



TOWN OF PAWLEYS ISLAND TOWN COUNCIL REGULAR MEETING MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585
5-2-2023 – 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: David Durant (Town Attorney)

1. CALL TO ORDER

Mayor Henry called the meeting to order at 5:00 PM

2. PUBLIC COMMENTS

A. Mary Nash

- i. Mary Nash submitted public comments via email, and Daniel Newquist read them before the Town Council. Her comments were submitted to the minutes. **See below.** Following the comments, there was a brief discussion on the history and status of recycling on the Island. It was noted that Mayor Henry asked several residents to help oversee the beginning of the recycling initiative on the Island. It was also mentioned that Daniel Newquist was in the process of ordering more trash barrels for the beach access points.

B. Barry Stanton

- i. Barry Stanton submitted public comments via email, and Daniel Newquist read them before the Town Council for the duration of the three minutes allowed. His comments were submitted to the minutes. **See below.**

3. APPROVAL OF MINUTES

A. 03-13-2023 Regular Meeting

- i. **Mayor Henry asked for a motion to approve or amend the 4-10-2023 Town Council minutes. Guerry Green motioned to approve the minutes. Rocky Holliday seconded the motion.** No further discussion. **All voted in favor.**

4. REPORTS AND UPDATES

A. Police Report

- i. Chief Fanning noted that nothing extraordinary happened during the month of April. He pointed out that there was a possible burglary at 650 Springs, explaining that when officers arrived at the scene the lights were all on and the house was empty. Chief Fanning emphasized that nothing

was stolen. Sarah Zimmerman asked for an explanation of what negative contact meant on the police report. Chief Fanning explained it meant if they were not present when officers responded to the call.

B. Building Report

- i. Daniel Newquist explained that there had been eleven new permits issued in April. He continued to mention that there are currently 42 active permits on the Island, two of which were Georgetown County permits. He noted that those permits were included in the packet. Daniel Newquist pointed out that there have been 28 permits so far that have been closed out. Guerry Green asked what the limitations were for heated square feet. He noted that one of the permits had a total square footage of 5500. Daniel Newquist shared that he has been working on investigating 490 Myrtle Ave after receiving feedback from property owners. This led to a discussion about the plans and concerns from nearby property owners. Daniel Newquist stated he and SAFEbuilt had reviewed the property and determined it is compliant with the ordinance. Guerry Green clarified that he was referring to 102 Atlantic Ave. This led to a conversation about the details of the project. Daniel Newquist noted that that project was the first home reviewed by the ARB. Town Council asked Daniel Newquist to follow up on this to confirm the square footage discrepancies.

C. Financial Report

- i. Mayor Henry stated that there had been recent updates to the financial report. He pointed out that there is a new color code for each listed item. He explained that green represents a category that will appear to be under budget. Yellow represents something that will need to be monitored throughout the year. Red represents something that will need a budget adjustment. Guerry Green asked for a reminder on the agreement that the Waccamaw Neck Arts Alliance has with the Town to use the old Town Hall and asked if they would use it for free. Mayor Henry noted that they do use it for free but some of the proceeds go back to the Town. He continued that they volunteered and helped clean up the Old Town Hall for free. Guerry Green stated that it was pitched that the agreement would be neutral. Rocky Holliday and Sarah Zimmerman both agreed that they assumed it was. Sarah Zimmerman added that the bigger concern should be focused on the Town ordinance concerning commercial activity and that the Town is allowing someone to sell on the Island. She continued to reference that when the Town hosted the Pavilion reunion, they would have to purchase food and drink tickets on the other side of the North Causeway. Mayor Henry stated that he wants to honor tradition but there could be a simpler way to have vendors at Town Events. He noted that perhaps the ordinance should be revised to allow vending with approval

from the Town Council. This led to a conversation about reviewing the current ordinance regarding vending on the Island. It was noted that there are already companies that are providing services on the Island, but they might not be vending directly on the Island. **The item was tabled for further discussion.**

