



TOWN OF YEMASSEE TOWN COUNCIL MEETING

Tuesday, April 11, 2023 – 6:30PM

Yemassee Municipal Complex, 101 Town Cir, Yemassee SC 29945-3363

- I. **Call to Order – Mayor Colin Moore**
- II. **Pledge of Allegiance & Invocation**
- III. **Determination of Quorum**
 - a. Consent of the Agenda for the Tuesday, April 11, 2023, Town Council Meeting
 - b. Approval of the March 14, 2023, Regular Town Council Meeting Minutes
- IV. **Public Comment**
 - a. Public Comment must be submitted to the Town Administrator at least five minutes prior to the start of the meeting. **PUBLIC COMMENT IS LIMITED TO TWO MINUTES AND WILL BE ENFORCED**
- V. **Old Business**
 - a. **Public Hearing** - Consideration of an Ordinance Amending the Town of Yemassee Zoning Map to rezone three parcels of land located near the intersection of U.S. Highway 17A & Jinks St in Hampton County, and further identified by Hampton County Tax Map Numbers: 204-01-05-005, 204-01-05-013 and 203-00-0046 from their respective zonings to Planned Unit Development. [Ordinance 23-09]
 - b. **Public Hearing** - Consideration of an Ordinance Amending Portions of the Town of Yemassee’s Zoning Ordinance, *Article V – Requirements by District, 5.25 River Protection District*, to clarify language on which bodies of water are considered outstanding waters of the Town of Yemassee. [Ordinance 23-10]
- VI. **New Business**
 - a. Consideration of a Resolution Ranking the 2023 Community Needs for the Purposes of Community Development Block Grant Funding [Resolution 23-06]
 - b. Consideration of a Resolution Adopting the 2023 Town of Yemassee Zoning Board of Appeals Meeting Schedule [Resolution 23-07]
 - c. Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement (IGA) between the Yemassee Police Department and the Hampton County Sheriff’s Office for Law Enforcement Services. [Resolution 23-08]
 - d. Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement (IGA) between the Yemassee Police

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Yemassee policies.”

Department and the Allendale County Sheriff's Office for Law Enforcement Services. [Resolution 23-09]

- e. Consideration of a Request for an Ordinance Approving Annexation of One Parcel of Land of Approximately 1.39 Acres of land, located on Cochran St and further identified by Hampton County TMS: 198-00-00-095. Applicant: Sonja Smith [Ordinance 23-11]
- f. Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, *Article V – Requirements by District, 5.8 Light Industrial District [LID]*, to amend the minimum acreage required for a parcel to be zoned Light Industrial District. [Ordinance 23-12]
- g. Consideration of an Ordinance Authorizing and Directing the Town of Yemassee to enter into an Intergovernmental Agreement relating to South Carolina Local Revenue Services; to Participate in one or more Local Revenue Service Programs; to Execute and Deliver one or more Participant Program Supplements; and Other Matters Relating Thereto. [Ordinance 23-13]

VII. Department Reports

- a. Police Department
- b. Administration
- c. Public Works
- d. Municipal Court

VIII. Council Discussion

- a. Review of Elected Officials handbook

IX. Executive Session

- a. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened or potential claim or other means covered by the attorney-client privilege, settlement or legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. (Pursuant to SC Freedom of Information Act 30-4-70[a][2])
 - i. Legal Matters

X. Action Resulting from Executive Session

XI. Adjournment

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Approval of the March 14, 2023 Town Council Meeting minutes

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Minutes of the March 14, 2023, Town Council Meeting.

Recommended Action: If no additions or corrections, request approval as presented.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

Minutes
Town of Yemassee Town Council
March 14, 2023, Regular Town Council Meeting 6:30 PM
101 Town Cir, Yemassee, SC 29945-3363

Attendance:

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy Bing-O’Banner, Council Member David Paul Murray, Council Member Pinckney, Council Member Alfred Washington, Town Administrator Matthew Garnes and Chief Gregory Alexander

Absent:

Media Present: Lowcountry Inside Track Ltd.

Call to Order:

Mayor Moore called the Tuesday March 14, 2023, Regular Town Council Meeting to order at 6:30 PM.

Pledge of Allegiance & Invocation

Council Member Washington led the Pledge of Allegiance and Invocation.

Determination of Quorum:

All members present.

Mayor Moore asked for a motion to approve the agenda as presented for March 14, 2023, Regular Town Council Meeting as presented. Council Member Murray made a motion to adopt the agenda as presented. Second by Council Member Washington. **All in favor, Motion Passed, Agenda Adopted.**

Mayor Moore asked for a motion to approve the minutes of the February 16, 2023, Regular Town Council Meeting as presented. Council Member Pinckney made a motion to approve the minutes as presented. Second by Council Member Murray. **All in favor, Motion Passed.**

Mayor Moore asked for a motion to approve the minutes of the February 23, 2023, Special Town Council Meeting as presented. Council Member Murray made a motion to approve the minutes as presented. Second by Council Member Washington. **All in favor, Motion Passed.**

Presentations:

Ms. Jessica Dailey from Lowcountry Council of Governments presented the annual CDBG Needs Assessment slideshow outlining potential grant opportunities the Town could apply for. Ms. Dailey advised the Council would need to rank their needs for the purposes of grant funding and submit that to her after adopted by Council.

Mr. Eric Claussen, P.E. from Beaufort County provided an overview of a Public Project that is underway in the Town. The project will extend the sidewalk from the current terminus at Wall Street and Castle Hall Road, east approximately 1,300 linear feet to the Beaufort Housing Authority Housing Project. The project also includes lighting, streetscape and stormwater improvements. Mr. Claussen advised that they are serving as the project manager for this project on behalf of the Town under an Intergovernmental Agreement executed in 2021.

Public Comment:

Stephen Henson (17 Mixon St)- Mr. Henson commented on the need for striping along the shoulder of Salkehatchie Rd and implored the Council to contact South Carolina Department of Transportation to see what can be done. Additionally, he asked Council consider having someone repair the bathroom at Moore's Park and that Mr. Robson Andrade would donate the supplies.

Old Business:

Mayor Moore read Ordinance 23-08, Amending Town of Yemassee Code, Chapter 12 (Parks. Recreation. Public Property) to add provisions for the Yemassee Recreation Committee. This update codifies the Recreation Committee and establishes procedures and guidelines for establishment and operations. Mayor Moore asked for a motion to approve second and final reading. Council Member Murray made the motion. There was no discussion. Second by Council Member Pinckney. **All in favor, Motion Passed.**

New Business:

Mayor Moore read Resolution 23-03 Appointing Individuals to Vacancies on Town Council appointed boards and commissions. Mr. Garnes reported this will fill vacancies on the newly reconstituted Recreation Committee and appoint a new delegate to the Lowcountry Council of Governments board. Council Member Washington made the motion to adopt the resolution. Second by Council Member Murray. **All in favor, Motion Passed.**

Mayor More read Resolution 23-04 Declaring April as Fair Housing Month in the Town of Yemassee and advised that we adopt this annually. Mayor Pro-Tem O'Banner made the

motion to adopt the Resolution. Second by Council Member Pinckney. **All in favor, Motion Passed.**

Mayor Moore read Resolution 23-05, Accepting a Proposal for the Town of Yemassee Comprehensive Plan and Authorizing the Town Administrator to enter into an Agreement with the firm selected by the Town Council. Mr. Garnes reported that the Planning Commission had received a response from Foresight Communications and accordingly recommended accepting their proposal. During the meeting, a proposal from the MRB Group in Charleston was delivered at the Town Hall. Foresight Communications' proposal was \$35,000 and MRB Group was \$40,000. Mayor Pro-Tem O'Banner remarked that she read both proposals and was impressed with the MRB Group proposal and they are in the County operating now since they were selected by Hampton County Council to replace their Administration Department. Additionally, Mayor Pro-Tem O'Banner remarked that it was her belief that the extra five thousand dollars would be well spent and believed MRB would provide a superior product. Mayor Pro-Tem O'Banner made the motion to accept the proposal for Comprehensive Planning from MRB Group. Second by Council Member Washington. **All in favor, Motion Passed.**

Mayor Moore reviewed a request for consideration of approval of a Planned Unit Development Master Plan for the Jinks-Corbett Tract located at the intersection of U.S. Highway 17A & Jinks Street in Hampton County. The project proposes 200,000sqft of commercial / industrial occupancy and 107 single-family homes and associated infrastructure. The subject parcels are identified by Hampton County Tax Map Numbers: 204-01-05-005, 204-01-05-013 & 203-00-00-046. Mr. Garnes reviewed the details updated since the PUD Concept Plan. Council Member Washington made a motion to approve the PUD Master Plan for the Jinks-Corbett Tract. Second by Council Member Murray. **All in favor, Motion Passed.**

Mayor Moore reviewed a request for consideration of approval of a Preliminary Development Plan for the Jinks-Corbett Tract located at the intersection of U.S. Highway 17A & Jinks Street in Hampton County. The first phase of the project proposes 100,000sqft of commercial / industrial occupancy and associated infrastructure. The subject parcels are identified by Hampton County Tax Map Numbers: 204-01-05-005 & 204-01-05-013. Mr. Garnes reviewed what the applicant was proposing to develop under Phase 1, which includes the industrial occupancy and associated infrastructure. Council Member Murray made a motion to approve the Preliminary Development Plan for the first phase of Ironline Metals, LLC., located at the intersection of U.S. Highway 17A & Jinks Street in Hampton County, which includes the construction of a 100,000sqft manufacturing building, improvements to the existing Jinks Street and the addition of a deceleration lane on U.S. 17A once the proper encroachment permits are obtained from SCDOT and to invite the applicant to submit a Final Development Plan

Application for Phase 1 for review, consideration and action. Second by Council Member Washington. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-09, Amending the Town of Yemassee Zoning Map to rezone three parcels of land located near the intersection of U.S. Highway 17A & Jinks St in Hampton County, and further identified by Hampton County Tax Map Numbers: 204-01-05-005, 204-01-05-013 and 203-00-0046 from their respective zonings to Planned Unit Development. Mr. Garnes reported this is for the Ironline Development and that Planning Commission would hold a public hearing on the request on April 4, 2023 and that Town Council, if first reading is approved, could hold a Public Hearing at their April 12, 2023 Town Council Meeting. The property was posted, legal notice posted in the Island Packet / Beaufort Gazette and certified mailing sent to all adjacent property owners of the request. Council Member Murray made a motion to move to approve the first reading of the Zoning Map Amendment and to schedule a Public Hearing for three parcels of land owned by Ironline Metals, LLC., located at the intersection of U.S. Highway 17A & Jinks Street in Hampton County, and identified by Tax Map Numbers: 203-00-00-046, 204-01-05-013 & 204-01-05-046 from their current zoning designations to a Zoning Designation of Planned Unit Development pursuant to the Town of Yemassee Zoning Ordinance with conditions and entitlements listed in Ordinance 23-09 which include:

1. Up to two-hundred thousand (200,000) square feet of industrial / manufacturing occupancies in the areas designated on the Master Plan map.
2. Up to one-hundred-seven (107) single-family dwelling units with a minimum lot size of 6,000 square feet per dwelling unit, a minimum front yard setback of ten (10) feet from the street right-of-way line and a minimum side yard setback of five (5) feet from the lot lines.
3. Said manufacturing use is entitled to any use currently permitted within the Light Industrial District chapter of the Town of Yemassee Zoning Ordinance and is permitted to conduct operations including the manufacturing of light gauge steel framing products including steel studs for residential and commercial buildings.
4. The minimum distance required between entrances for areas of the PUD within the Highway Corridor Overlay District is four hundred (400) feet between all access points to the corridor, including private driveways, roads, and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Planning Commission shall have discretion as to the placing of an alternative access point; however, no additional curb cuts on the subject parcel should result from having the alternative access point.
5. The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150) feet. Newly created parcels are subject

to the four hundred (400) foot distance requirement between access points from the highway.

6. Newly created subdivisions are subject to the four hundred (400) foot distance requirement between access points from the highway. No subdivision of land which would create parcels fronting on the highway shall be approved, unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the four hundred (400) distance requirement, (i.e., frontage roads, shared access drives, and others);
7. Prior to any phase of development commencing, the applicant shall have submitted a Final Development Plan for the respective Phase and receive a Development Permit for the respective Phase. Each Development Permit granted is valid for two (2) years from the date of issue.

Second by Council Member Pinckney. **All in favor, Motion Passed.**

Mayor Moore read a Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V – Requirements by District, 5.25 River Protection District, to clarify language on which bodies of water are considered outstanding waters of the Town of Yemassee. Mr. Garnes advised that Staff had conducted a review of the chapter and discovered inconsistencies with regard to the bodies of water that the overlay is subject to and which waters were considered outstanding waters of the Town of Yemassee. The Planning Commission recommended approval and requested it to forward to the Town Council. Council Member Murray motioned to Approve amendments to the Town of Yemassee Zoning Ordinance, Article 5 – Requirements by District, Sec. 5.25 River Protection Overlay District, Section 5.25.4(a) Outstanding Resource Waters as follows:

“The entire stream or tributary located within the Town which includes the Combahee River, Huspa Creek, Pocotaligo River and Stony Creek and to schedule a Public Hearing at the next regularly schedule Town Council Meeting.” Second by Council Member Washington. **All in favor, Motion Passed.**

Department Reports:

Police Department: Chief Alexander reviewed the new online portal to view police reports taken in town by Zones.

Administration: The Demolition Project has begun and should be wrapped up within thirty days. The Recreation Committee will hold their first meeting on April 11th at 5:30PM.

Public Works: Mr. Green has been cleaning up around the Town hall and at the recreation facilities.

Municipal Court: No Report

Mayor Pro-Tem O'Banner conducted a review of the elected official's handbook regarding ethics.

Executive Session:

Mayor Moore advised that the Council needed to go into executive session briefly for the potential acquisition of real property. Council Member Murray made the motion to enter executive session. Second by Council Member Pinckney. **All in favor, Motion Passed. Executive Session began at 7:32PM.**

Mayor Moore asked for a motion to return to regular session. Mayor Pro-Tem O'Banner made the motion to return to regular session. Second by Council Member Washington. **All in favor, Motion Passed. The Executive Session concluded and regular session resumed at 7:38PM.**

Action Resulting from Executive Session

Mayor Moore reported that discussions were held regarding the acquisition of real property. Mayor Pro-Tem O'Banner made a motion to approve the Town demolishing the residence at 28464 Pocatoligo Road in turn for a parcel of land behind the Public Works building being transferred to the Town of Yemassee. Second by Council Member Pinckney. **All in favor, Motion Passed**

Adjournment

Mayor Moore asked for motion to adjourn. Mayor Pro-Tem O'Banner made the motion to adjourn. Second by Council Member Washington. All in favor, **Meeting Adjourned at 7:44PM.**

Proposed Motion

(March 14, 2023 – Town Council Minutes)

***“I move to approve the minutes of the March 14,
2023, Town Council Meeting as presented.”***

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending the Town of Yemassee Zoning Map to rezone three parcels of land located near the intersection of U.S. Highway 17A & Jinks St in Hampton County, and further identified by Hampton County Tax Map Numbers: 204-01-05-005, 204-01-05-013 and 203-00-0046 from their respective zonings to Planned Unit Development. [Ordinance 23-09]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Attached is a request for second reading of a Zoning Map Amendment for the three parcels of land owned by Ironline Metals, LLC. seeking a re-zoning from their current zoning designations to Planned Unit Development under the Town of Yemassee Zoning Ordinance. Planning Commission recommended advancing the application and forwarding to the Town Council. The Planning Commission held a Public Hearing on April 4, 2023, and this evening, Town Council will conduct a Public Hearing.

Recommended Action: Approve second and final reading of Ordinance 23-09.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



TOWN OF YEMASSEE
ZONING MAP/TEXT AMENDMENT APPLICATION

Town of Yemassee

MAR - 2 2023

Received

Town of Yemassee
 Attn: Administration Department
 101 Town Circle
 Yemassee, SC 29945-3363
 (843)589-2565 Ext. 3
 www.townofyemassee.org

Applicant		Property Owner	
Name: Ironline Metals		Name: Ironline Metals, LLC	
Phone: 502-315-1722		Phone: 502-315-1722	
Mailing Address: 1515 Ormsby Station Ct. Louisville, KY 40223		Mailing Address: 1515 Ormsby Station Ct. Louisville, KY 40223	
E-mail: tim@ironlinemetals.com		E-mail: tim@ironlinemetals.com	
Town Business License # (if applicable):			
Project Information			
Project Name: Pine Street Development		Acreage: 104.4	
Project Location: NW of the intersection of US Hwy 17A & Jink St.		Comprehensive Plan Amendment Yes <input checked="" type="checkbox"/> No	
Existing Zoning: Office Commercial District and Residential 1/4 acre		Proposed Zoning: PUD	
Type of Amendment: Text <input checked="" type="checkbox"/> Map			
Tax Map Number(s): 204-01-05-013, 204-01-05-005, 204-01-05-046			
Project Description: The proposed development is to include a combination of residential and light industrial uses, to provide quality economic development and housing opportunities within the Town of Yemassee.			
Minimum Requirements for Submittal			
<input type="checkbox"/> 1. Two (2) full sized copies and digital files of the maps and/or plans depicting the subject property. <input type="checkbox"/> 3. Project Narrative and digital file describing reason for application and compliance with the criteria in Article 8 of the DSO. <input type="checkbox"/> 4. An Application Review Fee as determined by the Town of Yemassee Schedule of Rates & Fees. Checks made payable to the Town of Yemassee.			
Note: A Pre-Application Meeting is required prior to Application submittal.			
Disclaimer: The Town of Yemassee assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.			
Property Owner Signature: <i>[Signature]</i>		Date: February 8, 2023	
Applicant Signature: <i>[Signature]</i>		Date: February 8, 2023	
For Office Use			
Application Number: ZONE - 03-23-1023		Date Received: 3/7/23	
Received By: M. Garna		Date Approved:	

Project Narrative

Project: **Ironline Metals**
Town of Yemasee, SC

Date: February 28, 2023

Owner: **Ironline Metals, LLC**
1515 Ormsby Court
Louisville, KY 40223

Parcel:
Property ID: 204-01-05-013, 104-01-05-005
Acreage: 102.4 Acres

Existing Conditions

The existing site is mostly undeveloped, with an existing dirt road bisecting the property. The existing road is Jinks Street off US-17, and turns into Pine Street prior to the intersection of Lacey street.

Proposed Construction

The developer is proposing to add a steel manufacturing facility at the front portion of the property. The subject property has undergone an annexation into the Town of Yemassee limits and rezoned to a PUD to help facilitate the current proposed and forthcoming proposed uses. The existing Jinks Street and Pine Street will be improved with the right-of-way to a full access paved 24' wide road. A new access along US-21 with a deceleration lane is proposed to all a separate means of access to the steel facility for larger truck traffic. Other site infrastructure improvements and proposed to support the steel manufacturing facility, which should encompass approximately 11.9 acres of the overall 102.4 acre site.

Tree Removal & Landscaping

To support the proposed development, some tree removal will be necessary. The proposed layout was designed in a manner to both preserve and accentuate the existing specimen trees onsite. Proposed landscaping can be seen with special attention to screening the proposed facility.

Erosion Control

Erosion control practices for the site will include silt fencing, inlet protection, temporary/permanent seeding, dust control measures, a concrete washout station, and sediment tubes.

Wetlands

Wetlands were identified onsite by an environmental consultant. A minor portion of these wetlands, less than 0.5 acres, is being proposed to be impacted and mitigated for through the USACOE Nationwide program.

Phasing

The Ironline facility is proposed to be completed in a single phase. Future development is to include single family residential development, under a separate submission.

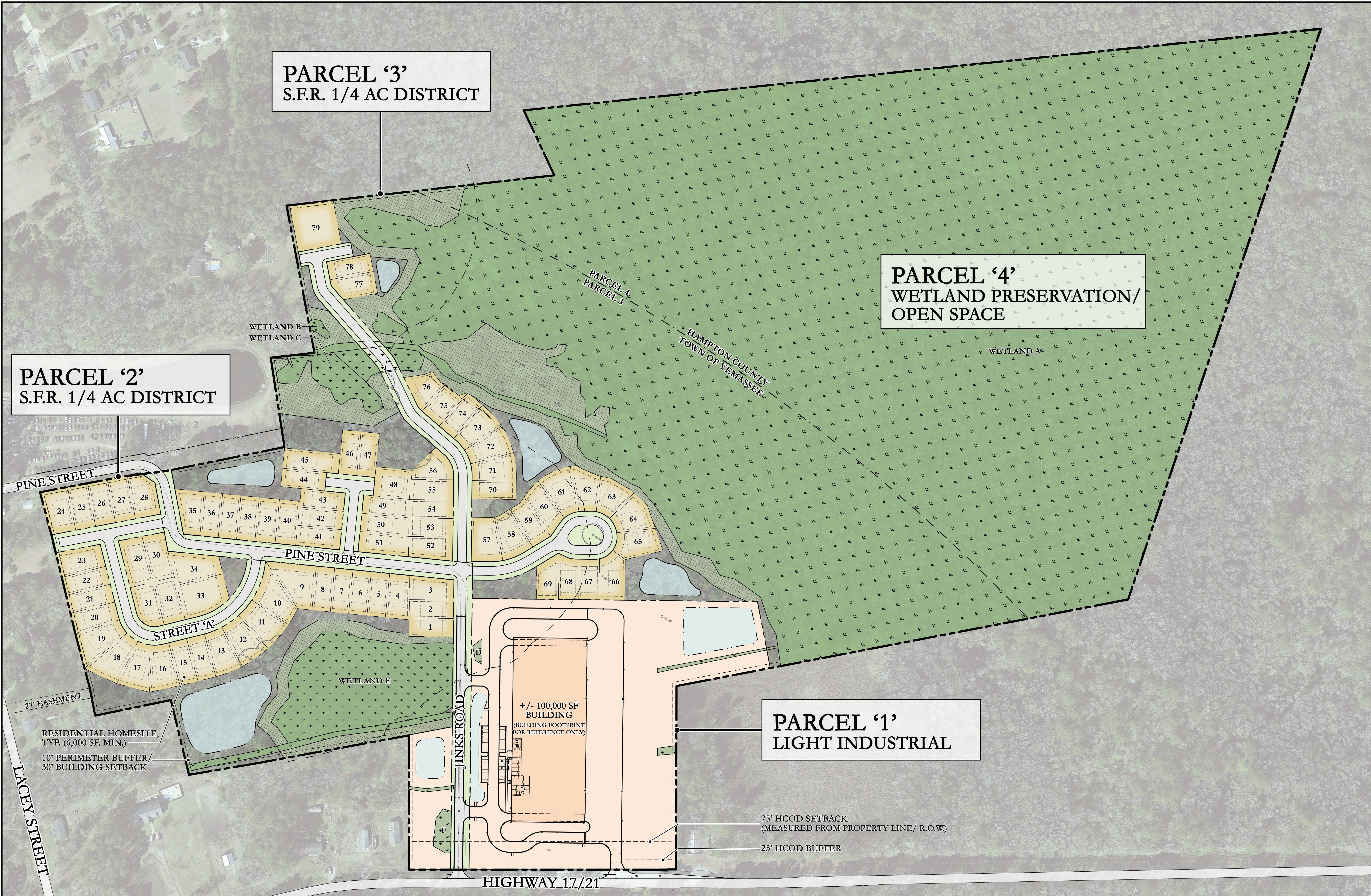
Stormwater

The property currently drains to a large wetland system along the eastern portion of the property. Conveyance ditches help direct offsite stormwater runoff from the western wetland to the mentioned eastern low lying wetland area, ultimately discharging to the Combahee River. A drainage pipe system has been designed to route the western ditch runoff to the eastern outfall around the proposed development. All runoff from the proposed development will drain to a series of dry-detention and wet-detention ponds, to promote pollutant removal and meet the local and state stormwater requirements, prior to discharging along the existing outfall path at a rate less than that of existing conditions.

Water & Sewer Utilities

An existing gravity sewer main runs along Jinks Street and Pine street that has the depth and capacity to accommodate the proposed development.

A water main is proposed along Jinks Street and Pine Street, to connect to the existing water system along US-17 and Lacey Street. The proposed water main connection will be utilized to serve the proposed development.



SITE DATA TABLE

PROJECT AREA: 104.45 ACRES
 OPEN SPACE: 46.31 ACRES
 NUMBER OF LOTS: 79*
 RESIDENTIAL DENSITY ALLOWED (RU/UPLAND AC): 107

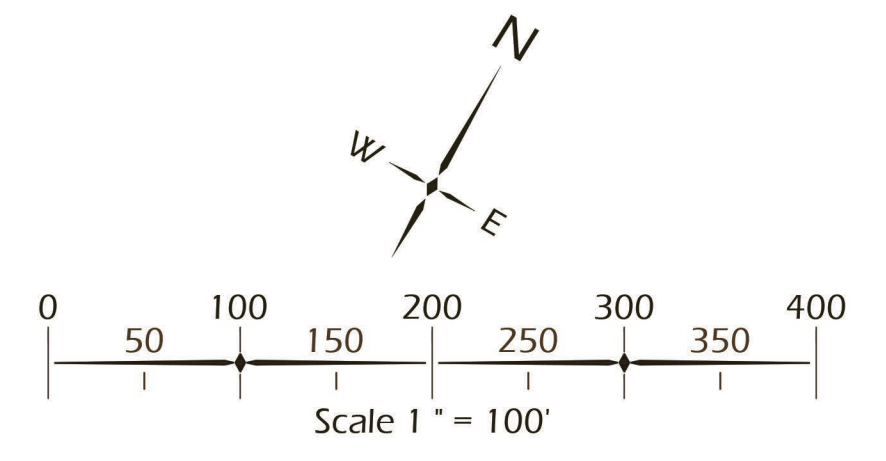
SUMMARY BY PARCEL

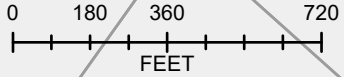
PARCEL	UPLAND (ACRES)	WETLAND (ACRES)	TOTAL (ACRES)
PARCEL 1	10.73	.75	11.48
PARCEL 2	10.01	2.69	12.7
PARCEL 3	16.76	17.2	33.8
PARCEL 4	0.11	46.2	46.31
TOTAL	37.5	66.95	104.45

LAND USE KEY

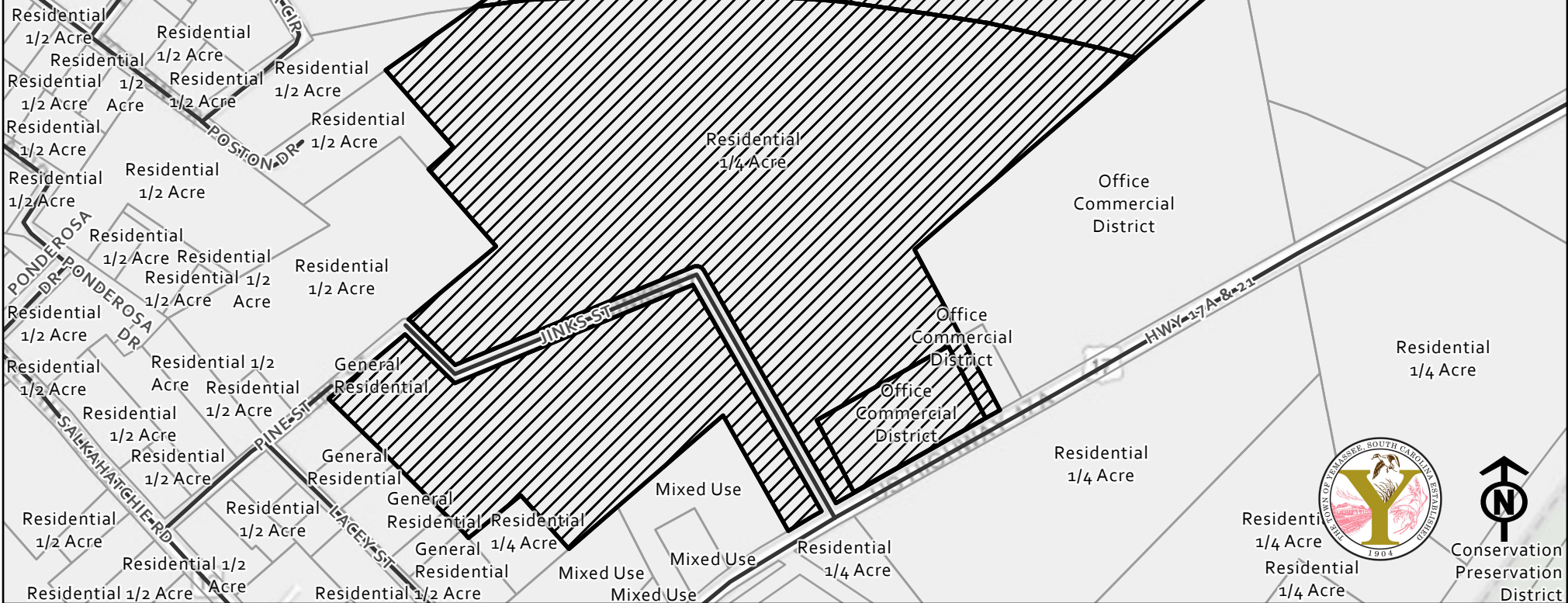
- RESIDENTIAL LOTS 1-79 (6,000 SF. MIN.)
- POND / RAIN GARDEN
- RIGHT-OF-WAY
- GREEN / OPEN SPACE
- WETLAND BUFFER
- WETLAND

*LOT LAYOUT AND DENSITY ARE CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE PENDING FINAL DEVELOPMENT PLAN SUBMITTAL.





