

Minutes
Town of Yemassee Town Council
February 16, 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 Stacy Pinckney, Town Clerk Matthew Garnes, Town Attorney Tom Johnson and Chief Gregory Alexander

Absent: Council Member Alfred Washington

Media Present: Lowcountry Inside Track, Ltd.

Call to Order:

Mayor Moore called the Thursday February 16, 2023, Regular Town Council Meeting to order at 6:30 PM.

Pledge of Allegiance & Invocation

Council Member Murray led the Pledge of Allegiance and Invocation.

Determination of Quorum:

Mayor Moore asked for a motion to approve the agenda as presented for February 16, 2023, Regular Town Council Meeting as presented. Council Member Murray made a motion to amend the agenda to bring Public Comment prior to Old Business. There was no discussion. Second by Council Member Pinckney. **All in favor, Motion Passed, Agenda Adopted.**

Mayor Moore asked for a motion to approve the January 10, 2023, Town Council Meeting minutes as presented. Council Member Murray made the motion. There was no discussion. Second by Mayor Pro-Tem O'Banner. **All in favor, Motion Passed.**

Public Comment:

Stephen Henson (17 Mixon St)- Addressed concerns regarding the town sign in front of town hall. He stated that he believed Mr. Garnes had been out for a while and was likely catching up on a workload from his absence but that complained that the zone meetings, and two new businesses coming to town were not posted on the sign. He stated he'd like to see the operating hours of the Town Hall on the sign. Mr. Henson recommended additional staff be cross trained on updating the sign. After completing

his comments, Council Member Murray commented that he had sat with Mr. Garnes today for several hours and was trained in updating the sign and pledged to help out in updating the sign more regularly.

Annette Youmans (64 Willis St N) – Ms. Youmans expressed concern about the increased rates on the commercial 96-gallon roll carts. She stated its now costing her \$120.00 a month and that the Town is not doing anything to help small businesses. She stated Ms. Margaret Searson complained too. She complained about not being on the town mailing list despite asking several times and encouraged the Town to consider buying local if the prices are competitive.

Thomas Risse (27 Poston Dr) – Mr. Risse announced that he had received an award for being a weather spotter with the National Weather Service Charleston for thirty-five years.

Jimmie-Lynn Dove (202 Salkehatchie Rd) – Ms. Dove expressed concern about the increased commercial trash rates and that the \$20.00 residential rate was too high and asked that Council consider lowering the rate back down to \$12.00. Ms. Dove also said she opposed the Pine Street Development.

Darrell A. Russell (2 Pine St) – Mr. Russell expressed concerns over the slow progress of the town demolition project and overall lack of town communication. He expressed concerns regarding the trash rates that have increased and inquired about the status of the town trash can purchase program. He expressed frustration over the E-911 re-addressing program not being implemented yet and repercussions with the real ID act. Finally, he expressed concern with the truck traffic on Salkehatchie Rd and asked for police to enforce the truck restriction.

Presentations:

Heather Rath presented a Legislative Update on matters being tracked and items of importance to the Town of Yemassee.

Old Business:

Mayor Moore advised that the next item is a Public Hearing and Consideration of approval for a Planned Unit Development (PUD) Concept Plan for property referred to as the “Jinks-Corbett Tract” located in Hampton County at the northwest corner of the intersection at U.S. Highway 17A and Jinks Street and further identified by Hampton County TMS: 203-00-00-046, 204-01-05-005 and 204-01-05-013. Mayor Moore introduced Daniel Keefer with Witmer-Jones-Keefer, the land planner on the development and requested Mr. Garnes provide information pertaining to this request. Mr. Garnes advised that he’ll provide a project overview first and then conduct the public hearing. If the PUD Concept Plan is approved, the applicant would be required to

submit a PUD Master Plan Application which would require approval followed by a Development Plan Application and subsequent approval. Approval of the Development Plan would permit the applicant to begin the first phase of construction.

In September 2022, Staff received a pre-application meeting request to discuss the proposed project and ask questions regarding zoning and development regulations in the Town. Based on the overview of the project discussed at the Pre-Application Meeting, Staff recommended if the applicant was interested in pursuing the project that they consider Planned Unit Development. The applicant also owns a third parcel in the rear of the development that is largely wetland that was outside of Yemassee Town limits however was annexed into the Town last month. The Planning Commission reviewed the request at the December meeting and recommended advancing the request and scheduling a Public Hearing. A Public Hearing was conducted at their January 2023 Planning Commission meeting. The three parcels within the boundaries of the proposed Ironline PUD have different zoning districts however upon approval of a PUD, the parcels would all be rezoned Planned Unit Development. Currently, the parcels are zoned Residential ¼ Acre (R4A), Office Commercial District (OCD) and Conservation Preservation District (CPD). The applicant is proposing approval of two hundred thousand (200,000) square feet of both commercial and light industrial and one hundred seven (107) single-family residential dwellings. This development would have its own set of covenants and restrictions which would dictate architectural guidelines and appropriate materials which would be in addition to the requirements outlined in the Town of Yemassee Development Standards Ordinance (DSO). The DSO mandates an open space requirement which can be satisfied in part by the parcel in the rear which is mainly wetlands.

