



TOWN OF PAWLEYS ISLAND TOWN COUNCIL REGULAR MEETING MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
4-10-2023 – 5:00 pm

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

ABSENT: None

STAFF PRESENT: Daniel Newquist (Town Administrator), Mike Fanning (Chief of Police), Daniel O'Hara (Town Clerk)

ADDITIONAL PRESENT: Ross Durant (Town Attorney), John Hildreth, and John LaMaster (Planning Commission)

1. CALL TO ORDER

Mayor Henry called the meeting to order at 5:02 PM

2. PUBLIC COMMENTS

A. Henry Thomas

- i. Henry Thomas requested that Daniel O'Hara read the Coastal Observer editorial titled *Citizens can bask in the sunshine* from the Thursday, March 16, 2023, edition of the Coastal Observer. For the full editorial please see below.

B. Ezra Oyer

- i. Mr. Oyer opened his statements by noting that the tree ordinance was lacking details on species of Palms. Mr. Oyer stated that it can be very difficult to compare the DBH (diameter at breast height) of these species to others. Mr. Oyer continued to reference the proposed changes to the swimming pool ordinance. Mr. Oyer proposed that the pool equipment could be integrated into similar structures that are used to support air conditioners and treated similarly in terms of setback requirements. He continued to explain the situation regarding issues with draining his pool following Hurricane Ian. Mr. Oyer stated that since it was filled with creek water, he noted that he would not even know where to dispose of the water in his pool following a Hurricane.

C. Bill Caughman

- i. Mr. Caughman expressed his concerns with an upcoming project for an elevated pool house in front of his property. He explained that he has concerns about what it might do for the environment and also how it affects his property. He stated that the rental value and the value of the home could decrease as a result. He continued to mention the breeze that he enjoys will be diminished and that there are ramifications that pools

have that most people do not think about on the Island. Mr. Caughman noted that there used to be a large dune where the pool was going to be and that now any water could be diverted to his property as a result.

3. PUBLIC HEARING

- A. Ordinance 23-05: Amendment of Code of Ordinances, Uniform Development Code: Article 2: Definitions and Article V: Flood Hazard Reduction.
 - i. **No one signed up.**
- B. Ordinance 23-06: Amendment of Code of Ordinances, Chapter 6: Businesses and Business Regulations
 - i. **No one signed up.**

4. APPROVAL OF MINUTES

- A. 03-13-2023 Regular Meeting
 - i. **Mayor Henry asked for a motion to approve or amend the 3-13-2023 Town Council minutes. Rocky Holliday motioned to approve the minutes. Ashley Carter seconded the motion. No further discussion. All voted in favor.**

5. REPORTS AND UPDATES

- A. Police Report
 - i. Chief Fanning reported that at the beginning of March, there had been another bag of stolen mail found. The mail was found at the next-door property where the original bag was found. Chief Fanning stated that most likely the bags were stashed at the same time. He continued to give details of the investigation explaining that the mail had all been turned over to the postal inspector and that the North Myrtle Beach Police Department reached out to notify him that they arrested a suspect related to the case. Chief Fanning shared that he believes that the suspect is connected to the stolen mail because there was a hit on the plate of the suspect's vehicle the day before the mail was found. Sarah Zimmerman asked if it was the same car that was spotted before as a suspicious vehicle. Chief Fanning stated that it could be unrelated, but it is known that the suspect had multiple people helping in the theft. Chief Fanning noted that he has received a lot of questions about a vehicle pursuit on the Island. He shared that Georgetown County was pursuing a person with a warrant for narcotics and the suspect evaded the Sheriff's department but ultimately was detained on the Island after being cornered on the dead-end on Atlantic Ave.
 - ii. Mayor Henry reviewed some statistics on crime from 2021, 2022, and the first quarter of 2023. He noted that the crime that was analyzed was incidents deemed more concerning like car/home break-ins, and assaults. Overall, it was noted that crime was down this year but continued monitoring would help in evaluating the need for additional cameras.

