



# TOWN OF PAWLEYS ISLAND TOWN COUNCIL REGULAR MEETING MINUTES

Town Hall – Conference Room | 323 Myrtle Ave | Pawleys Island SC 29585  
8-14-2023 – 5:00 pm

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

**ABSENT:** None

**STAFF PRESENT:** Daniel Newquist (Town Administrator), Daniel O’Hara (Town Clerk)

**ADDITIONAL PRESENT:** Ross Durant (Town Attorney), Stacey Moree (Town Auditor), Dudley Patrick (Army Corps of Engineer Project Manager) (via Zoom).

## 1. CALL TO ORDER

Mayor Henry called the meeting to order at 5:01 PM. A quorum was established.

## PUBLIC COMMENTS

### A. Mary Nash

- i. Mrs. Nash shared that she was asked by other residents on the Island to look into recycling on the Island. Mrs. Nash noted that it would be difficult to start a recycling program. She added that the current recycling cans should be disposed of or rebranded to prevent renters or property owners from believing that there is recycling. Mrs. Nash proposed that informational flyers could be placed in all of the rental properties informing them that if they wish to recycle, they need to take the recycling directly to the dump. She also suggested that it would be a good idea to add recycling receptacles at the beach accesses.

### B. Laura Geffs

- i. Daniel Newquist read aloud an email from Ms. Geffs for 3 minutes. A copy is attached.

### C. Barry Stanton

- i. Daniel Newquist read aloud an email from Mr. Stanton for 3 minutes. Mr. Stanton’s full submission is attached below.

## 2. APPROVAL OF MINUTES

### A. 07-10-2023 Regular Meeting

- i. **Mayor Henry asked for a motion to approve or amend the 7-10-2023 Town Council minutes. Rocky Holliday motioned to approve the minutes. Ashley Carter seconded the motion. All voted in favor.**

- B. **Sarah Zimmerman requested to amend the agenda to allow Stacey Moree to present. She then motioned to amend the agenda. Rocky Holliday seconded the motion.** No further discussion. **All voted in favor.**

### 3. REPORTS AND UPDATES

#### A. Auditor Report – (Item 5A on the agenda)

- i. Stacey Moree reviewed the executive summary of the Town’s 2022 audited financial statements. She noted in her summary that the Town is in a good financial position. Sharing that a general benchmark is to have thirty (30) to ninety (90) days in reserve and the Town has 9 months currently in reserve. Sarah Zimmerman asked how the late payments to CSE were accounted for. Mrs. Moree provided that they were listed under note 13 on page thirty labeled as a correction of an error. Rocky Holliday asked for the fund balance for the Beach Fund. Mrs. Moree stated that it was at \$1.1 million which is provided on page 15 of the audit report.
- ii. **Rocky Holliday motioned to move up the Army Corps of Engineer update. Ashley Carter seconded.** No further discussion. **All voted in favor.**

#### B. Army Corps of Engineers Hurricane Ian Emergency Rehabilitation Project – (Item 5D. IV on the agenda)

- i. Daniel Newquist shared that he has regularly briefed the Town Council and has been in contact with the Army Corps since Hurricane Ian. Mr. Newquist continued to share that the Town is eligible for 100% cost coverage for approved emergency rehabilitation work. He added that there are requirements the Town should meet such as the obtainment of the perpetual easements within the project area. Mr. Newquist noted that the Town had obtained the vast majority of the easements. And shared that the Army Corps has been working its hardest to push the project forward. He noted that they cannot continue with any construction or advertisement for contractors until the easements are obtained. Mr. Newquist shared that it is expected that the project will be pushed beyond the originally expected date. Mayor Henry asked for clarification that the original completion was set for the Spring of 2024 and now it is expected to be Spring of 2025. Dudley Patrick presented a brief overview of the Town’s partnership with the Army Corps and then reviewed the current timeline for rehabilitation work following Hurricane Ian. During the presentation, Guerry Green asked for clarification regarding the rights of entry for construction within the easement. Mr. Green asked if the entry is granted to the Army Corps or their contractor at any time or just during construction. Mr. Patrick added that it is likely just for the particular project but noted that there are instances that there are annual inspections conducted with the Town. Mr. Green continued to ask if every easement has to be worded the same or if there can be some variation. Mr. Patrick