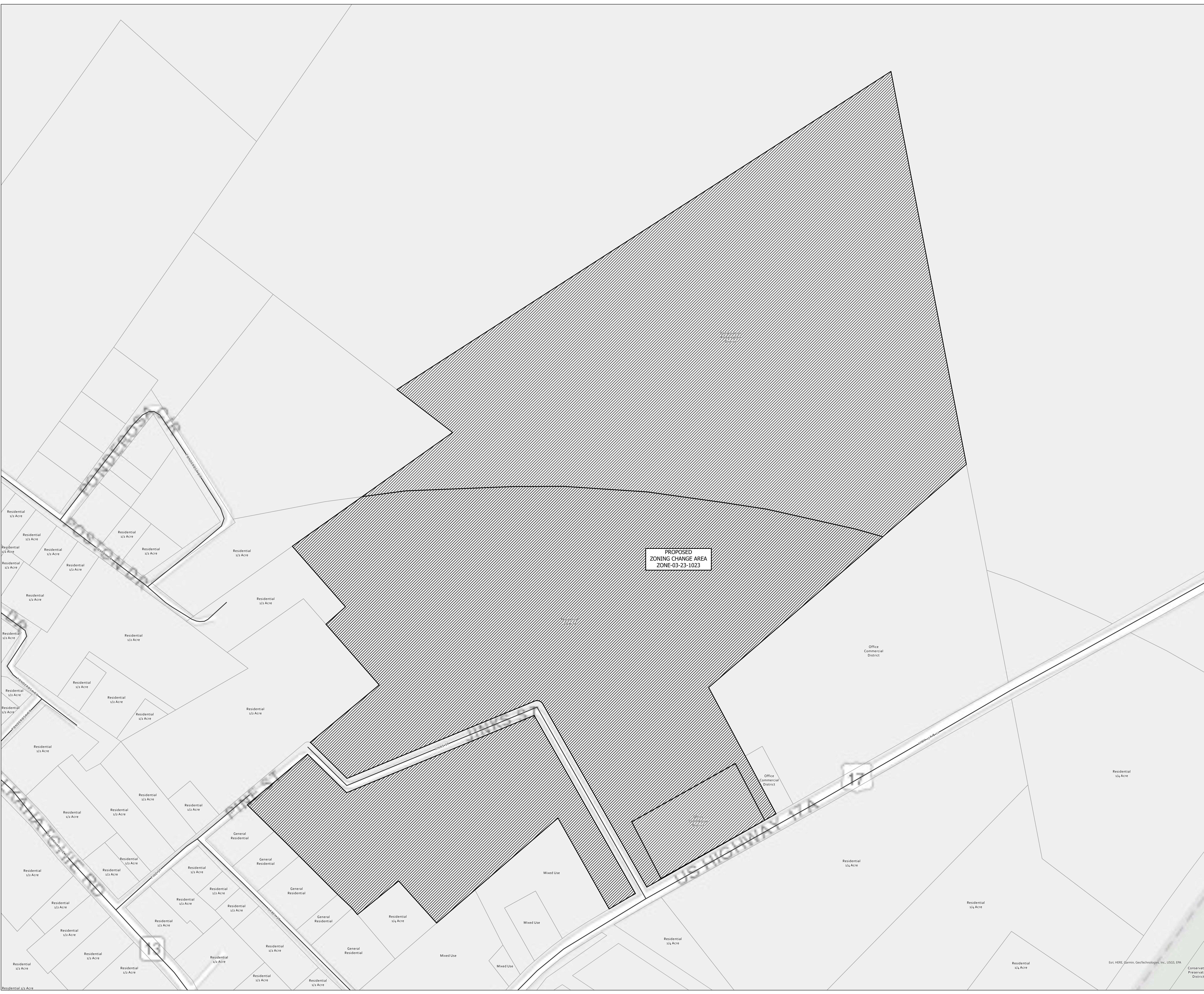
**PROPOSED ZONING
CHANGE AREA
ZONE-03-23-1023**



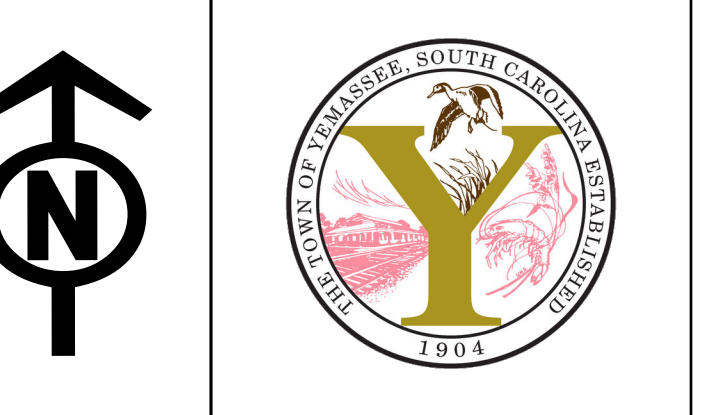
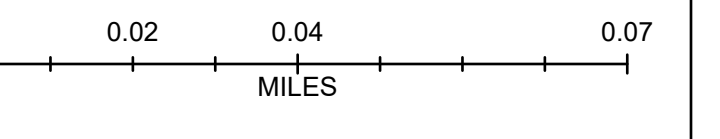
**ZONING
DEPARTMENT**

**PROPOSED
ZONING
CHANGE
AREA**

- LEGEND**
- ROADS
 - YEMASSEE ZONING**
 - ZONING DESCRIPTION**
 - GENERAL RESIDENTIAL
 - MIXED USE
 - OFFICE COMMERCIAL DISTRICT
 - RESIDENTIAL 1/4 ACRE
 - RESIDENTIAL 1/2 ACRE
 - CONSERVATION PRESERVATION DISTRICT
 - PARCELS
 - PARCELS
 - HYDROLOGY**
 - LAKE/POND
 - RESERVOIR
 - STREAM/RIVER
 - COUNTIES
 - PARCELS
 - PARCELS
 - PROPOSED ZONING CHANGE HAMPTON



DATE CREATED: 3/14/2023	PREPARED BY: SPATIAL ENGINEERING, INC.
DATE UPDATED: 3/14/2023	CARTOGRAPHY BY: GOVI HINES, GISP



DISCLAIMER:
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Colin J Moore

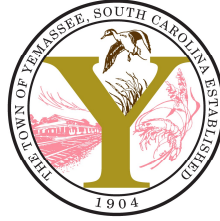
Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

**Town of Yemassee Administration Department
Rezoning Analysis (ZONE-03-23-1023)
203-00-00-046, 204-01-05-013 & 204-01-05-046 (Hampton County)
Meeting Date: March 14, 2023**

Applicant: Ironline Metals, LLC.

Owner: Ironline Metals, LLC.

Address(es): Jinks St & U.S. Highway 17A

Tax Map Number(s): 203-00-00-046, 204-01-05-013 & 204-01-05-046

County: Hampton

Site Description: The three parcels total approximately 104.4 acres located northwest of the intersection of U.S. Highway 17A and Jinks Street while the southern portion of the tract is directly north of Lacey Street.

Present Zoning and Existing Conditions:

Currently each parcel has a different zoning designation:

204-01-05-005 - Current Zoning: Residential ¼ Acre

204-01-05-013 - Current Zoning: Office Commercial District

203-00-00-046 - Current Zoning: Conservation Preservation District

Portions of parcels 204-01-05-005 & 204-01-05-013 abut U.S. Highway 17A and accordingly, portions of the properties are within the boundaries of the Highway Corridor Overlay District (HCOD) and are currently subjected to the requirements outlined in the Yemassee Zoning Ordinance pertaining to the HCOD.

Land Use Compatibility: The eastern border of the property is adjacent to U.S. Highway 17A, a north/south artery that traverses the Beaufort and Hampton County portions of the Town of Yemassee before crossing the Combahee River and entering Colleton County. The applicant is seeking to construct a 100,000sqft manufacturing operation near the intersection of U.S.

Highway 17A and Jinks Street - adjacent to the main thoroughfare. The applicant is seeking an encroachment permit from SCDOT to add a deceleration lane for truck access into the property heading southbound, roughly 500ft north of the existing Jinks Rd intersection. The existing Jinks Road would be improved and side roads leading to residential neighborhoods.

Environmental Issues: The project is adjacent to the Ace Basin Wildlife Refuge and a significant portion of parcel 203-00-00-046 is wetland and within a floodplain which is non-conducive to development. The balance of the property towards Lacey Street is uplands with an assortment of trees. The applicant will employ stormwater BMP's and a series of detention ponds to handle runoff.

Public Service Issues: None noted.

Letters were sent by certified mail to all adjacent property owners to the development advising them of the application.

Staff Review: Overall, Staff support the proposed rezoning to PUD which would allow a mix of housing units and a manufacturing operation which would bring an influx of jobs into the Town. Staff have no objection to the four requested modifications deviating from current zoning ordinances within the existing zoning ordinance. The Traffic Impact Analysis was reviewed and projected trips would not warrant a traffic control device at this time.



Town of Yemassee Public Hearing

NOTICE IS HEREBY GIVEN that the Town of Yemassee Planning Commission will hold a Public Hearing on Tuesday, April 4, 2023, at 3:00 PM at the Yemassee Municipal Complex, 101 Town Cir, Yemassee, SC 29945, for the purpose of soliciting input on the following:

ZONE-03-23-1023 by Ironline Metals, LLC., for a request for a Zoning Map Amendment for three parcels of land totaling approximately 104.40 acres of land located at the northwest corner of U.S. Highway 17A and Jinks Street, Hampton County from their current zoning designations to a designation of Planned Unit Development. The subject parcels are further identified by Hampton County Tax Map Number(s): 204-01-05-013, 204-01-05-005 & 203-00-00-046.

Persons with comments or questions should contact the Town of Yemassee Administration Department at (843) 589-2565 Ext. 3. Persons requiring special services to attend the meeting should call to make arrangements.

THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
IPL0113606
Parent Order #:
IPL0101153
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
HHI - Legal Ads
Final Cost:
55.62
Payment Type:
Account Billed
User ID:
IPL0026087

ACCOUNT INFORMATION

TOWN OF YEMASSEE IP
101 Town Cir
YEMASSEE, SC 29945-3363
803-589-2565
mattgarnes@townofyemassee.org
TOWN OF YEMASSEE

TRANSACTION REPORT

Date
March 9, 2023 4:18:18 PM EST
Amount:
55.62

SCHEDULE FOR AD NUMBER IPL01136060

March 12, 2023
The Island Packet (Hilton Head)

PREVIEW FOR AD NUMBER IPL01136060**Town of Yemassee Public Hearing**

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ZONE-03-23-1023 by Ironline Metals, LLC., for a request for a Zoning Map Amendment for three parcels of land totaling approximately 104.40 acres of land located at the northwest corner of U.S. Highway 17A and Jinks Street, Hampton County from their current zoning designations to a designation of Planned Unit Development. The subject parcels are further identified by Hampton County Tax Map Number(s): 204-01-05-013, 204-01-05-005 & 203-00-00-046.

Persons with comments or questions should contact the Town of Yemassee Administration Department at (843) 589-2565 Ext. 3. Persons requiring special services to attend the meeting should call to make arrangements.

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Extra Services & Fees (check box, add fee as appropriate)	\$7.75
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.63
Total Postage and Fees	\$8.13

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Total Postage and Fees	\$8.13

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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.63
Total Postage and Fees	\$8.13

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Total Postage and Fees	\$8.13

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Postage	\$0.63
Total Postage and Fees	\$8.13

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Louisville, KY 40223

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Postage	\$0.63
Total Postage and Fees	\$8.13

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.63
Total Postage and Fees	\$8.13

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.63	
Total P	\$8.13	03/10/2023

Sent To: Annie M. Reeves
 Street: P.O. Box 1074
 City, St: Yemassee, SC 29945-1074

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.87	
Total Postage and Fees	\$8.37	03/10/2023

Sent To: Frances Kay Reebe
 Street: P.O. Box 733
 City, St: Yemassee, SC 29945-0733

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Brooklyn, NY 11238

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Extra Services & Fees (check box, add fee as appropriate)	\$3.35	03
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.87	
Total P	\$8.37	03/10/2023

Sent To: Irene Smith Estate of
 Street: 309 Lafayette Ave, Apt 9M
 City, St: Brooklyn, NY 11238-1268

PS For: Instructions

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.87	
Total P	\$8.37	03/10/2023

Sent To: Providence Solutions, LLC.
 Street: 7087 Rivers Ave
 City, St: North Charleston, SC 29406-4622

PS For: Instructions

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Hampton, SC 29924

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Extra Services & Fees (check box, add fee as appropriate)	\$3.35	03
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.87	
Total P	\$8.37	03/10/2023

Sent To: Lowcountry Regional Water System
 Attn: Brian Burgess General Manager
 Street: 513 Elm St W
 City, St: Hampton, SC 29924-3101

PS For: Instructions

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Yemassee, SC 29745

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.87	
Total P	\$8.37	03/10/2023

Sent To: Mary M. Youmans
 Street: P.O. Box 128
 City, St: Yemassee, SC 29945-0128

PS For: Instructions

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Hampton, SC 29924

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.87	
Total P	\$8.37	03/10/2023

Sent To: Hampton County Building Department
 Attn: Randy Crews
 Street: 201 Jackson Ave W
 City, St: Hampton, SC 29924-3256

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Early Branch, SC 29916

OFFICIAL USE

Certified Mail Fee	\$4.15	0796
Extra Services & Fees (check box, add fee as appropriate)	\$3.35	03
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.63	
Total P	\$8.13	03/10/2023

Sent To: Clay T. Bishop
 Street: 2281 Ficken Rd
 City, St: Early Branch, SC 29916-3325

PS For: Instructions



Town of Yemassee Public Hearing

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THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
IPL0113606
Parent Order #:
IPL0101153
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
HHI - Legal Ads
Final Cost:
55.62
Payment Type:
Account Billed
User ID:
IPL0026087

ACCOUNT INFORMATION

TOWN OF YEMASSEE IP
101 Town Cir
YEMASSEE, SC 29945-3363
803-589-2565
mattgarnes@townofyemassee.org
TOWN OF YEMASSEE

TRANSACTION REPORT

Date
March 9, 2023 4:18:18 PM EST
Amount:
55.62

SCHEDULE FOR AD NUMBER IPL01136060

March 12, 2023
The Island Packet (Hilton Head)

PREVIEW FOR AD NUMBER IPL01136060**Town of Yemassee Public Hearing**

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Town of Yemassee
Planning Commission Meeting Minutes
April 4, 2023 / 3:00PM
Yemassee Municipal Complex, 101 Town Cir, Yemassee, SC 29945-3363

Present: Ethel Denmark, Joe Riley, Jay Holloway, Sharon Mansell, and Adonis Riley

Staff Present: Matthew Garnes, Town Administrator; Gregory Alexander, Police Chief; Denise Horowitz, Fire Marshall

Media Present: Lowcountry Inside Track

Call to Order:

The Town of Yemassee Planning Commission meeting was called to order at 3:00 PM by Chairman Adonis Riley.

Roll Call:

All members in attendance.

Determination of Quorum:

Quorum satisfied.

Public Comment:

Stephen Henson (17 Mixon St) - Mr. Henson informed the Committee that the trailer that was illegally placed on Mixon Street has been removed as of this weekend and wished to thank the Planning Commission for staying the course and doing what was right with respect to the trailer.

Approval of the March 7, 2023, Planning Commission Meeting Minutes. Chairman Riley asked if there were any corrections or changes with the minutes. Ms. Sharon Mansell made the motion to approve the minutes as presented. Second by Ms. Ethel Denmark. All in favor, motion passed.

Public Hearing.

- a) Ironline Metals (Zoning Map Amendment Application):** A request by Conor Blanely of Ward Edwards, Inc., on behalf of the property owner Ironline Metals, LLC. for approval of a Zoning Map Amendment for approximately 102.4 acres of land located at the intersection of U.S. Highway 17A and Jinks St. The application seeks rezoning of three parcels from their current zonings; 204-01-05-005 (Residential ¼ Acre), 204-01-05-013 (Office Commercial District) and 203-00-00-046 (Conservation Preservation District) to a zoning of Planned Unit Development within the Highway

Corridor Overlay District (HCOD). Chairman Riley opened the Public Hearing at 3:04PM. One citizen, Stephen Henson commented on the project that he was in favor of the PUD on these three parcels. With no further comments, the Public Hearing was closed at 3:06PM. Mr. Garnes advised that a second Public Hearing for this request would occur at the Tuesday, April 11, 2023, Town Council meeting at 6:30PM.

New Business:

Rosalyn Smith (Annexation Request / Initial Briefing): A request for a recommendation of approval on Request for an Annexation of One Parcel of Land of Approximately 1.39 Acres of land, located on Cochran St and further identified by Hampton County TMS: 198-00-00-095 via the 100% Petition and Ordinance Method with a concurrent Zoning Map Amendment requesting a rezoning from the current zoning of General Development District pursuant to the Hampton County Zoning Ordinance to General Residential (GR) pursuant to the Town of Yemassee Zoning Ordinance. Mr. Garnes reported that this parcel is one of the last remaining donut holes within the Cochran/Bing/Riley residential neighborhoods that did not annex in 2018. Mr. Holloway asked if we knew why they hadn't annexed back in 2018. Mr. Garnes stated that since the properties were undeveloped, Staff couldn't make contact physically with the property owners so mailed them instead and never heard back. Ms. Denmark asked what made this individual petition to which Mr. Garnes advised that Staff recently sent letters to everyone that had not annexed in that neighborhood to advise them of the potential benefits and this property owner returned an executed petition. Mr. Garnes reported that the property does not have a clear access easement and likely could be accessed from either Solomon St, Dot St or Oliver Dr. Prior to any future development occurring on the lot, a legal access and utility easement would be necessary. Ms. Mansell asked if the parcel is within a FEMA Floodplain. Mr. Garnes reported that almost the entirety of the parcel is within the Floodplain Zone A and the properties towards the interstate are very low-lying and wet. Current available data shows there is no NWI inventory on the property. Mr. Holloway made a motion to recommend acceptance of the petition and to schedule a public hearing. Second by Mr. Joe Riley. All in favor, motion passed.

Adjournment – Mr. Garnes advised that the Planning Commission meeting for May, will be pushed back one week to May 9 at 3:00PM. The website has been updated and the message board will be updated shortly.

Ms. Sharon Mansell made the motion to adjourn. Second by Mr. Joe Riley. All in favor, motion passed. Meeting adjourned at 3:20PM.

TOWN OF YEMASSEE

Ordinance No. 23-09

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE TOWN OF YEMASSEE ZONING MAP TO DESIGNATE CERTAIN REAL PROPERTY OWNED BY IRONLINE METALS, LLC., THE SAME CONTAINING APPROXIMATELY 104.4 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF U.S. HIGHWAY 17 A & JINKS STREET, AND BEARING HAMPTON COUNTY TAX MAP NUMBERS: 203-00-00-046, 204-01-05-013 & 204-01-05-046 AS PLANNED UNIT DEVELOPMENT PERSUANT TO THE TOWN OF YEMASSEE ZONING ORDINANCE

WHEREAS, THE Town of Yemassee has received a request from the applicant (Ironline Metals, LLC.) for a Zoning Map Amendment for three parcels of land that it is the One Hundred percent (100%) owner of, within the Town of Yemassee; and

WHEREAS, the Town of Yemassee Planning Commission reviewed a request for a Planned Unit Development (PUD) Concept Plan at their January 3, 2023, meeting. The plan included a proposed development of up to two hundred thousand (200,000) square feet of industrial occupancy and up to one hundred and seven (107), single family residences; and

WHEREAS, the Planning Commission voted to recommend approval of the PUD Concept Plan with the condition that a Traffic Impact Analysis be conducted to determine the potential impacts of traffic on surrounding roadways at full buildout; and

WHEREAS, the Town Council of the Town of Yemassee reviewed the request and recommendation of the Planning Commission at their January 10, 2023, meeting and approved the PUD Concept Plan application with the recommendations forwarded from the Planning Commission, and scheduled a Public Hearing; and

WHEREAS, the Town Council of the Town of Yemassee conducted a Public Hearing on the PUD Concept Plan at their February 17, 2023 Town Council Meeting to gather public input; and

WHEREAS, the applicant submitted a PUD Master Plan Application and a Preliminary Development Plan Application which were reviewed and approval recommended at the March 7, 2023 Planning Commission meeting; and

WHEREAS, concurrently the applicant submitted a Zoning Map Amendment for the subject parcels which was reviewed at the March 7, 2023, Planning Commission meeting with an approval to advance the application, schedule a Public Hearing and forward to Town Council; and

WHEREAS, a Public Hearing is set for the Zoning Map Amendment Application at the April 4, 2023, Planning Commission meeting to gather public input; and

WHEREAS, the Town Council of the Town of Yemassee concur with the Planning Commission's recommendations; and

WHEREAS, the Town Council of the Town of Yemassee finds it to be in the Town's best interest to amend the Zoning Map and designate the Properties as "Planned Unit Development".

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA:

The Town of Yemassee, South Carolina hereby amends the Zoning Map and designates that certain property owned by Ironline Metals, LLC., the same consisting of a total of 104.4 acres, more or less, being described as Hampton County Tax Map Numbers: 203-00-00-046, 204-01-05-013 & 204-01-05-046, as Planned Unit Development pursuant to the Town of Yemassee's Zoning Ordinance with the usage and densities listed below permitted within the PUD.

- I. Up to two-hundred thousand (200,000) square feet of industrial / manufacturing occupancies in the areas designated on the Master Plan map.
- II. Up to one-hundred-seven (107) single-family dwelling units with a minimum lot size of 6,000 square feet per dwelling unit, a minimum front yard setback of ten (10) feet from the street right-of-way line and a minimum side yard setback of five (5) feet from the lot lines.
- III. Said manufacturing use is entitled to any use currently permitted within the Light Industrial District chapter of the Town of Yemassee Zoning Ordinance and is permitted to conduct operations including the manufacturing of light gauge steel framing products including steel studs for residential and commercial buildings.
- IV. The minimum distance required between entrances for areas of the PUD within the Highway Corridor Overlay District is four hundred (400) feet between all access points to the corridor, including private driveways, roads, and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Planning Commission shall have discretion as to the placing of an alternative access point; however, no additional curb cuts on the subject parcel should result from having the alternative access point.
- V. The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150) feet. Newly created parcels are subject to the four hundred (400) foot distance requirement between access points from the highway.
- VI. Newly created subdivisions are subject to the four hundred (400) foot distance requirement between access points from the highway. No subdivision of land which would create parcels fronting on the highway shall be approved unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the four hundred (400) distance requirement, (i.e., frontage roads, shared access drives, and others);
- VII. Prior to any phase of development commencing, the applicant shall have submitted a Final Development Plan for the respective Phase and receive a Development Permit for the respective Phase. Each Development Permit granted is valid for two (2) years from the date of issue.

DONE, RATIFIED AND ENACTED THIS _____ DAY OF _____, 2023.

This Ordinance was read and passed at First Reading on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

This Ordinance was read and passed at Second and Final Reading held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

(seal)

Recommended Motion
(Zoning Map Amendment – Ironline)

“I move to approve the second and final reading of the Zoning Map Amendment and to schedule a Public Hearing for three parcels of land owned by Ironline Metals, LLC., located at the intersection of U.S. Highway 17A & Jinks Street in Hampton County, and identified by Tax Map Numbers: 203-00-00-046, 204-01-05-013 & 204-01-05-046 from their current zoning designations to a Zoning Designation of Planned Unit Development pursuant to the Town of Yemassee Zoning Ordinance with conditions and entitlements listed in Ordinance 23-09 which include:

I. Up to two-hundred thousand (200,000) square feet of industrial / manufacturing occupancies in the areas designated on the Master Plan map.

II. Up to one-hundred-seven (107) single-family dwelling units with a minimum lot size of 6,000 square feet per dwelling unit, a minimum front yard setback of ten (10) feet from the street right-of-way line and a minimum side yard setback of five (5) feet from the lot lines.

III. Said manufacturing use is entitled to any use currently permitted within the Light Industrial District chapter of the Town of Yemassee Zoning Ordinance and is permitted to conduct

operations including the manufacturing of light gauge steel framing products including steel studs for residential and commercial buildings.

IV. The minimum distance required between entrances for areas of the PUD within the Highway Corridor Overlay District is four hundred (400) feet between all access points to the corridor, including private driveways, roads, and public right-of-way. Spacing will be measured from the midpoint of each driveway. If the existence of jurisdictional wetlands precludes compliance with this provision, the Planning Commission shall have discretion as to the placing of an alternative access point;

however, no additional curb cuts on the subject parcel should result from having the alternative access point.

V. The minimum lot width at the building setback line for newly created parcels shall be a distance of one hundred fifty (150) feet. Newly created parcels are subject to the four hundred (400) foot distance requirement between access points from the highway.

VI. Newly created subdivisions are subject to the four hundred (400) foot distance requirement between access points from the highway. No subdivision of land which would create parcels fronting on the highway shall be approved

unless it is established prior to subdivision approval how access will be provided to each parcel in compliance with the four hundred (400) distance requirement, (i.e., frontage roads, shared access drives, and others);

VII. Prior to any phase of development commencing, the applicant shall have submitted a Final Development Plan for the respective Phase and receive a Development Permit for the respective Phase. Each Development Permit granted is valid for two (2) years from the date of issue.”

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V – Requirements by District, 5.25 River Protection District, to clarify language on which bodies of water are considered outstanding waters of the Town of Yemassee. [Ordinance 23-10]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Staff reviewed the existing Zoning Ordinance to identify inconsistencies, areas in need of clarity or where corrections are necessary in order for the Zoning Ordinance to have it's desired effect. Staff reviewed the River Protection Overlay District and identified waterways in which the Overlay District was applicable on and on the surrounding properties, several of which are not within the Town limits. A Text Amendment is proposed to clarify the outstanding waterways of the Town in which this overlay district is imposed on.

Recommended Action: Approve second and final reading of Ordinance 23-10.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

TOWN OF YEMASSEE
Ordinance No. 23-10

AN ORDINANCE AMENDING THE TOWN OF YEMASSEE’S ZONING
ORDINANCE, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION 5.2.5
RIVER PROTECTION OVERLAY DISTRICT, SEC 5.25.4(a) OUTSTANDING
RESOURCE WATERS

WHEREAS, THE Town of Yemassee desires to periodically improve its Zoning Ordinance and to identify areas for potential modifications; and

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Yemassee has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Yemassee Town Code and the Town of Yemassee Zoning Ordinance provides a framework for development within the Town of Yemassee through regulations set forth to protect and promote the interests of all in the Town of Yemassee and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and,

WHEREAS, the Town of Yemassee Town Council adopted its zoning ordinance, known as the Town of Yemassee Zoning Ordinance, on March 9, 2007; and,

WHEREAS, the Town Council of the Town of Yemassee conducted a Public Hearing on the PUD Concept Plan at their February 17, 2023, Town Council Meeting to gather public input; and

WHEREAS, the Zoning Ordinance establishes overlay districts that serves as a regulatory tool identifying special provisions in addition to those in the underlying base zone; and,

WHEREAS, the Zoning Ordinance establishes a River Protection Overlay District (RPOD) to ensure that extra measures are employed before any disturbance in areas in and around the watersheds of the Town of Yemassee; and,

WHEREAS, revisions are needed to clarify the specific outstanding resource waters of which this overlay is applicable to; and

WHEREAS, the Planning Commission conducted a review of the proposed text amendment at their March 7, 2023, Planning Commission Meeting and recommended forwarding the proposed amendment to the Town Council for consideration; and

WHEREAS, a Public Hearing shall be conducted by the Town Council prior to second reading; and

WHEREAS, the Town of Yemassee Town Council desires to amend the Zoning Ordinance to adopt the amendments listed below in Section 1, Amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Zoning Ordinance of the Town of Yemassee, Article V, Section 5.25 River Protection Overlay District as follows:

Section 1. AMENDMENTS. The Town of Yemassee hereby amends the Zoning Ordinance of the Town of Yemassee, South Carolina by adopting and incorporating amendments to the Town of Yemassee Zoning Ordinance, Article V, Section 5.25. River Protection Overlay District, Section 5.25.4(a) Outstanding Resource Waters as follows:

“5.25.4 The following Outstanding Resource Waters are included in the District:

- a) The entire stream or tributary located within the Town which includes Combahee River; Huspa Creek; Pocotaligo River and Stoney Creek”.

Section 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED THIS _____ DAY OF _____, 2023.

This Ordinance was read and passed at First Reading on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

This Ordinance was read and passed at Second and Final Reading held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O'Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

(seal)



Staff Report Administration



Meeting Date:	March 14, 2023
Project:	Proposed Amendments to the Town of Yemassee Zoning Ordinance, Chapter 5, Section 5.25 titled “River Protection Overlay District”, to clarify language on which bodies of water within the Town limits are subjected to the requirements outlined in the River Protection Overlay District.
Project Manager:	Matthew E. Garnes Town Administrator

Introduction: As set forth in Section 8.3 (Procedures for Amendments”, the Planning Commission shall review and prepare a report, including its recommendation for transmittal to the Town Council. Before enacting an amendment to this Ordinance, the Town Council shall hold a public hearing; notice of the time and place of which shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing.