The development proposes to be served by the existing Jinks Road, which would be upgraded by the developer and turned over to the community upon completion likely to be managed by a homeowner's association. The industrial / commercial area will be primarily accessed by the existing intersection of U.S. Highway 17A and Jinks Street and an additional proposed entrance with a deceleration lane roughly 500ft north of this intersection for truck traffic. Internally, a road network will be constructed concurrent with each proposed phase. Upon completion of the development, the maintenance responsibility of the road network and sidewalks would be the responsibility of the homeowner's association / property owner's association.

The development will be served by several service providers with letters of intent in hand from all but Lowcountry Regional Water System (LRWS). LRWS is awaiting load calculations for the proposed industrial / commercial usage which aids in calculating anticipated demand as well as formally advising LRWS what the total amount of residential units expected at buildout. Electric and Natural Gas will be supplied by Dominion Energy, the franchised provider in the Town of Yemassee. Telecommunications including telephone, cable tv and internet would be provided through an exclusivity contract with Palmetto Rural Telephone Cooperative. Fire

protection would be provided by Hampton County Fire Rescue and Emergency Medical Services would remain furnished by Hampton County Emergency Medical Services.

The PUD application requests four modifications outside of the current limitations of the Town of Yemassee Zoning Ordinance which include:

1. Amending permitted use under the Light Industrial District (LID) to specifically allow “manufacturing light gauge steel framing products including steel studs for residential and commercial buildings.
2. Lowering the minimum lot size for LID from twenty-five (25) acres to ten (10) acres, Adjusting setbacks from commercial uses from fifty (50) feet to twenty-five (25) feet and from one hundred (100) feet to seventy-five (75) feet from a major thoroughfare.
3. Adjusting minimum residential lot size from 10,890sqft to 6,000sqft, adjusting the front yard setbacks from fifteen (15) feet to ten (10) feet from the street right-of-way line and adjusting the side yard setbacks from ten (10) feet to five (5) feet.
4. The applicant is seeking relief on the minimum distance between access points from one thousand five hundred (1,500) feet to four hundred (400) feet and waiving the requirement for any new development to have access points at least one thousand five hundred (1,500) feet apart to four hundred (400) feet apart.

The Planning Commission originally conducted their initial review at their December 2022 meeting and voted to schedule a public hearing at their January 2023 meeting. The Planning Commission conducted their Public Hearing at their January 3, 2023, and recommended approval of the PUD Concept Plan with the condition that the potential impacts of traffic generated from the new development are studied. Mr. Garnes introduced the applicant, Tim Huber of Ironline Metals, Conor Blanelly with Ward Edwards Engineering and Dan Keefer with Witmer-Jones-Keefer, Ltd., the projects land planner and offered them the opportunity to speak briefly on the project.

Mayor Moore opened the public hearing at 6:58PM. Several individuals addressed concerns which the applicant and Staff answered. Public Hearing closed at 7:04. Council Member Murray made the motion to approve the Planned Unit Development Concept Plan with the conditions recommended by Planning Commission and to invite the applicant to submit a Planned Unit Development Master Plan application when they are ready to do so. Second by Mayor Pro-Tem O’Banner. **All in favor, Motion Passed, PUD Concept Plan Application approved with the condition that the potential impact that the increased traffic could have on the surrounding roadways is studied.**

New Business:

Mayor Moore read Ordinance 23-01, Consideration of a Request for an Ordinance Approving Annexation of one parcel of land of Approximately 1.77 Acres of land, located at 97 Kippit Lane, Sheldon, and further identified by Beaufort County TMS: R700 019

