

**Daufuskie Island Council  
March 28, 2018 Meeting  
MINUTES**

**AGENDA**

**Pledge of Allegiance**

The Pledge was led by Council Members John Schartner and James Bays, who last year donated the flags and flag stands.

**Roll Call**

Present:

James Bays  
Leanne Coulter  
John Hill  
Erin Quinn  
Sallie Ann Robinson  
John Schartner  
Chris Sutcliffe  
Deb Smith

**Absent:**

John Hill

A duly constituted majority being present, a quorum was present.

**General Announcements**

Suggestion box was ordered and delivered; but never arrived to the Council. If this was delivered to your address by mistake, please let us know! In the meantime, please use the Council's website "contact" feature to submit suggestions.

Council Member Quinn, who is a member of the Council's communications team, explained that in order to promote more productive and efficient meetings, the Council is requesting that the public reserve their comments until the Public Forum agenda item at the end of each meeting, that speakers come to the front to speak, and that they try to confine their remarks to 3 minutes. Council Member Smith explained that exceptions will occur, for example, if the Council plans to take action on a matter not previously discussed, public comment will be allowed prior to such action.

Ms. Smith said that because of the county official guests who would have to leave to catch a 7:40 boat, some agenda items would be taken out of order in order for the Council and the public to benefit from the officials' insights on certain issues.

**Special Guests**

Josh Gruber, Beaufort County Acting Administrator

David Wilhelm, Beaufort County Environmental Engineering & Land Management, Director

## **Committee Updates**

Resources Development Committee - James Bays, Chair, reports:

Fundraising ideas for park playground equipment, grills, tables, etc include ghost tour, charity auction, scavenger hunt, fun run, donation boxes to be placed in area businesses.

Any islanders with playground-creating experience? We'd love your help!

Committee to meet the first Wednesday of every month.

Ferry Committee - Chris Sutcliffe, Chair, reports:

If having a problem with your QR code contact [JudyBarth@DaufuskiIslandFerry.com](mailto:JudyBarth@DaufuskiIslandFerry.com).

Parking tax should NOT have been added, this is being refunded to the few impacted.

Ferry users CAN park at the government building. If any problems, contact Monica Spells at (843)255-2354.

Reservations: IF & When you know what ferry you or guests plan to ride, PLEASE make a reservation for the seat. As the season gears up, they want to make sure that they have the right boats for runs & not have to turn anyone away.

If space is limited on a boat, Islanders will be given a seat first.

DI Plan and Code Committee - Deborah Smith, Chair, reports:

The draft of the Daufuskie Island Plan update has been finalized and is ready for review and comment. The document is posted on the Council's website: <https://www.daufuskiemunicipal.com/daufuskie-plan-review>

Committee has scheduled a community meeting on April 16th where an overview of the plan will be provided and members of the project team available to accept comments and feedback and answer questions.

Please take some time to review the document and circle the April 16th date on your calendars. If you are unable to attend the meeting, please feel free to provide comments to any member of the Project Advisory Committee or the consultants.

Work is continuing on the update of the CODE in the effort to make it an understandable, user-friendly document. More information will be provided as that code update draft is complete.

Cultural and Historic Committee - Sallie Ann Robinson, Chair, reports:

Keys to bathroom have finally been received from the County Public Works Department. Council is working with the county to obtain coverage for cleaning.

The Committee is organizing an opening day celebration and fundraiser for the playground. Key public officials are expected to attend, including Congressman Mark Sanford.

The council is honored to share that at this event the Pavilion will be dedicated to the memories of Chris & Dave Hutton, who were responsible for its construction.

Roads Committee - John Schartner, Chair, reports:

The Bloody Points sign restricting public access has been removed. (See “Old Business” section for additional information)

## **Old Business**

### Bloody Point Road Access

A letter addressed to the Council from Robert Webb, Co-President of the BP HOA was read in part, and a copy will be included on the Council website’s Resources Section. Mr. Webb relayed that the “private property” sign was being removed. The BP Home Owners Association continues to pursue development of a comprehensive security plan to protect their community from additional vandalism.

Mr. Gruber clarified that the zoning code provisions in original HOA approved plans do not sunset or expire as it relates to public access rights.

Mr. Rodger Pinckney commented that public access was written into the original BP PUD development documents, and that it is his believe that any signs of the contrary are zoning issues and subject to daily fines.