shared that the language is standard, but it can be a great difficulty to get the wording changed. But there could be a proposal made to change the language. Mr. Green confirmed if the Town of Pawleys Island is the holder of the easement. Mr. Patrick confirmed that is the case. Rocky Holliday asked if the lack of the three remaining easements has caused any delays and if not at what point in the future of the execution of the project will it impact the Town. Mr. Patrick added that the Town is 100% responsible for its part in the real estate requirements. He mentioned that the project cannot move beyond the engineering and design phase without the easements. He continued to share that if there is a significant delay between the design phase and the award of the contract the project could have to be redesigned and prolonged further. Mr. Patrick stated that real estate is an impediment to the project. Mr. Green asked if Mr. Patrick had experienced other beach communities dealing with issues of property owners holding out on easements. Mr. Patrick shared he has not experienced any issues with this region except Pawleys Island but noted that similar issues are occurring with the Edisto Beach project. Ashley Carter expressed concerns about the high probability of Hurricane season this year. Mayor Henry added that the litigation that the Town is involved in could extend efforts as well. Mayor Henry asked if the easements were in hand in January if the project would be able to proceed. Mr. Patrick stated that it would. Mayor Henry questioned if the Town was able to do the emergency rehab to restore the ideal beach profile. And would the rehab reset the clock to a 9-year renourishment cycle? Mr. Patrick noted the timeline of the partnership shows that there are 47 years of the partnership per the agreement. He added that if the Town undertook rehabilitation to meet the full construction template, then it would meet the standard requirements set in the agreement. Mayor Henry shared that there is an opportunity for the Town to complete an Island wide emergency renourishment. Noting that recently the Town received approval from FEMA and the State for minor renourishment outside of the Army Corps federal project area. Mayor Henry asked Mr. Patrick to confirm that the Town was in a partnership agreement with the Army Corps. Mr. Patrick confirmed that the Town was in a partnership agreement. Mayor Henry then asked if everyone on Town Council wants to be in the Army Corps program. Town Council confirmed that they all want to participate in the program. Mr. Patrick added that he is happy to provide any documentation to confirm the partnership. Mr. Holliday added that the lack of the three easements at a minimum will result in the homeowners on the South End having to endure another two hurricane seasons. He noted that it has a real impact on the South End property owners. Mr.

Patrick shared that the project report Hurricane Ian did affect sand volume but that there is a possibility that the sand that was displaced could return. He emphasized that it is unknown when that could happen and noted that the only thing that the Town can depend on is the next renourishment. Mayor Henry mentioned that FEMA just assisted in the replacement of dune fencing and vegetation and due to the circumstance, the South End of the Island hasn't gotten the same recovery work. Mayor Henry asked if it was possible for the Army Corps to just do the dune fencing and vegetation. Mr. Patrick shared that the project includes elements that are all integral, and one cannot be done without the other. He noted that to receive the full effect both must occur. Following the presentation Mayor Henry asked if there was any further discussion. Mr. Green shared that it seems the issue with the perpetual easement is that it is perpetual, but it appears that the access is only available during the project, which could be just a few months. He added that there could be an opportunity to create some more agreeable language in the easement. Mayor Henry asked whether there was any discussion with Will Dillard on the matter. Daniel Newquist added that it was something that had previously occurred but was unsuccessful. Mr. Newquist noted that he was unsure whether the request was denied by the Army Corps or if the edits were rejected by the individual property owner. Mr. Green proposed a mediation session to discuss what edits the individual would be willing to accept. Mayor Henry thanked Dudley Patrick for his time at tonight's meeting and stated that we would continue to provide further updates as this moves forward.

C. Police Report

- i. Mayor Henry shared that Chief Fanning would be absent from the meeting. Mr. Newquist reviewed the police report and noted that it had been a relatively busy July.

D. Building Report

- i. Mr. Newquist pointed out that the permit volume this month has slowed, noting that there were only three permits issued. He continued to share that there would be some larger projects coming up soon for ARB review.