000 098C 0000. Mayor Moore asked Mr. Garnes to present information on the request. Mr. Garnes advised this petition was received in February 2022, seeking annexation into the Town of Yemassee with its contiguity established through Tomotley Plantation via the former railroad right-of way, which is now owned by the Beaufort-Jasper Water & Sewer Authority. The parcel is currently zoned Sheldon Big Estate Community Preservation District (SBECP) under the Beaufort County Community Development Code and the applicant is seeking zoning of Agricultural (AG) under the Town of Yemassee Zoning Ordinance. The Agricultural Zoning under the Town's ordinance is substantially more restrictive than what is permitted under the SBECP zoning in unincorporated Beaufort County. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member Murray. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-02, Consideration of a Request for an Ordinance Approving Annexation of two parcels of land of Approximately 8.00 Acres of land, located at mile-markers 39.5 and 40.5 on Interstate 95, and further identified by Hampton County TMS: 197-00-00-057 and 196-00-00-029. Mayor Moore asked Mr. Garnes to present information on the request. One parcel is just before the Mile marker 39 turnaround and the second parcel is just north of the turnaround with the parcels both dissected by the Interstate in the middle. The parcel is currently zoned Rural Development – Resource Conservation under the Hampton County Zoning Ordinance and the applicant is seeking zoning of Agricultural (AG) under the Town of Yemassee Zoning Ordinance. The Agricultural Zoning under the Town's ordinance is substantially more restrictive than what is permitted under the current zoning in Hampton County. Access to these properties would be through Louis Davis Road or Duckfield Plantation. Due to the proximity to Interstate 95, these properties would both have portions of the parcels within the boundaries of the Highway Corridor Overlay District (HCOD) and would be subjected to the additional requirements for the HCOD as outlined in the Zoning Ordinance. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member Murray. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-03, Consideration of a Request for an Ordinance Approving Annexation of one parcel of land of Approximately 2.00 Acres of land, located at mile-marker 39.9 on Interstate 95, and further identified by Hampton County TMS: 197-00-00-054. Mayor Moore asked Mr. Garnes to present information on the request. The parcel is located just north of the Salkehatchie Road overpass and south of the parcel annexed by Danielle Rease last month. Currently, the parcel is zoned Rural Development – Resource Conservation under the Hampton County Zoning Ordinance and the applicant is seeking zoning of Agricultural (AG) under the Town of Yemassee Zoning Ordinance. The Agricultural Zoning under the Town's ordinance is substantially more restrictive than what is permitted under the current zoning in Hampton County. Access to the property is through Louis Davis Road or Duckfield Plantation. Due to the proximity to Interstate 95, the property would have portions of the parcels within the

boundaries of the Highway Corridor Overlay District (HCOD) and would be subjected to the additional requirements for the HCOD as outlined in the Zoning Ordinance. Council Member Murray made the motion to approve the first reading. There was no discussion. Second by Mayor Pro-Tem O'Banner. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-04, Consideration of a Request for an Ordinance Approving Annexation of one parcel of land of Approximately 14.00 Acres of land, located at mile-marker 40.0 on Interstate 95, and further identified by Hampton County TMS: 196-00-00-031. The parcel is located just north of the mile marker 39 turnaround with the property being split with roughly seven (7) acres on both sides of the Interstate. Currently, the parcel is zoned Rural Development – Resource Conservation under the Hampton County Zoning Ordinance and the applicant is seeking zoning of Agricultural (AG) under the Town of Yemassee Zoning Ordinance. Due to the proximity to Interstate 95, the property would have portions of the parcels within the boundaries of the Highway Corridor Overlay District (HCOD) and would be subjected to the additional requirements for the HCOD as outlined in the Zoning Ordinance. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member Murray. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-05, Consideration of a Request for an Ordinance Approving Annexation of one parcel of land of Approximately 4.00 Acres of land, located at mile-marker 40.8 on Interstate 95, and further identified by Hampton County TMS: 196-00-00-028. The applicant is Danielle V. Rease, who annexed another parcel on Interstate 95 two months ago. The parcel is zoned Rural Development – Resource Conservation under the Hampton County Zoning Ordinance and the applicant is seeking zoning of Agricultural (AG) under the Town of Yemassee Zoning Ordinance. Due to the proximity to Interstate 95, the property would have portions of the parcels within the boundaries of the Highway Corridor Overlay District (HCOD) and would be subjected to the additional requirements for the HCOD as outlined in the Zoning Ordinance. Council Member Murray made the motion to approve the first reading. There was no discussion. Second by Mayor Pro-Tem O'Banner. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-06, Consideration of a Request for an Ordinance Approving Annexation of one parcel of land of Approximately 4.00 Acres of land, located at mile-marker 40.9 on Interstate 95, and further identified by Hampton County TMS: 196-00-00-026. The applicant is Nicholas Perry, who annexed several parcels into the Town limits over the past few years and had submitted this petition back in 2018 but is being acted on now due to the newly established contiguity. The parcel is zoned Rural Development – Resource Conservation under the Hampton County Zoning Ordinance and the applicant is seeking zoning of Agricultural (AG) under the Town of Yemassee Zoning Ordinance. Due to the proximity to Interstate 95, the property would have portions of the parcels within the boundaries of the Highway Corridor Overlay District (HCOD) and would be subjected to the additional requirements for the HCOD as outlined in the Zoning Ordinance. Mr. Garnes reported that this parcel is at the northern

limits of where the Town would currently entertain annexations in Hampton County as this parcel is only two parcels away from the Combahee River and Colleton County line. Mayor Pro-Tem O'Banner made the motion to approve the first reading. There was no discussion. Second by Council Member O'Banner. **All in favor, Motion Passed.**

