

Minutes
Town of Yemassee Town Council
February 9, 2021 Town Council Meeting; 6:30PM
101 Town Cir, Yemassee, SC 29945

Attendance:

Present: Mayor Colin Moore, Mayor Pro-Tem Peggy O'Banner, Councilmember Alfred Washington, Councilmember Charlie Simmons, Councilmember Michelle Hagan, Town Clerk Matthew Garnes, Town Attorney Tom Johnson, Town Auditor William Hancock and Police Chief Gregory Alexander.

Absent:

Media Present: Lowcountry Inside Track Ltd.

Call to Order:

Mayor Moore called the Tuesday, February 9, 2021 Town Council Meeting to order at 6:30PM.

Pledge of Allegiance & Invocation:

Council Member O'Banner gave the invocation and lead the Pledge of Allegiance.

Consent of the Agenda:

Mayor Moore asked for a motion to approve the Agenda as presented. Council Member O'Banner made the motion. There was no discussion on the motion. Second by Council Member Simmons, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the January 12, 2021 Town Council Meeting Minutes. Council Member Hagan made the motion to approve as presented. There was no discussion. Second by Council Member O'Banner. All in favor. **Motion Passed.**

Public Hearing:

Jessica Dailey from Lowcountry Council of Governments conducted the annual Town of Yemassee 2021 Needs Assessment. Council will proceed to rank the needs and have them ready to be approved by Resolution at the next regularly scheduled Town Council Meeting.

Presentations:

Mr. William Hancock of The Brittingham Group, LLP. Presented the findings of the 2020 Fiscal Year Audit.

New Business:

Mayor Moore read proposed Ordinance 21-04, Consideration of an Ordinance Approving Annexation of One Parcel of land, totaling 2.01 Acres located at 220 Cochran Street, Hampton County TMS: 198-00-00-255. The applicant is Joel Campbell, the property currently holds one single-wide mobile home. The parcel is currently zoned General Development by the Hampton County Zoning Ordinance. There is no proposed change in use because of the annexation. Mayor Moore asked for a motion to approve first reading. Council Member Simmons made the motion. There was no discussion. Second by Council Member Washington. All in favor, **Motion Passed.**

Mayor Moore read proposed Ordinance 21-05, Consideration of an Ordinance Approving Annexation of Two Parcels of land, totaling 1486.84 Acres located at 300 Cotton Hall Road & 401 Trask Pkwy, Beaufort County TMS: R700 012 000 0001 0000 and R700 013 000 0001 0000. The applicant is Sharon Mansell on behalf of The Tomotley Crew, LLC. The properties are commonly known as Cotton Hall & Tomotley Plantations and a conservation easement is in effect for most of the property. The parcels are zoned T2R for most of it and Sheldon-Big Estate Community Preservation District under the Beaufort County Development Code. Mayor Moore asked for a motion to approve first reading. Council Member Hagan made the motion. There was no discussion. Second by Council Member O'Banner. All in favor, **Motion Passed.**

Mayor Moore read proposed Ordinance 21-06, Consideration of a Text Amendment to the Town of Yemassee Code, Chapter 5, Section(s) 5.601 through 5.634, Specifically the amending of references of other code sections within Chapter 5, which provide updates to the National Floodplain Insurance Program (NFIP) and FEMA,s re-evaluation of flood hazards within the Town of Yemassee reflected in updated Flood Insurance Rate Maps. Mr. Garnes advised the Council that the update takes into account the most reliable data for mapping for Hampton County. Mayor Moore asked for a motion to approve first reading. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Hagan. All in favor, **Motion Passed.**

Mayor Moore advised that he has multiple resolutions authorizing the execution of Intergovernmental Agreements for Law Enforcement Services between the Yemassee Police Department and the City of North Charleston, Town of Hampton, Town of Varnville, Town of Estill, Town of Ridgeland, City of Hardeeville, Town of Bluffton, Town of Port Royal and the City of Beaufort. Council Member O'Banner made the motion to

approve all Resolutions authorizing execution of all the Intergovernmental Agreements. There was no discussion. Second by Council Member Hagan. **Motion Passed.**

Department Reports

Police Department – No Report

Administration – The Town has renewed 105 business licenses for calendar year 2021. The Town is continuing to roll out trash cans at the rate of twelve per month. We've finished Zone A and have begun moving into Zone C. 7 Permits were issued in January. We have a COVID-19 testing event tomorrow at the Community Center and then one at the end of the month on the 26th. We are working with SC DHEC to become a Point of Distribution for vaccines as that becomes available.

