

**AGENDA
TOWN OF EDISTO BEACH
AUGUST 10, 2017
REGULAR TOWN COUNCIL MEETING
6:00 P.M.**

- I. **Call to Order**
- II. **Pledge of Allegiance and Invocation**
- III. **Approval of Minutes**
 - A. Special Meeting Minutes, July 10, 2017
 - B. Special Joint Meeting with the Water and Sewer Committee, July 13, 2017
 - C. Regular Meeting Minutes, July 13, 2017
- IV. **Old Business**
 - A. Second Reading of Ordinance No. 2017-20 to Amend Chapter 10 of the Town's Code of Ordinances to add Section 10-41 Related to Nudity and Display by Persons of Specified Anatomical Areas on the Beach and Within Certain Areas of the Town
 - B. Second Reading of Ordinance No. 2017-21 to Amend Section 8-32 and Section 8-34 of the Town's Code
 - C. Myrtle/Fort Street Debris Pickup
 - D. Myrtle Street Drainage Project
- V. **New Business/Appearances**
 - A. Emergency Purchase -Reinforced baffles for the wastewater treatment facility
 - B. FY 2016-17 Water and Sewer Revenue
 - C. Sales and Use Tax Audit for Periods 6/1/2014 through 5/31/2017
 - D. First Reading of Ordinance No. 2017-22 Providing for Mobile Vending and Regulations Governing Mobile Vending
 - E. Special Event Application – Town of Edisto Beach – Trick or Treat at the Creek
 - F. Resolution No. 2017-23 Municipal State Highway Project Agreement
- VI. **Committee Vacancies**
 - A. Zoning Board of Appeals – 3 vacancies, Polly McIntosh, Joe Dreher and Charles Boozer
- VII. **Departmental Reports and Committee Updates**
- VIII. **Executive Session**
 - A. Contractual – Negotiations related to 3708 Village Court [SC Code 30-4-70a (2)]
- IX. **Public Comment Period**
- X. **Adjournment**

TOWN OF EDISTO BEACH**AN ORDINANCE TO AMEND CHAPTER 10 OF THE TOWN'S CODE OF ORDINANCES TO ADD SECTION 10-41 RELATED TO NUDITY AND DISPLAY BY PERSONS OF SPECIFIED ANATOMICAL AREAS ON THE BEACH AND WITHIN CERTAIN AREAS OF THE TOWN**

WHEREAS, the Town of Edisto Beach is widely recognized as a family-oriented beach vacation destination and residential destination due to its relaxed, non-commercial, and family-friendly environment and further the Town's economy is greatly centered around family-oriented tourism; and

WHEREAS, the Town Council finds that it is both in the public interest and necessary to protect and promote the public health, safety and welfare and that said places open to the public be utilized and enjoyed by as many persons as possible; and

WHEREAS, maximum utilization and enjoyment of places open to the public can only be obtained through imposition of regulations regarding activities thereon; and

WHEREAS, persons utilizing said places by appearing thereon without clothing and/or with the private parts of their bodies exposed, unreasonably interferes with the rights of all persons to use and enjoy said places open to the public by causing many persons to leave and others not to use said places; and

WHEREAS, the presence of persons who are unclothed and exposed in places open to the public tend to discourage the use and enjoyment of said places, and creates a nuisance and is offensive to members of the public who wish to use and enjoy said places and who are unwillingly exposed to such conduct; and

WHEREAS, the Town Council recognizes the possible harmful effects on children and minors exposed to public nudity and recognizes the need to enact regulations which will minimize and/or eliminate such exposure.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, the Chapter 10 of the Town's Code is amended to add the following section:

Sec. 10-41. Nudity, display of specified anatomical areas and specified sexual activities prohibited.

- (a) It shall be unlawful for any person to appear in the nude on any public beach, beach access, in the public waters, any other public property, or in view of the public.
- (b) It shall be unlawful for any person to intentionally appear on any public beach, beach access, in the public waters, any other public property, or in view of the public in such a

state of dress or undress so as to expose to the view of others specified anatomical areas. *Specified anatomical areas* means human male or female genitals, pubic area, pubic hair, buttocks, anus, vulva, or any portion of the female breast at or below the areola thereof.

(c) It shall be unlawful to simulate or engage in specified sexual activities on any public beach, public beach access, street end adjacent to the beach, or any government land immediately adjacent to the beach, or in the waters adjacent to the public beach. *Specified sexual activities* means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, including intercourse, oral copulation, or sodomy.

(d) The breast-feeding of infants is not an act of Nudity.

This ordinance shall take effect upon adoption.