Request: The Town Administrator requests that the Town Council recommend approval of first reading on a Text Amendment to the following Zoning Ordinance sections:

Chapter 5 – Section 5.25 – River Protection Overlay District

Background: The impetus for the amendment was a result of Staff conducting a thorough review of the existing Town of Yemassee Zoning Ordinance. While Staff conducted review on the River Protection Overlay District, several inconsistencies were identified regarding the bodies of water in the Town that would be subject to the River Protection Overlay District. The Planning Commission reviewed the proposed text amendment at their March 7, 2023 Planning Commission meeting and recommended approval of the proposed text amendment and voted to forward the request to the Town Council for consideration.



Staff Report Administration



Existing Language: Section 5.25.4 outlines the outstanding waters that are subjected to this overlay. Those bodies of water include:

- Branford Creek (Located on Kinloch Road, off U.S. Highway 17 north of Gardens Corner. Not within town limits.
- Huspa Creek (Headwaters of the Huspa Creek originate near Old Sheldon Church Road, crosses the Bailey Road causeway and under U.S. 17 towards Whale Branch. A portion of the creek was annexed in 2021 while the remainder is in unincorporated Beaufort County)
- William Creek (Located near Bull Point and feeds into the Pocotaligo River. Not in Town limits)

Below are the outstanding waters that have portions within or abutting the Town Limits:

- Combahee River
- Huspa Creek
- Pocotaligo River
- Stoney Creek

Proposed Text Change to 5.25.4 (a)

“The entire stream or tributary located within the Town which includes **Branford Creek; Combahee River; Huspa Creek; Pocotaligo River, Stoney Creek Wimbee Creek and William Creek.**”

Affected Properties

The following properties would be subjected to the additional requirements of the RPOD however retain their base zoning.

Address	TMS	Outstanding Water
302 McPhersonville Rd (Beaufort)	R710 011 000 0003 0000	Pocotaligo River
642 Castle Hall Rd (Beaufort)	R710 011 000 0002 0000	Pocotaligo River
2 Trask Pkwy	R710 011 000 0008 0000	Pocotaligo River
4 Trask Pkwy	R710 011 000 0009 0000	Pocotaligo River
16 Trask Pkwy	R710 011 000 0011 0000	Pocotaligo River
52 Trask Pkwy	R710 011 000 0010 0000	Pocotaligo River
56 Trask Pkwy	R710 012 000 0003 0000	Pocotaligo River
66 Trask Pkwy	R710 011 000 0005 0000	Pocotaligo River
124 Trask Pkwy	R710 012 000 0002 0000	Pocotaligo River



Staff Report Administration



		Stoney Creek
154 Stony Creek Cemetery Rd	R710 012 000 001A 0000	Pocotaligo River Stoney Creek
318 Trask Pkwy	R710 012 000 0047 0000	Stoney Creek
300 Cotton Hall Rd	R710 013 000 0001 0000	Huspa Creek
225 Bailey Rd	R710 019 000 0063 0000	Huspa Creek
862 Old Sheldon Church Rd	R710 013 000 028C 0000	Huspa Creek
864 Old Sheldon Church Rd	R710 013 000 028D 0000	Huspa Creek
870 Old Sheldon Church Rd	R710 013 000 0028 0000	Huspa Creek
000 River Rd (Ace Basin Wildlife)	R710 001 000 0028 0000	Combahee River
41.0 Interstate 95	196-00-00-026	Combahee River

Staff Recommendation: Staff recommend Town Council approve first reading of the text amendment as presented.

Next Steps:

Step	Date	Complete
Step 1. Planning Commission Recommendation	March 7, 2023	√
Step 2. Town Council 1st Reading	March 14, 2023	
Step 3. Town Council Public Hearing	April 11, 2023	
Step 4. Town Council 2nd Reading	April 11, 2023	

Attachments:

- Existing Chapter 25 Text
- Proposed Modification to Chapter 25

consideration will be given to projects that embody the spirit of the Town of Yemassee and its eclectic nature". The following conditions shall apply to signs in the HPOD:

1. Should be mounted with the least damage to historic materials;
2. Should be placed to complement the building and not obscure architectural detail;
3. Should be appropriate to the façade and not predate the structure; and
4. Should be in proportion with the building or structure.

D. Violations: Signs determined to be not in compliance must be removed. Failure to remove will result in a per-day fine in compliance with the *Town of Yemassee Municipal Codes*.

Section 5.22 Reserved

Section 5.23 Reserved

Section 5.24 Reserved

Section 5.25 River Protection Overlay District [RPOD]

5.25.1 Standards prescribed in this Section shall apply to all building, development, and site alteration in the River Protection Overlay District, and shall apply to all property in this District, regardless of use or ownership, except as provided below:

- A. The establishment of a single-family use on individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family) shall be subject to all provisions except those in *Section 5.25.17* regarding stormwater management. Residential subdivisions approved after the effective date of the Ordinance are subject to all provisions.
- B. Existing agricultural activities are exempt from the buffer zone requirement of this Section. Agricultural activities within fifty (50) feet of the Critical Line that result in the discharge of sediments, nutrients, pesticides, or other non-point source

pollutants are strongly encouraged to prepare a mitigation plan that utilizes *Best Management Practices* to minimize or avoid continued discharge of pollutants into the ORW. The applicable County Engineer will provide technical assistance in the design of an appropriate mitigation plan.

- C. Existing structures within the setback can be expanded, repaired, restored, or rebuilt. Reconstruction/expansion into the one hundred (100) foot setback of the horizontal area in the direction of the critical line may be approved by the Zoning Board of Appeals according to the provisions of *Section 5.25.11*.

5.25.2 All property within this Overlay District is also subject to the requirements of a base-zoning district included elsewhere in *Article V*. In cases where standards prescribed in the River Protection Overlay District differ from those prescribed in the base-zoning district or in any other applicable local, state, or federal regulation, the more restrictive standard should be.

5.25.3 The Yemassee River Protection Overlay District consists of:

- A. That portion of the following bodies of water listed below which are contained within the Critical Area as defined by South Carolina Office of Ocean and Coastal Resource Management (OCRM); and
- B. As well as the land, abutting those waters extending one hundred fifty (150) feet perpendicular to and in a horizontal plane from the OCRM Critical Line. In situations where the OCRM Critical Area extends inland, as in the case of coves, the River Protection Overlay District shall terminate at a point determined by OCRM, e.g. where the Critical Line effectively merges.

5.25.4 The following Outstanding Resource Waters are included in the District:

- A. The entire stream or tributary located within the Town which includes Branford Creek; Huspa Creek; Wimbee Creek and William Creek .

consideration will be given to projects that embody the spirit of the Town of Yemassee and its eclectic nature". The following conditions shall apply to signs in the HPOD:

1. Should be mounted with the least damage to historic materials;
2. Should be placed to complement the building and not obscure architectural detail;
3. Should be appropriate to the façade and not predate the structure; and
4. Should be in proportion with the building or structure.

*D. Violations: Signs determined to be not in compliance must be removed. Failure to remove will result in a per-day fine in compliance with the *Town of Yemassee Municipal Codes*.*

Section 5.22 Reserved

Section 5.23 Reserved

Section 5.24 Reserved

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5.25.1 Standards prescribed in this Section shall apply to all building, development, and site alteration in the River Protection Overlay District, and shall apply to all property in this District, regardless of use or ownership, except as provided below:

- A. The establishment of a single-family use on individual parcels in or designated for single-family residential use and family property (i.e., parcels in residential use by members of the same family) shall be subject to all provisions except those in *Section 5.25.17* regarding stormwater management. Residential subdivisions approved after the effective date of the Ordinance are subject to all provisions.
- B. Existing agricultural activities are exempt from the buffer zone requirement of this Section. Agricultural activities within fifty (50) feet of the Critical Line that result in the discharge of sediments, nutrients, pesticides, or other non-point source

pollutants are strongly encouraged to prepare a mitigation plan that utilizes *Best Management Practices* to minimize or avoid continued discharge of pollutants into the ORW. The applicable County Engineer will provide technical assistance in the design of an appropriate mitigation plan.

- C. Existing structures within the setback can be expanded, repaired, restored, or rebuilt. Reconstruction/expansion into the one hundred (100) foot setback of the horizontal area in the direction of the critical line may be approved by the Zoning Board of Appeals according to the provisions of *Section 5.25.11*.

5.25.2 All property within this Overlay District is also subject to the requirements of a base-zoning district included elsewhere in *Article V*. In cases where standards prescribed in the River Protection Overlay District differ from those prescribed in the base-zoning district or in any other applicable local, state, or federal regulation, the more restrictive standard should be.

5.25.3 The Yemassee River Protection Overlay District consists of:

- A. That portion of the following bodies of water listed below which are contained within the Critical Area as defined by South Carolina Office of Ocean and Coastal Resource Management (OCRM); and
- B. As well as the land, abutting those waters extending one hundred fifty (150) feet perpendicular to and in a horizontal plane from the OCRM Critical Line. In situations where the OCRM Critical Area extends inland, as in the case of coves, the River Protection Overlay District shall terminate at a point determined by OCRM, e.g. where the Critical Line effectively merges.

5.25.4 The following Outstanding Resource Waters are included in the District:

- A. The entire stream or tributary located within the Town which includes the **Combahee River, Huspa Creek, Pocotaligo River and Stony Creek**.

Proposed Motion

(Ordinance 23-10)

"I move to:

Approve second and final reading on amendments to the Town of Yemassee Zoning Ordinance, Article 5 – Requirements by District, Sec. 5.25 River Protection Overlay District, Section 5.25.4(a) Outstanding Resource Waters as follows:

- a) The entire stream or tributary located within the Town which includes the Combahee River, Huspa Creek, Pocotaligo River and Stony Creek."

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Resolution Ranking the 2023 Community Needs for the Purposes of Community Development Block Grant Funding [Resolution 23-06]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

	Ordinance	√	Resolution		Other
√	Support Documents	√	Motion		

Summary: Last month, Lowcountry Council of Governments conducted our annual CDBG Needs Assessment to identify the needs of the community for the upcoming year for the purposes of grant funding. Staff have ranked the needs at the request of Council for 2023 and are required to transmit an official ranking to the State annually.

Recommended Action: Request Council adopt Resolution 23-06 as presented.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

RESOLUTION 23-06

A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL, RANKING THE 2023 COMMUNITY NEEDS FOR THE PURPOSES OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

WHEREAS, the Town of Yemassee held its annual CDBG Needs Assessment Public Hearing on March 14, 2023, at the Yemassee Town Council Meeting; and,

WHEREAS, the public hearing allowed the Town Council and attending public to learn about the various funding opportunities available within the Community Development Block Grant program offered by the South Carolina Department of Commerce; and,

WHEREAS, the Town Council is required to formally rank its needs annually; and,

WHEREAS, the Town of Yemassee is committed to improving the quality of life for all residents throughout the Town of Yemassee and will pursue all funding sources including CDBG funding to meet this goal.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE AS FOLLOWS:

1. The Town Council of the Town of Yemassee hereby ranks its needs for 2023 as:
 1. Community Infrastructure – Water & Sewer Extension
 2. Special Projects – Economic Development
 3. Community Enrichment – Downtown Streetscapes

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 11th DAY OF APRIL 2023.

Colin J Moore

Mayor

ATTEST: Matthew E. Garnes

Town Administrator

(seal)

2023
Community Development
Block Grant (CDBG)

Program Year: April 1, 2023 – March 31, 2024

Community and Economic Development
Strengthening People Strengthening Communities



www.lowcountrycog.org

FAIR HOUSING IS THE LAW

Also, as a part of the requirements of the program, the locality is expected to undertake activities that promote Fair Housing. Title VIII of the Civil Rights of 1968 stipulates that we all have the right to be treated fairly regardless of our **race, color, religion, sex, disability, familial status, or national origin.**



In the sale and rental of housing
In residential real estate transactions
In the provision of brokerage services

If you believe that you have been a victim of discriminatory housing practices, you have avenues by which the matter can be investigated.



Beaufort County and Lowcountry Council of Governments are committed to Fair Housing.

For more information contact

LCOG at (843) 473-3990.

The SC CDBG Program is designed to provide assistance to units of local government in improving economic opportunities and meeting community revitalization needs, particularly for persons of low and moderate income (LMI).

LMI QUALIFIED

Hampton County

Hampton County	<u>1 Person</u>	<u>2 Person</u>	<u>3 Person</u>	<u>4 Person</u>	<u>5 Person</u>	<u>6 Person</u>	<u>7 Person</u>	<u>8 Person</u>
30% Limits	\$ 12,400	\$ 14,150	\$ 15,900	\$ 17,650	\$ 19,100	\$ 20,500	\$ 21,900	\$ 23,330
50% Limits	\$ 20,600	\$ 23,550	\$ 26,500	\$ 29,400	\$ 31,800	\$ 34,150	\$ 36,500	\$ 38,850
80% Limits	\$ 32,950	\$ 37,650	\$ 42,350	\$ 47,050	\$ 50,850	\$ 54,600	\$ 58,350	\$ 62,150

LMI QUALIFIED

Beaufort County

Beaufort County		<u>1 Person</u>	<u>2 Person</u>	<u>3 Person</u>	<u>4 Person</u>	<u>5 Person</u>	<u>6 Person</u>	<u>7 Person</u>	<u>8 Person</u>
<i>HUD Metro FMR Area</i>	30% Limits	\$ 18,200	\$ 20,800	\$ 23,400	\$ 26,000	\$ 28,100	\$ 30,200	\$ 32,250	\$ 34,350
	50% Limits	\$ 30,350	\$ 34,700	\$ 39,050	\$ 43,350	\$ 46,850	\$ 50,300	\$ 53,800	\$ 57,250
	80% Limits	\$ 48,550	\$ 55,500	\$ 62,450	\$ 69,350	\$ 74,900	\$ 80,450	\$ 86,000	\$ 91,550

The CDBG program has been funded through the State since 1982 by the US Department of Housing and Urban Development (HUD) under Title I of the Housing Community Development Act of 1974 as amended (Title I).

The Annual allocation from HUD for the program is administered by the S C Department of Commerce – Division of Grant Administration. SC has been allotted approximately \$19,740,854 in CDBG funds for 2023.

GRANT PROGRAM CATEGORIES

There are three broad grant program categories:

- **Community Development**
- **Business Development**
- **Regional Planning**

The Community Development Program is further broken down into several subcategories to address infrastructure, community facilities, and neighborhood priorities as follows:

COMMUNITY DEVELOPMENT PROGRAM

COMMUNITY INFRASTRUCTURE \$10,948,629
APPLICATION REQUEST March 17, 2023 APPLICATION DEADLINE April 17, 2023
WATER
SEWER
DRAINAGE
ROADS
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$1,000,000

LOCAL PRIORITIES \$1,000,000
APPLICATION REQUEST August 15, 2023 APPLICATION DEADLINE September 15, 2023
ECONOMIC DEVELOPMENT
PUBLIC HEALTH & SAFETY, QUALITY OF LIFE, AND SUSTAINABILITY
RESILIENCY AND NARROW THE DIGITAL DIVIDE
Activities include historic preservation, innovation, energy conservation, parks, trails and greenways.

COMMUNITY ENRICHMENT \$3,000,000
APPLICATION REQUEST August 15, 2023 APPLICATION DEADLINE September 15, 2023
BROWNFIELD PROJECTS/DEMOLITION OBSOLETE BUILDINGS
DOWNTOWN STREETScape IMPROVEMENTS*
PLANNING FOR REGIONAL INFRASTRUCTURE (\$25,000 maximum)
LIBRARIES
PUBLICLY OWNED FACILITIES
TRANSPORTATION-ORIENTED PUBLIC FACILITIES
PUBLIC SAFETY FACILITIES/SERVICES
DEMOLITION VACANT, DILAPIDATED STRUCTURES TO ADDRESS/SUPPORT CRIME PREVENTION
FIRE SUBSTATIONS OR FIRE TRUCKS
HEALTH CLINIC FACILITIES/EQUIPMENT
PUBLIC FACILITY MODIFICATIONS
NEW SIDEWALKS IN LMI AREAS
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$750,000

READY TO GO \$600,000
APPLICATION REQUEST ONGOING APPLICATION DUE 30 DAYS AFTER REQUEST
ACTIVITIES LISTED IN COMMUNITY INFRASTRUCTURE & COMMUNITY ENRICHMENT
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$500,000* (*maximum waiver available)
NATIONAL OBJECTIVE
•Benefit low-to-moderate income (“LMI”) Persons
•Aid in the prevention or elimination of slums or blight
•Meet other urgent community needs posing a serious threat to the health or welfare of the community

NEIGHBORHOOD REVITALIZATION \$1,000,000- MUST HAVE A PLAN
APPLICATION REQUEST August 15, 2023 APPLICATION DEADLINE September 15, 2023
INFRASTRUCTURE - WATER, SEWER, ROADS, DRAINAGE
PUBLIC FACILITIES (SIDEWALKS, SECURITY LIGHTING, CAMERAS, POLICE SUBSTATIONS)
HOUSING - INFRASTRUCTURE TO SUPPORT AFFORDABLE HOUSING
HOUSING - LIMITED EXTERIOR ONLY
DEMOLITION AND CLEARANCE OF VACANT/DILAPIDATED PROPERTIES
PUBLIC SERVICES (CRIME WATCH PROGRAM, DRUG/GANG EDUCATION, AWARENESS/PREVENTION PROGRAMS)
MINIMUM FUNDING AMOUNT - \$50,000 MAXIMUM FUNDING AMOUNT - \$750,000

10% MATCH REQUIREMENT FOR ALL PROJECTS

GRANT PROGRAM CATEGORIES

Business Development Program: \$2,000,000

This program provides financial resources for local governments to pursue opportunities that create new jobs, retain existing employment, stimulate private investment, and revitalize or facilitate the competitiveness of the local economy. Funding will be prioritized based on the following order:

1. New or expanding businesses tied to job creation
2. Area economic development activities not associated with job creation
3. New or expanding local businesses that provide essential goods and services in predominately LMI communities

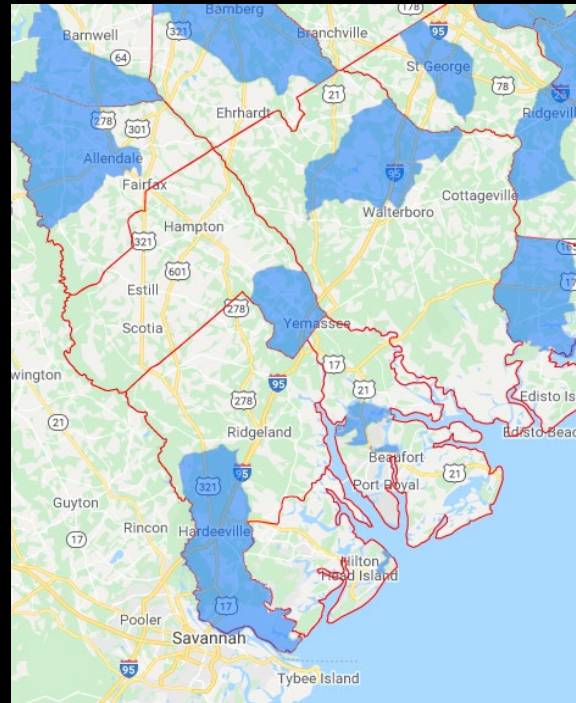
Regional Planning Program: \$500,000

This program is designed to provide CDBG funds to Councils of Governments to assist local governments in developing plans and building local community development capacity.

State TA & Admin: \$ 692,225

OPPORTUNITY ZONES

Projects located in Opportunity Zones will receive an additional 10 bonus points (scopportunityzone.com)



PERFORMANCE THRESHOLD

A unit of local government can apply for an additional Community Development grant if it has no more than two open CDBG grants (excluding Business Development or Regional Planning grants).

However, the open grants must not have exceeded a **30-month grant period**.

PERFORMANCE THRESHOLD

No more than one Neighborhood Revitalization/Village Renaissance or streetscape project.

No more than one Ready to Go project.

No more than one project for the same general target area/neighborhood open at the same time, unless the current project is under construction.

BEAUFORT COUNTY/ LOWCOUNTRY **REGIONAL HOME CONSORTIUM**

The Beaufort County/Lowcountry Regional HOME Consortium (LRHC) is comprised of the following counties: Beaufort, Colleton, Hampton, and Jasper and all 21 municipalities in the region.

BEAUFORT COUNTY/ LOWCOUNTRY **REGIONAL HOME CONSORTIUM**

TOP THREE OBJECTIVES:

- 1. Rehabilitation of substandard housing**
- 2. Increase accessibility to adequate and affordable housing**
- 3. Support the development and availability of safe, decent, and affordable housing**

BEAUFORT COUNTY/ LOWCOUNTRY **REGIONAL HOME CONSORTIUM**

Beaufort, Hampton, Colleton and Jasper Counties have areas that are in need of affordable housing, rehabilitation of substandard housing, and demolition of vacant/dilapidated houses.

As the housing stock ages, there becomes a greater need for rehabilitation of substandard houses and the number of vacant/dilapidated houses increases while increasing the number of persons at risk for homelessness.

Please give us a list of the priority housing needs for your area to be considered in our upcoming 2023-2024 Annual Action Plan to be submitted to HUD by April 28, 2023.

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Active CDBG Grant Projects for Town of Yemassee

As of 15 March 2023

Project	Grant Number
Demolition Project	4-CE-19-014
Water Extension/Upgrades & Sewer Extension	4-CI-20-023

Proposed Motion

(Resolution 23-06)

***“I move to adopt Resolution 23-06, ranking the
needs of the Town of Yemassee for 2023 for the
purposes of Community Development Block
Grant Funding”***

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Resolution Adopting the 2023 Town of Yemassee Zoning Board of Appeals Meeting Schedule [Resolution 23-07]

Department: Administration

Submitted by: Caroline Koger, Staff Liaison to Committee

Attachments:

	Ordinance	√	Resolution		Other
√	Support Documents	√	Motion		

Summary: The Zoning Board of Appeals (ZBOA) has developed and approved a meeting schedule for 2023 at their March 2023 meeting.

Recommended Action: Adopt Resolution 23-07 as presented.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

RESOLUTION 23-07

A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA TOWN COUNCIL, ADOPTING A PUBLIC MEETING SCHEDULE OF THE ZONING BOARD OF APPEALS FOR 2023.

WHEREAS, each year, political subdivisions are required by law to post advanced notice of their anticipated meeting schedule as to allow members of the public time to plan to attend; and

WHEREAS, the Town of Yemassee appointed a Zoning Board of Appeals in January 2023 and the board held their inaugural meeting in March 2023; and

WHEREAS, the Town of Yemassee Zoning Board of Appeals shall meet on the third Wednesday of the month at 6:30PM at the Yemassee Municipal Complex. The board Chairman may add, cancel, or schedule additional meetings with proper notice. State law requires an annual schedule of anticipated meetings to be published prior to the new calendar year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE AS FOLLOWS:

1. The Town of Yemassee hereby adopts the attached Zoning Board of Appeals Public Meeting Schedule for 2023, understanding that the dates may change with proper notice and additional meetings may be scheduled as warranted.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION, SIGNED, SEALED AND DELIVERED AS OF THIS 11th DAY OF APRIL 2023.

Colin J Moore

Mayor

ATTEST: Matthew E. Garnes

Town Administrator

(Seal)

Colin J Moore

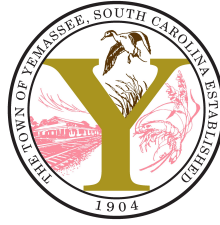
Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town of Yemassee Zoning Board of Appeals (ZBOA) 2023 Meeting Schedule

Regular Meetings of the Zoning Board of Appeals will be held on the third Wednesday of the month at 6:30PM at the Yemassee Municipal Complex and is subject to change with notice. Other meetings such as workshops or special meetings may be called as deemed necessary by the Board with proper notice.

2023 ZBOA Meeting Dates
Wednesday March 15, 2023
Wednesday April 19, 2023
Wednesday May 17, 2023
Wednesday June 21, 2023
Wednesday July 19, 2023
Wednesday August 16, 2023
Wednesday September 20, 2023
Wednesday October 18, 2023
Wednesday November 22, 2023
Wednesday December 20, 2023

Proposed Motion

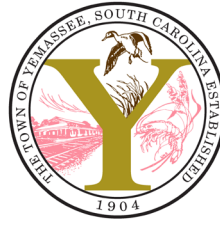
(Resolution 23-07 – ZBOA Meeting Schedule)

***“I move to adopt Resolution 23-07, Adopting the
2023 Public Meeting Schedule for the Zoning
Board of Appeals”.***

Mayor

 Peggy Bing-O'Banner
Mayor Pro Tempore

 Matthew Garnes
 Town Administrator



Council Members
 Alfred Washington
 Stacy Pinckney
 David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement (IGA) between the Yemassee Police Department and the Hampton County Sheriff's Office for Law Enforcement Services. [Resolution 23-08]

Department: Police

Submitted by: Gregory Alexander, Chief of Police

Attachments:

	Ordinance	√	Resolution		Other
√	Support Documents	√	Motion		

Summary: The newly elected Sheriff of Hampton County has requested municipalities adopt the following Intergovernmental Agreement for Mutual-Aid Law Enforcement Services.

Recommended Action: Adopt Resolution 23-08 as presented.

Council Action:

- ___ Approved as Recommended
- ___ Approved with Modifications
- ___ Disapproved
- ___ Tabled to Time Certain
- ___ Other

RESOLUTION 23-08
A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, TOWN COUNCIL AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF YEMASSEE AND THE HAMPTON COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES

WHEREAS, S.C. Code 23-20-10 through 23-20-50 (Code of Laws of South Carolina 1976) as amended, provides that any county, incorporated municipality, or other political subdivision of this State may enter into mutual aid agreements as may be necessary for the proper and prudent exercise of public safety functions; and

WHEREAS, these sections specify contractual provisions and approvals that are required for such agreements; and

WHEREAS, the officers and law Enforcement provider under such agreements have the same legal rights, powers, and duties to enforce the laws of South Carolina as the law enforcement agency contracting for the services; and

WHEREAS, the Town of Yemassee, an incorporated municipality of the State of South Carolina, and the County of Hampton, a political subdivision of the State of South Carolina have not previously entered into an agreement and are therefore required to; and

WHEREAS, it is the intent of the parties to share jurisdiction under the written agreement to the fullest extent permitted under South Carolina law, which requires that a mutual-aid agreement must be approved by the appropriate governing body of each incorporated municipality or political subdivision that wishes to be a part of the agreement; and

WHEREAS, the Town of Yemassee wishes to approve the mutual aid agreement with the Hampton County Sheriff's Office as presented at "Attachment A".

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Yemassee, SC, Authorize the execution of the attached Intergovernmental Agreement ("Attachment A") between the Town of Yemassee and the Hampton County Sheriff's Office for Law Enforcement Services.

PASSED AND ADOPTED by the Town Council of the Town of Yemassee, SC this 12th day of April 2023.

Colin J. Moore
Mayor

ATTEST: Matthew E. Garnes
Town Administrator

(Seal)

STATE OF SOUTH CAROLINA)
)
COUNTY OF HAMPTON) LAW ENFORCEMENT
) ASSISTANCE AND SUPPORT AGREEMENT

This agreement is made and entered into this _____ day of _____, 2023 by and between the Hampton County Sheriff's Office, 411 Cemetery Road, Varnville, South Carolina 29944, and the Yemassee Police Department, 101 Town Cir, Yemassee, SC 29945.

WHEREAS, as amended on June 3, 2016, South Carolina Code of Laws Ann. 23-20-10, provides for contractual agreement between and among state, county, municipal, and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines.

WHEREAS the Hampton County Sheriff's Office desires to enter into such an agreement with the Yemassee Police Department for the purposes of securing to each other the benefits of mutual aid in the event of natural disaster, disorder, special events, emergency situations, and any other law enforcement activities.

WHEREAS the purpose of this Mutual Aid and Support Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

WHEREAS, during these activities, it is possible that law enforcement officers will respond to become involved with, and/or deal with emergency situations, civil disorders, arrest, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, School Resources Officer functions, and/or any other matter handled by law enforcement. The requesting agency desires the replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, it is the intent of the parties to share jurisdiction under this written Agreement to the fullest extent permitted under South Carolina law and it is further agreed as follows:

I. VESTING OF AUTHORITY AND JURISDICTION:

To the fullest extent permitted by the Constitution and the statutes of this state, officers assigned under this Agreement shall be vested with authority, jurisdiction rights, immunities, and privileges

outside his resident jurisdiction for the purpose of investigations, arrest, or any other activities related to criminal activity for which this agreement is drawn. This Agreement is no way intended to affect any other multi-jurisdiction agreement(s) which may exist between the agencies. The assistance to be rendered pursuant to this Agreement shall solely involve responding law enforcement officers from one party's jurisdiction to the other. When so responding, such law enforcement officers shall have all powers and authorities of law enforcement officers employed by the requesting jurisdiction. However, local ordinances adopted by a responding party's jurisdiction shall not be deemed extended into area of operation that are located outside the geopolitical territorial limits of that party.

II. REQUEST FOR ASSISTANCE:

Pursuant to this Agreement, law enforcement officers may be requested to preform public safety functions across jurisdictional lines, including, but not limited to, multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations. Assistance provided in this Agreement includes, but is not limited to:

- A. Emergency Situations
- B. Civil Disorders
- C. Natural or Manmade Disasters
- D. Mass Processing of Arrest
- E. Transporting of Prisoners
- F. Operating Temporary Detention Facilities & Housing Inmates
- G. Arrest
- H. Pursuits of Criminal Suspects
- I. Location of Missing Persons
- J. Traffic Control and Safety
- K. Criminal Investigations; or
- L. Any other Matter Handled by Law Enforcement for that Particular Jurisdiction.