B. Building Report

- i. Daniel Newquist provided an overview of the permits that had been issued in March and the associated revenues through Quarter 1. Daniel Newquist stated that it was requested to provide a list of the active Georgetown County permits. He stated that there are still four open permits. Daniel Newquist stated that staff will continue to monitor progress on these. Guerry Green asked about the revenues from the building department and what was the payment to the county of \$10,773.40. Daniel O'Hara confirmed that it was the payments for fire impact fees. There was a discussion about what the fee applies to and who sets the fee. It was mentioned that fire impact fees apply to new construction and additions that extend the square footage footprint of a home. Georgetown County sets the fee based on Midway Fire's coverage.

C. Financial Report

- i. Daniel Newquist noted that he included a Hurricane Ian financial summary for the Town Council and stated that he would report on that later in the meeting. He continued to go over the financial report for March. The Town Council expressed concerns about the past due invoices from CSE and asked staff to follow up on that. Daniel O'Hara pointed out that Local A-tax revenue in the report was recorded incorrectly and that the year-to-date amount was closer to thirteen thousand dollars between January and February. During the month of February, \$6,460.60 was collected not \$7,036.88.

6. BUSINESS

A. Second Reading: Ordinance 23-03: Amendment of Code of Ordinances Sec. 2-65 Electronic Council or Committee Meeting Attendance

- i. Mayor Henry noted that this has been discussed by the Town Council because several committees have had to cancel important meetings due to a lack of quorum. Mayor Henry reiterated that since some of these committee members do not live on the Island it can be challenging for them to hold some of the meetings due to travel issues. He noted that the first reading was passed unanimously in March. He also explained that it is up to the chairperson to decide the mode of the meeting and that the Chair or designated presiding officer would still need to be in person. Mayor Henry mentioned that he hopes to have the Town Council in person unless there is an emergency. Rocky Holliday clarified if the ordinance did apply to the Town Council. Mayor Henry confirmed that it does. Sarah Zimmerman asked how this ordinance applies to executive sessions. This led to a discussion on how it would apply. Mayor Henry stated that perhaps it would require a declaration that the individual in the virtual meeting was alone and no one else was in the room. Guerry Green made a motion to

approve the second reading of Ordinance 23-03. Rocky Holliday seconded the motion. No further discussion. All voted in favor. None opposed.

B. Second Reading: Ordinance 23-04: Amendment of Code of Ordinances, Uniform Development Code: Addition of a Tree and Landscaping Ordinance

- i. Daniel Newquist addressed a few concerns that had been raised by property owners regarding the DBH based on certain species. He also noted an error in language requiring all trees with a DBH of 4" to be marked on a survey when the lowest DBH in the ordinance is 3". Daniel Newquist stated that these changes could be made tonight if the Council decides to do so. Mayor Henry addressed a concern expressing to have an arborist review a tree survey. He continued to explain that the ordinance addresses trees within the setback area. Town Council discussed it with John Hildreth and John LaMaster. It was decided that in a year there would be a review of the ordinance and to make changes based on the feedback. Guerry Green questioned if anyone remembers when some removed a significant oak. Sarah Zimmerman asked if it would be good to make it more stringent for oaks. She cited that it could be too late if someone were to clear a lot with oaks on it if the ordinance would be reviewed in a year. The Town Council noted a few lots that could have significant trees removed that are not in the setbacks. Mayor Henry emphasized that the goal of creating this ordinance is not to address individual lots but all trees on the Island. This led to a discussion about possible scenarios of amendments to the ordinance which were mentioned in the public comments. It was decided to adopt the ordinance as written and then amend it later. **Mayor Henry asked for a motion to approve Ordinance 23-04. Rocky Holliday motioned to approve Ordinance 23-04. Ashley Carter seconded the motion. Mayor Henry noted that it is to approve the ordinance as it is written.** No further discussion. **All voted in favor. None opposed.**

C. First Reading: Ordinance 23-05: Amendment of Code of Ordinances, Uniform Development Code: Article 2: Definitions and Article V: Flood Hazard Reduction.