E. Financial Report

- i. Mr. Newquist briefly provided that the majority of the FEMA reimbursements have been approved and have started to come into the account. The funds cover work already completed on the beach. Mr. Newquist shared that he and Mayor Henry have been working on receiving guidance from the state on the allocated \$250,000 the Town received for stormwater infrastructure in the recent state budget approval. He added that he has begun an initial conversation with Weston and Sampson on how to best strategize these funds. Mr. Newquist mentioned that the

Town's available ARPA funds could be used for these projects. Mr. Holliday asked for clarification on the funds that could be used. Mr. Newquist shared that it was part of a \$750,000 request that aligned with projects mentioned in the Sea Level Rise Adaptation plan. He emphasized how fortunate the town was to receive these funds as many other projects were not allocated any funds. This led to a brief discussion on how to obligate the funds. **No votes were made.** Daniel O'Hara reviewed the monthly financial report with the Town Council. He noted that the expenses that have been listed on these monthly reports are good categories to keep in mind for the upcoming budget review for 2024. Mayor Henry emphasized that many of these are not major budget categories but are worthy of discussion.

#### 4. BUSINESS

##### A. 2022 Audit Presentation

###### i. **See item 4A.i**

##### B. Two-Year ARB Review

- i. Mr. Newquist said that Ken Leach, the Chairperson of the ARB was not able to attend tonight's meeting but offered to attend next month if Town Council has questions or concerns. He continued to review the 10 ARB-approved projects over the past two years. Following the presentation Mr. Newquist asked if the Town Council had any suggestions or concerns with the ARB thus far. None were made.

##### C. First Reading: Ordinance 23-07: Amendment of Code of Ordinances, Article III, Nuisances

- i. Mr. Newquist opened by sharing that the proposed amendment would make the Town's current ordinance more aligned with State guidelines and incorporate a formal process for addressing nuisances on the Island. Mr. Newquist then briefly reviewed his role in the ordinance and asked Ross Durant to provide more legal advice. Mr. Durant noted that this ordinance would match guidelines mentioned in state law and the international residential building codes. He emphasized that it gives the ability to the Town to enforce stricter policies against nuisances but also gives set legal requirements, obligations, and procedures for the Town to follow. He noted that Town action is always the last result. Mayor Henry asked if the proposed amendment was currently in effect, could the Tyson house situation have been resolved by now. Mr. Durant provided that it could be possible that it could have occurred, but it is difficult to say if the owners would've taken action. He added that it was all about the time of notice. Mrs. Zimmerman asked if there was a timeline that would allow access to the property for inspection. Mr. Green asked if the Council needs to vote on this tonight. Mayor Henry added that yes there needs to be a vote on

the first reading to proceed with adopting the ordinance and revisions can be made. Mr. Carter added that the Town has already received a formal complaint from an adjacent property owner. Mr. Durant confirmed that a formal complaint received is what started this process. Mr. Holliday asked what the process of resolving a lien would be. Mr. Green stated that it would be settled during the sale of the property. Mr. Durant stated that if resolving the lien is large enough of an issue then the Town could petition to foreclose the property. The Town Council then discussed the procedures listed in the ordinances. Following the discussion Town Council agreed to do a further review of the ordinance between the first reading and the second reading. Mayor Henry requested Ross to review the requirements of time between each reading. Daniel Newquist also noted that there would have to be a public hearing before the next reading. **Mayor Henry requested a motion for approval or denial of the first reading. Ashley Carter motioned to approve the first reading of Ordinance 23-07. Sarah Zimmerman seconded the motion.** No further discussion. **All voted in favor.**

D. Hurricane Ian Update

- i. Mr. Newquist reviewed the ongoing recovery efforts, sharing that there had been one public comment on the Mobi-mat installation, but we should receive the permit any day. He continued to share that the maintenance crews will be out this week installing hazard advisory signs marking the groynes. Mr. Newquist alerted the Town Council that he is still awaiting the Keep off the Dune signs and expects to have them soon. Mayor Henry asked for clarification on the distancing of signs. Mr. Newquist added the signs should be spaced out about 250 feet and if a property owner objects to one being placed in front of their home, then there are plenty of property owners that would be happy to have an extra one in front of their dunes.

