

AGENDA
TOWN OF EDISTO BEACH
September 8, 2016
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Minutes**
 - A. Regular Council Meeting, August 11, 2016
 - B. Special Council Meeting, August 17, 2016
- IV. **Proclamations and Presentations**
 - A. Five Year Service Award – Alfred Meggett
 - B. Starfish Award – Patrick Brown
 - C. National League of Cities Recognition
- V. **Old Business**
 - A. Second Reading of Ordinance No. 2016-18 to Amend Section 58-161(a)(5) of the Town’s Code of Ordinances to Include Provisions for Outdoor Entertainment on Thursday, Sunday and National Holidays Subject to Certain Limitations
 - B. Second reading of Ordinance No. 2016-16, An Ordinance Authorizing the Transfer of Certain Town of Edisto Beach Real Property Authorizing the Execution and Delivery of a Limited Warranty Deed and Other Documents Related to the Transfer of the Property Authorizing Execution of a Property Exchange Agreement With Park Sterling Bank and Documents Related Thereto and Other Matters Relating Thereto.
 - C. Water System Improvement Funding
- VI. **New Business/Appearances**
 - A. Storage Container at Civic Center
 - B. Special Event Application 2016 Shrimp Festival
 - C. Special Event Application Public Safety Day
- VII. **Committee Vacancies**
 - A. Zoning Board of Appeals – 1 vacancy
- VIII. **Departmental Reports and Committee Updates**
- IX. **Public Comment Period**
- X. **Adjournment**

TOWN OF EDISTO BEACH

AN ORDINANCE

TO AMEND SECTION 58-161(a)(5) OF THE TOWN'S CODE OF ORDINANCES
TO INCLUDE PROVISIONS FOR OUTDOOR ENTERTAINMENT ON THURSDAY, SUNDAY, AND NATIONAL
HOLIDAYS SUBJECT TO CERTAIN LIMITATIONS

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that Section 58-161(a)(5) of the Town's Code of Ordinances be amended to read as follows:

Sec. 58-161. - Prohibited noises.

(a)

(5) *The hosting of or attendance at any public or commercial establishment utilizing outdoor entertainment in such a manner as to create loud and disturbing noises, of such frequency or such volume as to annoy or disturb the quiet and comfort of any citizen and particularly the creating of disturbing noises of such frequency and volume as to annoy or disturb the quiet, comfort, peace or repose of any person in any dwelling or other type of residence. Outdoor entertainment shall be described as any radio, phonograph, and instrument of sound-producing or sound-amplifying device and shall be further restricted by:*

- a. operating outdoor entertainment is generally prohibited subject to the exception that outdoor entertainment may be operated only on the days set forth in subsections c, d, and e herein below:*
- b. operating for no more than 20 weeks of the year between Easter Sunday and Labor Day, and national holidays, whether within or outside of the 20 weeks;*
- c. operating on Friday and/or Saturday beginning at 12:00 p.m. noon and ceasing at 12:00 a.m. midnight;*
- d. operating on Thursday and/or Sunday beginning at 12:00 p.m. noon and ceasing at 9:00 p.m.; and*
- e. operating on national holidays beginning at 12:00 p.m. noon and ceasing at 12:00 a.m. midnight.*

Nothing in this section shall be deemed to apply to youth oriented events at which no alcoholic beverages are served, sold, present, or otherwise available, provided such events are concluded before 10:00 p.m. on Thursday nights only.

This ordinance shall take effect upon final reading.

Jane Darby, Mayor

First Reading: August 11, 2016
Final Reading: September 8, 2016

ATTEST: _____
Deborah Hargis, Municipal Clerk

Approved as to form: _____

TOWN OF EDISTO BEACH, SOUTH CAROLINA

No. 2016 - 16

ORDINANCE

AN ORDINANCE AUTHORIZING THE TRANSFER OF CERTAIN TOWN OF EDISTO BEACH REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF A LIMITED WARRANTY DEED, AND OTHER DOCUMENTS RELATED TO THE TRANSFER OF THE PROPERTY; AUTHORIZING THE EXECUTION OF A PROPERTY EXCHANGE AGREEMENT WITH PARK STERLING BANK AND DOCUMENTS RELATED THERETO; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Town of Edisto Beach, a body politic and corporate and a political subdivision of the State of South Carolina (the "Town"), and Park Sterling Bank have negotiated a Property Exchange Agreement, a draft copy of which is attached hereto as Exhibit 1; and

WHEREAS, the Town of Edisto Beach is the owner of those certain pieces, parcels or lots of land set forth, described and designated on the attached Exhibit 1 as Exhibit "A" and Park Sterling Bank is the owner of that certain piece, parcel or lot of land set forth, described and designated on the attached Exhibit 1 as Exhibit "B"; and

WHEREAS, the Town and Park Sterling Bank wish to exchange real property based on the terms set forth in the attached Exhibit 1; and

WHEREAS, Sections 5-7-40 and 5-7-260 of the *Code of Laws of South Carolina, 1976*, as amended, (the "Code") authorizes the Town to transfer or otherwise dispose of interests in real property by ordinance; and

WHEREAS, the Town finds that the lots set forth in Exhibit "A" are surplus to the Town's needs and it is in the best interests of the Town and its citizens to exchange the property for the property set forth in Exhibit "B" for the benefit of the Town's water and sewer system on the terms set forth in the attached Exhibit 1.

NOW THEREFORE, BE IT ORDAINED BY THE EDISTO BEACH TOWN COUNCIL:

Section 1: Council hereby approves the Property Exchange Agreement as described in Exhibit 1 and the recitals set forth above are fully incorporated herein.

Section 2: The Mayor shall be, and hereby is, authorized to execute and deliver on behalf of the Town all necessary documents to effect the property exchange in accordance with the provisions of this ordinance in a form and substance acceptable to the Mayor on advice of the Town Attorney.

Section 3: Savings Clause. If any portion of this Ordinance is deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 4: Conflicting Ordinances. All ordinances, resolutions and parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5: Effectiveness. This Ordinance becomes effective immediately upon adoption by Council.

Jane Darby, Mayor

First Reading: August 11, 2016
Final Reading: September 8, 2016

ATTEST: _____
Deborah Hargis, Municipal Clerk

Approved as to form: _____