

**AGENDA**  
**TOWN OF EDISTO BEACH**  
**April 14, 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 Minutes, March 10, 2016
- IV. Proclamations and Presentations**
  - A. Proclamation 2016-P10 Declaring May 2016 as Building Safety Month
- V. Old Business**
  - A. Second Reading of Ordinance No. 2016-07 To Enact Article III of Chapter 78 of the Code of Ordinances of the Town of Edisto Beach, entitled "Golf Carts."
- VI. New Business/Appearances**
  - A. Award of RFP No. 2016-05 Bay Creek Park and Civic Center Restroom Cleaning Services
  - B. Award of RFP No. 2016-06 Solid Waste Collection and Transportation Services
  - C. White Cap Street
  - D. First Reading of Ordinance 2016-11 to Amend Section 66-8 (c) of the Town's Code related to Garbage Rates
  - E. First Reading of Ordinance 2016-12 to Amend Section 82-33 of the Town's Code related to Water Rates
  - F. Special Event Application – Edisto Beach Volunteer Fire Department Annual Fish Fry
  - G. Change Order No. 3 Jungle Shores Water Line Extension Project
  - H. Bay Creek Park Restroom Air Conditioner
  - I. Water Rate Study
  - J. Resolution 2016-R13 Natural Hazard Mitigation Plan
  - K. Special Event Application -Dolphin Slam-Marina at Edisto Beach
- VII. Committee Vacancies**
  - A. Beachfront Management Committee – 1 vacancy
  - B. Planning Commission – 1 vacancy
- VIII. Departmental Reports and Committee Updates**
- IX. Public Comment Period**
- X. Executive Session**
  - A. Legal Advice Regarding Property Tract M [SC Code 30-4-70a (2)]
  - B. Legal Advice Regarding Property Lot 7 Block UU, Lot 7 Block YY, Lot 8 Block YY [SC Code 30-4-70a (2)]
- XI. Adjournment**

**BUILDING SAFETY MONTH 2016  
TOWN OF EDISTO BEACH**

**WHEREAS**, the Town of Edisto Beach's continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect or citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

**WHEREAS**, our confidence is achieved through the devotion of vigilant guardians – building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry – who work year-round to ensure the safe construction of buildings, and;

**WHEREAS**, these guardians – dedicated members of the International Code Council – use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans the buildings where we live, learn, work, worship, play, and;

**WHEREAS**, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires and earthquakes, and;

**WHEREAS**, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety – our local code officials – who assure us of safe, efficient and new technologies in the construction industry. Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and;

**WHEREAS**, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

**NOW THEREFORE, WE**, Council of the Town of Edisto Beach, South Carolina, do hereby proclaim the month of May 2016 as

**Building Safety Month**

Accordingly, we encourage our citizens to join with our community in participation in Building Safety Month activities.

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Mayor Jane S. Darby

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Mayor Pro Tem Susan Hornsby

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Crawford Moore

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Jerome Kizer

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Patti Smyer

**TOWN OF EDISTO BEACH**

**AN ORDINANCE (Version 1)**

To Enact Article III of Chapter 78 of the Code of Ordinances of the Town of Edisto Beach, entitled "Golf Carts."

CHAPTER 78 TRAFFIC AND VEHICLES

ARTICLE III. Golf Carts

78-50 GOLF CARTS ALLOWED ON STREETS.

Golf carts, as defined below, are permitted to be driven on most streets in the town subject to the provisions of this Article if the golf carts have decals from the town.

78-51 DEFINITIONS.

For the purpose of this Article the following definition shall apply unless the context clearly indicates or requires a different meaning.

"Golf cart" - Four-wheeled vehicle that is built to specific federal standards by licensed manufacturers and can achieve speeds of no greater than 19 miles per hour. Golf carts do not include all-terrain vehicles, farm vehicles, low speed vehicles, or any vehicle, including modified golf carts, which can obtain a top speed greater than 19 miles per hour.

78-52 RULES GOVERNING THE OPERATION OF GOLF CARTS.

- (A) Golf carts may cross Palmetto Boulevard but cannot be driven on Palmetto Boulevard. (Statutory reference, see *S.C. Code §56-2-105*).
- (B) A golf cart shall only be operated by a person who is at least 16 years old and possesses a valid driver's license. (Statutory reference, see *S.C. Code §56-2-105(C)*.)
- (C) The operator of a golf cart being driven on a street in the town must have in his or her possession:
  - (1) The registration certificate issued by the Department of Motor Vehicles;
  - (2) Proof of liability insurance for the golf cart; and
  - (3) The operator's driver's license. (See *S.C. Code §56-2-105(C)*.)
- (D) Operation of Golf carts is subject to all traffic rules and regulations and parking laws governing the operation of motor vehicles. (See *S.C. Code §56-5-820(A)*.)
- (E) A golf cart may only be driven within four miles of the address on the South Carolina Department of Motor Vehicles registration certificate. (See *S.C. Code §56-2-105(B)(1)*.)
- (F) It shall be unlawful for any person to drive or move any golf cart or for the owner to permit a golf cart to be driven or moved on any street at night or at any other time when windshield wipers are required to be in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors

severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of 500 feet ahead.

