

BOARD:  
Allen Amsler  
Chairman  
Mark S. Lutz  
Vice Chairman  
R. Kenyon Wells



Catherine B. Templeton, Director

*Promoting and protecting the health of the public and the environment*

BOARD:  
Charles M. Joye II, P.E.  
L. Clarence Batts, Jr.  
Ann B. Kirol, DDS  
John O. Hutto, Sr., MD

## **Minutes of the July 11, 2013, meeting of the**

### **South Carolina Board of Health and Environmental Control**

The South Carolina Board of Health and Environmental Control met on Thursday, July 11, 2013, at 10:00 a.m. in the Board Room at the South Carolina Department of Health and Environmental Control building, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Mark S. Lutz, Vice-Chairman  
1<sup>st</sup> District

R. Kenyon Wells  
2<sup>nd</sup> District

Charles M. Joye, II, P.E.  
3<sup>rd</sup> District

L. Clarence Batts  
4<sup>th</sup> District

Ann B. Kirol, DDS  
5<sup>th</sup> District

John O. Hutto, Sr., MD  
6<sup>th</sup> District

Also in attendance were W. Marshall Taylor, Jr., General Counsel; Lisa Lucas Longshore, Clerk; Department staff and members of the public. (Attachment 0-2)

*Mr. Lutz called the meeting to order and stated notice of this meeting had been provided to all persons, organizations and news media, which have requested notification, as required by Section 30-4-80(e) of the South Carolina Code of Laws.*

#### **Item 1: Board Minutes of the June 4 meeting (Attachment 1-1)**

*Mr. Batts moved, seconded by Mr. Wells, to approve the minutes as submitted for the June 4 meeting. The Board voted and Motion carried.*

**Item 2: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation** (Attachment 2-1)

Ms. Melinda Bradshaw, Health Regulation Liaison, stated one (1) Consent Order had been issued with an assessed penalty of \$44,500.

After discussion, *the Board accepted this item as information.*

**Item 3: Administrative and Consent Orders issued by Environmental Affairs** (Attachment 3-1)

Ms. Robin Stephens, Assistant to the Deputy Director, EQC, stated forty-three (43) Consent Orders and seven (7) Administrative Orders had been issued with total penalties of \$221,517.50.

After discussion, *the Board accepted this item as information.*

**Item 4: Home Health Services FY2012 Annual Program Evaluation** (Attachment 4-1)

Mr. Lee Kirkpatrick, Director, Home Health Services, presented this item. This is an evaluation of the Agency Home Health Services for 2012 as required for accreditation and is required to be presented to the governing body of the agency.

After discussion, *the Board accepted this item as information.*

**Item 5: Blue Ribbon Committee on Shoreline Management – Next Steps** (Attachment 5-1)

Ms. Carolyn Boltin-Kelly, Director, Office of Ocean and Coastal Resource Management presented this item. A three member sub-committee of the Board consisting of Mr. Batts, Mr. Lutz and Mr. Joye (sub-committee) was appointed by Chairman Amsler to review the recommendations of the Blue Ribbon Committee on Shoreline Management as reported at the April 2013 meeting. The sub-committee's recommended course of action by the Board today was to accept eight (8) of the BRC recommendations and have staff proceed with implementing them. Mr. Lutz voted not to concur with the subcommittee recommendation to accept the BRC recommendation establishing a statutory baseline that could not be moved seaward (Group 1(2)).

*Dr. Hutto moved, seconded by Mr. Wells, to approve the Sub-committee recommendations and grant approval for staff to proceed with implementing the sub-committee recommendations. The Board voted and the Motion carried by a vote of 4-1. Dr. Kirol opposed.*

**Item 6: Final Review Conference, Docket No. 13-RFR-18, Decision to deny Permit Application No. OCRM-12-311-E for installing riprap, floating floor system as well as a shore-perpendicular wingwall for erosion control** (Attachment 6-1)

Ms. Jackie Dickman, Deputy General Counsel, introduced the matter to the Board. Mr. Bradley Churdar represented the Department staff. Ms. Mary Shahid represented the Requestors, Herbert and Stacey Weiss.

After presentations by parties and discussion with the Board, ***Mr. Wells moved, seconded by Mr. Batts, to go into Executive Session for the purpose of deliberating and obtaining legal advice, relating to the matter being discussed, under the attorney-client privilege. The Board voted and Motion carried.***

*Mr. Lutz announced the Board was back in session and while in Executive Session, no actions were taken.*

After further discussion, ***Dr. Kirol moved, seconded by Mr. Joye, to find that the Folly Beach Exemption applies to this applicant and that DHEC has no jurisdiction landward of the baseline and no permits will be required. The Board voted and Motion carried by a vote of 3-2. Mr. Batts and Dr. Hutto opposed.***

#### **Item 7: Legal Report**


***Mr. Batts moved, seconded by Dr. Kirol, to go into Executive Session for the purpose of discussion of an employment matter, and of on-going litigation related to Certificate of Need, the Greenwood TB matter, under the attorney-client privilege. The Board voted and the motion carried.***

*Mr. Lutz announced the Board was back in session and while in Executive Session, no actions were taken.*

Mr. Lutz adjourned the meeting.

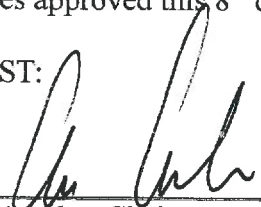
All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

  
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Ann B. Kirol, DDS, Secretary

Minutes approved this 8<sup>th</sup> day of August 2013.

ATTEST:

  
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Allen Amsler, Chairman

#### Attachments

- 0-1 Agenda
- 0-2 Attendance Roster
- 1-1 Minutes of June 4 meeting
- 2-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 3-1 Administrative and Consent Orders issued by Environmental Affairs
- 4-1 Home Health Services FY2012 Annual Program Evaluation
- 5-1 Blue Ribbon Committee on Shoreline Management – Next Steps
- 7-1 Final Review Conference, Docket No. 13-RFR-18, Herbert and Stacey Weiss