SandCastle
744 Springs Ave