- (G) A golf cart shall be equipped with a rear vision mirror.
- (H) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart while the golf cart is in motion. No part of the body of the operator or any occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion. Under no circumstances shall the operator hold or carry an infant, child, or other person while operating a golf cart.
- (I) The driver of a golf cart shall use hand signals when turning or stopping unless the golf cart is equipped with turn signals.
- (J) Golf carts shall not be operated on private property without the permission and consent of the property owner.
- (K) Golf carts may not tow any type of trailer or secondary device that is separate from the golf cart unless it conforms with applicable state laws. Trailers must be equipped with tail lamps, tires of sufficient size and number to distribute wheel loads. Trailer must be attached with a safety chain. Under no circumstances shall trailer be used to transport people or pets.

#### 78-53 DECALS AND INSURANCE REQUIREMENTS.

Golf carts, whether owned or rented, shall have:

- (A) A current registration from the South Carolina Department of Motor Vehicles that is displayed in a clearly visible place on the golf cart;
- (B) A current decal from the town that is displayed in a clearly visible place on the golf cart; and
- (C) Current liability insurance in an amount not less than required by state law for motor vehicles operated on public highways.

#### 78-54 TOWN GOLF CART DECALS.

- (A) Application for a town decal shall be made to Town Hall before a golf cart may be driven on any street in the town. The decals shall be valid from January 1 to December 31 each year. The following fees shall apply:
  - (1) Fee of \$5.
  - (2) No charge for any person who is a permanent resident, living full-time at the premise or the premise is a second home for the person for whom the decal is issued.
- (B) The following must be presented to the town to obtain or renew a decal:
  - (1) Proof of registration with the South Carolina Department of Motor Vehicles;
  - (2) A certification that the golf cart has a rear view mirror and is otherwise in safe operating condition; and
  - (3) A certification;
    - (a) That the owner has read this Article or a town-prepared document that explains the laws related to golf carts; and

- (b) That the owner will not allow anyone to operate the golf cart until that person has also reviewed the rules.
- (C) A lost or stolen decal may be replaced upon payment of a fee of \$5 and the execution of a sworn statement that the decal was lost or stolen. No decal shall be replaced more than once in any calendar year.
- (D) If a golf cart is parked on a street, right-of-way, or other public property without a valid town golf cart decal, the Police Department or anyone who has been approved the Police Department shall be authorized to issue a parking citation and to impound or immobilize the vehicle.
- (E) The Town decal requirement is for identification and statistical purposes. The issuance of a Town decal does not and shall not act as authorization from the Town to the operator to operate the golf cart within the Town limits. The operator and owner must comply with all applicable state and municipal laws related to operation of a golf cart.

78-55 RENTAL OF GOLF CARTS.

- (A) A business that rents golf carts shall have all licenses required by law.
- (B) All sections in this article shall apply to rented golf carts.
- (C) Each rented golf cart shall have the rental company's name affixed to the cart in such a manner as to be clearly visible.
- (D) A company that rents golf carts shall rent only to an individual who:
  - (1) Is a least 18 years old;
  - (2) Has a valid driver's license; and
  - (3) Signs a certification that all persons who will operate the golf cart have read or will read this chapter or a town-prepared document that explains the laws related to golf carts.
- (E) Golf cart rental companies shall keep copies of all rental contracts, certifications, and the renters' drivers' licenses for a least three years.

78-56 Violation; Misdemeanor.

Violation of any of the provisions of Article III of Chapter 78 shall constitute a misdemeanor punishable as set forth in Section 1-6 of this Code of Ordinances.

This ordinance shall take effect upon adoption.

\_\_\_\_\_  
Jane S. Darby, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Deborah Hargis, Municipal Clerk

Approved as to Form \_\_\_\_\_

TOWN OF EDISTO BEACH

AN ORDINANCE

TO AMEND SECTION 66-8(c) 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 Section 66-8(c) of the Town's Code be amended to read as follows:

1. Section 66-8(c) is amended to read as follows:

Sec. 66-8. Fees.