Mayor Moore read Ordinance 23-07, Consideration of an Ordinance Amending the Town of Yemassee FY23 Budget to Recognize Additional Expenditures and to Allocate Sources of Revenue for all funds. Mr. Garnes updated that The FY23 Budget as written was approved in August 2022 and entered into effect September 1, 2022, ending August 31, 2023. The Town is several months into the budget year and routinely identifies amendments that need to be made to maintain a balanced budget including sources of revenue not originally expected such as grant proceeds. The CDBG Water & Sewer project has not advanced enough and accordingly that amount has been decreased. Projected tax revenue has decreased due to Hampton County failing to have a delinquent tax auction subsequent to a public notice error. Mr. Garnes also advised the Town Council that a Schedule of Rates & Fees is adopted concurrent with the budget and that if the Town Council desires to update the charges for trash collection of other services this would be the time to do it. Mayor Pro Tem O'Banner remarked that we would discuss the trash fees and have an update at the end of the meeting. Council Member Murray made the motion to approve first reading of Ordinance 23-07. Second by Mayor Pro Tem O'Banner. **All in favor, Motion Passed.**

Mayor Moore read Resolution 23-02, Consideration of a Resolution Authorizing the Execution of an Intergovernmental Agreement between the Town of Yemassee and Hampton County for Joint Review on Projects of Regional Significance. Town Staff have consulted with Hampton County and desire to create a framework for two-way communication regarding the notification of projects deemed of "Regional Significance". Select types of potential development, infrastructure expansions, annexations, rezonings and other changes of land use that would affect the area at large would have certain "trigger points" which would determine if notification to parties to the agreement is to occur. This will improve the communication flow between the Town and the County and has a mechanism for the future addition of other municipalities and counties to be parties to the agreement. Council Member Murray made the motion to adopt. There was no discussion. Second by Council Mayor Pro Tem O'Banner. **All in favor, Motion Passed.**

Department Reports:

Police Department – The Police Department had one officer resign last month but another Officer, Isiah Crittington is scheduled to start the Police Academy this month.

Administration – 12 Business licenses issued last month. The Demolition Project contractor has received their permits from the South Carolina Department of Health & Environmental Control allowing them to proceed. That contractor was also awarded

demolition contracts for Hampton County and the Town of Varnville and they will be beginning all of them shortly.

Public Works – No Report

Municipal Court – No Report

Council Discussion

Mayor Pro-Tem O'Banner presented an overview on Chapter 9 of the elected officials handbook regarding Freedom of Information Act.

Adjournment

Mayor Moore advised that the Council needed to go into executive session for several items, including matters related to vacancies on Town Council Appointed Boards & Committees, including the Section 504 Committee, Municipal Election Commission and the Lowcountry Council of Governments board and Personnel Matters pertaining to the Town Clerk. Additionally, contractual matters pertaining to the potential sale of surplus property owned by the Town and legal matters pertaining to TMS: 198-00-00-262. Discussion needs to occur regarding the development of security personnel or devices as it pertains to access control policies for outlying town properties and an economic development update on a potential industrial project. Mayor Pro-Tem O'Banner made the motion to enter executive session. Second by Council Member Murray. **All in favor, Motion Passed. Executive Session began at 7:54PM.**

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 Murray. **All in favor, Motion Passed. Executive Session concluded and regular session resumed at 9:56PM.**

Action Resulting from Executive Session

Mayor Moore reported that a decision was made pertaining employment of the Town Clerk and regarding fees for services charged for trash.

Mayor Pro-Tem O'Banner made a motion to authorize the Town Attorney to prepare and Execute an Employment Contract for the Town Administrator. Second by Council Member David Paul Murray. All in favor, Motion Passed.

Council Member Murray made the motion to modify the trash fees; to lower a commercial roll cart to \$40.00, charge \$24.00 for a second commercial roll-cart and increase each dumpster size cost by \$45.00 each. 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 Murray. All in favor, **Meeting Adjourned at 9:59PM.**