III: PRIMARY RESPONSIBILITY:

It is agreed and understood that the primary responsibility of the parties to this Agreement is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is

requested shall be the sole judge as to whether it can respond and to what extent it can comply with the request from the other agency.

IV: PRCEURE FOR REQUESTING LAW ENFORCEMENT ASSISTANCE:

A: REQUEST:

A request for assistance shall only be made by the Hampton County Sheriff or his designee, or the Chief of Police, or his designee. This request shall include a description of the situation creating the need for assistance, the specific aid needed, the approximate number of law enforcement personnel are to be dispatched, and the officer in charge of such location. Request may be verbal or in writing. If verbal, the request shall be confirmed in writing within 10 days of the request.

B: REPLY:

A reply to any request for assistance shall only be made by the Hampton County Sheriff or his designee, or the Chief of Police or his designee. If the request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officer to respond.

C: OFFICER IN CHARGE:

The responding law enforcement officers shall report to the officer in charge of the requesting law enforcement agency at his designated location and shall be subject to the lawful orders and commands of that officer. The responding law enforcement officer shall exert their best efforts to cooperate with and aid, the requesting law enforcement agency. The responding law enforcement officers shall always be responsible for acting within the policy and procedures set forth in the policy and procedures manual of the law enforcement agency by which they are regularly employed.

D: RELEASE:

The responding law enforcement officers shall be released by the officer in charge when their services are no longer required or when they are needed to respond to a situation within the geographical boundaries of their own jurisdiction; provided however, the responding law enforcement officers shall use their best efforts to complete the requested service prior to being released.

V: PERSONNEL:

Except as otherwise agreed among the parties, each party shall maintain control over its

personnel.

VI: COSTS:

Except as otherwise provided herein, each party shall bear its own cost incurred in the performance of its obligations hereunder and shall keep its own personnel and other usual records as to its assigned officers. In the event extraordinary cost are incurred while rendering aid pursuant to this Agreement, the responding party may request reimbursement by remitting to the requesting party an itemized statement of such expenses.

VII: RECORDS:

Any and all records of law enforcement activities conducted pursuant to this Agreement shall be the property of and maintained by the agency conducting the activity, including any incident reports, citations, photographs, or other images captured on any photographic or digital media. Nothing contained herein prohibits or precludes any participating agency from making or maintaining a copy of any such records referenced above.

VIII: REQUEST FOR INFORMATION PURSUANT TO THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT:

Upon receipt of a Freedom of Information Act request (FOIA), each agency participating in the Agreement must respond to the request for information pursuant to the South Carolina Freedom of Information Act. ((South Carolina code of laws 30-4-10) FOIA policies attached.)

IX: COMPENSATION:

This agreement shall in no manner affect or reduce the compensation, pension, or retirement rights of any responding officer. Those officer's salaries and benefits shall continue to be paid by the department where they are permanently employed. Except as otherwise agreed, each party shall bear its own cost and expenses incurred in complying with this agreement.

X: INSURANCE:

Each party shall maintain such insurance coverage for general liability, worker's compensation and other such coverage as may be required by law or deemed advisable by individual parties.

XI: LIABILITY:

Participating agencies shall not be liable or obligated to indemnify any other person or entity for any of its equipment damaged or destroyed, and the individual officers shall not be

indemnified for any material damage to his/her property, injury to his/her person, or on account of his/her death resulting from the performance under this agreement.

The party receiving aid under this agreement shall not be responsible for reimbursing any amounts paid or due as benefits to employees of a responding party under the terms of the South Carolina Workers Compensation Act due to personal injury or death occurring while such employees are engaged in rendering aid under this agreement. All parties shall be responsible for payment of compensation and benefits only to their respective employees.

This agreement shall not be construed as or deemed to be an agreement for the benefit of any third party, and no third party shall have any right of action under this agreement for any cause whatsoever.

To the extent permitted by law, and without waiving sovereign immunity, each party to the agreement shall be responsible for defending any and all claims, demands, suites, actions, damages, and causes of action related to or arising out of or in any way connected with its own actions and the actions of its personnel, in providing mutual aid and/or law enforcement services and assistance pursuant to the terms and conditions of this agreement.

XII: EMPLOYMENT STATUS:

Nothing herein shall be construed or interpreted to imply that the law enforcement officers responding in accordance with this agreement shall be the employees of the law enforcement agency requesting assistance. Such responding officers shall, in all events, retain employee status with the responding party. Officers of the requesting party shall in all events, retain employee status with the requesting party.

XIII: MODIFICATION OR AMENDMENT:

The agreement shall not be modified, amended, or changed in any manner except upon written consent of the parties to the agreement.

XIV: RESPONSIBILITY TO RESPECTIVE GOVERNING BODIES:

Each party to this agreement is responsible for obtaining approval from its respective governing body to the extent required under South Carolina law.

XV: SEVERABILITY:

Should any part of this agreement be found to be unenforceable by any court or other competent authority, then the rest shall remain in full force and effect.

XVI: BINDING SUCCESSORS IN OFFICE:

All parties agree that any and all successors in interest to their officers will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

XVII: NO INDEMNIFICATION OR THIRD-PARTY RIGHTS:

To the extent provided by law, the parties shall be solely responsible for the acts and omissions of their respective employees, officers, and officials, and for any claims, lawsuits and payment damages that arise from activities of its officers. No right of indemnification is created by this agreement and the parties expressly disclaim such. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any party or entity not a party to this agreement.

XVIII: TERMINATION:

This agreement shall be terminated at any time upon written notice to the other party to this agreement.

XIX: TERM AND RENEWAL:

This agreement is effective as to each party at the date and time of signing and will automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein.

XX: USE OF EQUIPMENT AND FACILITIES:

Each party shall be responsible for the maintenance of its own equipment and shall be responsible for the procurement of facilities unless otherwise agreed upon by the parties.

IN WITNESS WHEREOF, these parties have set their hands and seals at the date set forth above.

Anthony Russell, Sheriff
Hampton County Sheriff's Office

Witness

Gregory Alexander, Chief
City of Yemassee Police Department

Witness

Proposed Motion

(Resolution 23-08 – IGA for Law Enforcement Services)

***“I move to adopt Resolution 23-08, Authorizing
the Execution of an Intergovernmental
Agreement between the Yemassee Police
Department and the Hampton County Sheriff's
Office for Law Enforcement Services”.***

Mayor
Peggy Bing-O'Banner
Mayor Pro Tempore
Matthew Garnes
Town Administrator



Council Members
Alfred Washington
Stacy Pinckney
David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement (IGA) between the Yemassee Police Department and the Allendale County Sheriff's Office for Law Enforcement Services. [Resolution 23-09]

Department: Police

Submitted by: Gregory Alexander, Chief of Police

Attachments:

	Ordinance	√	Resolution		Other
√	Support Documents	√	Motion		

Summary: The Yemassee Police Department seeks to establish a working relationship with the Allendale County Sheriff's Office. To initiate this, an Intergovernmental Agreement is needed between the Town and the Allendale County Sheriff's Office for Law Enforcement. The IGA will authorize the Yemassee Police Department and the Allendale County Sheriff's Office to request assistance on a Mutual-Aid basis.

Recommended Action: Adopt Resolution 23-09 as presented.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

RESOLUTION 23-09

A RESOLUTION OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, TOWN COUNCIL AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF YEMASSEE AND THE ALLENDALE COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES

WHEREAS, S.C. Code 23-20-10 through 23-20-50 (Code of Laws of South Carolina 1976) as amended, provides that any county, incorporated municipality, or other political subdivision of this State may enter into mutual aid agreements as may be necessary for the proper and prudent exercise of public safety functions; and

WHEREAS, these sections specify contractual provisions and approvals that are required for such agreements; and

WHEREAS, the officers and law Enforcement provider under such agreements have the same legal rights, powers, and duties to enforce the laws of South Carolina as the law enforcement agency contracting for the services; and

WHEREAS, the Town of Yemassee, an incorporated municipality of the State of South Carolina, and the County of Allendale, a political subdivision of the State of South Carolina has not previously entered into an agreement and are therefore required to; and

WHEREAS, it is the intent of the parties to share jurisdiction under the written agreement to the fullest extent permitted under South Carolina law, which requires that a mutual-aid agreement must be approved by the appropriate governing body of each incorporated municipality or political subdivision that wishes to be a part of the agreement; and

WHEREAS, the Town of Yemassee wishes to approve the mutual aid agreement with the Allendale County Sheriff's Office as presented at "Attachment A".

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Yemassee, SC, Authorize the execution of the attached Intergovernmental Agreement ("Attachment A") between the Town of Yemassee and the Allendale County Sheriff's Office for Law Enforcement Services.

PASSED AND ADOPTED by the Town Council of the Town of Yemassee, SC this 12th day of April 2023.

Colin J. Moore
Mayor

ATTEST: Matthew E. Garnes
Town Administrator

(Seal)

STATE OF SOUTH CAROLINA) INTERGOVERNMENTAL AGREEMENT FOR
) LAW ENFORCEMENT ASSISTANCE AND
) SUPPORT
)
COUNTY OF HAMPTON)

This agreement is made and entered into this 11th day of April 2023, by and between the Yemassee Police Department, 101 Town Cir, Yemassee, SC 29945-3363, and the Allendale County Sheriff's Office, P.O. Box 97, Allendale, SC 29810-0097.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. Section 23-20-10, et seq., provides for contractual agreements between and among state, county, municipal and local law enforcement agencies for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines;

WHEREAS, the Yemassee Police Department desires to enter into such an agreement with the Allendale County Sheriff's Office for the purposes of securing to each other the benefits of mutual aid in the event of a natural disaster, disorder, special events, emergency situations and any other law enforcement activities;

WHEREAS, the purpose of this Agreement is to define the scope of such mutual aid and the responsibilities of the parties; and

WHEREAS, during these activities, it is possible that law enforcement officers will respond to, become involved with, and/or deal with emergency situations, civil disorders, arrests, natural or manmade disasters, pursuits of criminal suspects, location of missing persons, criminal investigations, and/or any other matter handled by law enforcement, and the requesting agency desires replying agency's officers to have lawful authority and jurisdiction to respond to, become involved with, and/or deal with these or any other situations which may arise during the presence of responding agency's officers in the requesting agency's jurisdiction.

NOW, THEREFOR, in consideration of the mutual covenants and promises contained herein, is the intent of the parties to share jurisdiction under this written Agreement to the fullest extent permitted under South Carolina law and it is further agreed as follows:

1. Vesting of Authority & Jurisdiction

- a. To the fullest extent permitted by the constitution and the statutes of this State, officers assigned under the Agreement shall be vested with authority, jurisdiction, rights, immunities, and privileges outside his resident jurisdiction for the purpose of investigation, arrest, or any other activity related to the criminal activity for which the agreement is drawn. This agreement is in no way intended to affect any other multi-jurisdictional agreement(s) which may still exist between the agencies. The assistance is to be rendered pursuant to this Agreement shall solely

involve responding law enforcement officers from one party's jurisdiction to the other. When so responding, such law enforcement officers shall have all powers and authorities of law enforcement officers employed by the requesting jurisdiction. However, local ordinances adopted by a responding party's jurisdiction shall not be deemed extended into the areas of operation that are located outside the geopolitical territorial limits of that party.

2. Request for Assistance

- a. The responding law enforcement officers may be requested in response to any public safety function across jurisdictional lines, such as multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety, and other emergency service situations. Assistance provided in this agreement includes, but is not limited to:
 - i. Emergency Situations
 - ii. Civil Disorders
 - iii. Natural or Manmade Disasters
 - iv. Mass Processing of Arrests
 - v. Transporting of Prisoners
 - vi. Operating Temporary Detention Facilities & Housing Inmates
 - vii. Arrests
 - viii. Pursuits of Criminal Suspect(s)
 - ix. Location of Missing Person(s)
 - x. Traffic Control & Safety
 - xi. Criminal Investigations; or
 - xii. Any other matter handled by Law Enforcement for that particular jurisdiction.

3. Primary Responsibility

- a. It is agreed and understood that the primary responsibility of the parties to this Agreement is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is requested shall be the sole judge as to whether it can respond and to what extent it can comply with the request for assistance from the other agency.

4. Procedure for Requesting Law Enforcement Assistance

- i. **Request.** A request for assistance shall only be made by the Chief of the Yemassee Police Department, or his/her designee, or the Sheriff of the Allendale County Sheriff's Office, and his/her designee. This request shall include a description of the situation creating the need for assistance, the specific aid needed, the approximate number of law enforcement officers requested, the location to which law enforcement personnel are to be dispatched, and the officer in charge of such location.
- ii. **Reply.** A reply to any request for assistance shall only be made by the Chief of the Yemassee Police Department, or his/her designee, or the Sheriff of the Allendale County Sheriff's Office, or his/her designee. If the

request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to respond.

- iii. **Officer in Charge.** The responding law enforcement officers shall report to the officer in charge of the requesting law enforcement agency at the designated location and shall be subject to the lawful orders and commands of that officer. The responding law enforcement officer shall exert their best efforts to cooperate with, and aid, the requesting law enforcement agency. The responding law enforcement officers shall be responsible at all times for acting within the policies and procedures set forth in the policy and procedure manual/handbook of the law enforcement agency by which they are regularly employed.
- iv. **Release.** The responding law enforcement officers shall be released by the officer in charge when their services are no longer required when they are needed to respond to a situation within the geographic boundaries of their own jurisdiction; provided however, the responding law enforcement officers use their best efforts to complete the requested service prior to being released.

5. Personnel, Costs and Records

- a. Except as otherwise agreed among the parties, each party shall maintain control over its personnel. Except as otherwise provided herein, each party shall bear its own costs incurred in the performance of its obligations hereunder and shall keep its own personal and other usual records as to its assigned officers.
- b. Any and all records of law enforcement activities conducted pursuant to this Agreement shall be the property of and maintained by the agency conducting the activity, including any incident reports, citations, photographs, or other images captured on any photographic or digital media. Nothing contained herein prohibits or precludes any participating agency from making or maintaining a copy of any such records referenced above.

6. Requests for Information Pursuant to the South Carolina Freedom of Information Act

- a. Upon receipt, each agency participating in this Agreement must respond to requests for information pursuant to the South Carolina Freedom of Information Act.

7. Compensation

- a. This agreement shall in no manner affect or reduce the compensation, pension, or retirement rights of any responding officer. Except as otherwise agreed, each party shall bear its own costs and expenses incurred in complying with this Agreement.

8. Insurance

- a. Each party shall maintain such insurance coverage for general liability, workers' compensation, and other such coverage as may be required by law or deemed advisable by individual parties.

9. Employment Status

- a. Nothing herein shall be construed or interpreted to imply that the law enforcement agencies responding in accordance with this Agreement shall be the employees of the law enforcement agency requesting such assistance.

10. Modification or Amendment

- a. This Agreement shall not be modified, amended, or changed in any manner except upon express written consent of the parties to this Agreement.

11. Responsibility to Respective Governing Bodies

- a. Each party is responsible for any approval requirements to their respective governing body as may be required under South Carolina law.

12. Severability

- a. Should any part of this Agreement be found to be unenforceable by any court or other competent authority, then the rest shall remain in full force and effect.

13. Binding Successors in Office

- a. All parties agree that any and all successors in interest to their offices will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

14. No Indemnification or Third-Party Rights

- a. To the extent provided by law, the parties shall be solely responsible for the acts and omissions of their respective employees, officers, and officials, and for any claims, lawsuits and payment of damages that arise from the activities of its officers. No right of indemnification is created by this agreement and the parties expressly disclaim such. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any rights or obligations in favor of any party or entity not a party to this agreement.

15. Termination

- a. This Agreement shall be terminated at any time upon written notice to the other party to this Agreement.

16. Term and Renewal

- a. This Agreement is effective as to each party at the date and time of signing and will automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein.

17. Use of Equipment and Facilities

- a. Each party shall be responsible for the maintenance of its own equipment and shall be responsible for the procurement of facilities unless otherwise agreed upon by the parties.

IN WITNESS THEREOF, these parties have set their hands and seals at the date set forth above.

Town of Yemassee / Yemassee Police Department

WITNESSES

Gregory Z. Alexander, Chief of Police
Yemassee Police Department

Colin J. Moore, Mayor
Town of Yemassee

Matthew E. Garnes, Town Administrator
Town of Yemassee

Witness
Town of Yemassee

Allendale County Sheriff's Office

James O. Freeman, Sheriff
Allendale County Sheriff's Office

Witness

Witness

Witness

Proposed Motion

(Resolution 23-09 – IGA for Law Enforcement Services Allendale)

***“I move to adopt Resolution 23-09, Authorizing
the Execution of an Intergovernmental
Agreement between the Yemassee Police
Department and the Allendale County Sheriff's
Office for Law Enforcement Services”.***

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of a Request for an Ordinance Approving Annexation of One Parcel of Land of Approximately 1.39 Acres of land, located on Cochran St and further identified by Hampton County TMS: 198-00-00-095. Applicant: Rosalyn Smith [Ordinance 23-11]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Staff have received an annexation petition for a parcel of land located off Cochran Street in Hampton County that's currently a donut hole. The applicant is seeking a zoning of General Residential which matches the surrounding zoning designations. The parcel is currently undeveloped and would be accessed off Solomon St.

Recommended Action: Approve first reading on Annexation.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
TOWN OF YEMASSEE)
ORDINANCE NUMBER:)
(23-11)

An Ordinance Annexing One Parcel of Land owned by Rosalyn Smith into the Town of Yemassee, South Carolina.

AN ORDINANCE ANNEXING INTO THE TOWN OF YEMASSEE, ONE PARCEL OF LAND OF APPROXIMATELY 1.39 ACRES, LOCATED ON COCHRAN ST, OWNED BY ROSALYN SMITH, IN HAMPTON COUNTY, NOT ALREADY WITHIN THE YEMASSEE TOWN LIMITS AND INCLUDING ALL ADJACENT PUBLIC RIGHTS OF WAY, RAILROAD RIGHTS OF WAY, WATERS, LOWLANDS AND WETLANDS.

Section 1. Findings of Facts

As an incident to the adoption of this ordinance, Town Council of Yemassee finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town by a Petition signed by all persons owning real estate in the area requesting annexation.
- b) A proper Petition has been filed with Town of Yemassee by one hundred percent (100%) of the freeholders owning one hundred percent (100%) of the assessed value of the contiguous property herein described, petitioning for annexation of the property to the Town of Yemassee under the provisions of South Carolina Section 5-3-150(3) and is requesting the Town's zoning of General Residential and have submitted proper submission materials supporting each application in accordance with Town requirements.
- c) It appears to Town Council that the annexation would be in the best interest of the property owners and the town.
- d) The Town Council is zoning the parcel General Residential.
- e) The Yemassee Town Council finds the proposed annexation and rezoning is consistent with the Yemassee Comprehensive Plan (as amended and revised);

Section 2.

NOW, THEREFOR IT BE ORDAINED by the Mayor and Council of the Town of Yemassee, South Carolina, duly assembled and with authority of the same, pursuant to Section 5-3-150 and Section 5-3-100, Code of Laws of South Carolina (1976), as amended, the following described property is hereby annexed to and made part of the Town of Yemassee, to wit:

ALL THOSE CERTAIN PIECES, PARCELS OR TRACTS OF LAND being known as 198-00-00-095, 1.39 acres, and all adjacent public rights of ways and wetlands as shown on the attached map.

This Ordinance shall become effective upon ratification.

SO ORDERED AND ORDAINED THIS ____ Day of _____ 2023.

By the Yemassee Town Council being duly and lawfully assembled.

Colin Moore, Mayor

Matthew Garnes, Town Administrator

Peggy Bing-O'Banner, Councilmember

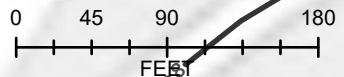
David Paul Murray, Councilmember

Stacy Pinckney, Councilmember

Alfred Washington, Councilmember

(Seal)

First Reading:
Second Reading:



Exit 5
FEB

**PROPOSED
ANNEXATION
AREA**

Residential
1/2 Acre

198-00-00-095

General
Residential

General
Residential

General
Residential

General
Residential

General
Residential

General
Residential

General
Residential

General
Residential

General
Residential

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EAST
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General
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Residential

General
Residential

General
Residential

General
Residential

General
Residential



Summary

Parcel Number 198-00-00-095.
Tax District County (District N)
Location Address
Town Code
Class Code (NOTE: Not Zoning Info) 206-Residential Lot Vacant
Acres 1.39
Description
Record Type Residential
Town Code / Neighborhood
Owner Occupied

[View Map](#)

Note: Acres will not display correctly if any or all of the parcel is classed as exempt. (Exempt acreage will not calculate in total acreage.)

Owners

SMITH ROSALYN
 1280 CLARK STREET
 RAHWAY NJ
 07065

2022 Value Information

Land Market Value \$10,500
Improvement Market Value \$0
Total Market Value \$10,500
Taxable Value \$7,700
Total Assessment Market \$460

Note: Values will not display correctly if any or all of the parcel is classed as exempt. (Exempt building values will not display nor calculate in totals.)

Sales Information

Sale Date	Price	Deed Book	Plat Book	Grantor
7/11/1996	\$5	194 327	20 701	MCCLENDON MAE C
5/26/1970	Not Available	59 230	Not Available	Not Available

No data available for the following modules: Building Information, Lot Size Information (Dimensions in Feet).

Hampton County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 3/16/2023, 11:22:00 AM](#)

Developed by

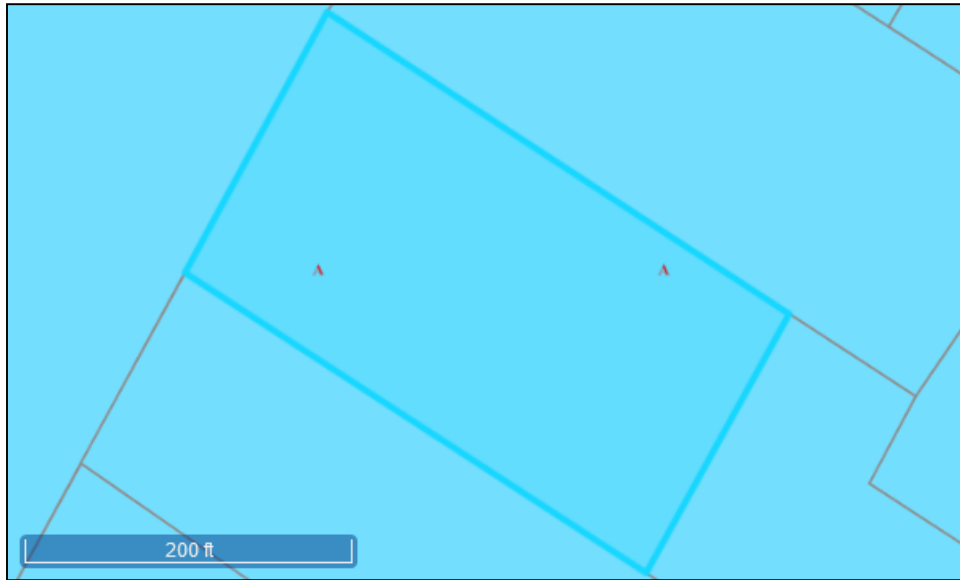


Version 2.3.253

Town of Yemassee

Flood Zone Report - Hampton County

16 Mar 2023



Parcels Hampton

TMS: 198-00-00-095.
Owner City State ZIP Code: RAHWAY NJ 07065
Owner: SMITH ROSALYN
Owner Street Address: 1280 CLARK STREET RAHWAY NJ
Parcel Street Address:

Flood Zones 2010

Count	Zone and Subtype	Overlapping Quantities
1.	2 A	121,027.1sf (2.78acres)

Colin J Moore

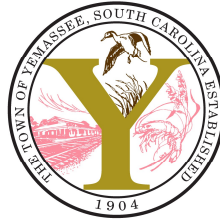
Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

**Town of Yemassee Administration Department
Annexation Analysis (ANNX-03-23-1026)
Smith Tract, Cochran St (Hampton County)**

Applicant: Rosalyn Smith

Owner: Roslyn Smith

Address(es): Unaddressed parcel on Cochran Street

Tax Map Number(s): 198-00-00-095

County: Hampton

Site Description: This project contains a single parcel of uplands on the west side Cochran Street and just east of Interstate 95. The property is a rectangular parcel of land totaling 1.39 acres of land. If developed, access would be off Solomon Street which would require an extension.

Present Zoning and Existing Conditions: The parcel is undeveloped with no improvements. As the parcel is currently located within unincorporated Hampton County, the parcel is subject to the Hampton County Zoning Ordinance. These parcels are currently zoned "General Development" under the County code. The applicant is requesting a zoning designation of General Residential (GR) under the Yemassee Zoning Ordinance. The Town of Yemassee Zoning Ordinance defines its General Residential District as to be "designed to provide for a variety of residential uses, including single-family, two (2) family, and mobile home dwellings. The intent of the district is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use."

The surrounding properties were annexed in July 2018 with the Cochran / Bing / Riley Street residential annexations. The property owner was originally contacted to notify them of the surrounding annexations and inviting them to complete an application in 2018, however a response was not received by Staff. This has created the existing donut hole involving this parcel and four more adjacent properties.

Zoning Comparison:

	General Development Hampton County	General Residential (GR) Town of Yemassee
Maximum Density:	One (1) Dwelling unit per acre	Three (3) Dwelling unit per acre
Permitted Uses:	<ul style="list-style-type: none"> • Forestry • Clearcutting • Agricultural Support Services • Automobile Service station and/or Garage • Cemetery • Church • Community and Child Care Centers • Dwelling including mobile homes. • Family Day Care Home • Home Occupation • Schools • Equestrian uses • Flea Markets • Outdoor Recreation • Retail Store • Roadside stand • Recreational Vehicle Park • Automotive Racetrack • Public Utilities • Stockyards • Landfills • Recycling Centers • Marinas & Piers 	<ul style="list-style-type: none"> • Single-Family Dwelling (Stick-Built home) • Two (2) Family Dwelling • Mobile Home Dwelling • Church, Civic or Institutional Use • Home Occupation • Family Day Care Home
Minimum Lot Size:	Not listed in Zoning Ordinance	14,520sqft
Maximum Building Height:	Not listed in Zoning Ordinance	35ft
Setbacks:	Not listed in Zoning Ordinance	Front Yard: Five (5) ft Side & Rear: Five (5)

Utilities / Public Services:

Should the property be developed, the property would be served by the following utilities and public services:

- **Electric:** Dominion Energy
- **Telecommunications:** Century Link and Comcast/Xfinity
- **Fire Protection:** Hampton County Fire District
- **Emergency Medical Services:** Hampton County Emergency Medical Services
- **Law Enforcement:** Currently Hampton County Sheriff's Office, upon annexation primary response would become the Town of Yemassee Police Department while Hampton County Sheriff's Office would be utilized on an as needed, mutual-aid basis.
- **Water/Wastewater:** Lowcountry Regional Water System (LRWS) is the franchised water and wastewater provider within the Town of Yemassee and upon annexation the parcel would be theoretically served by LRWS if there was infrastructure in the area. Preliminary review indicates water available on Cochran Street, but infrastructure would need to be established prior to servicing the parcel. There is currently no sewer available on Cochran Street and a private septic permitted through SC DHEC would be required.

Analysis:

The following analysis has been conducted on the parcels petitioning annexation:

1. Is the application in the best interests of the Town of Yemassee and its residents?

- a. **Finding:** The application will expand the footprint of the Town which directly affects funding and representation for the Town at state and federal levels. Any vehicles or personal/business property taxed by Hampton County will be subjected to the town tax rate imposed for FY2023 which is 74.00 mills in Hampton County. Additionally, the parcel will close a donut hole within the Cochran Street community.

2. Does the Annexation have the potential to create a tax burden or measurably reduce the level of service(s) provided to existing services and property owners?

- a. **Finding:** Based on the current use of the property and the maximum allowed development under the proposed zoning of

General Residential, a tax burden is not created and a reduction in the level of service is not anticipated.

3. **Has the full impact of the proposed Annexation on Law Enforcement been considered?**
 - a. **Finding:** Administration Staff have consulted with Chief Alexander who advised annexation of this parcel will not have a negative impact on services offered by the Yemassee Police Department. Upon annexation, the primary response agency for law enforcement issues would be the Yemassee Police Department, with backup provided on an as-needed basis from the Hampton County Sheriff's Office. This parcel would fall within Zone A for police response.
4. **Does the Petitioner understand all potential costs & benefits associated with the Annexation?**
 - a. **Finding:** The applicant has been provided with an estimated tax bill for the year following annexation. As of this report, there has been no additional questions from the petitioner regarding the information provided.

Adjacent Properties and Jurisdictions:

Direction	Tax Map Number / Owner & Address	Jurisdiction
West	Hampton County / 198-00-00-112 783 Riley St St. Jude Church	Town of Yemassee
North	Hampton County / 198-00-00-101 000 Oliver Dr Frances Parker	Town of Yemassee
East	Hampton County / 198-00-00-252 000 Cochran St Jalil E. Muhammed	Hampton County
South	Hampton County / 198-00-00-094 000 Cochran St Alfred Miles Jr ETAL	Hampton County

Staff Review: Staff have reviewed the application and requested zoning and concur with the request of General Residential.