### Solid Waste Center Proposal Update

Mr. Gruber reported that the County continues to entertain a proposal by a private contractor that would result in the current dump being closed down and a more comprehensive solid waste “transfer station” being established at a different location. They are in “active discussions” and the talks are going well. The DI Council looks forward to receiving further information on this proposed plan.

Mr. Gruber said that if the county is successful in moving the trash center, the county will grade the current area flat and hydro-seed the area with native grasses. They will also tend to the dead trees surrounding the area, which could be a safety issue if not addressed.

## **New Business**

### Community Resource Volunteers Program

The Council has launched a program for volunteers who bring special skills to support key Council Initiatives. The Council’s website includes a page devoted to these “Community Resource Volunteers” and they include:

Sonny Timmerman and Beverly Davis, Certified Community Planners (Assisting with update of the Daufuskie Island Plan and Code)

Bill Crabtree, Certified Account (Assisting Treasurer John Schartner with financial practices)

Donna Ginther, Government Specialist (Grant Research)

Terry Elrod, Daufuskie resident (Future ballpark development)

Terry Wade, Media Advisor

The Council welcomes additional support. The Cultural and Historical Preservation Committee is currently seeking a professional architect or design specialist to help with a design for Phase II for the Francis Jones Park.

#### Announced Prospect Road Closing

The following discussion relating to the announced closing of Prospect Road by a property owner included the following:

Per Mr. Gruber:

There is some question about a recorded deed. Mr. Aaron Crosby said he believes there is one.

The criteria to demonstrate the County's ownership of the road includes:

- At least 20 years of consecutive open access; Recorded affidavits from witnesses who know it has been a road, in the same location as now, and consecutively used will be helpful.
- If the road was blocked, the county cannot fast-track a reopening on the same day unless the road poses a risk to any home for any emergency vehicles to reach and/or other public health reasons.

Several days earlier there was a visit by the county's Permitting Office in response to an inquiry about various development activities on the owner's property. In fact, the county had given permission for tree-clearing.

Public comments included:

Mr. Robert ("Lancy") Burn: He remembers walking on Prospect Road in 1946 when he was 7 years of age. He very strongly believes the road should be preserved for community use. He also expressed concern about a heliport pad, and especially about potential threat to the island's wildlife and loud noise not in keeping with the character of the island.

Mr. Gruber response: He is not familiar with any prohibitions of helicopters at the county level, and that would probably be subjected to FAA oversight.

Mr. Ron Papesh: As a resident of Prospect Road, he appreciates the County Council agreeing with DI residents about the closing of Prospect Road 2 years ago.

Mr. Ervin Simmons: This road has never been closed. The danger is this may impact other roads, as a troubling precedent would be set if this closure is allowed to happen.

Mr. Gruber: When these situations arise, the County reviews documentation for continual use of the road in question.

Mr. Aaron Crosby: There were 1980's development activities that provide documentation proving that Prospect and other roads were public roads with more than 20 years of continual use. Because the County did not follow through on a strong recommendation in the 1985 Daufuskie Island Plan about acquiring rights of way for these roads, he believes that it's now incumbent on the county to rectify.

Mr. Gruber: He understands, but there are budgetary constraints.

Ms. Sabrina Grimm: Would the electric company have the documentation for public use?

Josh Gruber: They have smaller easements and the information is not public.

Mr. Jeremy Quinn: What stops the land owner with considerable finances if he chooses not to voluntarily keep the road open?

Mr. Gruber: The county probably can't keep it open based on legal grounds for a temporary restraining order, but would pursue an injunction to keep open. This would be approved in court within a 14-16 month time. The County will meet with the land owner and show the course of action it will take should the land owner choose to close it, including the hefty legal fees the land owner would need to expend if they not reach their desired resolution.

Council Member Smith shared information about a similar situation in another community where a church was trying to close a road & the community residents' affidavits proved useful.

Council Member Schartner moved for passage of a resolution placing the Council on record against the current effort to close Prospect road. Mr. Bays seconded the motion. The motion passed by a unanimous vote of the Council members present.

(Addendum #1: Approved Resolution)

### **County Pavilion Building Issue**

Mr. Gruber said that county will secure current building, formerly used for the Marshside Mama's Restaurant. The county believes firmly that this property is an asset of the community and needs to be maintained as an asset for the community. If it became revenue creating, those funds should be given for the island community's betterment.

Mr. Gruber also said that the county dock bathrooms renovations is now the highest Daufuskie priority for the County. They estimate complete renovation would cost around \$300-\$400,000. He said that they will consider providing a staff person...potentially a local person...to assist with the maintenance of this bathroom and the ones at the new park.