E. Comprehensive Plan Update

- i. Mr. Newquist shared that the Comprehensive plan was in its final stages before it was ready to be presented to the Town Council. He added that at the next Planning Commission, they will most likely pass a resolution to recommend the plan to the Town Council. Mr. Newquist added that thirty-day notice would be advertised in advance of a public hearing. He mentioned that the Town Council should expect to see the Comprehensive Plan for a first reading by the October 9<sup>th</sup> meeting. Mr. Newquist noted that the recent Town Council discussions of exploring allowing limited vending on the Island have been incorporated into the Comprehensive Plan.

**5. COMMENTS BY COUNCIL MEMBERS**

- A. Mr. Green complemented the efforts made by the contractor in installing sand fencing and dune vegetation.
- B. Mayor Henry thanked everyone for filing the election.
- C. Mrs. Zimmerman expressed concern that she spotted beach vitex on the Island. This led to a conversation about how to best proceed. Mr. Holliday provided a contact at the Clemson extension to assist in the removal.

**6. ADJOURNMENT**

**Mayor Henry asked for a motion to adjourn the meeting. Ashley Carter motioned to adjourn. Rocky Holliday seconded the motion. All approved.**

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**APPROVED**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**ATTEST**

\_\_\_\_\_  
**DATE**



Daniel O'Hara &lt;dohara@townofpi.com&gt;

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**Fwd: Public comment for tomorrow's meeting.**

1 message

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**Daniel Newquist** <dnewquist@townofpi.com>  
To: Daniel O'Hara <dohara@townofpi.com>

Sun, Aug 13, 2023 at 7:14 PM

----- Forwarded message -----

From: **Daniel Newquist** <dnewquist@townofpi.com>  
Date: Sun, Aug 13, 2023, 7:14 PM  
Subject: Re: Public comment for tomorrow's meeting.  
To: Laura Geffs <laurageffs@gmail.com>

No problem. Thank you for submitting. I would be happy to do that

Dan Newquist

On Sun, Aug 13, 2023, 6:53 PM Laura Geffs <laurageffs@gmail.com> wrote:

Hey Daniel,

May you please read my comments below during your public comments portion of the council meeting. Thank you again for speaking with me a few weeks ago.

The minutes from last month note approval of \$13,600 for a study on the North Inlet Jetty, stating "it's important to help mitigate the erosion on the North End of the Island". Curious why there was no discussion on issues on the South End of the island. It is also important to mitigate the silting of the south end inlet which is making the creek impassable for majority of each day. May I suggest a committee be formed to assess the needs of the South End before we become Pawleys Peninsula. I would be happy to participate.

Laura Holland Geffs  
676 and 678 Springs Ave

Thank you ,  
Laura

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Laura Holland Geffs  
Faculty  
Columbia University School of Nursing  
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**Barry Stanton's comments for minutes of August 14, 2023 Town of Pawleys Island Town Council meeting**

Lady and Gentlemen, please place these comments in your minutes so that those who can and do read, and who understand, and who care, may read them.

I am writing about your proposed discretionary house inspection ordinance being considered today, your additional mandatory vegetation-cutting, tree-felling and landscaping ordinance also being considered, and your geographically selective, vendors-galore rezoning and fundraising ordinance already under consideration because of the ice cream man's inquiry. I would encourage you to slow down on new laws, new boards and new committees.

Additionally, I am recapping portions of my comments attached to the minutes of your previous meeting, on which you have taken no action and had no discussion. Those concern the illegal and invalid putative 50-year contract attempted with the Corps of Engineers with no council vote and secretly signed by the nonresident ex-administrator in 2020.

Ms. Zimmerman, Mssrs. Henry, Carter, Green and Holliday, I hope that the only reason you listened to the comments of the ice cream man was not because it offered an opportunity to pass and change even more laws. I hope it was not because you wish to have food trucks for parties you chair. I urge you not to create a beach rules committee for the additional "public beach" which has been commandeered. I urge you not to form and appoint a south end vendors committee to promulgate nonmandatory guidelines, and then make them mandatory, as with the architectural review board.