Staff Recommendation: Staff request approval of the annexation.

Colin J Moore

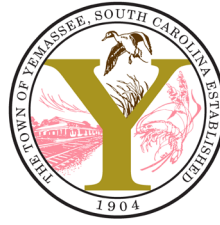
Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney


David Paul Murray

Annexation Request – Rosalyn Smith (ANNX-03-23-1026)

Projected Timeline

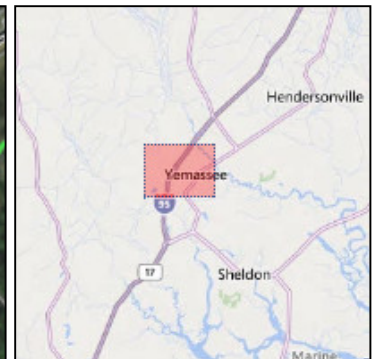
Step	Date	Complete
Step 1. Planning Commission Recommendation	April 4, 2023	
Step 2. Town Council 1st Reading	April 11, 2023	
Step 3. Planning Commission Public Hearing	May 2, 2023	
Step 4. Town Council 2nd Reading	May 9, 2023	

This document is for reference only. Please contact the Town of Yemassee Planning & Zoning Department for specific ordinance language

	<p style="text-align: center;">General Residential (GR) Zoning District</p> <p>The General Residential District is designed to provide for a variety of residential uses, including single-family, two (2) family and mobile home dwellings. The intent of the district is to provide areas primarily for residential uses, and to discourage any encroachment by uses which may be incompatible with such residential use.</p> <p style="text-align: center;">Section 5.5, Town of Yemassee Zoning Ordinance</p>
<p>Standards for the GR District 5.5.1</p>	
<ul style="list-style-type: none">• Maximum Density: Three (3) dwelling units per acre• Minimum Lot Size: 14,520 square feet per dwelling unit.• Maximum building height: Thirty-Five (35') feet or three (3) stories, whichever is less; excluding church spires, belfries, cupolas, monuments, chimneys, or flagpoles• Minimum front yard setback: Five (5) feet from the street right-of-way line.• Minimum side and rear yard setbacks: Five (5) feet from lot lines	
<p>Permitted Uses for the GR District 5.5.2</p>	
<ul style="list-style-type: none">• Single-Family dwelling (Stick built home)• Mobile Home dwelling (provided the home is under skirted around its base with an appropriate material sufficient to provide a visual screen for the underpinnings of the mobile home.• Church, Civic or Institutional use• Home Occupations are permitted if there is no exterior evidence of the home occupation.• Family Day Care Home (Consult Town of Yemassee Zoning Ordinance, Article X, Definitions)• Two (2) family dwelling	
<p>Prohibited Uses for the GR District 5.3.3</p>	
<ul style="list-style-type: none">• Adult Entertainment Establishments• Any business, person, entity, or service offering Adult Entertainment	



Town of Yemassee - Rosalyn Smith



Legend

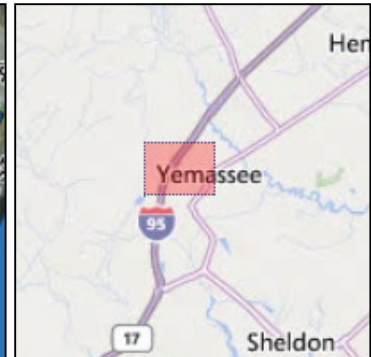
- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- Railroads
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
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- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper

Zoning

- Office Commercial District
- Conservation Preservation District
- General Residential
- Residential 1 Acre
- Residential 1/2 Acre
- Residential 1/3 Acre
- Residential 1/4 Acre
- Village Commercial District
- Mixed Use
- Light Industrial District
- Agricultural
- Telecommunications Tower
- Transitional
- Utility
- General Residential Townhouse
- Regional Commercial District
- Planned Unit Development
- To Be Determined

Road Names

Roads

- Roads
- Major Roads
- Interstate

Road Names Jasper

- Roads
- Major Roads
- Interstate

Note:
Zoning of surrounding parcels

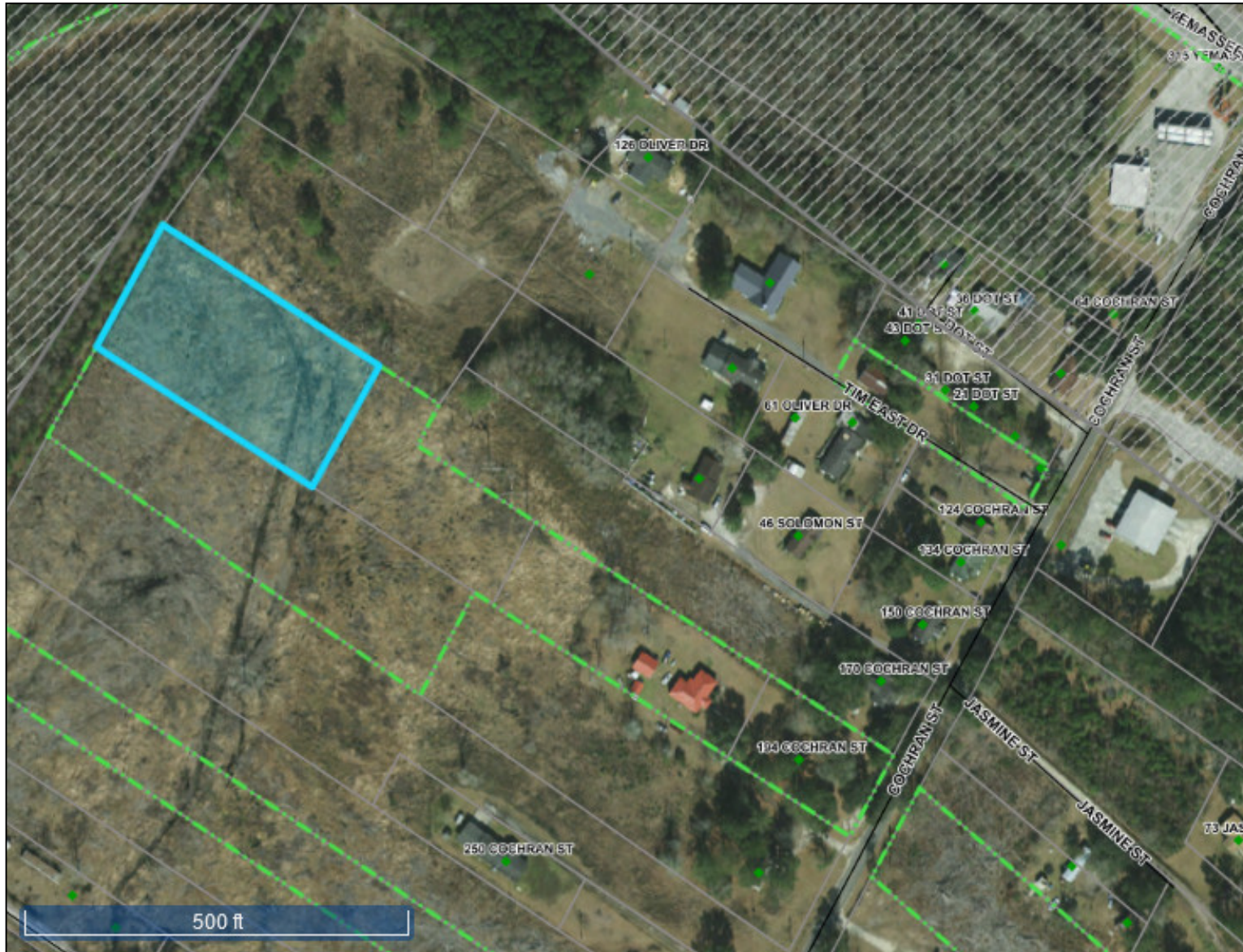
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16 Mar, 2023

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Town of Yemassee - Rosalyn Smith



- Legend**
- ◆ Address Points Beaufort
 - Parcels Beaufort
 - ◆ Address Points Hampton
 - Parcels Hampton
 - ◆ Address Points Jasper
 - Parcels Jasper
 - Highway Corridor Overlay District
 - Road Names**
 - Roads**
 - Roads
 - Major Roads
 - Interstate
 - Road Names Jasper**
 - Roads Jasper**
 - Roads
 - Major Roads
 - Interstate
 - ✕ **Railroads**
 - ▬ **County Boundary Beaufort**
 - ▬ **County Boundary Hampton**
 - ▬ **County Boundary Jasper**
 - ▬ **Yemassee Boundary**

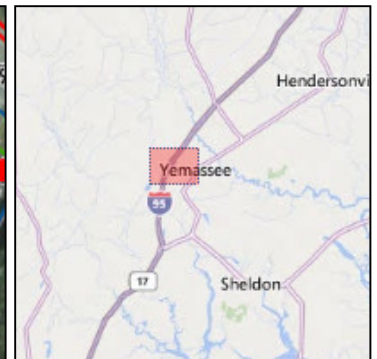
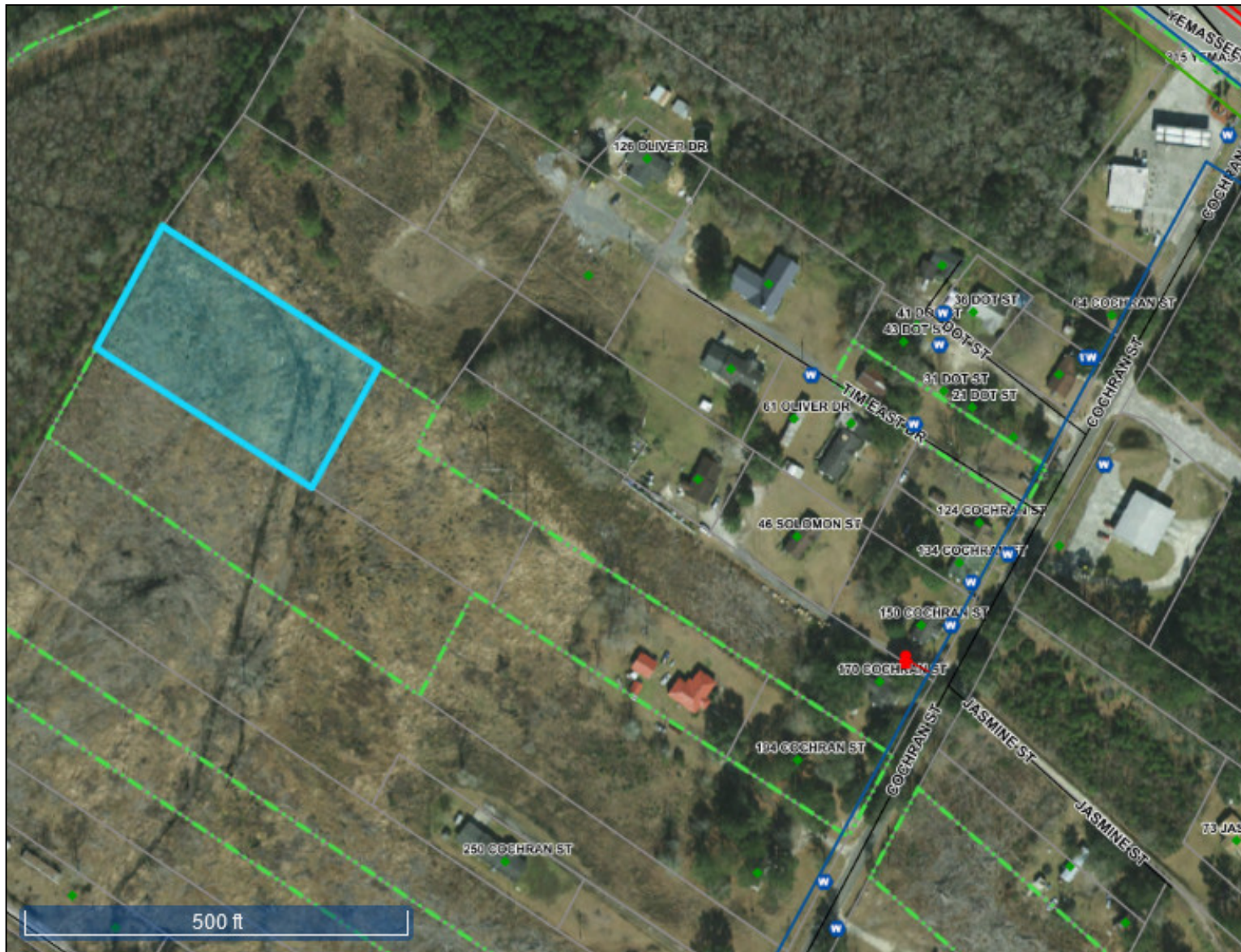
▲ 16 Mar, 2023

Note:
Highway Corridor Overlay District

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
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- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Sewer Lift Stations
- Sewer Lines**
 - Service
 - Main
 - Force main
- Fire Hydrants
- W Water Meters
- Water Lines**
 - Water Main Line
 - Water Service Line
 - Water Fire Line
- Road Names**
- Roads**
 - Roads
 - Major Roads
 - Interstate
- Road Names Jasper**
- Roads Jasper**
 - Roads
 - Major Roads
 - Interstate
- ✕ Railroads
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary

Note:
Existing infrastructure of LRWS

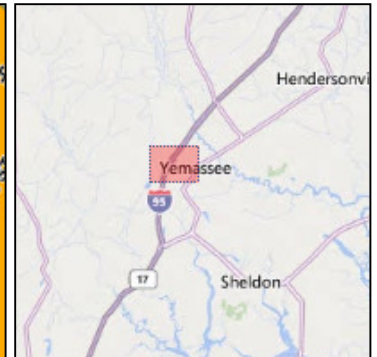
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▲ 16 Mar, 2023



Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Police Patrol Zones**
- Zone A
- Zone B
- Zone C - Yemassee Core
- Zone C - Sheldon
- Zone D
- Road Names**
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
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- ✕ **Railroads**
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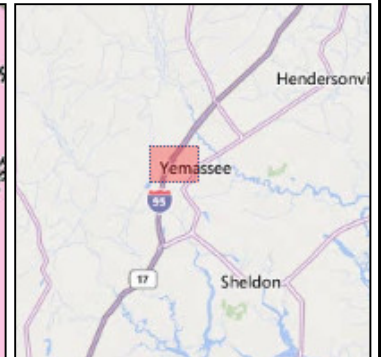
▲ 16 Mar, 2023

Note:
Adjacent Police Patrol Zones

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Town of Yemassee - Rosalyn Smith



Legend

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- ...

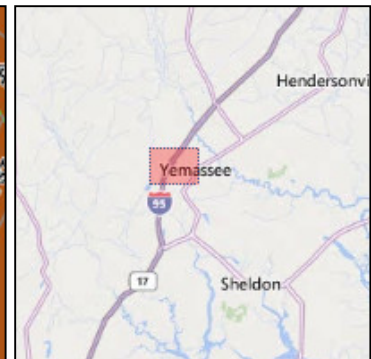
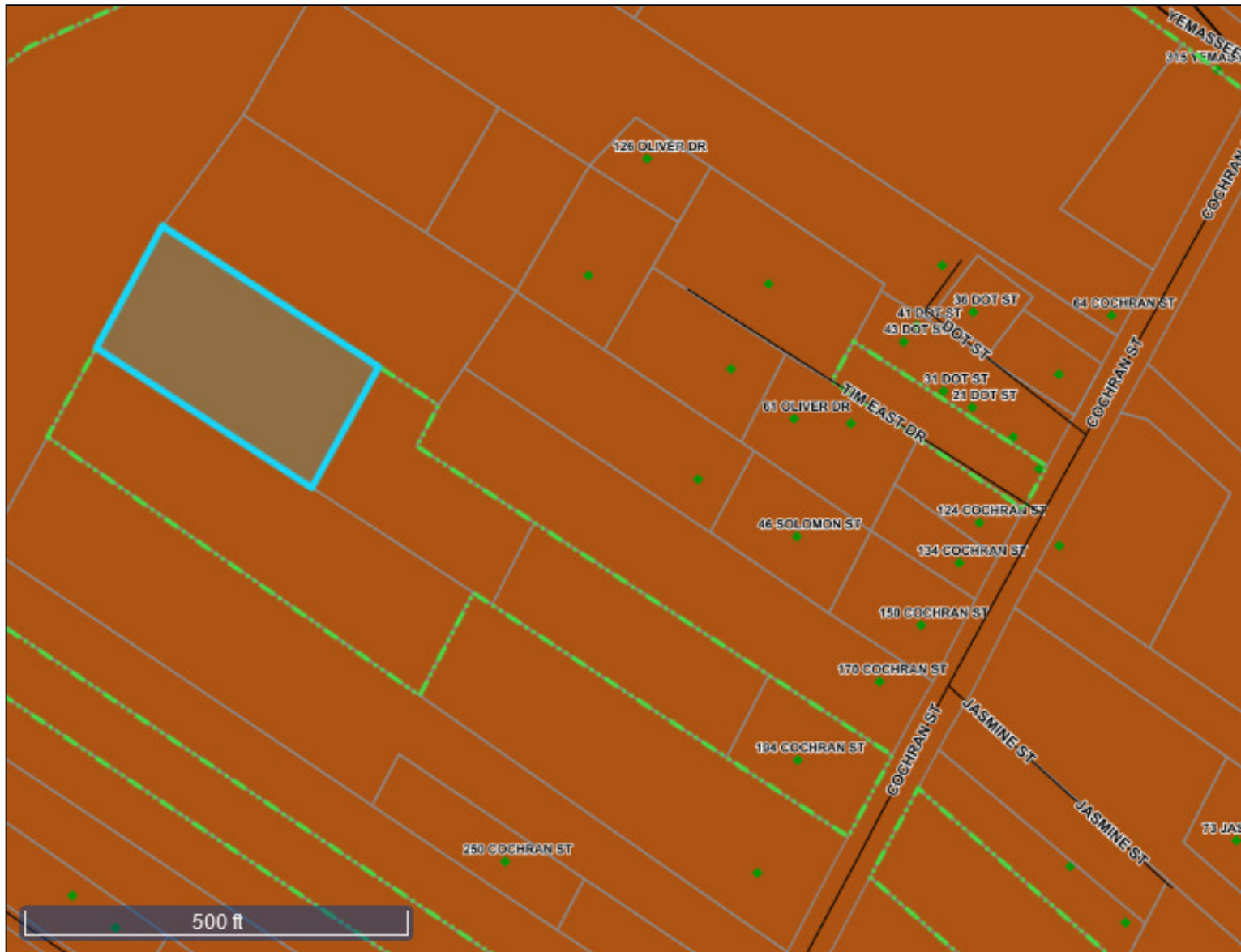
▲ 16 Mar, 2023

Note:
Adjacent police patrol grids

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Town of Yemassee - Rosalyn Smith



Legend

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- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✂ Railroads
- Census Block Groups**
- 0 - 853
- 854 - 1115
- 1116 - 1425
- 1426 - 1919
- 1920 - 41163
- ▣ Census Tracts
- ▬ County Boundary Beaufort
- ▬ County Boundary Hampton
- ▬ County Boundary Jasper
- ▬ Yemassee Boundary

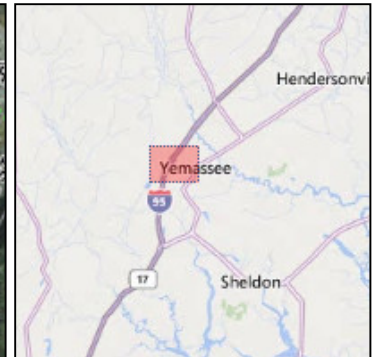
▲ 16 Mar, 2023

Note:
Census Tracts

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Town of Yemassee - Rosalyn Smith



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- ▬ **Yemassee Boundary**
- ▬ **Flood Line**
- ▬ **Base Flood Elevations**
- Flood Zones 2010**
- 1% Annual Chance Flood Hazard
- Zones A, AE, A99, AO, AH, AR, V, VE
- ▨ Regulatory Floodway
- Zone AE
- 0.2% Annual Chance Flood Hazard
- Zone X
- ▨ Future Conditions 1% Annual Chance Flood Hazard
- Zone X
- ▨ Area with Reduced Risk Due to Levee
- Zone X
- ▨ Area of Minimal Flood Hazard
- Zone X

16 Mar, 2023

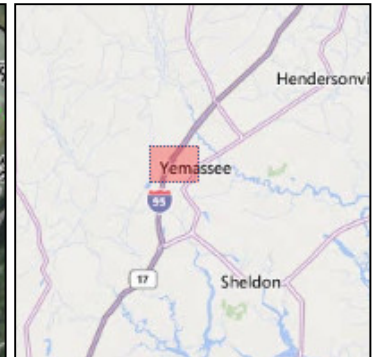
Note:
FEMA Floodplains

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Town of Yemassee - Rosalyn Smith



Legend

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- ▬ Yemassee Boundary
- ▬ Contour Labels Hampton
- Contours Hampton**
- Major
- Minor

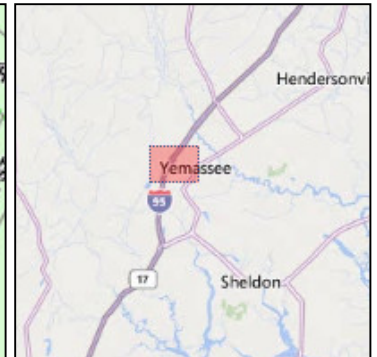
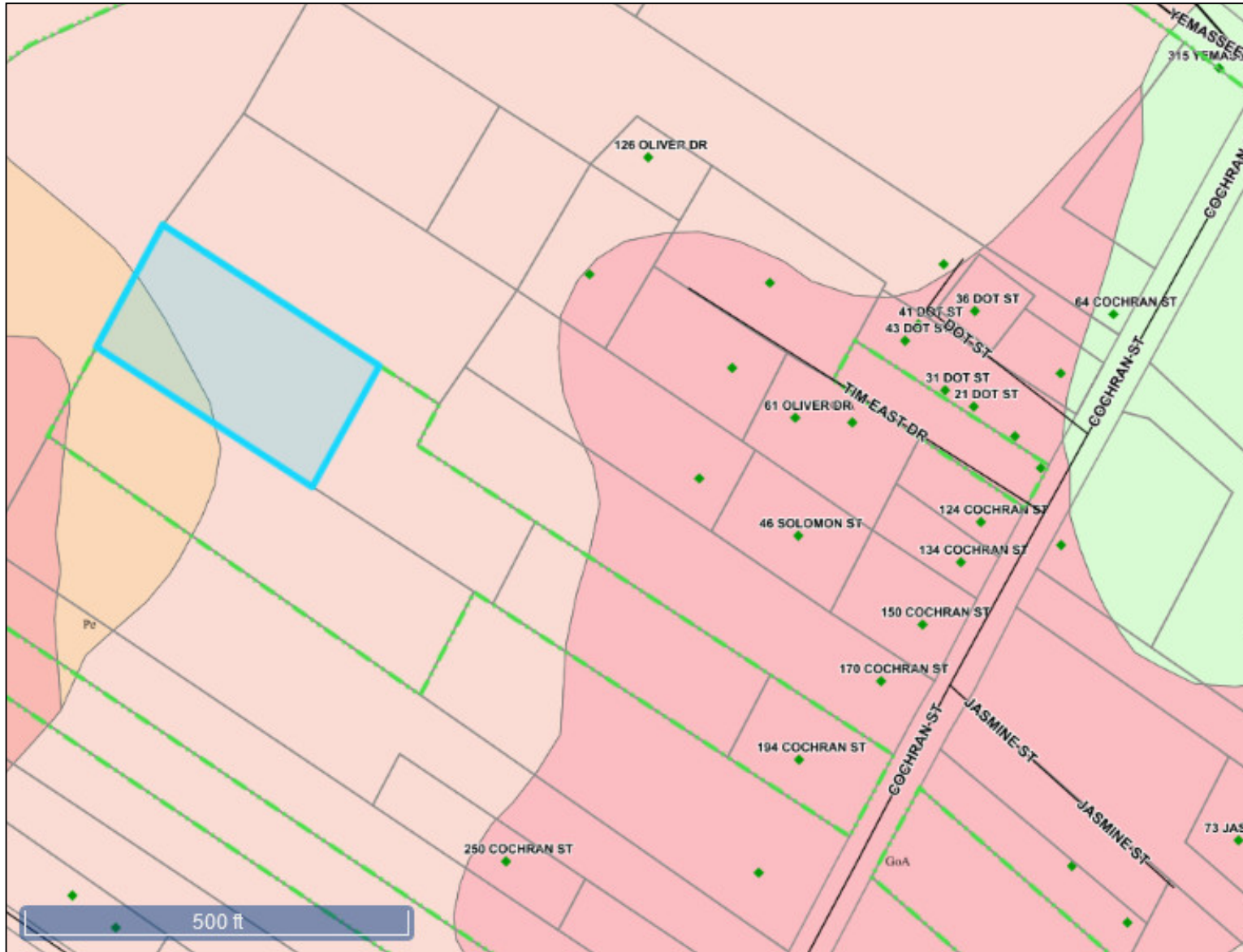
▲ 16 Mar, 2023

Note:
Elevation Contours

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Town of Yemassee - Rosalyn Smith



Legend

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500 ft

16 Mar, 2023

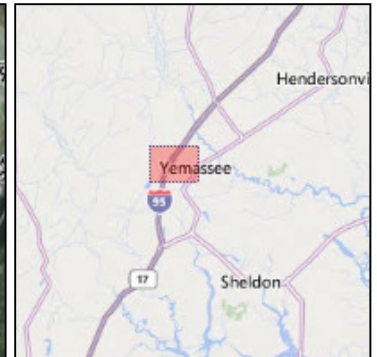
Note:
Soil Classifications

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Town of Yemassee - Rosalyn Smith



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper
- Parcels Jasper
- Road Names
- Roads**
- Roads
- Major Roads
- Interstate
- Road Names Jasper**
- Roads Jasper**
- Roads
- Major Roads
- Interstate
- ✂ **Railroads**
- ▬ **County Boundary Beaufort**
- ▬ **County Boundary Hampton**
- ▬ **County Boundary Jasper**
- ▬ **Yemassee Boundary**
- NWI**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

16 Mar, 2023

Note:
National Wetland Inventory

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Proposed Motion

(Ordinance 23-11)

“I move to approve first reading of Ordinance 23-11, annexing one parcel of land located on Cochran Street in Hampton County, identified by Tax Map Number 198-00-00-095 with a zoning designation of General Residential.”

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee's Zoning Ordinance, Article V – Requirements by District, 5.8 Light Industrial District [LID], to amend the minimum acreage required for a parcel to be zoned Light Industrial District. [Ordinance 23-12]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: At the request of the Planning Commission, Staff reviewed the existing language within the Town of Yemassee Zoning Ordinance pertaining to the Light Industrial District [LID]. Staff recommended that Planning Commission consider adjusting the minimum acreage required for a parcel to be zoned LID and the Planning Commission discussed and recommended decreasing the minimum acreage from twenty-five (25) acres to five (5) acres as it would increase the potential for smaller operations that fit within the scope of LID selecting Yemassee for their operation.

Recommended Action: Approve first reading on Ordinance 23-12 and schedule a Public Hearing for the Zoning Ordinance change for the May Town Council Meeting

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other



Staff Report Administration



Meeting Date:	April 11, 2023
Project:	Proposed Amendments to the Town of Yemassee Zoning Ordinance, Chapter 5, Section 5.8 titled “Light Industrial”, to amend the minimum acreage required for Light Industrial Zoning.
Project Manager:	Matthew E. Garnes Town Administrator

Introduction: As set forth in Section 8.3 (Procedures for Amendments”, the Planning Commission shall review and prepare a report, including its recommendation for transmittal to the Town Council. Before enacting an amendment to this Ordinance, the Town Council shall hold a public hearing; notice of the time and place of which shall be published in a newspaper of general circulation in the Town at least fifteen (15) days in advance of the scheduled public hearing.

The Planning Commission recommended approval of the text amendment in March 2023 and forwarded it to the Town Council for consideration.

Request: The Town Administrator requests that the Town Council approve first reading of a Text Amendment to the following Zoning Ordinance sections:

Chapter 5 – Section 5.8 – Light Industrial

Background: The impetus for the amendment was a result of Staff conducting a thorough review of the existing Town of Yemassee Zoning Ordinance. Taking into account the existing inventory of property zoned Light Industrial and out of the parcels zoned Light Industrial the amount of potential area for potential industrial occupancies is limited to a handful of parcels as most parcels zoned LID do not meet the 25-acre minimum threshold.

Existing Language: Section 5.8.5 outlines the general requirements for Light Industrial Zoning. Staff is requesting that the minimum lot size for Light Industrial Zoning be decreased from twenty-five (25) acres to five (5) acres. No changes are proposed to setbacks nor buffers and any potential development would be required to



Staff Report Administration



meet the screening, buffering and landscaping requirements in the DSO.

Proposed Text Change to 5.8.5 (a)

"A. Minimum lot size is five (5) acres."

Town Council Action: As granted by the powers and duties set forth in the Town of Yemassee Zoning Ordinance, the Planning Commission has the authority to take the following actions with respect to this application:

- a. Approval of the application as submitted
- b. Approval of the application with amendments; or
- c. Denial of the application as submitted by the applicant

The Planning Commission recommended approval of the text amendment at their March Planning Commission meeting and requested Town Council consider the amendment. Town Council may:

- a) Approve first reading as submitted
- b) Approve first reading with modifications
- c) Table ordinance until time certain
- d) Denial of the ordinance

Staff Recommendation: Administration Staff recommend approval of the text amendment as presented for first reading and request Council schedule a Public Hearing at the May 2023 Town Council meeting.