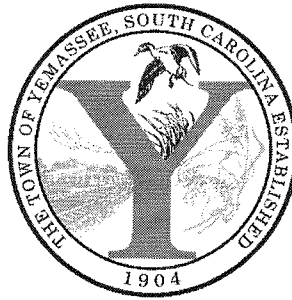
Public Works – None

Municipal Court - None

Public Comment: Mayor Moore said there were multiple public comments regarding U.S. Iron Works on Willis Street North. (PUBLIC COMMENTS HAVE BEEN ATTACHED AS OFFICIAL RECORD OF MINUTES)

Adjournment

Mayor Moore asked for motion to adjourn. Council Member Simmons made the motion to adjourn. Second by Council Member O'Banner. All in favor, **Meeting Adjourned at 7:35PM**



PUBLIC COMMENT FORM

Name: Michael Weiss

Address: 64 Cameron Dr. Yemassee, SC 29945

Matter to be discussed:

US Iron Works - 76 Willis St. N. Yemassee, SC.

Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.

To the Yemassee Town Council,

My wife and I have lived in Yemassee since 2008 within the quiet area of Lanewood Estates on Cameron Drive. I since have retired from the United States Marine Corps, and would like to make Yemassee our forever home. Our quiet has been upended in January, 2021 with US Iron Works moving onto an adjacent property, and conducting business sometimes less than 100 feet from my property line.

My concerns about US Iron Works conducting business is not merely the fact of sound that can be heard from inside my home, but the health and welfare of my family and neighbors as unidentified smells blow across my property while US Iron Works conducts business. At times, the unidentified smell is extremely strong, and makes it impossible to enjoy my own back yard. I was notified by Matt Garnes that I am smelling diesel fumes, and if true, I am still concerned as long term exposure to diesel fumes may lead to serious health issues.

Both of my complaints are clearly identified by the Town of Yemassee Zoning Ordinance under the Light Industrial District section. US Iron Works is leasing the land zoned for Light Industrial. I have been communicating my issues with Matt Garnes in hopes to understand how this company can break zoning ordinance, and he is asking for my complete patience while the town of Yemassee addresses the issues. The Yemassee zoning ordinance prohibits sound and smell to leave the property line from where business is being conducted. Yet according to Matt Garnes, US Iron Works has been given a green light to conduct business, and I cannot understand how this is possible with this company violating Yemassee zoning ordinance.

My patience is wearing thin, and I do not feel that the Town of Yemassee truly has my best interests by letting US Iron Works conduct business with sound and smell abatement as an afterthought. I feel the Yemassee Town Council must take an in-depth look into US Iron Works prior to voting on this matter. I have many videos taken from my back yard, and would like to have the opportunity to share them with you. I had asked Matt to forward an email to the Yemassee Town Council, but I am unsure if the council has received them.

I thank you for your time,

Michael Weiss



PUBLIC COMMENT FORM

Name: Heather Weiss

Address: 64 Cameron Drive, Yemassee, SC

Matter to be discussed:

US Iron Works

Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.

To the Yemassee Town Council,

This address is concerning the excessive noise pollution and smells being perpetrated by US Iron Works.

My family and I chose Yemassee, SC as our retirement place, post-Marine Corp. retirement, because of the people here, the beauty of the place, and the peacefulness of the area. We have stayed here 12 years, despite the distance from our work, and even moving my parents here, for these same reasons of atmosphere.

That ended in January 2021 when US Iron Works moved in and created an environment that has shattered that peace and tranquility. Relaxing in our backyard is impossible for sounds coming from US Iron Works are ear piercing, jarring, and almost deafening at times. Our dogs have become skittish about sound and going outside. The smell of diesel and hydraulic fluid being bellowed into my yard at times is alarming as it chokes me into coughing fits while outside in open air. As I work from home currently because of COVID, this noise level affects my work life, as the sound is sometimes so loud it moves through my house, sets the dogs off, and disrupts my work.

This is further complicated by the fact that I have been deemed legally blind by the state of South Carolina, and work hard to keep employed despite my disability which is difficult, and causes sensitivity to sound and smells, which causes migraines. All worse of late because of US Iron Works not abiding by the light industrial ordinances and laws that govern and protect residential areas (and their citizens) from such disturbances. It does more than just “create a little noise” or “a little smell”, but alters entire lifestyles, jobs, and productivity, and infringes even more heavily on those less abled than others.