- i. Daniel Newquist mentioned that this is something that he had been working on since first receiving notification of the new map adoption date set for May 9, 2023. Mayor Henry noted that this is something that has been in the works for a few years. He continued to explain that it will require a second reading before the regularly scheduled Town Council meeting on May 8th but will take place on May 1st. Mayor Henry emphasized that this is something the Town needs to do or else it will be under threat of suspension from the NFIP program. Daniel Newquist gave some background on the situation explaining that DNR and FEMA have required the Town to update the flood hazard reduction ordinance to

match the State standard ordinance. He noted that some of the definitions and wording do not apply directly to the Town, but it was required to be included. He stated that he would be happy to forward any questions to DNR.

- ii. Mayor Henry asked staff to prepare three examples of changes to the FEMA flood maps. Daniel Newquist stated that he would like to do a hard review of the numbers to see overall how the new maps impact the Island. Daniel Newquist stated that the Town's CRS rating is a five (5) which means property owners have access to discounts for flood premiums. This led to a discussion about how it will affect insurance rates across the Island. Daniel O'Hara presented sets of maps showing the changes effective May 9, 2023, across the Island. He stated that if any property owner needs assistance reviewing the changes to contact Town Hall and he would be happy to assist. Mayor Henry stated that it might be good to vote to approve the first reading and send any questions to staff and provide an Island wide change for properties. **Mayor Henry asked for a motion, and Guerry Green motioned to approve the ordinance. Rocky Holliday seconded the motion.** No further discussion. **All voted in favor. None opposed.**

D. First Reading: Ordinance 23-06: Amendment of Code of Ordinances, Chapter 6: Businesses and Business Regulations

- i. Daniel Newquist stated that this amendment has to do with some wording changes and is merely housekeeping in nature. He provided information about the MASC programs the Town participates in, and that the MASC is making some edits to its requirements and language which requires the Town to update them. The Town Council asked staff to prepare revenues by category from 2022 and then provide some more details about the broker's tax program. **Mayor Henry asked for a motion to approve the ordinance. Rocky Holliday motioned to approve ordinance 23-06. Guerry Green seconded the motion.** No further discussion. **All voted in favor. None opposed.**

E. Hurricane Ian Update

- i. Daniel Newquist started by reviewing the financial breakdown of expenses incurred by Hurricane Ian. He noted that some of the reimbursement funds would come from either the Insurance Reserve Fund or FEMA. Daniel Newquist went over the projects funded by insurance claims and mentioned that the elevator and four-wheeler were on pace repaired and replaced. He continued to mention that he and Mayor Henry received correspondence from the Army Corps regarding the 14-million-dollar allocation by Congress. Daniel Newquist briefly went over the expected scope of work stating that the monies would fund the replacement of

200,000 cubic yards of sand and replace sand fencing and dune vegetation. He mentioned the Army Corps Charleston District would be putting out a rehabilitation report which will go over in detail what he explained. Daniel Newquist reviewed the proposed permanent projects. Rocky Holliday asked if FEMA seems like they would be able to cooperate with the Town. Daniel Newquist stated that they would, but he is waiting for final authorization. He mentioned that the costs for a fifty (50') foot long and five (5') foot wide Mobi-mat noting would cost roughly three thousand dollars shipped. Sarah Zimmerman asked if they make them wider. Daniel Newquist confirmed that they did, and he noted that it was ten (10) feet wide and the same length, and he explained it was roughly \$5,500 shipped for that model. Daniel Newquist stated that some permits will have to be done for that process. He continued to discuss the other projects he is working on through FEMA. Mayor Henry asked about the First Street Beach walkway. Daniel Newquist noted that if the Town Council wanted to rebuild the original walkway it would require review, but the installation of a Mobi-mat may not. The latter also may not be eligible for reimbursement. Chief Fanning explained that Midway Fire has requested to get access to the middle of the Island in case of emergency. The Town Council then discussed the possibility of installing a Mobi-mat at First Street Beach Access. **Guerry Green motioned to approve Daniel Newquist to purchase a ten-foot (10') Mobi-mat for the First Street Beach access. Rocky Holliday seconded the motion.** Sarah Zimmerman asked how long we would have to wait to have the mat installed. Daniel Newquist stated that once the permit gets approved it could be installed. **All voted in favor. None opposed.**