Next Steps:

Step	Date	Complete
Step 1. Planning Commission Recommendation	March 7, 2023	√
Step 2. Town Council 1st Reading	April 11, 2023	
Step 3. Town Council Public Hearing	April 11, 2023	
Step 4. Town Council 2nd Reading	April 11, 2023	

Attachments:

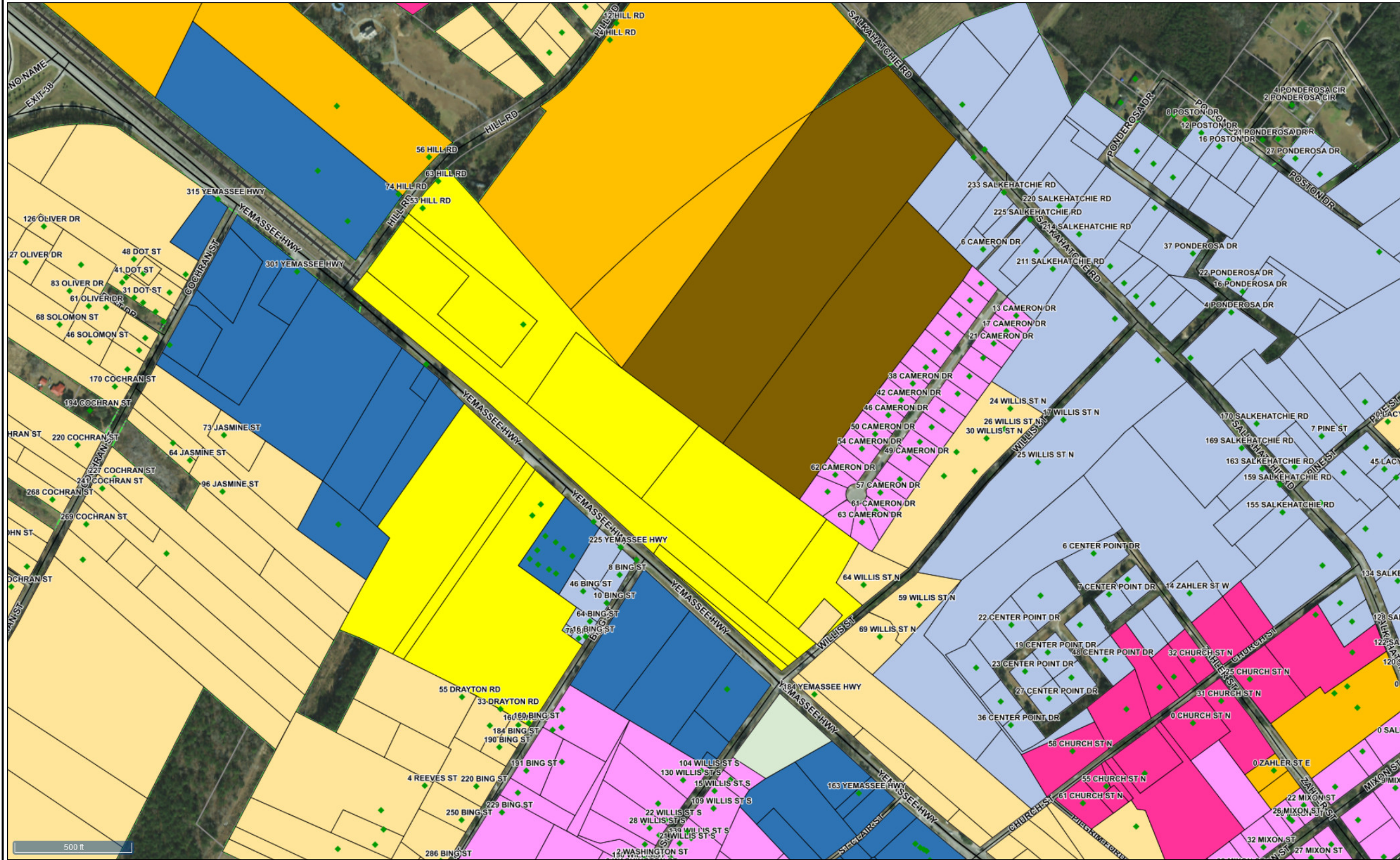
- Existing Chapter 5.8 Text
- Proposed Modification to Chapter 5.8

Town of Yemassee
 Planning & Zoning Department
 Zoning Classifications by District: Light Industrial District (LID)

Number	Parcel Number	County	Situs Address (If Applicable)	Current Use	Acerage	Annx Date
1	197-00-00-098	Hampton	27 Dixie Poly Dr	Warehouse	5.26	N/A
2	197-00-00-099	Hampton	28 Dixie Poly Dr	Warehouse	2.36	N/A
3	198-08-02-012	Hampton	28 Dixie Poly Dr	Warehouse	6.50	N/A
4	198-08-02-011	Hampton	76 Willis St N	Unimproved land	6.50	N/A
5	198-08-02-010	Hampton	000 Willis St N	Unimproved land	2.00	N/A
6	198-00-00-039	Hampton	000 Yemassee Hwy	Dominion Energy substation	15.48	N/A
7	198-00-00-179	Hampton	000 Yemassee Hwy	Dominion Energy substation	2.34	N/A
8	198-08-01-001	Hampton	000 Yemassee Hwy	Dominion Energy substation	17.76	N/A
9	198-09-04-005	Hampton	000 Steinmyer St	Dominion Energy substation	2.06	N/A
				Total Acerage Zoned LID:	60.26	



General area containing Light Industrial Parcels



Legend

- ◆ Address Points Beaufort
- Parcels Beaufort
- ◆ Address Points Hampton
- Parcels Hampton
- ◆ Address Points Jasper
- Parcels Jasper

Zoning

- Office Commercial District
- Conservation Preservation District
- General Residential
- Residential 1 Acre
- Residential 1/2 Acre
- Residential 1/3 Acre
- Residential 1/4 Acre
- Village Commercial District
- Mixed Use
- Light Industrial District
- Agricultural
- Telecommunications Tower
- Transitional
- Utility
- General Residential Townhouse
- Regional Commercial District
- Planned Unit Development
- To Be Determined

Road Names

Roads

- Roads
- Major Roads
- Interstate

Road Names Jasper

Roads Jasper

- Roads
- Major Roads
- Interstate

Railroads

- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper

Note:
Along SC-68

10 Apr, 2023

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minimum height of thirty (30) inches within three (3) years of planting. All shrubs shall be a minimum of eighteen (18) inches when planted. Vegetation planted on berms may have a reduced minimum mature height provided that the combined height of the berm and the plantings shall be a minimum height of thirty (30) inches in height after three (3) years. Twenty-five (25) percent of all shrubs may be deciduous.

5.7.5 Uses Not Permitted in the Mixed Use District

- A. Any convenience or other high volume commercial business.
- B. Motels and hotels.
- C. Any business involving junk, salvage operations, the open storage of junk and salvage materials, construction vehicles, or more than two (2) trucks maintained on the premises.
- D. Any business that constitutes a nuisance.
- E. Drive-in and drive-thru facilities.
- F. Self-service Laundromat or dry cleaning store.
- G. Package liquor store.
- H. Adult Entertainment Establishments.
- I. Any business, person, entity or service offering Adult Entertainment.

Section 5.8 Light Industrial District [LID]

- 5.8.1 The purpose of this District is to provide a suitable environment for and enhancing the locational flexibility of uses generally classified as research and development, assembly, high technology production, precision manufacturing, and light industry by excluding heavy manufacturing and permitting only those cleaner industries and operations which tend to be less objectionable to the community; and by requiring high performance standards and

tolerating minimal creation of air and water pollution, hazardous waste, and other off-site nuisances.

- 5.8.2 The following uses shall be permitted in any LID provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, is conducted on the premises either as independent operations or as part of the primary permitted activity. Similar uses shall be considered for inclusion.
- A. All permitted and conditional uses in the Regional Commercial District subject to the same conditions apply in the District;
 - B. Warehouse, wholesale, or distribution operation;
 - C. Workshop for building trades other than carpentry;
 - D. Photocopying, typesetting, or stripping operation; bindery;
 - E. Handicrafts workshop or fine arts studio; and
 - F. Manufacturing, production, processing, assembly, fabrication, packaging, storage, and distribution of the following materials and products plus customarily associated operations:
 - 1. Computers, computer components, and computer accessories including, but not limited to: printed circuit boards, semiconductors, terminals, printers, storage devices, peripheral equipment, and software;
 - 2. Electrical and electronic components and systems for office and consumer use including, but not limited to: audio and video equipment, television sets, radios, telephones, telegraphs, and calculating machines;
 - 3. Small office supplies and machines suitable for sale in stationery store; household cooking equipment;
 - 4. Lighting fixtures, fans, lamp bulbs, and tubes;
 - 5. Cameras and other photographic equipment excluding film and chemicals;

6. Watches, clocks, meters, scales, and other counting and timing devices;
7. Medical, surgical, and dental instruments; optical and ophthalmic instruments, lenses, and eyeglasses; orthopedic and prosthetic appliances;
8. Precision instruments and gauges used for measuring, testing, control, display, and analysis; precision instruments used for communications, search, detection, navigation, and guidance;
9. Magnetic and optical recording media, audio/video tapes and disks;
10. Electronic capacitors, coils, connectors, and resistors for small office and consumer products; electron tubes;
11. Materials for fiber optic process;
12. Sporting and athletic goods; musical instruments; hand-held tools; lawn and garden equipment;
13. Hand held firearms excluding ammunition;
14. Lightweight metal or plastic furniture; drafting equipment, writing, drawing, and marking implements;
15. Vending machines; signs and advertising specialties;
16. Brooms, brushes, and combs; fasteners, buttons, needles, and pins;
17. Games, toys, dolls, figurines, and stuffed animals; small curios, novelty items, and tourist souvenirs;
18. Needlework and textile manufacture or assembly; and
19. Trade shop or tool and die shop.

5.8.3 The following uses shall be permitted in on a conditional basis in the LID, provided that none of the uses or operations specified in *Section 5.8.4, Prohibited Uses and Operations*, are conducted on the

premises either as independent operations or as part of the primary permitted activity.

- A. Laboratory for research, development, experimentation, or testing; or biotechnology operation provided there is no activity exceeding Bio-safety Level II and no use of recombinant DNA;
- B. Textile, fabric, or apparel operation specifically including woven fabric mill, knitting mill, yarn and thread mill, and cut and sew operation provided none of the following occurs on the premises: production of synthetic fibers; printing, dyeing, bleaching, finishing, or waterproofing of materials; water-jet weaving; pulling or scouring of wool; leather tanning or curing of hides;
- C. Carpentry workshop or cabinet making/wood furniture operation provided there is no chemical treatment of wood by immersion or pressure application, or sawing or planing of raw-lumber and provided the operation does not exceed twenty thousand (20,000) square feet.
- D. Printing, lithography, and gravure provided that the operation does not exceed twenty thousand (20,000) gross square feet. If only water-soluble inks or photocopying processes are used, there is no size limitation;
- E. Bulk storage of petroleum or other flammable, volatile, or hazardous materials provided they are used for operations on the premises rather than for distribution; and provided the storage arrangement complies with *Occupational Safety and Health Administration and National Fire Protection Association Standards*;
- F. Cold storage plant provided there is no processing of food other than seafood and shellfish;
- G. Light assembly or fabrication of any product not listed in *Section 5.8.2, Permitted Uses*, or in *Section 5.8.3, Conditional Uses*, provided only finished, previously prepared materials are used including, but not limited to: metal, plastic, rubber, ceramic, glass, wood, fabric, leather, canvas, fur, paper, or paperboard; provided production is carried out primarily with hand

operations or light-duty machines/tool room-type equipment; provided only simple machining, cutting, reshaping, and fastening processes are involved; provided no chemicals, dyes, solutions, or other applicants are used in the production process with the exception of paints and finishes applied with a small brush or jet, cleansers, lubricants, solders, and glues;

H. Campgrounds and Recreational Vehicle Parks provided that:

1. No site or structure shall be continuously occupied for more than fourteen (14) days. Any tent, camper, or recreational vehicle shall be physically removed on or before the expiration of fourteen (14) days;
2. No overflow camping shall be allowed. When a campground/RV park is full, no more campers or vehicles shall be permitted on the grounds;
3. The campground shall have a minimum size of twenty (20) acres and shall not exceed fifty (50) acres on any single parcel;
4. All permanent structures including cabins in a campground shall be limited to single-story structures in height;
5. No more than eight (8) campsites/RV sites or camping structures including cabins shall be permitted per net acre in any campground;
6. Not less than thirty (30) percent of all campgrounds/RV Parks shall consist of open space which shall contain no camp/RV sites and/or structures;
7. All campgrounds and recreational vehicle parks in the Town of Yemassee shall be in compliance with the *Rules and Regulations Governing Camps* of the *South Carolina Department of Health and Environmental Control* and have a valid permit from same for operation; and
8. All campground facilities shall be served by public water and sewer.

- 5.8.4 Prohibited Uses and Operations: The uses, operations, processes, facilities, and equipment specified below shall not be permitted in any Light Industrial District either as independent operations or as part of the primary permitted activity.
- A. Production for sale as end product or as major component of an end product of chemicals, abrasives, acetylene, acids, asbestos, bleaches, carbon black, caustics, celluloid, chalk, cleaning compounds, dyes, inks, linoleum, oilcloth, paints, polishes, pyroxylin, soda or soda compounds, synthetic resins, turpentine, varnish, or other substances considered by the USEPA to be toxic;
 - B. Production of primary commodities from raw materials, specifically including: metals, plastic, rubber, and paper;
 - C. Primary metal operations including, but not limited to: smelting, refining, rolling, drawing, founding, forging, die casting, and extrusion;
 - D. Manufacture of concrete, cement, brick plaster, gypsum, lime, mortar, asphalt, tar, or other paving or plastering materials;
 - E. Cyanide plating, blast furnace, boiler works, coke oven, punch press over twenty (20) tons rated capacity, drop hammer; distillation of coal, tar, or wood; combustion of coal or high sulfur oil;
 - F. Production of food for distribution (excluding seafood, shellfish, restaurant preparation and bakery serving local community);
 - G. The storage, utilization, or manufacture of materials or products which decompose by detonation including, but not limited to: primary and high explosives; blasting explosives such as dynamite and nitroglycerine; propellants such as nitrocellulose; pyrotechnics and fireworks; unstable compounds such as acetylides, tetrazoles, perchloric acid, nuclear fuels, and fissionable materials;
 - H. Any activity which generates radioactive waste with the exception of waste used or created from medical treatments by physicians or veterinarians. Radioactive waste created from medical treatment must be disposed of in accordance with

South Carolina State Law, Federal Law and reasonable medical standards;

- I. Sanitary landfill and/or on-site storage of waste materials beyond ninety (90) days; and
- J. Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.
- K. Adult Entertainment Establishments.
- L. Any business, person, entity or service offering Adult Entertainment.

5.8.5 General Requirements.

- A. Minimum lot size is twenty-five (25) acres.
- B. No industrial building or operation in this District shall be situated closer than one hundred (100) feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).
- C. Industrial uses shall be setback a minimum of fifty (50) feet from any commercial use; one hundred (100) feet from a major thoroughfare; and fifty (50) feet from another industrial use.
- D. Building height shall not exceed thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office.
- E. Maximum building size is two hundred thousand (200,000) square feet per use.

5.8.6 Other Requirements.

- A. All manufacturing, processing, assembly, fabrication, servicing, and repair operations must be carried out within an entirely enclosed building.

South Carolina State Law, Federal Law and reasonable medical standards;

- I. Sanitary landfill and/or on-site storage of waste materials beyond ninety (90) days; and
- J. Mining or extraction of minerals, metals, ores, rock, sand, gravel, coal, oil, or gas.
- K. Adult Entertainment Establishments.
- L. Any business, person, entity or service offering Adult Entertainment.

5.8.5 General Requirements.

- A. Minimum lot size is ~~twenty five (25)~~ five (5) acres.
- B. No industrial building or operation in this District shall be situated closer than one hundred (100) feet from the boundary line of any property in an existing residential zoning district or in current residential use (with the exception of a property used as the caretaker's residence).
- C. Industrial uses shall be setback a minimum of fifty (50) feet from any commercial use; one hundred (100) feet from a major thoroughfare; and fifty (50) feet from another industrial use.
- D. Building height shall not exceed thirty-five (35) feet above base flood elevation to a maximum of fifty (50) feet above base flood elevation with prior approval from the Fire Marshal's office.
- E. Maximum building size is two hundred thousand (200,000) square feet per use.

5.8.6 Other Requirements.

- A. All manufacturing, processing, assembly, fabrication, servicing, and repair operations must be carried out within an entirely enclosed building.

TOWN OF YEMASSEE
Ordinance No. 23-12

AN ORDINANCE AMENDING THE TOWN OF YEMASSEE’S ZONING
ORDINANCE, ARTICLE V, REQUIREMENTS BY DISTRICT, SECTION 5.8,
titled “LIGHT INDUSTRIAL DISTRICT (LID)”, TO AMEND THE MINIMUM
ACERAGE REQUIRED FOR A PARCEL TO BE ZONED LIGHT
INDUSTRIAL DISTRICT.

WHEREAS, THE Town of Yemassee desires to periodically improve its Zoning Ordinance and to identify areas for potential modifications; and

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Yemassee has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Yemassee Town Code and the Town of Yemassee Zoning Ordinance provides a framework for development within the Town of Yemassee through regulations set forth to protect and promote the interests of all in the Town of Yemassee and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994; and,

WHEREAS, the Town of Yemassee Town Council adopted its zoning ordinance, known as the Town of Yemassee Zoning Ordinance, on March 9, 2007; and,

WHEREAS, the Zoning Ordinance establishes zoning districts that serves as a regulatory tool identifying specific areas for land use; and,

WHEREAS, the Zoning Ordinance establishes a Light Industrial District (LID) to dictate appropriate development of Industrial properties within the Town limits; and

WHEREAS, revisions are desired to amend the minimum acreage a lot is required to have in order to be zoned Light Industrial District; and

WHEREAS, the Planning Commission conducted a review of the proposed text amendment at their March 7, 2023, Planning Commission Meeting and recommended forwarding the proposed amendment to the Town Council for consideration; and

WHEREAS, a Public Hearing shall be conducted by the Town Council prior to second reading; and

WHEREAS, the Town of Yemassee Town Council desires to amend the Zoning Ordinance to adopt the amendments listed below in Section 1, Amendments.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YEMASSEE, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends

the Zoning Ordinance of the Town of Yemassee, Article V, Section 5.8 Light Industrial District (LID) as follows:

Section 1. AMENDMENTS. The Town of Yemassee hereby amends the Zoning Ordinance of the Town of Yemassee, South Carolina by adopting and incorporating amendments to the Town of Yemassee Zoning Ordinance, Article V, Section 5.8, Light Industrial District, Section 5.8.5(a) General Requirements as follows:

“5.8.5 General Requirements.

a) Minimum lot size is five (5) acres.

Section 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED THIS _____ DAY OF _____, 2023.

This Ordinance was read and passed at First Reading on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O’Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

A Public Hearing on this Ordinance was held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

This Ordinance was read and passed at Second and Final Reading held on: _____

Colin J. Moore, Mayor

ATTEST: Matthew E. Garnes, Town Administrator

Peggy O'Banner, Mayor Pro Tem

David Paul Murray, Councilmember

Alfred Washington, Council Member

Stacy Pinckney, Councilmember

(seal)

Recommended Motion

(Ordinance 23-12 – Light Industrial Zoning Text Amendment)

I make a motion to:

- ***Approve***
- ***Approve w/ Corrections.***
- ***Deny***

***“first reading of Ordinance 23-12, amending the Town
of Yemassee Zoning Ordinance, Article V –
Requirements by District, 5.8 titled Light Industrial
District, changing the minimum lot size from twenty-
five (25) to five (5) acres”.***

Mayor

 Peggy Bing-O'Banner
Mayor Pro Tempore

 Matthew Garnes
 Town Administrator



Council Members
 Alfred Washington
 Stacy Pinckney

 David Paul Murray

Town Council Agenda Item

Subject: Consideration of an Ordinance Authorizing and Directing the Town of Yemassee to enter into an Intergovernmental Agreement relating to South Carolina Local Revenue Services; to Participate in one or more Local Revenue Service Programs; to Execute and Deliver one or more Participant Program Supplements; and Other Matters Relating Thereto. [Ordinance 23-13]

Department: Administration

Submitted by: Matthew Garnes, Town Administrator

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: See attached Memo

Recommended Action: Approve first reading on Ordinance 23-13.

Council Action:

- ___ Approved as Recommended
- ___ Approved with Modifications
- ___ Disapproved
- ___ Tabled to Time Certain
- ___ Other

Date: February 28, 2023

To: Mayors, Managers, Administrators, Clerks and
Local Revenue Service Contacts

From: Caitlin Cothran, Manager for Local Revenue Services

Re: Ordinance, Agreement, and Supplement for Local Revenue Service Programs
PROMPT ACTION REQUIRED

For many years, the Municipal Association has offered collection programs for certain business license taxes. These programs include the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Program. The Municipal Association has collectively rebranded these programs as Local Revenue Services and has renamed the three business license programs as the Insurance Tax Program (ITP), the Brokers Tax Program (BTP), and the Telecommunication Tax Program (TTP).

In addition, by Act 176 of 2020,¹ the General Assembly standardized business licensing in the State of South Carolina. Following the adoption of this Act, the Municipal Association provided a revised model business license ordinance. Every municipality in the State has adopted a revised business license ordinance based on Act 176 and the new model ordinance.

As a result of the Local Revenue Services rebranding and the adoption of new local business license ordinances under Act 176, the Association is required to update the ordinances and agreement by which municipalities may participate in Local Revenue Services. Please note as follows:

- There are THREE attachments to this memo: (1) an ordinance to participate in Local Revenue Services, (2) an intergovernmental agreement for the programs, and (3) a program participant supplement by which a municipality elects which programs to join.
- In order to continue to participate in Local Revenue Services, **your municipality must (1) enact the attached ordinance and, (2) once the ordinance is enacted, sign the attached agreement and supplement.**
- The ordinance must be **completed where highlighted and then enacted exactly as written.**
- The agreement must be **signed exactly as written.**
- The supplement must be **completed where highlighted and then signed exactly as written.**
- The Setoff Debt Program is not affected by the attached documents, which relate only to ITP, BTP, and TTP.
- The Association must have a certified copy of your amended ordinance, together with the original signed agreement and supplement, by **May 26, 2023.** We will send you a copy of the final agreement with the Municipal Association's signature for your file. If you require an original signed agreement for your files, provide two signed agreements to the Municipal Association.

¹ The Business License Standardization Act, found at S.C. Code Sec. 6-1-400 to -420.

The new program documents will not substantially change the operation of the Local Revenue Services programs from your perspective. The Municipal Association will continue to administer and collect business license taxes within ITP, BTP, and TTP. The rates for the Municipal Association's services will remain exactly the same as they are now. Finally, distributions of collected amounts will be made in the same manner and at approximately the same times as they are now.

The substantial changes to the Local Revenue Services programs are as follows:

- The new agreement is an intergovernmental agreement among all of the participating governments, rather than a series of standalone agreements.
- Local Revenue Services will act in its own name as a division of the Municipal Association and will be governed by a committee of the Municipal Association's Board of Directors.
- The terms on which the Municipal Association is delegated the authority to resolve litigation on behalf of its members have been clarified.
- An appeals process, as required by and consistent with Act 176, has been formally adopted.

If you have questions about the attached documents, please contact Caitlin Cothran at (803) 354-4786 or ccothran@amsc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Eric Shytle, General Counsel of the Municipal Association, at (803) 933-1214 or eshytle@masc.sc.

Municipal Association - New Local Revenue Services Ordinances

Caitlin Cothran <CCothran@masc.sc>

Wed 3/15/2023 10:14

To: Lori Mixson <lmixson@townofyemassee.org>; Colin Moore <cmoore@townofyemassee.org>; Matthew Garnes <mgarnes@townofyemassee.org>

Cc: Ashley Kellahan <AKellahan@masc.sc>; Anita Lancaster <ALancaster@masc.sc>; Fran Adcock <FAdcock@masc.sc>; Kaylee Summerton <KSummerton@masc.sc>

 4 attachments (355 KB)

LRS Ordinance Update Cover Memo-2023.pdf; LRS Participant Program Supplement-2023.docx; LRS Intergovernmental Agreement-2023.DOCX; LRS Ordinance-2023.DOCX;

Dear Mayor and staff of Yemassee,

For many years, the Municipal Association of South Carolina has offered collection programs for certain business license taxes.

Historically, these programs have been known as the Insurance Tax Collection Program, the Brokers Tax Collection Program, and the Telecommunication Tax Collection Program. In the last year, the Municipal Association has [collectively rebranded these programs as Local Revenue Services](#) to better reflect its purpose and has renamed the three business license programs as the Insurance Tax Program, or ITP; the Brokers Tax Program, or BTP; and the Telecommunication Tax Program, or TTP.

Your municipality participates in all of these programs. Because of the name change of the programs, and because of changes to the state's business licensing law from Act 176 of 2020, your continued participation in these programs requires your municipality to **take prompt action to pass new authorizing ordinances and agreements by May 26**.

The full memo, ordinance, agreement, and supplement are attached.

If you have questions about the attached documents, please contact Manager for Local Revenue Services Caitlin Cothran at 803.354.4786 or ccothran@masc.sc.

If your municipal attorney has questions about the attached documents, please direct him or her to contact Municipal Association General Counsel Eric Shytle at 803.933.1214 or eshytle@masc.sc.

Thanks,

Caitlin Cothran (ccothran@masc.sc)

Manager for Local Revenue Services

Municipal Association of South Carolina

p: 803.354.4786 | f: 803.354.4791 | www.masc.sc



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ORDINANCE 23-13

AN ORDINANCE

AUTHORIZING AND DIRECTING THE TOWN OF YEMASSEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT RELATING TO SOUTH CAROLINA LOCAL REVENUE SERVICES; TO PARTICIPATE IN ONE OR MORE LOCAL REVENUE SERVICE PROGRAMS; TO EXECUTE AND DELIVER ONE OR MORE PARTICIPANT PROGRAM SUPPLEMENTS; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Yemassee (the "Municipality") is authorized by S.C. Code Section 5-7-30 and Title 6, Chapter 1, Article 3 to impose a business license tax on gross income;

WHEREAS, under State law, certain business license taxes are applicable in a manner or at a rate that applies throughout the State ("Statewide Business License Taxes");

WHEREAS, such Statewide Business License Taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; and to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipal Association of South Carolina (the "Association") has previously established local revenue service programs in which the Association administers Statewide Business License Taxes on behalf of and for the benefit of participating municipalities;

WHEREAS, such local revenue service programs include a program known as the Insurance Tax Program ("ITP") that administers business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; a program known as the Brokers Tax Program ("BTP") that administers business license taxes applicable to brokers under Title 38, Chapter 45 of the S.C. Code; and a program known as the Telecommunications Tax Program ("TTP") that administers business license taxes applicable to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code;

WHEREAS, the Municipality currently participates in ITP, BTP, and TTP;

WHEREAS, by Act No. 176 of 2020, known as the South Carolina Business License Tax Standardization Act and codified at S.C. Code Sections 6-1-400 to -420 (the "Standardization Act"), the South Carolina General Assembly imposed additional requirements and conditions on the administration of business license taxes;

WHEREAS, following the enactment of the Standardization Act, the Municipality enacted Ordinance No. 21-10 on December 20, 2021, in order to comply with the requirements of the Standardization Act (the "Current Business License Ordinance");

WHEREAS, in connection with the enactment of the Standardization Act and the adoption of locally compliant business license ordinances, the municipalities of the State have determined that it would be advisable and prudent to update the existing local revenue service programs;

WHEREAS, in particular, the municipalities of the State have determined to establish and join South Carolina Local Revenue Services (“LRS”) by intergovernmental agreement, which among other things will administer Statewide Business License Taxes on behalf of its participants, including but not limited to by continuing to offer the services provided by the ITP, BTP, and TTP;

WHEREAS, Article VIII, Section 13(A) of the South Carolina Constitution provides that “(a)ny county, incorporated municipality, or other political subdivision may agree with the State or with any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof;”

WHEREAS, the Town of Yemassee Council of the Municipality (the “Council”) now wishes to authorize and direct the Municipality to join LRS and to participate in one or more local revenue service programs;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Yemassee as follows:

SECTION 1. Direction to Apply to and Join LRS. The form of the Local Revenue Services Agreement (the “Agreement”) pursuant to which a municipality may request to participate in LRS and, if approved, become a participant is attached hereto as Exhibit A. The Mayor (the “Executive Officer”) is hereby authorized and directed to apply to participate in LRS. If the Municipality’s application is approved by LRS, then the Executive Officer shall execute and deliver a counterpart to the Agreement in substantially the form attached hereto. The Council hereby approves the terms and conditions of and agrees to comply with the Agreement upon the execution and delivery thereof by the Executive Officer.

SECTION 2. Participation in Local Revenue Service Programs. The Council determines that, if admitted to LRS, the Municipality will participate in the ITP, the BTP, and the TTP. The Executive Officer is hereby authorized and directed to execute and deliver any required Participant Program Supplements (as such term is defined in the Agreement) as may be necessary to participate in such local revenue service programs.