A business does not have the right to infringe upon the health, happiness, and well-being of the residents of the town, and I assume that is the purpose of the zoning in the first place, and I hope the council keeps that in mind when making a decision about US Iron Works moving forward.

Thank you for your time,

Heather Weiss



PUBLIC COMMENT FORM

Name: Charles Davis

Address: 50 Cameron Dr, Yemassee, SC

Matter to be discussed:

US Ironworks

Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.

To the Yemassee Town Council,

I live on Cameron Drive. I have noticed chemical- like smells on some occasions that were not here before US Iron Works came. One day in particular (which was corroborated by other neighbors as coming from the US Iron Works), the smell was so strong that as I went to my mailbox it made me feel ill. When I came back into my house, I turned on my AC thinking it would help as I could smell it even inside from having opened the doors. That made it worse because of the intake. It took several hours for the smell to fully dissipate. I called one of my neighbors to see if they noticed the smell, and they did as well. It was very strong, as if something chemical was burning, and not just diesel, which I also smell from time to time.

It seems that a business like US Iron Works should not be operating so close to a tightly packed residential area when the nature of their business with such noise and whatever chemical/gasses/fluids they use can cause so much turmoil and potential health hazards to its neighbors.

I hope the council will consider the appropriateness of this type of business in the place where it is and not let it continue without changes.

Thank you,

Charles Davis



PUBLIC COMMENT FORM

Name: Ryan Paiva

Address: 62 Cameron Drive, Yemassee, SC

Matter to be discussed: Please see attached below.

Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.

Dear Council Members,

My name is Ryan Paiva, and I've been a resident of Yemassee since this last November. We love this town already and look forward to staying here for many years and actively participating in helping our town in any way that we can; however, these past few weeks have left us questioning our decision to move here:

The US Ironworks Company, which is illegally processing mill scrap salvage at 76 Willis St. North, is causing a daily, persistent interruption of our lives with use of heavy machinery, creating noise that permeates our homes and causes the air in our yard and homes to smell and taste of diesel exhaust in a zone that specifically prohibits all of these activities. We are raising these concerns with the town council today because our concerns and reports with video evidence constituting a nuisance as defined by town code and zoning ordinance sent to the town clerk have not been addressed.

The primary ordinances in present and ongoing nuisance violation by the business include but are not limited to:

1. DSOR Section 4.20.E, F, and J which classifies salvage material yards, or the emission of toxic gases, or noise levels in excess of 60 decibels measured at the property line to be Hazard Nuisances requiring special permit prior to operation.
2. ZO Section 5.8.1 which specifically excludes the use of heavy machinery in the Light Industrial District as part of the spirit and purpose of the LID existing at all. The primary operation of this business requires the extensive use of heavy machinery including a loader, electromagnet excavator, and conveyor system.
3. ZO Section 5.8.2-3 which does not list metal scrap processing as a permitted activity in the Light Industrial Zone, goes further to forbid metal scrap processing even under conditional allowance due to it being explicitly forbidden in section 5.8.4. Conditional allowance goes further to specify that metalworking for light assembly such as making furniture or computer equipment must be done with light-duty hand tools and only with a finished, previously prepared product.
4. ZO Section 5.8.4 which explicitly forbids production of primary commodities from raw materials specifically including metals. This section goes further to forbid primary operations that deal with substances that are known to the USEPA as toxic substances. Mill scrap is known to the USEPA and OSHA to contain lead and mercury which causes brain damage and birth defects.
5. ZO Section 5.8.5 which prohibits operations within 100 feet of a residence. I have personally witnessed and recorded heavy machinery in operation within 10 feet of my neighbor Mr. Weiss's home.
6. ZO Section 5.8.6 which requires salvage to be contained indoors and for noise, vibration, and odor to not create a nuisance beyond the property boundaries. Salvage is being dumped directly on the ground, and the noise, vibration, and odor is not only leaving their property but can be heard, felt, and smelt inside our homes.

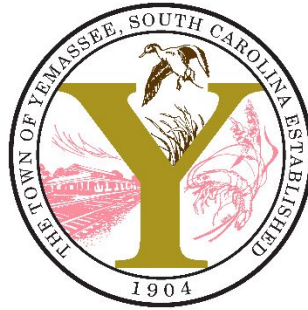
7. ZO Section 7.3.1.a which prohibits the zoning board from granting a variance which would be to allow the establishment of a use not otherwise permitted in a zoning district.