F. Tyson House Update

- i. Mayor Henry provided an update from Philip Tyson, in which he stated that they are currently making improvements to the property and plan to have it presentable by June. This led to a discussion on the owner's intentions for the property and whether to take any further action. Town Council decided to monitor the situation but decided not to take any further action at the time.

G. Historic Home Protection - Discussion

- i. Mayor Henry noted that this has been up for discussion for quite some time. Recently, members of the Town Council and the Planning Commission reached out to owners of Historically significant homes on the Island to solicit feedback. Mayor Henry reviewed the results of these conversations. He stated that the majority of the feedback was good with only one owner stating that they did not want to participate. The Town Council discussed the comments received. It was noted that there were

concerns regarding limitations of property rights, decreasing values, and limiting the ability to file for tax exemptions if an ordinance was created. The Town Council agreed to allow the planning commission to further research the topic. Sarah Zimmerman recommended that the planning commission should talk with Jay Mills, the owner of 560 Myrtle Ave. She shared that he has restored numerous historical homes and is currently doing it to his on the Island.

H. Swimming Pool Ordinance Amendment – Discussion

i. Daniel Newquist reviewed the proposed changes to the swimming pool ordinance. He highlighted the changes that address above-ground/at-grade pools, setback requirements, and drainage. Guerry Green expressed concerns about the ordinance being too restrictive on property owners. Rocky Holliday noted that the ordinance does not further restrict them but requires them to be off the property line. John Hildreth stated that the planning commission believes the setback requirements should be the same for a house. Sarah Zimmerman mentioned that lots on the southern end of the Island could be further restricted due to smaller lot sizes than other parts of the Island. Rocky Holliday stated that it would be neighbor friendly to not allow pools within the setbacks. The Town Council agreed that for now, the planning commission should review how to address the drainage issues.

I. SCOR and SCIIP Grant Application Updates

i. Daniel Newquist provided feedback received by the South Carolina Office of Resilience and noted that unfortunately, the Town did not receive those funds. Daniel Newquist stated that he was still waiting to hear back from SCIIP. He added that Mayor Henry and himself had been working with Representative Hewitt for assistance as well.

7. COMMENTS BY COUNCIL MEMBERS

- A. The regularly scheduled Town Council meeting for May 8th has been moved to May 1.
- B. Daniel Newquist noted that there is an Island clean-up coming up and asked property owners to contact Town Hall for assistance.

8. ADJOURNMENT

Mayor Henry asked for a motion to adjourn the meeting. Rocky Holliday motioned to adjourn. Ashley Carter seconded the motion. All approved. Sarah Zimmerman was absent from the vote.

APPROVED

DATE

ATTEST

DATE

Citizens can bask in the sunshine

YOU MAY HAVE HEARD that this is Sunshine Week. It is a happy coincidence that it follows the return of daylight savings time, but it was actually created nearly 20 years ago to highlight the importance of laws that ensure that government at all levels operates in the light. South Carolina is fortunate to have a robust Freedom of Information Act, and it deserves its place in the sun. Too often it is thought of as a tool reserved for the use of journalists. It is not. There is only one reference to the media in the law.

The law exists for everyone because, as it states in the preamble, "it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity." That means you.

So what can you do? For one, you can show up.

The FOIA applies to public bodies, which it defines as "any state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions."

The list is long, but only touches the surface. Consider, for instance, the number of organizations that receive "public funds" each year in the form of county accommodations tax grants.

"Every meeting of all public bodies shall be open to the public," the law states. It sets some limited exceptions where meetings can be closed for discussion of employment matters, contracts, legal matters, criminal investigations and economic recruitment items where there are public benefits in limiting disclosure. But even in those cases, the body must hold a public meeting and declare the "specific purpose" for its closure. If that closed discussion leads to a decision, that must be made in public.

