

Minutes
Town of Yemassee Town Council
March 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, Town Clerk Matthew Garnes and Police Chief Gregory Alexander.

Absent: Councilmember Michelle Hagan

Media Present: Lowcountry Inside Track Ltd.

Call to Order:

Mayor Moore called the Tuesday March 9, 2021 Town Council Meeting to order at 6:32PM.

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 February 9, 2021 Town Council Meeting Minutes as presented. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Simmons, all in favor. **Motion Passed**

Mayor Moore asked for a motion to approve the February 15, 2021 Special Town Council Meeting Minutes as presented. Council Member Washington made the motion. There was no discussion. Second by Council Member O'Banner, all in favor. **Motion Passed.**

New Business:

Mayor Moore read proposed Ordinance 21-07, Consideration of an Ordinance Approving Annexation of One Parcel of land, totaling 4.50 Acres located at 225 Bailey Road, Beaufort County TMS: R700 019 000 0064 0000. The applicants are Darrell &

Wanda Johnson, and the property is currently undeveloped. The parcel is currently zoned T2R Rural by the Beaufort County Community Development Code. The proposed zoning upon annexation would be General Residential. General Residential allows for single family dwellings as well as mobile homes. 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 O'Banner. All in favor, **Motion Passed.**

Mayor Moore read the renewal of a Proclamation of a Local State of Emergency in the Town of Yemassee. Mayor Moore asked for a motion to adopt the Proclamation. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Simmons. All in favor, **Motion Passed.**

Mayor Moore read Emergency Ordinance 21-08 extending the face mask requirement, Emergency Ordinance 21-09 renewing the standards for electronic meetings in the Town of Yemassee and Emergency Ordinance 21-10 which authorizes the Town Clerk to develop and enact any plans or policies needed to ensure the continuity in government services. Mayor Moore said these are renewals of what we have already passed previously. Council Member O'Banner stated she agrees with renewing them and that its too soon to ease up. Council Member O'Banner made the motion. There was no discussion. Second by Council Member Washington. Council Member Simmons opposed. Mayor Moore in favor. **Motion Passed.**

Department Reports

- Police Department – No Report
- Administration – COVID testing events continue every Monday from 9AM – 1PM.
- Public Works – the Community Center and Willis Street Basketball Court bathrooms have been painted. New playground equipment was installed today. Public Works picked up a fair amount of litter on Salkehatchie Road and Willis Street North today
- Municipal Court – No Report

Public Comment: Three public comments received. **(PUBLIC COMMENTS ATTACHED TO MINUTES AS PART OF THE RECORD)**

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 7:04PM**



3/9/21
 Yemassee Town Council
 Attn: Town Clerk, Mr. Matthew Garnes

Dear Council Members,

Thank you for this opportunity to comment on behalf of the Coastal Conservation League regarding the requested annexation of 225 Bailey Rd, comprising 4.5 acres and abutting Tomotely Plantation. This is the first annexation using the expanded contiguity lines resulting from the Tomotely Plantation and Cotton Hall annexations that were approved at your last meeting.

Last month's annexations have opened the Town to new opportunities for growth, as evidenced by tonight's annexation request. We understand and appreciate the property owner's desire to be in the Town limits as well as the Town's desire to grow. However, without implementing updated and proactive planning tools, the Town could face unintended consequences, such as an inability to adequately service the community's long-term needs, as a result of seemingly haphazard annexation strategies.

This why we continue to urge the Town to adopt proactive planning measures to ensure that the Town grows in a way that benefits its current and future citizens, the surrounding, abundant natural resources, and access to economic opportunities. This can be achieved by adopting an urban growth boundary, by updating the Town's Comprehensive Plan, and by updating the associated zoning codes. An urban growth boundary will officially set growth goals, determining where and how the Town will grow. A Comprehensive Plan update will provide a current-day overview of the Town, using data to assess growth trends and demographics and inventory important natural, historical, and cultural resources, while also incorporating public feedback to determine and help carry out community objectives for the future. A Comprehensive Plan update will also inform updated zoning and zoning codes, resilience planning, and economic development planning. Taken together, each tool will lay out the Town's long- and short-term goals, set up the mechanisms for achieving them, and provide guidance throughout the process.

