

**TOWN OF EDISTO BEACH  
PLANNING COMMISSION**

Tuesday, May 26, 2015  
5:00 P.M.  
Regularly Scheduled Meeting

THESE MINUTES ARE NOT VERBATIM, BUT DO ACCURATELY REFLECT THE PROCEEDINGS.

Members attending: Chairman Bill Andrews, Vice Chair Wanda McCarley, Members David Blauch, Tom Edens and Barbara Habhegger

Members absent: Member William Hackett, with prior notice given; Member David Cannon, with no prior notice given

Staff attending: Building Code Administrator Patrick Brown, Code Enforcement Officer Nancy Fitzgerald and Permit Technician Margaret Green

Chairman Bill Andrews called the meeting to order at 5:00pm. Chairman Andrews then advised Building Code Administrator Patrick Brown has a new employee to introduce, Margaret Green. Building Code Administrator Brown advised Margaret has joined the Building Department as the Permit Technician/Business License Clerk, and will be taking over the secretarial duties for Planning Commission.

**Review of Minutes:**

**Minutes from 4-28-2015**

Chairman Andrews asked if there were any additions, corrections, with regards to the minutes. Chairman Andrews advised Member Habhegger mentioned in the work session a few corrections she noticed: page 1, add the word "to" in the sentence "...the items which pertained **to** Chapter 71..."; page 3, remove "what is" from the sentence "...**what is** the most likely explanation..."; also on page 3, change "that" to "the" "...advised she would make **the** changes..."; and on page 4, reference Bubba Unger's office, "...it has been reviewed by **Mr. Unger's** office as well as the Town Attorney...". No other members had any other changes or corrections to the minutes, so Chairman Andrews asked for a motion to approve. Member Blauch moved to approve the minutes as submitted with the agreed upon changes, followed by a second from Member Edens. No further discussion was held regarding the minutes; a vote was taken and it was **unanimous to approve.**

**Old Business**

Chairman Andrews mentioned there is no Old Business per se, but he would like to make a comment regarding the Ordinance revisions. The Ordinances were passed by Town Council with a 3-1 vote, with the stipulation that Planning Commission take a look at discrepancies between

definitions between Chapter 71 and 86. Chairman Andrews mentioned he's identified the five definitions and given those to Code Enforcement Officer Fitzgerald, and due to those items being identified after the deadline for submitting to the Planning Commission agenda for the May meeting, the definitions will not be considered today, and will presumably be considered in the Planning Commission's June meeting. Chairman Andrews also mentioned during the May Town Council meeting, he specifically inquired of Council what exactly the issue or issues were with 86-144 for Council to reject it in its entirety. Chairman Andrews mentioned he also spoke to Council of the advantages of the revised section, but at this point, he nor any member of the Building Department has had any feedback from any members of Council as to why Council turned those issues down.

### **New Business**

Chairman Andrews advised the first order of New Business is the request from the Town of Edisto Beach to rezone 3 lots currently owned by the Town, from R-1 Low Density Residential District to PB, Public and Semipublic District. Chairman Andrews advised the Commission has had prior discussion on the rezoning and from the standpoint of the Building Department, there are no issues, to which Building Code Administrator Brown confirmed, everything appear to be in order. Chairman Andrews asked for any discussion regarding this application, hearing none, he then asked for a motion. Member Blauch made a motion to approve, with a second from Member Habegger. Chairman Andrews then asked for any discussion regarding the motion; Member Edens inquired as to if the proper notices have been sent out regarding the public hearing. Building Code Administrator Brown advised notices will be sent when the public hearing is set by Town Council. Hearing no further discussion on the motion, a vote was taken **which was unanimous to approve.**

Chairman Andrews then moved on to the next item of New Business, 3731 Dock Site Rd, Edisto Bike Rentals relocation; he mentioned within the work session the Commission had the opportunity to discuss the expansion with Jeremy Parsons, and asked if any Members had any additional questions for Jeremy at this time. Hearing none, Chairman Andrews then asked for a motion to approve; Member Blauch made a motion to approve the application, with a second by Member Edens. Hearing no discussion, a vote was taken **which was unanimous to approve.**

Chairman Andrews mentioned the final item on the agenda is an application from Phillip Albenesius, Edisto Saltwater Tours, charter boat eco tours, operating out of 3702 Dock Site Road. A question raised during the work session is the issue of required parking spaces, as well as the Captain's License; the Commission is looking for documentation regarding both. Chairman Andrews asked Building Code Administrator Brown to update the Commission on those items. Building Code Administrator Brown advised he had been in contact with Mr. Albenesius via e-mail this morning; Mr. Albenesius indicated he has the four required parking spaces, but at that time, did not have letters from the property owners allowing him to utilize the spaces for his business. Building Code Administrator Brown continued, Mr. Albenesius expressed concern regarding the absence of the letters before the Planning Commission meeting, to which Building Code Administrator Brown replied the Planning Commission does have the discretion to approve and recommend to Town Council, with the contingency that the