In response to a question about the disposition of the building itself and the timeline, he said that the county tends to move at a glacial-like pace, and that there are still active discussions going on with the Daufuskie Council.

Mr. Gruber said that the electric accounts were supposed to be transferred to the County's name. They will maintain 4 street lights, but not the lights in the building. If this is not the case, please let him know.

### **Public comments/questions for County Officials**

Mr. Chuck Henry thanked Mr. Gruber for his long years of service to the County and to the Daufuskie Island community.

Ms. Martha Hutton thanked the county officials for repairing the county dock.

Ms. Susan Jones raised the issue of asphalt chunks deposited by the County at the side of several Historic District roads and in large piles by the new community park.

Mr. Chase Allen asked why the individuals responsible for the problems with the asphalt chunks on Historic District roads aren't being held accountable for the problems they have created.

Mr. Gruber explained that this was a well-intended but poorly executed initiative. It turns out that it is too costly to bring a machine to crush the chunks so that they could be used for road filler. He said that the county will continue to pick up chunks from the side of the road.

Ms Jones said thanks for the asphalt removal by a crew earlier in the day, and it looks much better. She asked why stormwater ditches on unpaved roads have been removed from grading. Mr. Gruber said the County will look into that and try to remedy.

Mr. Schartner said that Bill Scott has offered to move and contain the piles of asphalt located near the park to his Melrose transfer station area. He and Joe Davis will coordinate to complete. The Council expressed appreciate to Mr. Scott for that effort, as well as for an asphalt pick-up effort he supported for island teenagers who were fund-raising for a mission trip to NY.

*Mr. Gruber, Mr. Wilhelm, and Council Member Sutcliffe departed to catch the 7:40 pm boat*

### **Continuation of Public Dock Issue**

Council Member Erin Quinn provided an overview of the Council's deliberations of the County's offer to transfer the title of the county dock building to the DI Council. A detailed summary of this overview is below. (

Addendum #2)

Ms. Quinn said that the Council is seeking public feedback about the different options.

Ms. Smith referenced a letter from Attorney Bob Arundell, who had been helping the Council get relevant information about the property from the County and providing counsel on the legal implications of Council possession. The letter will be posted on the Counsel's website.

Ms. Smith said that the Public Forum would begin with questions/comments about the County Dock Building situation. The comments and questions included the following:

### **Public Forum**

In response to a question about proposals for the county building, it was clarified that the Council has not seen specific proposals.

A member of the public urged the Council to let the community vote on options through an election.

A member of the public said that the Daufuskie island Council should first decide if it will accept ownership of the property, and then focus on options for the property.

A member of the public disagreed, and said that first the Council should determine what the community wants done with the property, then decide if it will accept ownership.

A member of the public (who has submitted a proposal to the county to lease the property for a restaurant) said several times that the Council had let the issue "languish" for too long and should take action immediately.

A Council Member said that if the Council decides not to assume ownership, the Council would advocate with the County that the property should continue to be available to the community.

A member of the public said that the former restaurant (Marshside Mamas) was a favorite place for some who made friendships when new to the island.

A member of the public felt that there were many problems with the former restaurant, and that the building should revert to its original purpose, i.e., a community building available for local small businesses and general community use.

Council Member Bays said that the former restaurant was a valuable community resource that provided employment and that provided a welcoming gathering spot for local residents and visitors to enjoy themselves.

A member of the public expressed concern about the budgetary and time constraints should the County be involved in any way with the building.

A member of the public said that it will be impossible to reach a community consensus on what the property should be and not everyone will be happy regardless of the decision.

A member of the public said that the current condition of the bathrooms is so bad that the county should close them until a situation can be worked out.

Several members of the public urged the Council to move quickly on decisions relating to the property.

Council Member Smith said that the Council appreciated the input and especially the desire for the Council to move ahead in a timely fashion. She said that the Council would meet within a week to discuss the matter, and it was also agreed by all the members that the Council would work on a strategy to voice their opinions on the matter. In the meantime, the public is encouraged to reach out to individual Council members about their views and/or to send comments through the website.