By tackling these things now, the Town can achieve future growth goals with a clear vision of where it's heading while maintaining the sense of place and natural resource values from which it's coming. There are real consequences to growth without vision and these proactive growth planning tools will protect Yemassee from them. We applaud staff's recognition of the importance of these tools and hope the Council will begin the process of implementing them as soon as possible.

Thank you for your time and consideration on these very important matters.

Respectfully,

JULIANA M. SMITH
 843.522.1800 | julianas@scccl.org



PUBLIC COMMENT FORM

Name: Michael Weiss

Address: 64 Cameron Dr Yemassee, SC 29945

Matter to be discussed:

US IRON WORK - Continued - March 2021

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.

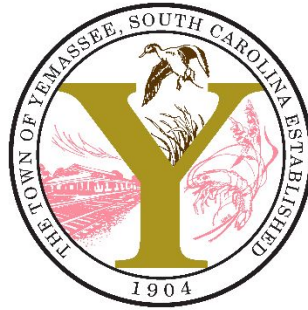
To the Yemassee Town Council,

US Iron Works continues operations throughout the week to include weekends, producing sound and smells so bad that it is becoming intolerable to work and play in my own back yard. Nuisance is such a small word for the devastating environment that US Iron Works is creating at my home and neighborhood. We have ordinances to protect our citizens and businesses, but according to Matthew Garnes, our ordinances have expired, and cannot be enforced. Does anyone on the Yemassee Town Council, or our Mayor truly believe that we as a town cannot enforce our ordinances?

As last time, I am asking for help. It takes leadership to admit when something goes wrong, and it takes guts to revoke business licenses when ordinances are blatantly broken each day. Standing up to this corporation owned by a person not even living in this state is the thing to do. Will our Town of Yemassee continue to cater towards the needs of this corporation over the wellbeing of its citizens?

Thank You for your time.

Michael Weiss



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,

From the previous town meeting, I left with the impression that a serious investigation was going to take place. As of today, we have received no inquiries and not a single visitor and yet we continue to deal with this nuisance on a daily basis. In a recent call, Mr. Garnes mentioned that the investigation may be handled by DHEC and not the council, and so I called DHEC to clarify. DHEC was very, very clear that the only thing they do is enforce EPA permits, and thus would not and can not participate in any such investigation as it relates to the town. For instance, I could open a toxic waste dump in my backyard and they would only be involved to the extent of making sure we had any required federal permits. Just like with the illegal mill scrap operations at 76 Willis, their perspective is that it would be the town's sole responsibility to safeguard its citizens against illegally operating businesses that are violating the town code and zoning ordinances. However, I do not believe that any such investigation is necessary as our town code and ordinances are very clear on this issue:

- The Light Industrial District (LID) requires all business to be conducted indoors. US Ironworks is conducting all of its business outdoors.
- The LID specifically forbids the use of heavy equipment. The entirety of US Ironworks operations requires the constant use of multi-ton heavy diesel equipment.
- The LID specifically forbids the use of metal that is not a finished product. The entirety of US Ironworks operations is the processing of unfinished metal products.
- The LID requires all operations to be conducted more than 100 feet from adjoining residential properties. US Ironworks is operating its heavy machinery within 100 feet from Mr. Weiss's home on a daily basis.
- The LID requires waste and salvage to be stored indoors. US Ironworks stores all of their waste and salvage outdoors.
- The LID forbids the creation of smell, vibration, or sound that creates a nuisance beyond its property boundaries regardless of time of day. US Ironworks is creating diesel exhaust and noise that can be heard, smelled, and tasted from our backyards. We can hear it indoors. It shakes our bedrooms in the morning. It pulsingly vibrates my home office while I am trying to work.

As our zoning laws are an exact copy of the town of Bluffton's, I called their zoning department for advice. They said in very confident terms that the necessary steps are to revoke the business license, send them notice of non-compliance to cease and desist, and begin to issue fines if they continue. This is a legal obligation of our zoning laws, and one that I hope the town will take action on immediately. Bluffton was also clear that any business with the comprehensive plan being out of date would not impact their ability to enforce zoning.

Mr. Garnes can attest that I have demonstrated a sincere willingness to partner with the town on this issue, and an eagerness to partner on future endeavors. I believe at this point this issue has a clear legal conclusion, and is now simply a matter of will on the part of our town.

Sincerely,
-Ryan Paiva