(c) The fee structure for residential or nonresidential property owners within the Town is as follows:

|  | Fee      |
|--|----------|
| All residential property owners (first container)..... | \$196.62 |
| Each additional container.....                         | \$58.32  |

The fees are billed semiannually in advance at a rate of \$98.31 for the first container and \$29.16 for each additional container.

This ordinance shall take effect upon final reading.

\_\_\_\_\_  
Jane S. Darby, Mayor

First Reading: \_\_\_\_\_

ATTEST:

Final Reading: \_\_\_\_\_

\_\_\_\_\_  
Deborah Hargis, Municipal Clerk

Approved as to form: \_\_\_\_\_

TOWN OF EDISTO BEACH

AN ORDINANCE

TO AMEND SECTION 82-33 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 Section 82-33 of the Town's Code be amended to read as follows:

Sec. 82-33. Rates and regulations.

(a) Each residence or other building which is located within 100 feet of any water main shall be connected thereto and shall utilize the same for water purposes. Such connection shall be forthwith made; and for the purposes of the penal provisions of this article, each day during which such building shall not be connected to such water main shall be a separate offense and punishable as provided in this article.

(b) Until changed pursuant to appropriate action of the council, the following shall be the schedule of semi-annual rates or charges for the water services afforded by the waterworks system:

WATER RATES  
RESIDENTIAL AND COMMERCIAL

TABLE INSET:

|                      | 0--24,000 | 24,000 to 48,000 | 48,000 to 72,000 | 72,000 plus |
|----------------------|-----------|------------------|------------------|-------------|
| Residential          | \$142.47  | \$1.59           | \$1.77           | \$1.98      |
| Business/docks       | \$142.47  | \$3.16           | \$3.55           | \$3.96      |
| Outside town limits  | \$284.96  | \$5.41           | \$6.08           | \$6.76      |
| State park           | \$585.84  | \$4.76           | \$5.32           | \$5.92      |
| Water for irrigation | \$142.47  | \$3.16           | \$3.55           | \$3.96      |

(c) No water service shall be furnished by the waterworks system free of charge to the town or any person.

(d) All meters shall be read once a month or semiannually in the months of May and November, and each monthly or semiannual bill shall become due and payable in its entirety within 30 days from the date of the bill. If any bill remains unpaid ten days after the due date, all services to the customer shall be forthwith terminated and remain terminated until the full obligation, including the past due bill with penalty, the current service charge and a meter reconnect fee, if the meter has been disconnected. Upon termination of services, notice of termination will be sent with reconnect fees applied as follows, provided that if service is reconnected after the Town's normal business operating hours an additional fee of \$125.00 will be added to the reconnect fee. These reconnect fees will also be applied for reconnection of water service after discontinuance for any reason other than fault of the Town or its employees.

#### RECONNECT FEE

TABLE INSET:

|       | In Town | Out of Town |
|-------|---------|-------------|
| Water | \$50.00 | \$50.00     |
| Sewer | 25.00   | N/A         |

(e) For each new water connection inside the corporate limits of the town, the person applying for water service shall pay as a tap-in or cut-in fee the applicable sum: \$1,500.00 for a three-quarter-inch water line; \$1,750.00 for a one-inch water line; \$2,000.00 for a one and one half inch water line; and \$2,250.00 for a two-inch water line. For each new water connection outside the corporate limits of the town, the person applying for the water service shall pay as a tap-in or cut-in fee the applicable sum: \$2,000.00 for a three-quarter-inch water line; \$2,500.00 for a one-inch water line; \$3,000.00 for a one and one-half inch diameter tap; and \$3,500.00 for a two-inch water line. In addition, the following special conditions must be followed by the person applying for water service outside the corporate limits of the town:

- (1) All service lines for service requiring an under-the-road bore will be installed by contractors at the owner's expense under the supervision of the water/sewer manager;
- (2) All commitments for service will be site specific and use specific; approved taps will not be transferable;
- (3) It will not be the policy of the town to reserve water taps; commitments for service will be for taps which assurances have been given that the service will be utilized within six months;
- (4) A nonrefundable advance of half of the estimated tap fee will be paid at the time of commitment; upon installation, the balance of the tap fee plus a prorated service fee through the next billing period will be due and payable; and
- (5) Each request for service outside the town limits shall be reviewed by the water/sewer manager, who in turn will make his recommendation to the council for approval or disapproval. The water/sewer manager's review will include any information that he deems appropriate to determine the capacity remaining in the town's water system and the demands this request will make upon the system.

(f) The town has the authority to place a lien on real estate for all water service charges, assessments and fees not paid by the user. Moreover, the town will have such rights and remedies as may be available to the town council in law or in equity for the collection of real property taxes as the enforcement of a lien on real property taxes.