## **Adjournment**

There being no further business at hand, the meeting was adjourned at 8:05 pm

## **Addendum #1**

### A RESOLUTION

WHEREAS, The Daufuskie Island Council supports the Daufuskie Island Plan as a planning tool to guide decision making regarding the development of Daufuskie Island; and

WHEREAS, The Daufuskie Island Plan identifies as a HIGH Priority item the gaining of title on unclaimed, non-deeded prescriptive easements currently being maintained by Beaufort County; and

WHEREAS, The Daufuskie Island Plan identifies Prospect Road as a road that Beaufort County currently holds a recorded deed for a portion of the roadway; and

WHEREAS, The Daufuskie Island Plan identifies Prospect Road as a road that Beaufort County has maintained for at least 20 years and therefore claims to possess a prescriptive easement to; and

WHEREAS, The 1985 Daufuskie Island Plan produced by the Beaufort County Joint Planning Commission identified Prospect Road that had, at that time, been maintained by Beaufort County for at least 20 years and recommended that Prospect Road become a Right-Of-Way; and

WHEREAS, Prospect Road is a major thoroughfare in Daufuskie Island's Historic District, representing a unique area with a rich cultural and historical significance that is important to both residents and visitors; and

WHEREAS, on February 29th, 2016 the Beaufort County Council rejected a proposal to remove Prospect Road from the County's Road Maintenance Inventory; and

WHEREAS, closing Prospect Road sets a dangerous precedent with serious consequences for the remainder of Daufuskie's historic district; be it therefore

RESOLVED that the Daufuskie Island Council supports the continued inclusion of Prospect Road on the County's Road Maintenance inventory; and be it further

RESOLVED that the Daufuskie Island Council opposes the closing of of any portion of Prospect Road, and be it further

RESOLVED That the Daufuskie Island Council calls on Beaufort County to vigorously oppose through all appropriate means any and all efforts to close Prospect Road.

Adopted by vote of the Daufuskie Island Council on this day, March 28, 2018.

#### Addendum #2

#### **2018 Daufuskie Island Council (Presented by Council Member Erin Quinn)**

#### **Review of County Pavilion: concerns, issues, goals, suggestions**

#### **Topic/Issue: Pavilion at the County Dock access and potential change in ownership from Beaufort County to the Daufuskie Island Council.**

Tuesday, March 13, 2018 the following concerns, issues, goals, and suggestions were collected in conjunction with the review from Beaufort County (see letter of Atty Robert Arundell March 13). Our primary desire for the area is to retain county waterfront land for the benefit of Public Access & Public Use.

While listening to the community thus far, we have gathered the following desires & the Councils' thoughts on each.

1) DI Council takes on the property and subleases the space: Although there is a potential path for the council to move forward as the landlords of the Pavilion land, that is not the reason the council was originally formed. There will be an extensive cost to update the current building space to be up to code. It remains unclear what the full costs to bring up to state DHEC codes would be.

Mixed-Use, Multiple Vendor space:

The council agrees that there would be great value to a space on DI that different business could work from. The liability coverage would still require the council to hold the policy & the policy would need to be extensive to cover multiple sub-users.

Restaurant:

For those interested specifically in a Restaurant, we agree that DI would benefit by a restaurant.

There are additional land parcels for sale on Daufuskie, 7 of which are adjoining the pavilion property, and can be built out by those who are interested.

It is not practical for the DI Council to take ownership of the property for a number of reasons:

**Legal Liability & Council Structure:** The council, with terms of 3 years, was not created to become landlords with an LLC.

Umbrella policy required

Financially - Current Council fund is ~\$3,000, not organized for substantial reoccurring financial commitments

2) DI Council removes option to be the new owners of the Property:

The Council would like to retain a right of first refusal before the County sells the land to a private owner.

Council will continue as the advocate for the public voice for what they want to have happen with the land

County may choose to sell land to a private owner

Shared concern of losing public gathering space and public waterfront land to private ownership

3) DI Council takes on advocating for the property under Counties continued ownership:

With the possibility of removing the structure, The Council would then consider taking on a FLAT piece of property, the community can organize (fundraisers, grants,etc) for a newly built Community Pavilion and continue oversight similar to that planned for the Francis Jones Park and Beach Access Structures.

Envision something similar to the Oyster Factory Park in Bluffton

Property is retained as public access and use

Public Events

Festivals with Vendors booths

Location for 'Daufuskie Market'

Liability & Financial Responsibility of current building requirements:

Are not a County burden to cover an empty building

Are not a public or DI Council burden to maintain a building

Not a community burden to remove the current empty structure

Neighbors, What Do YOU Think?

The council is committed to working with the community determine what you want for the area.

We are looking to you for your concepts and visions for the area. The Council would like to host a public forum , either directly after the Tuesday April 17th Council Meeting, or possibly sooner.

Please continue to send comments and suggestions through the council website or to any council member.