You can find out about meetings by simply asking. Public bodies are required to provide notifications and agendas to anyone who requests them along with announcing a schedule of its regular meetings at the start of the year.

And if you can't get to a meeting? Public bodies are required to keep minutes. Those for the previous six months must be made available during business hours. No written request is needed.

There is more to the FOIA. The S.C. Press Association offers a "citizens guide" on its website, scpress.org. It also has digital copies of a guide for officials, which you can send to those who don't seem to understand or adhere to the law. Share the sunshine.

Readers invited to write letters

The Coastal Observer welcomes letters from readers on topics of public and personal interest. They should include the writer's address and phone number. Letters may be edited

to fit space and style requirements. Send letters online at coastalobserver.com or by email to letters@coastalobserver.com or by mail to P.O. Box 1170, Pawleys Island, SC 29585.

Murrells Inlet

Better uses for money than 'malnourishment'

To the editor:

In last week's paper I read with dismay and disgust that almost 10 million more taxpayer dollars are about to be wasted for more dredging and beach malnourishment of Murrells Inlet. We just did this about five years ago, at about the same cost, so now in the past decade we will have spent \$20 million to continue with this futile effort and colossal waste of tax dollars.

At a public meeting in 2016 regarding the last dredging project, I made the suggestion of bringing in more rocks and elevating the weir of the north jetty to the same height as the rest of the jetty, and also adding a 45-degree spur at the end. Elevating the weir would reduce the amount of sand washing off the beach of Garden City and into the inlet where it clogs the channel, thereby eliminating the need for continual dredging.

Meanwhile, the spur at the end of the jetty would redirect the flow of sand to build an offshore bar which could possibly be a source of sand for any beachfront projects. I was told by the county administrator the county doesn't have the money to do that.

While I don't know how much money this county has (judging by the obscene amounts of property taxes around here, I would think they have quite a bit) and while I don't know what the total cost of the plan would be to elevate that weir of

the north jetty, it seems to me that over the long term, the amount of money saved from dredging would offset the cost of modifying the jetty. Because the fact is, unless and until the design is modified to closing off the weir (which is an underwater hazard, and the signs marking it as such have not been replaced since they were taken out by Hurricane Matthew in 2016) any sand placed on Garden City Beach is going to end up in the inlet.

Oaks Creek has been completely shoaled off at low tide, and Lee Hewitt says that's a safety issue. Perhaps Oaks Creek wouldn't be shoaled as severely if the last dredging project hadn't undermined the point of Garden City and caused it to lose about 1,000 feet of beach, with all the sand from that erosion adding to the existing shoal. It's not exactly what I would call a safety issue unless you're an ocean cowboy running one of those 25-foot boats with two or three engines at wide open throttle and you are ignorant about the tides and sandbars.

What about the safety issue of the unmarked underwater hazard created by the weir of the jetty? I've seen plenty of jet skis and boats go across that, not realizing just how dangerous that can be. Why haven't those signs been replaced in over six years? I guess the county doesn't have the money for that either.

But if we really want to get into safety issues, then

perhaps we should look no further than our outdated infrastructure, and perhaps use tax dollars to take care of that problem. I don't know about the rest of the taxpayers, but I for one, don't need 14 feet of water in the inlet at low tide to be able to go to the grocery store, or - God forbid if a severe enough hurricane is approaching - to evacuate. Going from one end of town to the other used to take about five minutes. Now it's anywhere between 15 minutes to a half hour, and that's if you take every back road imaginable to avoid the "bypass," and I use that term laughingly.

While they claim to have improved the intersection of 707 and Bypass 17, the fact is, the intersection is much worse since this intersection causes northbound traffic to back up as far as Wacheseaw Road, almost two miles. That's before we add in the additional traffic that will result from all those apartments built on Sunnyside Drive, or the ones they are building on the frontage road between 707 and Home Depot. Just wait until all those additional vehicles add to the problem.