(g) If the town chooses to pursue the remedies available in subsection (f), the town shall enter all water service charges, assessments and fees not paid by the user as assessments in an assessment book entitled, "Assessment Liens for the Town of Edisto Beach," and shall state the names of the owners, the location of the property, the amount of the assessment, and times for payment. Such assessment book shall be furnished by the town and kept in the office of the clerk or court for the county in which such improvement is located.

(h) Upon default in the payment of any installment or deferred portion of any installment, at the time and in accordance with the terms and conditions fixed by the town, the total amount of such assessment then unpaid, including deferred installments or payments and interest, shall immediately become due and collectible at the option of the town and shall be collectible in the same manner as city or town taxes are collected, with such penalties and costs as are provided for the payment of such taxes.

(i) All assessments satisfied shall be recorded in the "Assessments Liens for the Town of Edisto Beach" book as soon as full payment is made and the lien shall be thereby extinguished.

(j) The assessments so made by the town shall constitute a lien upon the property so assessed, which shall be superior to all liens except the liens for county, state and city taxes, and payment thereof may be enforced as the payment of city or town taxes is enforced. Such lien shall continue from the date of entry on the "Assessment Liens for the Town of Edisto Beach" book until the expiration of five years beyond the date when final payment is due and payable, unless sooner paid.

(i) The town shall be required to serve by certified mail, return receipt requested, written notice of the final assessment.

(j) Appeal to the town:

(1) Any person aggrieved by a final assessment may appeal the decision to the town by written request stating the reasons therefore filed with the town administrator within ten days of the payment of the assessment under protest or after notice of denial is received.

(2) An appeal or hearing shall be held by the town council within 30 days of receipt of a written request for appeal by the customer. At such hearing, all parties shall have the right to be represented by counsel, to present testimony and evidence, and to cross examine witnesses. The proceedings shall be recorded and transcribed at the expense of the parties so requesting. The rules of evidence and procedure described by the town council under regulation shall govern the hearing. The town council shall, by majority vote of members present, render a written decision based on findings of fact and the application of the standards in this article which shall be served

upon all parties or their representatives and shall be final unless appealed to a court of competent jurisdiction within ten days after service.

(3) No person shall be subject to prosecution for nonpayment of an assessment until the expiration of ten days after notice of the appeal was denied.

(k) Notwithstanding the provisions set forth herein, if a balance remains on a water account after services have been terminated, the town has the right pursuant to the South Carolina Setoff Debt Collection Act to collect any sum due and owed by the customer through offset of the customer's state income tax refund.

(l) The town hereby imposes an administrative fee in the amount of \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code 1976, § 12-56-10 et. seq. This fee is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

(m) The town hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the town, which shall also be added to the delinquent debt and recovered from the debtor.

This ordinance shall take effect upon final reading.

\_\_\_\_\_  
Jane S. Darby, Mayor

First Reading: \_\_\_\_\_

ATTEST:

Final Reading: \_\_\_\_\_

\_\_\_\_\_  
Deborah Hargis, Municipal Clerk

Approved as to form: \_\_\_\_\_

**Natural Hazard Mitigation Plan Resolution**

**WHEREAS**, the Town of Edisto Beach, South Carolina recognizes that the Natural Hazard Mitigation Plan is an assessment of the risks natural hazards present to communities and how losses to human life and to property can be minimized through advance preparation; and

**WHEREAS**, the plan was determined as compliant by the Federal Emergency Management Agency and requires formal community adoption; and

**WHEREAS**, this plan is required by the Federal Emergency Management Agency (FEMA) for all counties and municipalities in the country and projects and actions that are identified in the plan are eligible for FEMA pre-disaster mitigation funding; and

**WHEREAS**, the Town of Edisto Beach has been an “official participant” in the planning process of the Natural Hazard Mitigation Plan that the Lowcountry Council of Governments prepared for Colleton, Hampton and Jasper counties.

**NOW, THEREFORE, be it resolved**, that Town Council of the Town of Edisto Beach, South Carolina endorses the Natural Hazard Mitigation Plan approved by FEMA dated March 30, 2016.

SIGNED, SEALED AND ADOPTED BY Town Council this 14<sup>th</sup> day of April 2016.

\_\_\_\_\_  
Mayor Jane S. Darby

\_\_\_\_\_  
Mayor Pro Tem Susan Hornsby

\_\_\_\_\_  
Councilman Crawford Moore

\_\_\_\_\_  
Councilman Jerome Kizer

\_\_\_\_\_  
Councilwoman Patti Smyer