letters are provided before the Council meeting. Regarding the Captain's License, Building Code Administrator Brown advised that has not been provided to the Building Department as of yet. Chairman Andrews then asked Mr. Albenesius if he had any comments regarding those items. Mr. Albenesius stated he was unaware he needed to have actual letters until earlier that morning, as it is not specifically indicated as such within the application. Mr. Albenesius further stated he will do what he can to get those letters to the Commission before the Council meeting. Vice Chair McCarley inquired as to how many letters Mr. Albenesius needed; Mr. Albenesius stated it would be three letters, as he is utilizing three parking spaces owned by other property owners. Mr. Albenesius stated he owns one dock slip, which grants him one parking space. Chairman Andrews asked about the status of the Captain's License; Mr. Albenesius stated that is a Coast Guard issued license, and he is currently enrolled in Sea School which begins this Friday (May 29<sup>th</sup>), so he should have his license within 2-3 weeks after that. Chairman Andrews stated the Commission's options are to approve the application with the two contingencies, or to deny the application. Chairman Andrews then asked for a motion to move forward with discussion. Vice Chair McCarley made a motion to approve the application, contingent upon receiving three letters from the three slip owners providing additional parking spaces and the Captain's License. Member Edens seconded the motion. Chairman Andrews then asked for any discussion on the motion. Member Blauch stated his comment for the applicant would be that perhaps it would be in the best interests of all parties for him to remove the request from the current meeting and reapply at the next Planning Commission meeting, since at that time the applicant would be better prepared to address the requirements of the application, and should, by then, have all documentation in place, including the Captain's License. Mr. Albenesius stated he understood Member Blauch's position, and was unsure why the Town had an interest in a license regulated by the Coast Guard, but would withdraw his application at this time. Chairman Andrews stated that Member Blauch was speaking on his own behalf, not the Commission's, when making his prior statement. Chairman Andrews further stated he understands the frustration with an incomplete application, but also understands the frustration of having to resubmit an application that can be handled with a contingency. Vice Chair McCarley asked for further clarification regarding the statement Mr. Albenesius made of the requirement of a Captain's License to run a tour boat, is that something the Town is requiring. Mr. Albenesius stated the Coast Guard requires him to have a Captain's License. Building Code Administrator Brown explained that this process is for the Town to approve a use through Zoning. The Town will not approve a use through Zoning if the person is not properly licensed to do the particular business. Building Code Administrator Brown further stated, once the applicant gets through Planning Commission and Town Council and gets to the business license portion, the Town Ordinance clearly states any license required by law is required to be provided with the business license application. The Building Department verifies licensure daily. Vice Chair McCarley then asked if by approving his application contingent upon verifying the four parking spaces and verifying he is properly licensed, the applicant could move forward. Building Code Administrator Brown replied that the applicant having those documents in place before placing on the Council agenda would be an appropriate move. Member Blauch had another question for the applicant regarding saltwater ecology tours and coastal geology tours, what credentials does he have for those? Mr. Albenesius stated he is a licensed geologist in the State of South Carolina. Chairman Andrews stated the test point would be the business license, which would

require the proper documentation that Building Code Administrator Brown would confirm is in place at that point, should the Planning Commission recommend and should Council approve. Chairman Andrews reiterated Building Code Administrator's Brown previous point; it would be in everyone's best interests if all required documentation from the applicant be in place by the time of the Council meeting. Chairman Andrews then asked for any additional questions or comments, and hearing none asked for a vote to approve the application for Edisto Saltwater Tours at 3702 Dock Site Road. A vote was taken; **the application was approved 4 – 1, with Member Blauch dissenting.**

Chairman Andrews then stated that was the end of the items on the agenda for the regular meeting, and he'd like to take a moment of personal preference to state as this is his last Planning Commission meeting, he'd like to thank his fellow Commissioners, as well as Building Code Administrator Brown and Code Enforcement Officer Fitzgerald with all of their work and support on the Ordinance revisions as well as his time on the Commission.

### **Public Comment**

Member Blauch was signed in for Public Comment; he stated he wanted to echo what Chairman Andrews just previously stated, as well as thank Chairman Andrews for being the Chair during a difficult time, in his opinion, going through the Ordinances. Member Blauch further stated it was an honor to work with Chairman Andrews as well as all of his fellow Commissioners. Member Blauch expressed he had enjoyed working with Building Code Administrator Brown and Code Enforcement Officer Fitzgerald as well, and the Town is lucky to have them on staff. He wishes everyone well in the future.

No one else was signed in for Public Comment.

There being no further business to discuss, Chairman Andrews asked for a motion to adjourn. Member Edens so moved, with Member Blauch seconding. The vote was **unanimous to adjourn** at 5:18 pm.

The Freedom of Information Act, § 30-4-80(3) was complied with.

APPROVED BY THE PLANNING COMMISSION

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Submitted by Nancy Fitzgerald, Code Enforcement Officer

A digital recording of this meeting is on file at Town Hall.  
A quorum of Council may be present.  
No discussion or action on the part of Council will be taken.