Jane S. Darby, Mayor

First reading: 07/13/2017

Final reading: 08/10/2017

Adopted: 08/10/2017

Approved as to form: _____

ATTEST:

Deborah Hargis, Municipal Clerk

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No. 2017 - 21

TOWN OF EDISTO BEACH

AN ORDINANCE

TO AMEND SECTION 8-32 AND SECTION 8-34 OF THE TOWN'S CODE

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that Chapter 8 of the Town's Code be amended as follows:

Sec. 8-32. Prohibitions.

The following are unlawful and prohibited at all times in the Bay Creek Park:

1. Smoking
2. Vehicles (cars, motorcycles, trucks, golf carts, bicycles) beyond the parking area
3. Open burning (including but not limited to charcoal grills, wood, oil, paper, etc.) unless a special permit is obtained
4. Grilling or cooking of any kind on the stage is prohibited
5. Dumping of cooking grease in public restroom facilities, storm drains or grounds
6. Glass containers are prohibited, unless supervised by the Special Projects Coordinator
7. The discharge, use, and/or possession of fireworks
8. Possession of balloons of any type for use, sale, demonstration, disbursement or release
9. Overnight camping
10. Disposal of bait
11. Water vessel launching
12. Swimming
13. Roller skating/blading and skateboarding
14. Pets must be leashed at all times. All pet waste must be picked up, bagged and discarded by the pet owner/handler.
15. Any inflatable amusement device used for climbing, sliding, jumping, or rebounding and any amusement or carnival type ride is prohibited.

Sec. 8-34. Alcoholic beverages.

The following regulations apply to the sale and/or consumption of beer, wine or other alcoholic beverages in the park:

- a) Serving of alcoholic beverages at private parties must be noted on the lessee application and lessee must obtain a General Liability insurance policy (rider or endorsement) in the amount of \$2,000,000 naming the Town of Edisto Beach as additional insured.
- b) Possession and/or consumption of alcoholic beverages to include "Brown Bagging", ice chests, thermos jugs, or any other container not obtained or purchased at an event that is selling alcoholic beverages is prohibited in the park.
- c) Beverages must be dispensed only in plastic, acrylic or paper cups.
- d) The sale of alcoholic beverages by individuals or groups is prohibited unless authorized. A temporary license from the SC Department of Revenue is required for the sale of beer, wine or alcoholic beverages. Contributions and/or donations received at public events are considered sales and will require a DOR license. The designated area of the park and hours for sale/consumption must be indicated and State permits must be posted at every dispensing point. In addition to the insurance requirements set forth in subsection (a) herein, the permittee shall comply with South Carolina Code of Laws Section 61-2-145 and provide written proof of compliance to the Town of Edisto Beach prior to the date(s) of the event.
- e) Hours for sale or consumption of alcoholic beverages must comply with all state and local laws.

This ordinance shall take effect upon final reading.

Jane S. Darby, Mayor

First Reading: 07/13/2017

ATTEST:

Final Reading: 08/10/2017

Deborah Hargis, Municipal Clerk

Approved as to form: _____

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MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA)
)
TOWN OF EDISTO BEACH) A RESOLUTION

Road/Route Myrtle Street (S-682)
File 15.027541
Item
Project Myrtle Street Drainage & Paving Improvements
PIN 27541

WHEREAS, the South Carolina Department of Transportation (SCDOT) proposes to construct, reconstruct, alter, or improve the certain segments of the highway(s) in the State Highway System referenced above which are located within the corporate limits of the Town of Edisto Beach (hereinafter, "the Town").

WHEREAS, the Town wishes to authorize the construction and improvements of the aforesaid highway(s) in accordance with plans to be prepared by or for SCDOT ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1991), the Town does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans. The foregoing consent shall be the sole approval necessary from the Town to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the Town's limits. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the Town shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the Town will assist in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all power or telephone lines or poles located within the existing right-of-way to be relocated at the utility company's expense, except where the utility can demonstrate a prior right of occupancy. To the extent that Town-owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by SCDOT. SCDOT shall bear no liability for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the Town or its contractors. Future utility installations by the Town within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT's "A Policy for Accommodating Utilities on Highway Rights-of-Way."

BE IT FURTHER RESOLVED, that the Town hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the South Carolina Department of Transportation as required in S.C. Code §56-5-930 (1976, as amended), nor enacting any traffic regulation ordinances inconsistent therewith.

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this _____ day of _____, 2017, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia.

Dated: Town of Edisto Beach, South Carolina Municipality

ATTEST:

By: _____

Clerk