5. BUSINESS

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

- i. Mayor Henry noted that this was a mandatory adoption and that there was one change to the first reading. Daniel Newquist noted that the change to the ordinance related to the definition of a recreational vehicle definition 2-72. Daniel Newquist explained that the addition was item e, *For Floodplain Management a recreational vehicle, is defined as but not limited to a camper, motor home, travel trailer, and/or similar.* He continued to note the overall changes across the Island and stated 14% of the Island increased in base flood height, 23% of the Island stayed the same and 63% of the Island decreased. Guerry Green asked Daniel Newquist to explain how it would apply to someone building a home. Daniel Newquist stated that if someone in the Birds Nest was looking to build a home and their base flood elevation would go from 14 feet to 15 feet. He noted that the Town ordinance requires a three feet freeboard to the lowest floor requirement so ultimately the home would have to conform to an 18-foot minimum instead of a 17-foot minimum. Guerry Green asked what the average change in height was. Daniel Newquist stated that it is a hard thing to gauge but it is roughly on average one foot of change. He added that there are going to be revisions made to municode that will reflect this amendment in various places. Rocky Holliday noted that the changes could have implications for building and ARB regulations. Daniel Newquist agreed that it does have impacts on things that directly affect property owners and their property interests. Mayor Henry commended Daniel Newquist for his work and effort on the revisions. **Mayor Henry requested a motion or any modifications to the ordinance. Guerry Green motioned to approve, Rocky Holliday seconded the motion. All voted in favor. None opposed.**

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

- i. Mayor Henry emphasized that this was more housekeeping in nature and a required amendment from the Municipal Association of South Carolina (MASC). Daniel Newquist went over the Tax programs that the Town participates in through the MASC. He noted the three programs are Insurance Tax, Telecommunications Tax, and Brokerage Tax programs. He

added that the amendment is adding and revising some of the language as it pertains to the programs. Daniel Newquist added that in 2022 a total of \$343,332 was collected, he continued to note the Insurance Tax recorded was \$286,056, Telecommunications Tax was \$3,874.00, and Brokerage Tax was \$53,401. Rocky Holliday asked as it pertains to the full-year budget item of \$365,000 is that number a summary of all of those programs? Daniel Newquist confirmed this as the case and noted that it does make up quite a large part of the budget. Rocky Holliday questioned the reason for it being labeled as a yellow category in the finance report, asking if it is suspected that it will be less than the budgeted amount listed. Daniel O'Hara noted that the schedule of payments makes it difficult this early in the year to make a good estimate of where the year-end will be. Sarah Zimmerman asked if the Town receives anything from the MASC about the disbursements. Which led to a brief discussion about the programs. It was noted that the payments are made off of gross premium collections from Insurance companies. And the majority of funds are generally collected mid-year following the State of South Carolina's fiscal year cycle for their business license payments. **Mayor Henry asked for a motion to approve the ordinance. Rocky Holliday motioned to approve. Guerry Green seconded the motion. No further discussion. All voted in favor. None opposed.**

C. Hurricane Ian Update

- i. Daniel Newquist mentioned that the elevator was fully repaired and in use following damage from Hurricane Ian. He also noted that there was a request for bids sent out to local contractors that have previously done work on the Island. He added that it was also located on the website. Daniel Newquist stated that the Mobi-mat has been ordered and he was currently working to get the permitting completed for the installation. Mayor Henry asked for a potential timeline for the installment. Daniel Newquist stated that before the next Town Council meeting, he would like to be close to having it installed.

D. SCDOT Update

- i. Daniel Newquist acknowledged SCDOT's recent work on the Island, stating that they have been very responsive and helpful. He continued to note that the Town submitted a formal request for an all-way stop sign on the corner of Myrtle Ave and Second Street. Daniel Newquist stated that upon completion of the field study, SCDOT stated that they did not think it would be necessary to install a stop sign at that location but would not prohibit the Town from installing it themselves. He explained the Town would need to obtain an encroachment permit for the installation and noted that there had been several property owners who reached out. Mayor Henry stated

that all of the property owners were in favor of placing a stop sign at that location. This led to a conversation on whether the Town should install the stop sign. **Town Council agreed that staff should research the cost and responsibility the Town would assume if it were to install a stop sign.**

E. Tyson House Update

- i. Mayor Henry noted that he had been in recent communications with the property owner about the progress. He shared that there was a family illness and work had stopped. Mayor Henry emphasized that the Town asked them to have it completed by June and if it is not happening then the Town may need to follow up again. The Town Council discussed the matter and decided that the Town would facilitate a follow-up in June.