SECTION 3. Business License Taxes Applicable to Insurance Companies. Notwithstanding anything in the Current Business License Ordinance to the contrary, the following provisions shall apply to insurance companies subject to Title 38, Chapter 7 of the S.C. Code.

- a) Except as set forth below, “gross premiums” for insurance companies means gross premiums written for policies for property or a risk located within the municipality. In addition, “gross premiums” shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company’s office located in the municipality, (2) the insurance company’s employee conducting business within the municipality, or (3) the office of the insurance company’s licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is

located based on the same premium.

- b) As to fire insurance, “gross premiums” means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.
- c) As to bail bonds, “gross premiums” shall exclude any amounts retained by a licensed bail bondsman as defined in Title 38, Chapter 53 of the S.C. Code for authorized commissions, fees, and expenses.
- d) Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any dividend, credit, return premiums, or deposit.
- e) Solicitation for insurance, receiving or transmitting an application or policy, examination of a risk, collection or transmitting of a premium, adjusting a claim, delivering a benefit, or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.
- f) The business license tax for insurance companies under Title 38, Chapter 7 of the S.C. Code shall be established at the rates set forth below. Declining rates shall not apply.

NAICS Code

524113 **Life, Health, and Accident.** 0.75% of Gross Premiums.

524126 **Fire and Casualty.** 2% of Gross Premiums.

524127 **Title Insurance.** 2% of Gross Premiums.

- g) License taxes for insurance companies shall be payable on or before May 31 in each year without penalty. The penalty for delinquent payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

SECTION 4. Business License Tax Applicable to Brokers. Title 38, Chapter 45 of the S.C. Code (the “Brokers Act”) establishes a blended premium tax rate applicable to brokers of 6 percent, comprising a 4 percent State premium tax and a 2 percent municipal premium tax, each to be collected by the South Carolina Department of Insurance. Pursuant to §§ 38-45-10 and 38-45-60 of the Brokers Act, the Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker’s premium tax.

SECTION 5. Business License Taxes Applicable to Telecommunication Companies.

- a) Notwithstanding any other provisions of the Current Business License Ordinance, the business license tax for “retail telecommunications services,” as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by its amendment. Declining rates shall not apply.

- b) The business license tax year for retail telecommunications services shall begin on January 1 of each year. The business license tax for retail telecommunications services shall be due on January 1 of each year and payable by January 31 of that year, without penalty. The delinquent penalty shall be five percent (5%) of the tax due for each month, or portion thereof, after the due date until paid.
- c) In conformity with S.C. Code Section 58-9-2220, the business license tax for “retail telecommunications services” shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.
- d) Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement. All fees collected under such a franchise or contractual agreement shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

SECTION 6. No Exemption for Interstate Commerce. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

SECTION 7. LRS to Appoint Business License Official and to Designate Appeals Board. Pursuant to the Agreement, LRS is hereby authorized to appoint one or more individuals (each, an “LRS Business License Official”) to act as the Municipality’s business license official for purposes of administering Statewide Business License Taxes. In addition, LRS is hereby authorized pursuant to the Agreement to designate an appeals board (the “Appeals Board”) for purposes of appeals arising with respect to such taxes. The LRS Business License Official so appointed and the Appeals Board so designated shall have all of the powers granted to the Municipality’s business license official and appeals board under the Current Business License Ordinance, except as may be modified by this ordinance.

SECTION 8. Appeals Process. With respect to the calculation, assessment, and collection of Statewide Business License Taxes, in lieu of the appeals process described in the Current Business License Ordinance, the following appeals process required by S.C. Code Section 6-1-410 shall apply:

- a) If a taxpayer fails or refuses to pay a Statewide Business License Tax by the date on which it is due, the LRS Business License Official may serve notice of assessment of the Statewide

Business License Tax due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.

- b) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.
- c) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

SECTION 9. Repealer, Effective Date. All ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be effective on the date of final reading.

ENACTED IN REGULAR MEETING, this ____ day of _____, 20 ____.

Mayor

ATTEST:

Clerk

First reading: _____

Final reading: _____

PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the Town of Yemassee (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance (“DOI”) and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

TOWN OF YEMASSEE, SOUTH CAROLINA

Name: Colin J. Moore
Title: Mayor

ATTEST:

Name: Matthew E. Garnes
Title: Town Clerk of Yemassee

LOCAL REVENUE SERVICES AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____ A.D., 20____, by and among the Municipal Association of South Carolina (the "Association") and all the parties who are now or may hereafter become participants ("Participants") in South Carolina Local Revenue Services, a division of the Association ("LRS"),

WITNESSETH:

WHEREAS, certain governmental functions may be more efficiently and effectively provided in cooperation with other governments, particularly when the sharing of such functions may deliver economies of scale, avoid redundancies in staffing, facilitate intergovernmental communication and coordination, benefit the citizens and taxpayers of the State by offering single points of contact, and allow retention of highly trained and specialized staff or private contractors in situations in which it would not be cost effective for a single government to retain such professionals;

WHEREAS, Article VIII, sec. 13 of the South Carolina Constitution provides that any incorporated municipality "may agree with . . . any other political subdivision for the joint administration of any function and exercise of powers and the sharing of the costs thereof," and that "[n]othing in this Constitution may be construed to prohibit the State or any of its counties, incorporated municipalities, or other political subdivisions from agreeing to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State;"

WHEREAS, S.C. Code § 4-9-41(A) provides that any "incorporated municipality ... may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution;"

WHEREAS, certain municipalities in the State have determined that it would be effective and efficient to jointly perform certain functions, including without limitation the business license functions more fully described below;

WHEREAS, LRS is a division of the Association and a committee of the board of directors of the Association and will establish or continue one or more Revenue Service Programs (as hereinafter defined); and

WHEREAS, the Participants, through action of their respective governing bodies, have elected to comply with the conditions of this Agreement and to authorize LRS to perform the functions and exercise the powers herein described;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises, and obligations herein contained, which are given to and accepted by each signatory hereof to the other, the parties hereto agree as follows:

Section 1. Definitions. As used in this Agreement, the following terms shall have the meanings set forth below:

- (a) "Appeals Board" means the board created pursuant to Section 8 hereof for purposes of hearing and determining appeals under this Agreement.
- (b) "Association" means the Municipal Association of South Carolina.
- (c) "Gross Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the total amount of Impositions collected by LRS during such period.
- (d) "Imposition" means any tax, fee, rate, charge, fine, penalty, or interest charge that has been lawfully imposed by a Participant and for which a Revenue Service Program has been established. Such Impositions include, without limitation, Statewide Business License Taxes.
- (e) "LRS" means South Carolina Local Revenue Services, established by this Agreement.
- (f) "LRS Board of Directors" means the board of directors of LRS.
- (g) "LRS Business License Official" shall mean the person designated from time to time by the LRS Board of Directors to act as the business license official (as such term is used in S.C. Code §§ 6-1-400 to -420) with respect to one or more Revenue Service Programs. The LRS Board of Directors may, but need not, designate different persons as the LRS Business License Official for different Revenue Service Programs.
- (h) "Participant" means a local government that has become a participant in LRS by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart.
- (i) "Net Proceeds" means, with respect to any Revenue Service Program and for any period of calculation, the amount of Gross Proceeds that remain for distribution to Participants after the payment of operation and maintenance expenses (including, without limitation, LRS's compensation) for such period.
- (j) "Revenue Service Programs" means any one or more programs established or continued by LRS to administer, assess, collect, and enforce Impositions. Such Revenue Service Programs may include, without limitation, programs for the administration, assessment, collection, and enforcement of Statewide Business License Taxes.
- (k) "S.C. Code" means the South Carolina Code of Laws of 1976, as amended.
- (l) "State" means the State of South Carolina.
- (m) "Statewide Business License Taxes" means business license taxes that, pursuant to the S.C. Code, are applicable in a manner or at a rate that applies throughout the State. Such business license taxes include without limitation the business license taxes applicable to insurers under Title 38, Chapter 7 of the S.C. Code; to brokers under Title 38, Chapter 45 of the S.C. Code; to telecommunications companies under Title 58, Chapter 9, Article 20 of the S.C. Code; and such other business license taxes as may now or hereafter be made

applicable throughout the State in a manner or at a rate that has been established by State law.

Section 2. Authorization of LRS. The municipalities that are initial signatories hereto do hereby establish LRS and authorize it to perform the functions and exercise the powers described in this Agreement. The functions to be performed hereunder are more specifically described in Section 5 below and the powers to be exercised are more specifically described in Section 6 below. The Participants, regardless of their respective dates of admission to LRS, further agree as follows:

- (a) The functions and powers described in this Agreement would be more efficiently and effectively performed and exercised in cooperation with other governments through LRS;
- (b) The Participants shall comply with the conditions of this Agreement and, by joining LRS, shall jointly perform the functions and exercise the powers herein described by contract with LRS.

Section 3. Participation. The right to participate in LRS shall be limited to local governments within the State. A qualifying entity may become a Participant by applying to LRS for admission and, if approved, accepting the terms of participation in LRS by ordinance and signing this Agreement in counterpart. LRS shall be sole judge of whether an applicant shall be admitted as a Participant. A Participant may be suspended or expelled by the LRS Board of Directors from LRS, provided that such suspension or expulsion shall not be effective until 30 days after written notice of suspension or expulsion has been mailed to it.

Section 4. LRS Board of Directors. LRS shall be governed by a Board of Directors containing five Directors. The members of the Association's Executive Committee (comprising the President, First Vice President, Second Vice President, Third Vice President, and Immediate Past President of the Association) shall serve *ex officio* as Directors of LRS, with terms of office coterminous with their terms as officers of the Association. The President of the Association, or in his or her absence the First Vice President of the Association, shall serve as chair at meetings of the LRS Board of Directors. With respect to LRS's officers, the members of the LRS Board of Directors shall occupy the same offices as they do with respect to the Association.

Section 5. Functions of LRS. LRS may, and at the direction of and subject to the control of the LRS Board of Directors shall, establish or continue one or more Revenue Service Programs including, without limitation, for the administration, assessment, collection, and enforcement of Statewide Business License Taxes and other Impositions related to Statewide Business License Taxes. LRS's functions with respect to the Revenue Service Programs shall include, without limitation, training employees; developing resources to assist business license functions; making necessary investigations into entities or individuals subject to Impositions; developing databases for the application, calculation, allocation, and distribution of Impositions; establishing procedures for determining and calculating the amounts due as Impositions; communicating with entities or individuals subject to Impositions; collecting current and delinquent Impositions; initiating, defending, managing, resolving, and settling disputes or litigation matters that affect more than

one Participant; and acquiring, licensing, developing, improving, maintaining, and protecting software and other information technology infrastructure.

Section 6. Powers of LRS. LRS shall have the following powers:

- (a) adopt bylaws for the regulation of its affairs and the conduct of its business and prescribe rules and policies and promulgate regulations in connection with the performance of its functions and duties;
- (b) adopt an official seal and alter it at its pleasure;
- (c) maintain an office at a place it determines;
- (d) sue and be sued in its own name and plead and be impleaded;
- (e) require documentation of amounts due from taxpayers, including without limitation by requiring reconciliation reports in which the taxpayer provides sufficient information to verify whether revenues of the taxpayer are appropriate for exclusion as non-municipal revenues and to determine the proper allocation of Impositions among Participants;
- (f) receive, administer, and comply with the conditions and requirements of a gift, grant, or donation of property or money;
- (g) acquire by purchase, lease, gift, or otherwise, or obtain options for the acquisition of, any property, real or personal, improved or unimproved, including an interest in land less than the fee thereof in conformity with state law;
- (h) sell, lease, exchange, transfer, mortgage, or otherwise dispose of, or grant options for any such purposes with respect to, any real or personal property or interest therein in conformity with state law;
- (i) make and execute contracts, agreements, or other undertakings with such agents, service contractors, persons, firms, corporations, and attorneys as it deems appropriate to perform its functions and exercise its powers;
- (j) acquire, license, develop, improve, maintain, and protect software and other information technology infrastructure;
- (k) employ professionals, support staff, attorneys, appraisers, financial advisors, and other consultants and employees as required in the judgment of LRS and fix and pay their compensation from funds available to LRS for that purpose;
- (l) transact any lawful business that will aid the purposes and functions of LRS;
- (m) make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of LRS; and
- (n) do all things necessary or convenient, not inconsistent with law, to further the activities and affairs of LRS

Section 7. Attorney-in-Fact Designation; Dispute Resolution and Conduct of Litigation. Each Participant hereby appoints LRS and its designees as its agent and attorney-in-fact to act on its behalf with respect to Impositions. As agent and attorney-in-fact, LRS shall be fully empowered to initiate, defend, manage, resolve, and settle any disputes or litigation (whether in its own name or in the name of the Participants) relating to Impositions owing or payable to one or more Participants; to pay all expenses, costs, and judgments that might be incurred against LRS when acting on behalf of its Participants for communication, investigation, negotiation, enforcement, defense, or settlement with respect to Impositions; and to take all other actions as may be necessary to administer, collect, investigate, enforce, and implement the Revenue Service Programs. Each Participant, pursuant to Rule 17 of the S. C. Rules of Civil Procedure and Rule 17 of the Federal Rules of Civil Procedure, specifically acknowledges the standing of LRS to prosecute a civil action for collection in its behalf and hereby ratifies any such action that LRS may commence.

The LRS Board of Directors may, by majority vote, authorize a third party (including without limitation the Association) to act as attorney-in-fact to the same extent as set forth in this section on behalf of the Participants.

LRS's authority to initiate, defend, manage, resolve, and settle disputes and litigation shall be subject to the following terms and conditions:

- (a) If, with respect to any particular dispute, a proposed compromise or settlement would reduce the amount asserted by LRS to be payable to an individual Participant by more than ten percent (10%) of the total amount remitted by LRS to such Participant in the immediately preceding year for the relevant Revenue Service Program, then, notwithstanding subsections 7(b) and 7(c) below, LRS shall be required to secure the written consent of such Participant before compromising or settling such dispute with respect to such Participant. Otherwise, LRS shall be entitled to compromise or settle such dispute on behalf of each Participant without further authorization by such Participants beyond that contained herein.
- (b) Any proposed compromise or settlement that would result in a reduction of \$100,000 or less from the amount originally claimed to be due and owing by LRS may be approved or denied by LRS without separate approval by the LRS Board of Directors. The LRS Board of Directors shall, by appropriate action from time to time, designate one or more staff members or contractual counterparties who are authorized to compromise or settle such disputes.
- (c) Any proposed compromise or settlement that would result in a reduction of more than \$100,000 from the amount originally claimed to be due and owing by LRS must be approved or denied by the LRS Board of Directors.

- (d) Any proposed compromise or settlement that would result in a waiver of penalties, interest, late charges, or other amounts owing due to late payment of an Imposition must be approved or denied by the LRS Board of Directors.

Section 8. Appeals Process. The Participants acknowledge that, pursuant to local ordinances, regulations, and rules, each Participant has its own procedures by which matters relating to the calculation, assessment, and collection of business license taxes may be appealed. With respect to Impositions subject to this Agreement, however, each Participant has enacted a local ordinance by which appeals relating to such Impositions are excluded from the otherwise applicable local ordinance. Each Participant agrees that the appeals process described in this Section shall apply to all appeals relating to Impositions subject to this Agreement. Each Participant hereby consents to the adoption of the appeals process described in this Section; specifically declares its intention that such appeals process shall be deemed an exception to its otherwise applicable local ordinances, regulations, and rules; and agrees that it has or will approve such appeals process by appropriate local action.

- (a) There is hereby created a board for purposes of hearing appeals pursuant to this Section (the "Appeals Board"). The Appeals Board shall contain three members. The President of the Association, the Executive Director of the Association, and the President of the South Carolina Business Licensing Officials Association ("BLOA") shall each serve *ex officio* as members of the Appeals Board, with terms of office coterminous with their terms as officers of the Association or BLOA, as appropriate. The President of the Association, or in his or her absence the Executive Director of the Association, shall serve as chair at meetings of the Appeals Board.
- (b) With respect to the calculation, assessment, and collection of Impositions, the following appeals process, as required by Section 6-1-410, shall apply.
 - (1) If a taxpayer fails or refuses to pay an Imposition by the date on which such Imposition is due, the LRS Business License Official may serve notice of assessment of the Imposition due on the taxpayer by mail or personal service. Within thirty days after the date of postmark or personal service, a taxpayer may request, in writing with reasons stated, an adjustment of the assessment. An informal conference between the LRS Business License Official and the taxpayer must be held within fifteen days of the receipt of the request, at which time the taxpayer may present any information or documents in support of the requested adjustment. Within five days after the conference, the LRS Business License Official shall issue a notice of final assessment and serve the taxpayer by mail or personal service with the notice and provide a form for any further appeal of the assessment by the taxpayer.
 - (2) Within thirty days after the date of postmark or personal service, the taxpayer may appeal the notice of final assessment by filing a completed appeal form with the LRS Business License Official, by mail or personal service, and by paying to LRS

in protest at least eighty percent of the business license tax based on the final assessment. The appeal must be heard and determined by the Appeals Board. The Appeals Board shall provide the taxpayer with written notice of the hearing and with any rules of evidence or procedure prescribed by the Appeals Board. The hearing must be held within thirty days after receipt of the appeal form unless continued to another date by agreement of the parties. A hearing by the Appeals Board must be held at a regular or specially called meeting of the Appeals Board. At the appeals hearing, the taxpayer and LRS have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The hearing must be recorded and must be transcribed at the expense of the party so requesting. The Appeals Board shall decide the assessment by majority vote. The Appeals Board shall issue a written decision explaining the basis for the decision with findings of fact and conclusions and shall inform the taxpayer of the right to request a contested case hearing before the Administrative Law Court. The written decision must be filed with the LRS Business License Official and served on the taxpayer by mail or personal service. The decision is the final decision of LRS on the assessment.

- (3) Within thirty days after the date of postmark or personal service of LRS's written decision on the assessment, a taxpayer may appeal the decision to the Administrative Law Court in accordance with the rules of the Administrative Law Court.

Section 9. LRS May Be Separately Organized. Hereafter, the LRS Board of Directors may determine, for corporate governance, recordkeeping, and operational purposes, that LRS should be established as a separate entity, either under the South Carolina Nonprofit Corporation Act, currently codified at Title 33, Chapter 31 of the S.C. Code, or otherwise. If the LRS Board of Directors so determines, it may take all such actions as may be necessary to organize LRS as a separate entity without further approval by the Participants, provided that such organization shall not otherwise vary or modify the terms of this Agreement except to the extent necessary to reflect the new organizational structure of LRS.

Section 10. Participation in a Revenue Service Program. A Participant may elect to participate in a Revenue Service Program by signing and delivering a separate supplement to this Agreement with respect to such Revenue Service Program (each, a "Participant Program Supplement"). The Participant Program Supplements shall be substantially identical within each Revenue Service Program. The form of the Participant Program Supplement is attached hereto as Appendix A.

Section 11. Collection of Impositions; Distributions; Payment for Services; Prohibition on Lobbying Activity.

- (a) LRS shall collect, subject to the Participant Program Supplements, all Impositions subject to this Agreement.

- (b) The Participants will compensate LRS for its services. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of each Participant within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Participants acknowledge that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to each Participant separately within each Revenue Service Program. Hereafter, and notwithstanding Section 13 below, the LRS Board of Directors by majority vote may amend the compensation method by giving notice to all participating Participants at least ninety days prior to the effective date of such amendment. Such amendment shall become effective after the ninety-day notice period with respect to each Participant without further action by such Participant, provided that such Participant may withdraw from participation at any time within ninety days after notice of the amendment is provided.
- (c) LRS will regularly, and not less than once in each calendar quarter, distribute the Net Proceeds to Participants.
- (d) No funds or personnel of LRS may be used or employed to influence any election; support or oppose any partisan organization; support or oppose the enactment, repeal, or modification of any federal or state legislation; or seek to influence any federal or state local government officials in the discharge of their official functions.

Section 12. Fiscal Year. LRS shall operate on a fiscal year from 12:01 a.m. January 1 of each year to 12:00 midnight December 31 of the succeeding year (the “LRS Year”). Application for participation, when approved in writing by LRS shall constitute a continuing contract for each succeeding LRS Year unless cancelled by LRS.

Section 13. Amendment. This Agreement may be amended by an agreement executed by those Participants constituting a majority of the Participants in LRS during the current LRS Year. In lieu of this amendment procedure, the Participants hereby appoint a 4/5 majority (i.e., at least four Directors) of the LRS Board of Directors agents to make any amendments to this Agreement that would not fundamentally alter the contemplated arrangement. Written notice of any amendment proposed for adoption by the LRS Board of Directors shall be mailed to each Participant not less than 30 days in advance. Written notice of amendments finally adopted by the LRS Board of Directors shall be mailed to each Participant not more than 30 days after adoption.

Section 14. Terms Applicable on Admission. Any entity that formally applies to participate in LRS and is accepted by LRS shall thereupon become a party to this Agreement and be bound by all of the terms and conditions hereof. A Participant may withdraw from participation by delivery of written notice of withdrawal at least 90 days prior to the end of an LRS Year, to be effective as of the end of such LRS Year.

Section 15. Term; Dissolution. LRS has been established with the bona fide intention that it shall be continued in operation indefinitely and that the contributions to LRS shall continue for an indefinite period. However, the LRS Board of Directors reserves the right at any time to terminate LRS by a written instrument to that effect executed by at least four-fifths (4/5) of the members of the LRS Board of Directors. Such written termination notice shall be delivered to each Participant no less than 120 days prior to the effective date of termination. In the event of such termination, Participant contributions shall cease as of the date of termination and the assets then remaining in the fund shall continue to be used and applied, to the extent available, for the (a) payment of claims arising prior to such termination and (b) payment of reasonable and necessary expenses incurred in such termination. Any monies or other assets thereafter remaining in LRS shall be distributed pro rata to the Participants in LRS as of the day of termination. In no event shall any such assets be returned or distributed to any individual. Upon such termination, the LRS Board of Directors shall continue to serve for such period of time and to the extent necessary to effectuate termination of LRS.

[signatures appear on following page]

IN WITNESS WHEREOF, the Participants listed below acknowledge their participation in LRS and acceptance of obligations thereunder, by the due execution hereof, following appropriate governmental body approval, by its mayor or other duly authorized official. Further, LRS has caused these presents to be signed by its President and attested by its Vice President.

MUNICIPAL ASSOCIATION OF SOUTH CAROLINA

B. Todd Glover, Executive Director

**LOCAL REVENUE SERVICES, A DIVISION OF THE
MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

Mayor Rick Osbon, President of LRS

ATTEST:

Mayor Barbara Blain-Bellamy, Vice President of LRS

PARTICIPANT SIGNATURE PAGE

TOWN OF YEMASSEE, SOUTH CAROLINA

Name: Colin J. Moore

Title: Mayor

ATTEST:

Name: Matthew E. Garnes

Title: Town Clerk of Yemassee

APPENDIX A: FORM OF PARTICIPANT PROGRAM SUPPLEMENT

WHEREAS, the Town of Yemassee (the "Municipality") has applied for and been approved to participate in South Carolina Local Revenue Services ("LRS");

WHEREAS, the Municipality has executed a counterpart of the Local Revenue Services Agreement (the "Agreement") by and among itself and all other participants in LRS;

WHEREAS, capitalized terms used and not otherwise defined herein have the meaning given to such terms in the Agreement;

WHEREAS, pursuant to the Agreement, LRS has established Revenue Service Programs for Statewide Business Licenses and other Impositions; and

WHEREAS, the Municipality now desires to agree to participate in one or more Revenue Service Programs;

NOW, THEREFORE, the Municipality hereby agrees with LRS as follows:

Section 1. Participation in Revenue Service Programs. The Municipality hereby elects and agrees to participate in the following Revenue Service Programs: ITP / BTP / TTP.

Section 2. Term. This Participant Program Supplement is effective until December 31, 2023, and shall continue from year-to-year thereafter until terminated by either party upon notice delivered in writing given at least 90 days prior to the next upcoming December 31.

Section 3. Payment for Services. The Municipality agrees that it will compensate LRS for its services as set forth in the Agreement. Initially, such compensation shall be in the amount of four percent of Gross Proceeds collected for the benefit of the Municipality within each Revenue Service Program, subject to any volume discount approved from time to time by the LRS Board of Directors, together with any interest earned on funds held on deposit prior to disbursement. The Municipality acknowledges that this amount represents operating expenses payable to LRS for services rendered. For accounting and recordkeeping purposes, LRS will apply this rate to the Municipality separately within each Revenue Service Program.

Section 4. Expenses; Fund Accounting. (a) The rate for services established herein shall be inclusive of all administrative expenses of LRS, except legal expenses incurred in connection with the services rendered. Legal expenses incurred by LRS are not included in the base rate and shall be prorated to all Participants in direct relationship to the disbursements of the Revenue Service Program to which the legal expenses relate.

(b) LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Business license taxes collected for the Municipality, less the service charge herein agreed to, will be disbursed to the Municipality on or before March 1 of each calendar year and thereafter as remaining collections permit.

Section 5. Special Provisions for BTP. (a) Pursuant to Title 38, Chapter 45 of the South Carolina Code of Laws (the "Brokers Insurance Statute"), the Municipality designates the Municipal

Association of South Carolina as the municipal agent to act on behalf of the municipality for the purposes of the Brokers Insurance Statute.

(b) The Brokers Insurance Statute governs the receipt from the South Carolina Department of Insurance (“DOI”) and distribution to the Municipality of all municipal premium taxes from brokers for non-admitted surplus lines insurance. Upon receipt of the taxes from the DOI, LRS will deposit all funds received in an appropriate account for which accurate records will be maintained. Taxes will be disbursed to the Municipality, less the service charge herein agreed to, as collections permit.

Recommended Motion

(Ordinance 23-13)

I make a motion to:

- ***Approve***
- ***Approve w/ Corrections.***
- ***Deny***

“first reading of Ordinance 23-13”.