We have potholes that look like moon craters. My tires have less than 3,000 miles on them and one of them is already damaged. The county has allowed irresponsible development as well as irresponsible infrastructure planning, such as a driveway every 50 feet at every business,

some of them having two or three driveways. Very few of them have turn lanes, just slam on brakes and hope whoever is behind you doesn't run into you. And if they do, well, now that half hour trip from one end of town to the other just turned into an hour due to a traffic jam as a result of the fender bender.

Our county could spend some money to fix these problems, but instead they would rather put sand on the beach where it can wash away. And dredge the inlet to watch it fill back in with all that sand they put on the beach, at a cost to the taxpayers of millions of dollars each time. Might as well just pile all the taxpayers' money on the beach, douse it with gas and have a giant bonfire.

At some point, the taxpayers, voters and the officials in charge of appropriations in the county need to come to an agreement about the use of our tax dollars, priorities and what is more important. Is it more important that we do something about the problems with our roads that are already gridlocked and only getting worse?

Or is it more important to waste millions of dollars on an endless cycle of dredging and filling the inlet at a very high cost not only to the taxpayers, but also at a very high cost to the environment and stability of the inlet?

Dan Morgan
Murrells Inlet

Fox News

Saying one thing on air and another in private

To the editor:

Well, it's official. The Big Lie was a big lie and some of the most well-known commentators on Fox, in emails and texts, confirmed that. Rupert Murdoch, Fox Corp. chair, under oath, also confirmed it. He really did property taxes around here, I would think they have quite a bit) and while I don't know what the total cost of the plan would be to elevate that weir of

believe what they are saying." Of course, that did not stop him from calling for the firing of Jacqui Heinrich, a White House correspondent for Fox, after she tried to fact check a Trump tweet regarding Dominion because Tucker felt that, "it's measurably hurting the company. The stock price is down. Not a joke."

Apparently, Rupert Murdoch agrees that the Dominion questions were false. When questioned under oath he admitted that "some of our commentators were endorsing it...they endorsed it."

When asked if he believed Dominion engaged in efforts to steal the election he responded with one word, "No." He had the same response when asked if he had any credible evidence. "No." And when questioned about if he had even seen any credible evidence he again said, "No."

When asked why he allowed his anchors and guests to promote the lie his reply was, "It's not red

or blue, it's green."

So much for integrity. Integrity? The same people who willingly promoted a lie knowing it was a lie to hold onto the Trump base by pretending to support the big lie, off the air had these things to say: "I hate him personally." "There isn't really an upside to Trump," (Tucker Carlson).

Murdoch and his anchors admit they do not believe there was election fraud and that there is no evidence of it, yet they refuse to deny the claim because "it's not red or blue, it's green" and because Trump is a "demonic force" who is good at "destroying things" and "could easily destroy us if we play it wrong."

So, the question is, will a \$1.6 billion lawsuit change the way Fox reports events? Will they suddenly choose to promote the truth? Are they willing to lose their most loyal viewers and tens of millions of ad dollars from people like Mike Lindell the pillow guy?

Well, now that Tucker is the sole anchor with

exclusive access to the 41,000 hours of the Jan. 6 tapes, it looks to me like nothing will change. According to Tucker, a "small percentage of bootleggers" were "vandalizing" the building as they broke windows to gain access to the inside. They were "peaceful, orderly, and meek." They were "sightseers" roaming the halls not destroying anything but "repeating" the Capitol. He claims the few minutes of tape he showed "demolishes" the claim that an insurrection took place.

I saw the insurrection in real time. Anyone who saw the brutality, the threats, the destruction, the arrogance and total disrespect for the Capitol and all who work there know the truth. It is truly sad that a network like Fox is willing to do anything to keep their followers coming for more, keep the cash flowing and the stock stable. Anything. Even knowingly promoting propaganda to their "viewers" who are "good people" and "believe it."

Beverly Sullivan
Litchfield Country Club

Lowcountry

BY ROBERT ARIAL