F. North End Jetty

- i. Mayor Henry noted that there have been several property owners that have reached out with concerns about the North Jetty. He explained that since the North Jetty is located within a Cobra Zone, it is not eligible for Federal funding. He added that this is due to the unstable nature of the area and the desire to not develop it. Mayor Henry noted the next step should be to figure out what is wrong with the Jetty and what can be done to improve it. Sarah Zimmerman mentioned that she thought at one time Bill Otis had someone look at it. Guerry Green asked if the concern is a worry. He mentioned that it has looked the same as it always had and that certain areas are shallower than others, but he doesn't know really what can be done to fix it. Guerry Green asked if there was a concern about a potential breach. Mayor Henry added that there was a breach during Hurricane Ian, noting the water came over the Jetty and onto adjacent properties. He continued to mention that it was the first place that he brought the Army Corps during their visit following Hurricane Ian. **The item was tabled for further discussion.**

6. COMMENTS BY COUNCIL MEMBERS

- A. Ashley Carter asked what the date of the next meeting was. Mayor Henry stated that it is June 12th.

7. ADJOURNMENT

Mayor Henry asked for a motion to adjourn the meeting. Rocky Holliday motioned to adjourn. Guerry Green seconded the motion. All approved.

APPROVED

DATE

ATTEST

DATE



Daniel O'Hara <dohara@townofpi.com>

trash

Mary Rodes Nash <maryrodesnash@gmail.com>
To: Daniel O'Hara <dohara@townofpi.com>

Wed, Apr 26, 2023 at 6:53 PM

For public comment: May 2nd

With the influx of more and more visitors to this area and to our beaches on the weekends,; It has become necessary to rethink the trash containers at all public access, but especially on the North end. We need larger cans, more cans, and more frequent emptying. Rommy does a very good job during the week, but the crowds start on Thursday and are large throughout the weekend. Wouldn't this be the perfect time to gently nudge visitors toward recycling by having clearly marked containers for plastic and one for cans? These are baby steps toward a full on program of recycling.

Additionally I would like to see a letter given to renters informing them **IF** they wish to recycle, the option is to take it to the recycle center on Grate Road. Directions to the center and a map should be included.

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Mary Rodes Nash

Barry Stanton's Public Comments to Pawleys Island Town Council at its May 2, 2023 Meeting

To Ms. Zimmerman and Mssrs. Carter, Holliday, Green and Henry:

Lady and Gentlemen, please include these comments in your minutes for posterity and public record. I strongly urge you to first fully, publicly consider and debate the economics and legal implications of any binding contract with the Army Corps of Engineers before passing any resolution to sign one. There is no record in any Town Council proceedings in the last four years, of any resolution authorizing the Town to enter such a contract. Before publicly making formal resolution to sign a publicly disclosed, binding, 50-year, multimillion-dollar "PPA" or other contract with the Corps, you obviously should obtain thorough and competent legal review of the contract in its proposed completed form.

Indications are that such contracts are false economy, and are a complete surrender of local financial and decisional autonomy. Once a valid contract is entered, the Corps claims to have all authority to renourish or not, with no control by the Town. The Corps claims to be able to do so – or not do so -- whenever or however it wants to, at whatever cost it decides to incur. This means the Corps can spend \$25,000,000, do the work in the middle of the summer, and pump rocks and mud onto the beach. And sent the Town a bill for half.

The Corps's sole decision causes the Town to be obligated to contribute half of what may be 5 to 10 times the independently obtainable cost, and in fact to do so for something the Town finds unnecessary or would rather defer. Essentially, Town financing will be on demand for the federal government.

The Corps has twice demonstrated on Pawleys alone, federal overspend by this order of magnitude. Examples are the \$750,000 for \$80,000 in sea oats, and the proposed \$14,000,000 for only 200,000 cubic yards of sand sometime in or after 2024. The Corps may also claim to not be subject to state permitting, thus removing any control or ability to object to the timing, scope, design, or manner of execution of potentially massively disruptive or destructive work.

Additionally, the Town would be committed for 47-50 years to pay 100% of the cost of maintaining and "rehabilitating" the work in the interim and strictly enforcing the terms of the contract, including maintaining public access to private land and complying with all evolving federal laws including disability laws, other discrimination laws, and contracting requirements.

As already experienced in a preview with Hurricane Ian, signing an actually valid contract would then exclude eligibility for other federal assistance otherwise available for the south end, such as was sought and obtained by the Town for parts of the island other than the south end. The Corps would be able to provide, or withhold, true emergency assistance as it saw fit, except that it is often delayed and constrained by the timing of Congressional funding and federal requirements for time-consuming studies before taking action, if any action at all is allowed as a result of the study.

Not only is federalizing the beach a dangerous general proposition, it is actually not cost-effective. I urge you and all property owners to avoid it and attend to the south end the same way the Town plans to attend to the middle of the island – independently and locally.