Supporting documentation and sources can be provided to the town council upon request.

Since no permit has been granted yet, and since the business has not purchased the land and owns no property in Yemassee, and since the business is already in violation of our code and ordinances prior to being allowed by legal means to conduct business at all, it seems reasonable to simply ask the business to relocate to a different location where it would not be in violation. We believe it is reasonable for us to ask the town to enforce its existing laws, and if there exists a goal to create jobs in Yemassee, that a chamber of commerce or economic development be formed on which I would be happy to volunteer. I currently run a stable technology business with 10 employees and am happy to work with the town to mentor any process to create the type of jobs that the Light Industrial District was intended for.

Sincerely,

-Ryan Paiva



PUBLIC COMMENT FORM

Name: M. Hala Paiva

Address: 62 Cameron Drive, Yemassee, SC

Matter to be discussed: Please see attached below.

Public comment is limited to two minutes in length. Public Comment forms must be submitted to the Town Clerk prior to start of the meeting. Please address the Council, Staff and attending public with respect.

Dear Council Members,

My name is Hala Paiva, and I am an Olympic hopeful who recently moved to Yemassee.

Health is extremely important not only for my life but also my career as a professional athlete. A major deciding factor in my move to Yemassee was its peaceful rural setting, getting away from pollution. Unfortunately now it's next door to our home, affecting my husband and my own physical and mental health.

When outside, I can both hear the machinery and smell the diesel fumes as we are downwind. This not only makes spending time outside unpleasant, it harms our garden where most of our produce will be sourced from. The exhaust also prevents pollinators from finding flowers and as a consequence we can lose our food.

Additionally, the runoff from the dumping of salvage on the ground containing heavy metals can get in our stormwater ditch which we use in our garden for irrigation. The contamination could have extreme negative consequences on our plants.

When inside, we can hear the Ironworks operations throughout our home. We hear it in our bedroom, as well as in my husband's office. He works remotely from home and it is disruptive to his work.

I would like to see this business relocate to somewhere with the appropriate zoning, and a different business that doesn't violate the zoning ordinance could be there instead. The zoning laws in Yemassee are good and protect us from these kinds of hazards, and we want the town to enforce them.

Sincerely,

- M. Hala Paiva

Re: Tonight's town meeting

Matthew Garnes <mattgarnes@townofyemassee.org>

Tue 2/9/2021 15:31

To: Mike <tmtollison@yahoo.com>

Thank you.

Respectfully Submitted,**Matthew Garnes****Town Clerk**

P.O. Box 577

Yemassee, SC 29945-0577

Office: (843) 589-2565

Fax: (843) 589-4305

The Focal Point of the Four Counties

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From: Mike <tmtollison@yahoo.com>

Sent: Tuesday, February 9, 2021 15:31

To: Matthew Garnes <mattgarnes@townofyemassee.org>

Subject: Re: Tonight's town meeting

54 Cameron Drive

Sent from my iPhone

On Feb 9, 2021, at 3:10 PM, Matthew Garnes <mattgarnes@townofyemassee.org> wrote:

Attention! Effective January 13, 2021 we closed the Yemassee Municipal Complex for public access until further notice due to the COVID-19 pandemic. Please visit our website at

<https://www.townofyemassee.org/> for more information. Most in-person functions such as paying traffic tickets and court fines, remitting Business License and Hospitality Tax payments, and even applying for a Building Permit may all be completed on our website. Staff remain working in the office and are available at 843.589.2565 Monday - Friday.
Thank you Mr. Tollison. Can I please have your address for the record and I will include this in the Public Comment section

Respectfully Submitted,
Matthew Garnes
Town Clerk
P.O. Box 577
Yemassee, SC 29945-0577
Office: (843) 589-2565
Fax: (843) 589-4305
The Focal Point of the Four Counties

<Outlook-yqxvardl.jpg>

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From: Mike <tmtollison@yahoo.com>
Sent: Tuesday, February 9, 2021 15:09
To: Matthew Garnes <mattgarnes@townofyemassee.org>
Subject: Tonight's town meeting

Mr. Garnes,

I am concerned with the noise from the business that is off Willis by the railroad tracks. It appears to be a small operation at this time, but I understand that the company is planning on growing. If the business grows, the noise will be louder affecting more of our neighbors on Cameron Drive. I hope this matter will be addressed at the town meeting tonight.

Sincerely,

T. M. Tollison

Sent from my iPhone

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