**Police Department
Monthly Report**



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



Calls for service for Patrol Zone: A

As of 10 April 2023

8A01, Cochran Street North

Call Type	Date	Case Number
Shoplifting	01/14/2023	23YE0863
Shoplifting	02/19/2023	23YE2961
Abandoned Vehicle	02/23/2023	23YE3215

8A02, Family Dollar Area

Call Type	Date	Case Number
Disturbance	03/07/2023	23YE4064
Vehicle Stop	04/06/2023	23YE6063

8A03, Cochran Street South

Call Type	Date	Case Number



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8A04, Riley Street West

Call Type	Date	Case Number

8A05, Rowell Street / Riley Central

Call Type	Date	Case Number

8A06, Bing Street Residential

Call Type	Date	Case Number
Trespassing	03/11/2023	23YE4342

8A44, Loves Commercial

Call Type	Date	Case Number
Shoplifting	01/13/2023	23YE0701
Vehicle Accident	03/08/2023	23YE4132
Stolen Vehicle	03/12/2023	23YE4362
Vehicle Accident	03/18/2023	23YE4922
Vandalism	03/20/2023	23YE4953
Vandalism	03/25/2023	23YE5321



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8A49, Chilton Exit 38 Area

Call Type	Date	Case Number
Vehicle Stop	01/01/2023	23YE0141
Vehicle Stop	03/09/2023	23YE4153
Vehicle Stop	03/16/2023	23YE4620
Vehicle Stop	03/18/2023	23YE4780

8A57, Thomas Street

Call Type	Date	Case Number
Vehicle Stop	03/20/2023	23YE4969

8A61, Interstate 95 Mile-Marker 37

Call Type	Date	Case Number

8A62, Interstate 95 Mile-Marker 36

Call Type	Date	Case Number

Total Calls for Service with Reports taken YTD in Zone A: **17**



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



Calls for service for Patrol Zone: B

As of 10 April 2023

8B37, Ponderosa Subdivision

Call Type	Date	Case Number

8B38, SC-68 Industrial Area

Call Type	Date	Case Number

8B39, Lanewood S/D

Call Type	Date	Case Number
Domestic	02/01/2023	23YE0365

8B40, Salkehatchie Residential

Call Type	Date	Case Number



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8B41, Likita Duplexes

Call Type	Date	Case Number

8B42, Zahler / Denmark Tracts

Call Type	Date	Case Number

8B43, Williamson Tract

Call Type	Date	Case Number

8B45, Lane Street Commercial

Call Type	Date	Case Number
Vehicle Stop	02/16/2023	23YE2807



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8B46, Lane Tract

Call Type	Date	Case Number

8B47, Jackson Street Residential

Call Type	Date	Case Number

8B48, Edgar Jackson / Louis Davis

Call Type	Date	Case Number
Vehicle Stop	02/27/2023	23YE3517

8B50, Bampfield Tract

Call Type	Date	Case Number

Total Calls for Service with Reports taken YTD in Zone B: **3**



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



Calls for service for Patrol Zone: C

As of 10 April 2023

8C07, Snappy Foods

Call Type	Date	Case Number

8C08, Church South, Ellis, Green

Call Type	Date	Case Number

8C09, Goodwin Drive MHP

Call Type	Date	Case Number

8C10, Pocotaligo Rd Area

Call Type	Date	Case Number
Stolen Property	01/16/2023	23YE1122



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8C11, Major Street

Call Type	Date	Case Number
Lost Property	01/18/2023	23YE1116
Assist EMS	02/09/2023	23YE2305

8C12, Braddy St / 17A Area

Call Type	Date	Case Number
Vehicle Stop	03/03/2023	23YE3720
Assist EMS	03/04/2023	23YE3879
Vandalism	03/04/2023	23YE3882
Vehicle Stop	03/07/2023	23YE4076
Runaway Juvenile	03/19/2023	23YE4854

8C13, Buckfield Plantation Hampton County Side

Call Type	Date	Case Number
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8C14, Buckfield / Castle Hall Tract

Call Type	Date	Case Number
Disturbance	03/06/2023	23YE4022



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8C15, Yemassee Heights / Alpha Genesis

Call Type	Date	Case Number
Trespassing	03/22/2023	23YE5106
Shots Fired	04/02/2023	23YE5852

8C16, Castle Hall Rd Right-of-Way

Call Type	Date	Case Number
Vehicle Stop	02/01/2023	23YE0740
Vehicle Stop	03/04/2023	23YE3856
Accident w/ Serious Injuries	03/07/2023	23YE3971
Vehicle Stop	03/08/2023	23YE4099

8C17, Pocotaligo Crossroads

Call Type	Date	Case Number
Vehicle Stop	03/02/2023	23YE3717

8C18, Bindon Plantation South

Call Type	Date	Case Number
Vehicle Stop	01/13/2023	23YE0714



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



Vehicle Stop	03/01/2023	23YE3150
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8C19, Bindon Plantation North

Call Type	Date	Case Number
Vehicle Stop	02/12/2023	23YE2351
Misc. Call	02/25/2023	23YE3326
Vehicle Stop	03/01/2023	23YE3645
Disabled Vehicle	03/20/2023	23YE4753

8C20, Stoney Creek Cemetery

Call Type	Date	Case Number
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8C21, Cotton Hall Plantation

Call Type	Date	Case Number
Trespassing	02/25/2023	23YE3343

8C22, Chisolm Tract

Call Type	Date	Case Number
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YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8C23, Deveaux Hill

Call Type	Date	Case Number

8C24, Tomotley Plantation

Call Type	Date	Case Number

8C51, Huspah Creek North

Call Type	Date	Case Number

8C52, Fennell Elementary

Call Type	Date	Case Number

8C53, Bailey

Call Type	Date	Case Number



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8C54, Call Type	Old Sheldon Church Residential Date	Case Number

8C58, Call Type	Montgomery / Buckfield Date	Case Number

Total Calls for Service with Reports taken YTD in Zone C: **23**



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577
Yemassee, SC 29945-0577
Chief G.Z. Alexander



Calls for service for Patrol Zone: D As of 10 April 2023

8D25, Le Creuset Rd / Yemassee Industrial Village

Call Type	Date	Case Number

8D26, River Road Village PUD

Call Type	Date	Case Number

8D27, Old Towne

Call Type	Date	Case Number
Assist Other	02/07/2023	23YE2158
Suspicious Activity	03/29/2023	23YE5576

8D28, Black Bottom

Call Type	Date	Case Number



YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8D29, Fairdale S/D (Hunt St)

Call Type	Date	Case Number
Civil Disturbance	02/15/2023	23YE2765

8D30, Yemassee Crossroads

Call Type	Date	Case Number
Vehicle Stop	03/12/2023	23YE4378
Disturbance	03/27/2023	23YE5451

8D31 Yemassee Outskirts (Hwy 17A/21)

Call Type	Date	Case Number
Vehicle Stop	03/10/2023	23YE4231
Vehicle Accident	03/13/2023	23YE4378

8D32, Ace Basin Wildlife Refuge

Call Type	Date	Case Number
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YEMASSEE POLICE DEPARTMENT

Town Circle · P.O. Box 577

Yemassee, SC 29945-0577

Chief G.Z. Alexander



8D33, Municipal Complex Area

Call Type	Date	Case Number
Forgery	04/03/2023	23YE5807

8D34, Center Point / Church North

Call Type	Date	Case Number
Miscellaneous Call	03/23/2023	23YE5140
Forgery	04/06/2023	23YE6039

8D35, Hwy 17A Commercial

Call Type	Date	Case Number

Total Calls for Service with Reports taken YTD in Zone D: **10**



**Administration Department
Monthly Report**

Colin J Moore

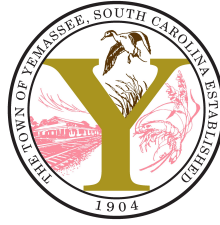
Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



Council Members

Alfred Washington

Stacy Pinckney

David Paul Murray

To: Mayor & Town Council

From: Matthew E. Garnes, Town Administrator

Re: Town Administrator Monthly Report

Town Operations/Community Events

- Assisted as needed with logistics for Recreation Dept events.
- Business Licensing mailed renewals for BL year 2023.
- Begun work to transitioning to cloud based permitting software.
- Attended Easter Egg Hunt 4/7/23.

Meetings Attended/Conducted:

- Meeting with Hampton County Municipal Administrators/Managers and County Council Chairman 3/15/23 at Yemassee Community Center
- Meeting with Beaufort County Engineering and McMillan Pazdan Smith Architecture to conduct a site visit at the Marine Corps Tribute Park - 3/23/23 - 14 Wall St
- MASC Managers & Administrators Spring Forum - 3/24/23 - Columbia, SC
- Sales Tax Planning Session with Beaufort County Town Managers 3/27/23 - TCL New River, Okatie, SC
- Southern Lowcountry Regional Board - 3/28/23 - Hardeeville City Hall, Hardeeville, SC
- Meeting with Alliance Engineering regarding Castle Hall Sidewalk Project - 3/29/23 - Yemassee, SC
- Meeting with WTOC regarding Destination Marketing Opportunities - 3/29/23 - Yemassee, SC
- Comprehensive Plan Kickoff meeting with MRB Group - 4/4/23 - Yemassee, SC.

License No.	Business Name	Business Address	Business Phone	Business Type
23000	Ward Edwards, Inc.	119 Palmetto Way, Ste. C, Bluffton, SC 29910	(843) 837-5250	Engineering Companies
23001	Jose Hernandez-Rubio	38 Crested Eagle Dr, Ridgeland, SC 29936-7500	(843) 597-3253	Handy Man
23002	TriTek Fire & Security, LLC.	6 Woodcross Dr, Columbia, SC 29212-2331	(803) 407-0747	Monitored Security Companies
23003	The Soap Box	216 U.S. Highway 17A, Yemassee, SC 29945-0622	(843) 812-9466	Coin Operated Laundromat
23004	Housely Demolition Co, Inc.	2273 Whippoorwill Ln, Elgin, SC 29045-8821	(843) 805-2197	Demolition Contractors
23005	Mack Magic Car Wash	195 U.S. Highway 17A, Yemassee, SC 29945-5059	(843) 599-8370	Car Wash & Auto Detailing
23006	Harper Roofing	924 Bellview Cir W, Beaufort, SC 29902-6919	(843) 631-3496	Roofing Contractors
23007	Big Daddy Landscaping	179 Daniels Ln, Yemassee, SC 29945-2565	(843) 441-1912	Landscaping Services
23008	Southeastern Lawn and Pest, LLC.	196 E Carolina Ave, Varnville, SC 29944	(843) 898-3455	Landscaping Services
23009	Interstate Towing & Recovery, LLC.	127 Bay Pines Rd, Beaufort, SC 29906-8527	(843) 846-9292	Towing Services
23010	Lewis Tree Service, Inc.	300 Lucius Gordon Dr, West Henrietta, NY 14586-9686	(585) 436-3208	Tree Trimming & Removal Services
23011	Keep N Kool, LLC.	P.O. Box 12, Cottageville, SC 29435-0012	(843) 835-5981	HVAC Installers & Repair
23012	Thomas & Hutton Engineering Co.	50 Park of Commerce Way, Savannah, GA 31405-1358	(912) 721-4190	Engineering Companies
23013	A Touch From Above 2, LLC.	199 U.S. Highway 17A, Yemassee, SC 29945-0042	(843) 415-6742	Barbershops & Personal Care
23014	Marlin Outdoor Advertising	55 New Orleans Rd, Ste. 209, Hilton Head, SC 29928	(843) 785-5769	Outdoor Advertising
23015	S&S Disposal, Inc.	3221 Lowcountry Hwy, Erhardt, SC 29081-0038	(803) 267-1942	Solid Waste & Recycling Service
23016	Island Fire Protection	7796 Lowcountry Dr, Ridgeland, SC 29936-7065	(843) 384-5139	Fire Extinguisher Sales & Repairs
23017	The Brittingham Group, LLP.	P.O. Box 5949, West Columbia, SC 29171-5949	(803) 739-3090	Accounting Firms
23018	Harold's Country Club, Inc.	97 U.S. Highway 17A, Yemassee, SC 29945-0000	(843) 589-4360	Dine-In Restaurants
23019	David Murray Home Repair & Remodeling, LLC.	475 Ridgecut Rd, Early Branch, SC 29916-3909	(843) 575-7044	General Contractors
23020	Lowcountry Clean Care	P.O. Box 887, Hampton, SC 29924-0887	(803) 943-4416	Carpet & Upholstery Cleaning
23021	McClure's Wrecker Service	77 McClure Ln, Walterboro, SC 29488-9018	(843) 538-8143	Towing Services
23022	Wee Bee Enterprises	32 Guess Dr, Yemassee, SC 29945	(843) 592-0881	General Manufacturing
23023	Advance Safe & Lock, Inc.	53 Sherman Dr, Beaufort, SC 29907-2316	(843) 522-1159	Locksmiths & Lockout Service
23024	Steve Stacy Construction	810 Pond Town Rd, Hampton, SC 29924-5532	(843) 908-5199	General Contractors
23025	D1 Landscaping	28 Willis St S, Yemassee, SC 29945	(843) 908-9595	Landscaping Services
23026	Upper Room Realty, Inc.	P.O. Box 6482, Beaufort, SC 29903-6482	(843) 441-9393	Real Estate Companies
23027	Tythespot Grading & Drainage, LLC.	302 McPhersonville Rd, Yemassee, SC 29945	(704) 791-2810	General Contractors
23028	Mansell and Company, LLC.	15 Wall St, Yemassee, SC 29945	(843) 694-3144	Bookkeeping
23029	Seacoast Security Shredding, Inc.	P.O. Box 609, Bluffton, SC 29910-0609	(843) 757-8010	Other Services
23030	KM Striping	1037 Bennock Mill Rd, Augusta, GA 30906	(843) 605-3976	Pavement & Striping Service
23031	Vick's Home Service	25 Goodwin Dr, Yemassee, SC 29945	(843) 539-6987	Landscaping Services
23032	Reddy Ice, LLC.	2 Guess Dr, Yemassee, SC 29945	(214) 441-1009	Distributors
23033	Fletcher's Rug Company, LLC.	15 Wall St, Yemassee, SC 29945	(843) 694-3144	Wholesale Retailers
23034	Carolina LPD Services	23802 Pocotaligo Rd, Yemassee, SC 29945	(843) 812-0072	Landscaping Services



**TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
INSPECTIONS SCHEDULED FOR 14 MARCH 2023
INSPECTIONS ASSIGNED TO: CCI**

Inspection #	Permit #	Inspection Type	Address	Order
INSP-2023-01384	ELEC-03-23-1025	R-Permanent Service	28446 POCOTALIGO RD HAMPTON COUNTY	#1
INSP-2023-01385	ELEC-03-23-1025	R-Final CofC	28446 POCOTALIGO RD HAMPTON COUNTY	#2



**TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
INSPECTIONS SCHEDULED FOR 14 MARCH 2023
INSPECTIONS ASSIGNED TO: WILLIAMS, TONY**

Inspection #	Permit #	Inspection Type	Address	Result
INSP-2023-01384	ELEC-03-23-1025	R-Permanent Service	28446 POCOTALIGO RD HAMPTON COUNTY	Passed
INSP-2023-01385	ELEC-03-23-1025	R-Final CofC	28446 POCOTALIGO RD HAMPTON COUNTY	Passed



**TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
INSPECTIONS SCHEDULED FOR 17 MARCH 2023
INSPECTIONS ASSIGNED TO: CCI**

Inspection #	Permit #	Inspection Type	Address	Order
INSP-2023-01386	RADD-06-22-1057	R-Accessory Building Final	51 SALKEHATCHIE RD HAMPTON COUNTY	#1
INSP-2023-01387	N/A	R-Demolition Verification	64 JASMINE ST HAMPTON COUNTY	#2
INSP-2023-01388	N/A	R-Demolition Verification	75 WESLEY DR HAMPTON COUNTY	#3



**TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
INSPECTIONS SCHEDULED FOR 17 MARCH 2023
INSPECTIONS ASSIGNED TO: CCI**

Inspection #	Permit #	Inspection Type	Address	Result
INSP-2023-01386	RADD-06-22-1057	R-Accessory Building Final	51 SALKEHATCHIE RD HAMPTON COUNTY	Passed
INSP-2023-01387	N/A	R-Demolition Verification	64 JASMINE ST HAMPTON COUNTY	Passed
INSP-2023-01388	N/A	R-Demolition Verification	75 WESLEY DR HAMPTON COUNTY	Passed



**TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
INSPECTION SCHEDULED FOR 31 MARCH 2023
INSPECTIONS ASSIGNED TO: CCI**

Inspection #	Permit #	Inspection Type	Address	Order
INSP-2023-01392	ELEC-10-22-1084	R-Permanent Service	511 COCHRAN ST HAMPTON COUNTY	#1
INSP-2023-01393	ELEC-10-22-1084	R-Final CofC	511 COCHRAN ST HAMPTON COUNTY	#2
INSP-2023-01394	RADD-03-23-1023	R-Deck Final	96 JASMINE ST HAMPTON COUNTY	#3
INSP-2023-01395	RADD-03-23-1023	R-Final CofC	96 JASMINE ST HAMPTON COUNTY	#4



**TOWN OF YEMASSEE ADMINISTRATION DEPARTMENT
INSPECTION RESULTS FOR 31 MARCH 2023
INSPECTIONS ASSIGNED TO: CCI**

Inspection #	Permit #	Inspection Type	Address	Result
INSP-2023-01392	ELEC-10-22-1084	R-Permanent Service	511 COCHRAN ST HAMPTON COUNTY	Failed
INSP-2023-01393	ELEC-10-22-1084	R-Final CofC	511 COCHRAN ST HAMPTON COUNTY	Failed
INSP-2023-01394	RADD-03-23-1023	R-Deck Final	96 JASMINE ST HAMPTON COUNTY	Passed
INSP-2023-01395	RADD-03-23-1023	R-Final CofC	96 JASMINE ST HAMPTON COUNTY	Passed

Town of Yemassee
Administration Department

PDMP-03-23-1022	PUD Master Plan Application	3/2/2023	PINE ST PUD	Garnes, M	\$ 300.00	Approved	Hampton	204-01-05-013	Residential 1/4 Acre
ZONE-03-23-1023	Zoning Map Amendment Application	3/2/2023	PINE ST PUD	Garnes, M	\$ 150.00	Active	Hampton	204-01-05-005	Office Commercial District
DPLN-03-23-1024	Preliminary Development Plan App	3/2/2023	PINE ST PUD	Garnes, M	\$ 100.00	Approved	Hampton	203-00-00-046	Conservation Preservation Dist
PLAT-03-23-1025	Exempt Plat Application	3/15/2023	48 JASMINE ST	Garnes, M	\$ 25.00	Approved	Hampton	198-00-00-199	General Residential (GR)
ANNX-03-23-1026	100% Annexation Petition	3/16/2023	000 COCHRAN ST	Garnes, M	\$ -	Active	Hampton	198-00-00-095	COUNTY
RMOD-03-23-1027	Residential Remodel Permit	3/17/2023	96 JASMINE ST	CCI	\$ 730.00	Complete	Hampton	198-00-00-221	General Residential (GR)
ELEC-03-23-1028	Residential Electrical Permit	3/17/2023	28446 POCOTALIGO RD	CCI	\$ 70.00	Complete	Hampton	198-00-00-222	Telecommunications Tower (TT)
CNEW-03-23-1029	New Commercial Construction Permit	3/17/2023	154 STONEY CREEK CEMETERY RD	CCI	\$ 1,950.00	Active	Beaufort	R710 012 000 001A 0000	Planned Unit Development (PUD)
PLAT-03-23-1030	Exempt Plat Application	3/17/2023	124 TRASK PKWY	Garnes, M	\$ 25.00	Complete	Beaufort	R710 012 000 0001 0000	Planned Unit Development (PUD)
DPLN-04-23-1031	Final Development Plan App	4/4/2023	PINE ST PUD	Garnes, M	\$ 150.00	Active	Hampton	204-01-05-013	Residential 1/4 Acre (R4A)

Colin J Moore
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Peggy Bing-O'Banner
Mayor Pro Tempore

Matthew Garnes
Town Administrator



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PERMIT DISPOSITIONS
 9 April 2023

PERMITS CLOSED OUT BETWEEN (14 MARCH - 9 APRIL 2023)

<i>Permit Type</i>	<i>Address</i>	<i>County</i>	<i>Zone</i>
<i>Exempt Plat Application</i>	48 JASMINE ST 64 JASMINE ST	HAMPTON	A
<i>Residential Remodel Permit</i>	96 JASMINE ST	HAMPTON	A
<i>Residential Electrical</i>	28446 POCOTALIGO RD	HAMPTON	C
<i>Residential Acc. Bldg</i>	51 SALKEHATCHIE RD	HAMPTON	D

PERMITS WITH STATUS: STOP WORK ACTIVE (AS OF 9 APRIL 2023)

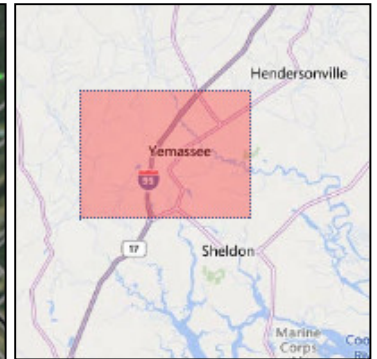
<i>Permit Type</i>	<i>Address</i>	<i>County</i>	<i>Zone</i>
<i>Commercial Electrical</i>	25 FLOWERS ST	HAMPTON	C
<i>New Commercial Const</i>	95 CASTLE HALL RD	BEAUFORT	C
<i>New Commercial Const</i>	95 CASTLE HALL RD	BEAUFORT	C

PERMITS WITH STATUS: ACTIVE (AS OF 9 APRIL 2023)

<i>Permit Type</i>	<i>Address</i>	<i>County</i>	<i>Zone</i>
<i>Residential Addition</i>	14 HUNT ST	HAMPTON	D
<i>Residential Remodel</i>	31 CHURCH ST N	HAMPTON	D
<i>Residential Addition</i>	84 SALKEHATCHIE RD	HAMPTON	D
<i>Residential Electrical</i>	511 COCHRAN ST	HAMPTON	A
<i>Residential Addition</i>	297 SALKEHATCHIE RD	HAMPTON	B
<i>Commercial Addition</i>	302 MCPHERSONVILLE RD	BEAUFORT	C
<i>Residential Addition</i>	374 BING ST	HAMPTON	A
<i>Residential Remodel</i>	235 SALKEHATCHIE RD	HAMPTON	B
<i>New Commercial Const</i>	14 TRASK PKWY	BEAUFORT	C
<i>Residential Re-Roofing</i>	19 CENTER POINT DR	HAMPTON	D
<i>Residential Re-Roofing</i>	211 SALKEHATCHIE RD	HAMPTON	B



Abandoned Properties already Demolished



Legend

- Parcels Beaufort
- Parcels Hampton
- Address Points Jasper
- Parcels Jasper
- Road Names**

Roads

- Roads
- Major Roads
- Interstate

Road Names Jasper

- Roads
- Major Roads
- Interstate

Railroads

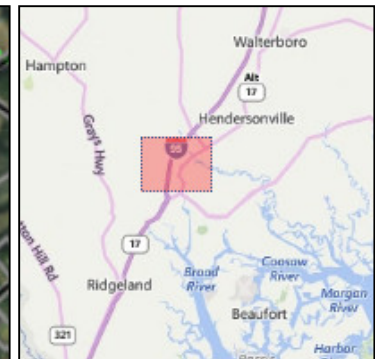
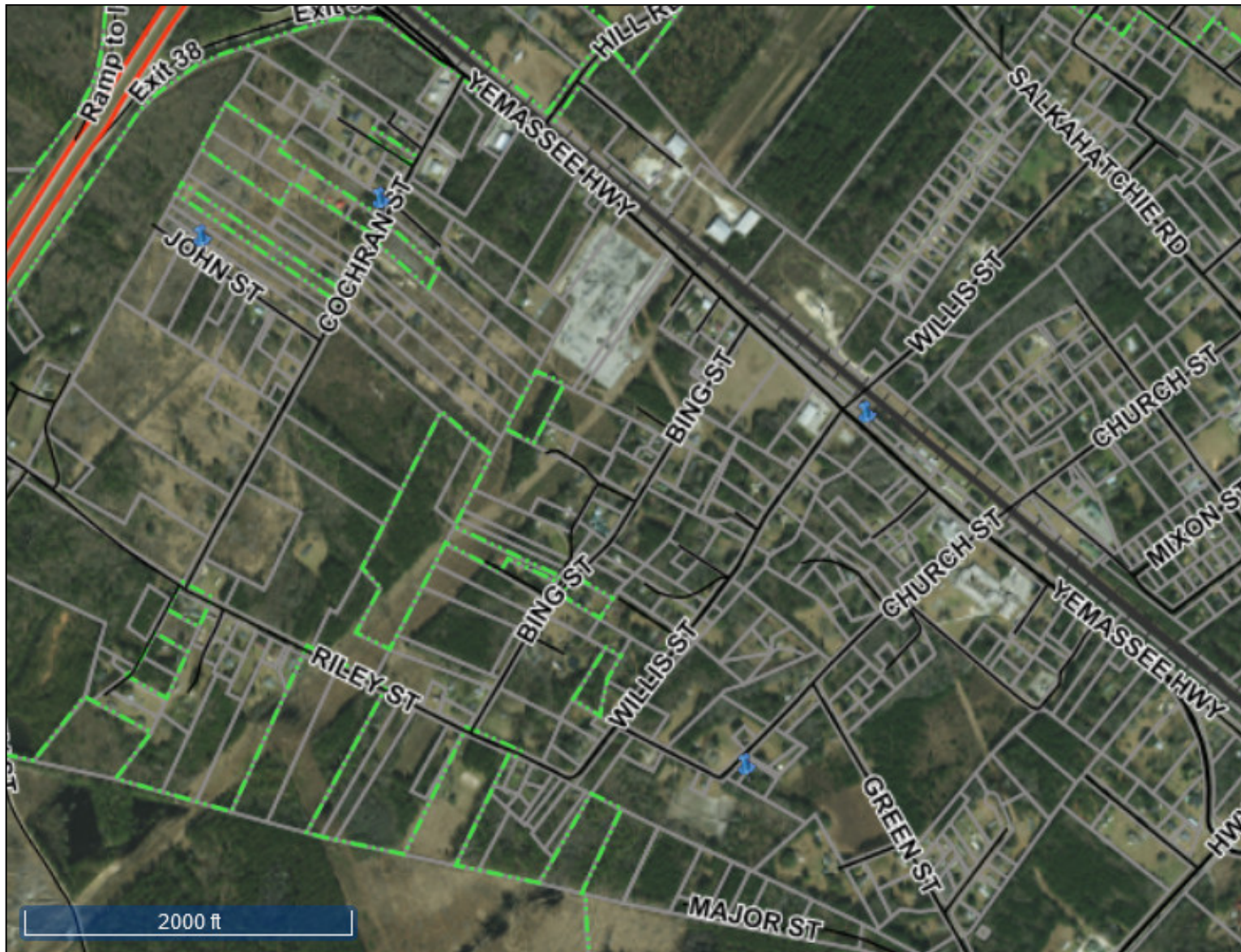
- Capital Improvement Projects Edit
- County Boundary Beaufort
- County Boundary Hampton
- County Boundary Jasper
- Yemassee Boundary

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THIS MAP IS NOT TO BE USED FOR NAVIGATION



Remaining Properties to be demolished



- Legend**
- Parcels Beaufort
 - Parcels Hampton
 - Address Points Jasper
 - Parcels Jasper
 - Road Names**
 - Roads**
 - Roads
 - Major Roads
 - Interstate
 - Road Names Jasper**
 - Roads Jasper**
 - Roads
 - Major Roads
 - Interstate
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Colin J Moore

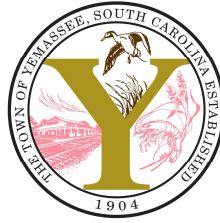
Mayor

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Matthew Garnes

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Demolition Project Update April 9, 2023

Housley Demolition Co, the contractor awarded the demolition and site clearing bid has demolished 6 abandoned/dilapidated properties thus far. Four properties remain, which require special attention due to the presence of asbestos. Those properties will begin demolition with the required interventions this month.

Buildings Demolished

- 75 Wesley Drive (Zone A)
- 48 Jasmine Street (Zone A)
- 381 Willis St S (Zone A)
- 331 Willis St S (Zone C)
- 00 Green St (Zone C)
- 7 O'Bannard St (Zone C)

Remaining Properties

- 184 Yemassee Hwy (Zone C) - Tentative demo date of 4/21/23
- 61 Oliver Drive (Zone A) - Tentative demo date of 4/17/23
- 180 John Street (Zone A)
- 6 Ellis Street (Zone C)
- 79 Church Street South (Zone C)

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Water/Sewer Project Update
April 9, 2023

Project Overview: The Water/Sewer project will extend water service to some unserved areas, upgrade water lines in some existing areas and extend sewers to an area currently unserved. The specific areas include:

- Sewer Extension - The current sewer line ending on Willis Street South near the sharp curve at Riley Street will be extended from Riley Street to the intersection of Bing Street and extended up to tie into the existing service on Murcier Street.
- Jackson St Area Waterline Extension - The existing water line that ends near the intersection of Lane Street and Jackson Street will be extended north up Jackson Street to the intersection of Old Salkehatchie Hwy and west down Old Salkehatchie Hwy to #1755. Includes new fire hydrants in this area.
- Salkehatchie Rd East area Waterline Upgrades & Extension - The existing waterline along Salkehatchie Road from Hill Road west, will be upgraded to a larger diameter water main. Service will be extended up Likita Lane and down Terry Road. Fire hydrants will be added in this area.
- Hwy 17A Looping - The existing waterlines along Hwy 17A will be upgraded and lines will be "looped" or "connected" to other lines to increase pressure on the 17A / Black Bottom / Downtown area.

Engineer: Thomas & Hutton Engineering Co, Inc.

Status: The Town is awaiting two requested offers to purchase easements from the property owners below. Should the Town not receive a response within 30 days, the Town will initiate eminent domain to procure easements and begin the project.

Owner	Address / TMS	Just Compensation Amount
End Time Deliverance Ministries	20 Terry Rd 197-00-00-080	\$1,102.18
Jeffery W. Cook & Matthew Cook	80 Salkehatchie Rd 204-02-07-008	\$352.30

Accepted offers for utility easements.

Owner	Address / TMS	Just Compensation Amount
Upper Room Realty, Inc.	97 Likita Ln 197-00-00-143	\$164.85
Upper Room Realty, Inc.	57 Likita Ln 197-00-00-070	\$1,523.15
Ms. Tina Kivett & Ms. Tina Myers	1222 Salkehatchie Rd 197-00-00-158	\$899.98
Mr. Tyrone Davis	Likita Ln 197-00-00-071	\$3,099.95
Ms. Deidra Titus & Mr. Nicholas Perry	147 Terry Rd 197-00-00-081	\$3,294.53



**Public Works
Monthly Report**

Colin J Moore

Mayor

Peggy Bing-O'Banner

Mayor Pro Tempore

Matthew Garnes

Town Administrator



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To: Mayor & Town Council

From: Lonnie Green, Public Works Superintendent

Re: Public Works Department Monthly Report for April

Highlights

- Took delivery of John Deere Zero Turn as authorized in the FY2023 budget totaling \$13,266.16.
- The old Public Works truck engine blew. We're working with the Administrator and Chief to ascertain procuring a replacement through the State Surplus or 1033 program.
- Picked up two stray dogs and transported them to Lovable Paws Rescue.
- Routine maintenance of Town facilities
- Routine landscaping of Town properties

Street Signs Replaced

- Padgett St
- Stoney Creek Cemetery Rd
- Montgomery Ln
- Thomas St
- Major St
- Upland Pines Dr

911 Address Markers Mounted

New building permits issued include, with the permit fee, a reflective E-911 address marker to help identify structures. The following were installed over the past month:

- 28446 Pocotaligo Rd
- 450 Cochran St

Colin J Moore

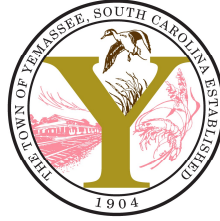
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Scheduled Upcoming Board, Commission & Committee Meetings

Committee	Date/Time	Location
Recreation Committee	Tuesday, April 11, 2023 5:30PM	Yemassee Municipal Complex Conference Room
Planning Commission *Special Meeting*	Wednesday, April 12, 2023 3:00PM	Yemassee Municipal Complex Council Chambers
Zoning Board of Appeals	Wednesday, April 19, 2023 6:30PM	Yemassee Municipal Complex Council Chambers
Section 504 Committee	Tuesday, May 9, 2023 1:00PM	Yemassee Municipal Complex Conference Room
Planning Commission	Tuesday, May 9, 2023 3:00PM	Yemassee Municipal Complex Council Chambers
Town Council	Tuesday, May 9, 2023 6:30PM	Yemassee Municipal Complex Council Chambers