I hope that you, voters, and the 90% mere nonresident owners realize that on the agenda today is yet another new overbroad law. This one empowers entry to an owner's property at any time to inspect and see if it is consistent with morals and the well-being of the community in the estimation of whoever the next unelected nonresident administrator might be, or whomever he might designate.

Think of it as another perpetual easement of sorts. It then will remain to be seen whose spouse or resident supporter will be on the committee to pass guidelines for morals and well-being, so that those guidelines, like the ARB now-mandatory "guidelines," can also then be made mandatory at the behest of appointee a few months later. I urge you to keep the camel's nose, and your own noses, outside the tent.

If you do not realize these things, I hope voters and more mere owners will object and ask questions, and not trust the survey monkey.

Returning to the illegal invalid contract which was never reviewed by the council, you may not realize that we don't need the sand from the feds, we are not getting any money from the feds, and it is not a good deal. Don't fed the end.

If we did need sand, we could get it cheaper than at the "federal" rate. And we could make our own decisions. And often get some different aid money.

There is no great deal here. The town financed the sand for the feds instead of vice versa as originally "sold" to everybody in 2018-19.

The town study says the 2020 sand the town already bought will last over 22 years (at which time there will still be 400,000 c.y. more than pre-"project").

We will never get our money back from the Corps.

Instead, the town will have ongoing duties to the COE and pay for those 100% every year, in addition to wasted legal cost so far. The town tends to cover up and camouflage these extra expenses. And does not acknowledge that meanwhile, nothing is done for the south end (everybody from Liberty Lodge south) while the town proceeds with assistance to the rest of the oceanfront.

Meanwhile, the fed will either flounder around with funding or cost-benefit controversies, and never do anything. They will go dark yet again and tell the town they will get back to them.

If the COE does anything in the distant future, the Corps will spend so much at the "federal rate" on unnecessary sand that they will immediately wipe out the measly credit the town did not bother to negotiate. That would be the part of the measly credit left after deducting some from the overspending on the sea oats, some of which washed away partly because of the federal delay in planting.

In the future, the already measly non-interest-bearing credit will be grossly deflated in value by the extensive time passing with inflation, higher interest rates and higher costs of work. In the interim, the town not only never got its "share" of the 2019-20 "project" financed at a sweetheart rate by the COE as promised in 2019, but paid interest on the debt incurred to finance both its "share" and the Corps share.

The balance due after wiping out the credit will be enough to break the town.

It will lead to property taxes in addition to a community rife with vendors and vendor franchise fees, as you are already considering, including beach bonfires and music for hire. Once the town has a property tax (as wished for by nonresident Mr. Fabbri) to pay for events-committee parties of the council, private art displays in a building it was declared could not be used and should not be repaired, and more boards and committees, it is game over for Pawleys. That is, if everyone has not already sold and moved.

The one strategy the Corps likely has is to use the "extra" \$14M in money the Corps got for "emergency" repairs and not bill the town. The Corps would do this in or after 2024 for the alleged federal project's faked sand "emergency" of 2022 under the illegal contract. That is, if

someone does not get fired, get court-martialed or go to federal jail. With the current federal track record, dune plantings would be sometime in or after 2026.

I urge mere nonresident south end owners as well as permitted voters (if there are any on the south end) to plant their own. I wonder whether the dune planting in or after 2026 would still be paid with 2022 "emergency" money, or whether that would be another 100% town expense to "maintain the federal project."

I have my doubts the COE will get the 200,000 c.y. placement done with Prince George and other expensive disputes still pending. The paper reports that the Prince George mediation will not even start before March 2024, and as usual, the Corps does not appear to be involved. The mediation will be secret.

The COE may well go dark yet again and tell the town that the COE will get back to them. But if the COE actually pumps the extra sand instead of the town simply digging it up from the south spit and trucking it, the extra unneeded 200,000 c.y. may put the 2029 "periodic renourishment" (9 yrs. from 2020) off 4 years or more to around 2033 or after.

By then, people still alive will have forgotten who signed us up for all this, and the children of the dead and living will not know why they are losing their beach houses. The COE will be staffed with people who give even less of a damn, while the former COE folks build or draw their federal defined benefit pension elsewhere.

Read the proposed contract before you sign one. Don't feed the end.