

# The Edisto Beach Comber

TOWN OF EDISTO BEACH NEWSLETTER, EDISTO BEACH, SOUTH CAROLINA 843-869-2505

June 2018 – website – [www.townofedistobeach.com](http://www.townofedistobeach.com) – like us on Facebook

## MONTHLY MEETINGS

Council WkSess	07/10	10:00 am
Town Council	07/12	6:00 pm
ZBA Meeting	07/16	5:00 pm
PC WkSess	07/18	4:00 pm
Municipal Court	07/19	3:00 pm
Planning Comm	07/24	5:00 pm
Municipal Court	07/26	3:00 pm

## MINUTES May 10, 2018 REGULAR COUNCIL MEETING 6:00 P.M.

Present: Jane S. Darby, Mayor, Crawford Moore, Mayor Pro Tempore, Susan Hornsby, Jerome Kizer, and Patti Smyer, Council Members; *Quorum of Council Present.*

Councilman Kizer led those in attendance in the Pledge of Allegiance and an invocation.

### Approval of Minutes

**A. Regular Council Meeting Minutes, April 12, 2018** – Councilwoman Smyer moved to approve the minutes of the April 12, 2018 regular Council meeting, seconded by Councilwoman Hornsby and unanimously approved.

### Proclamation and Presentations

**A. Resolution 2018-R12 Declaring May 6 – 12 as Municipal Clerk’s Week** - Mayor Pro Tem Moore read the Resolution, which states in part, “Whereas, Deborah Hargis plays a critical and varied role to support the Mayor, Town Council and town staff...Now therefore be it declared by the Council of the Town of Edisto Beach declares May 6 – 12, 2018 as Municipal Clerk’s week in Edisto Beach to recognize and honor the valuable contribution that Deborah Hargis makes to our Town.” Councilwoman Hornsby moved to approve Resolution 2018-R12 Declaring May 6 – 12 as Municipal Clerk’s Week, seconded by Mayor Pro Tem Moore and unanimously approved. Municipal Clerk Deborah Hargis was presented with a framed copy of the Resolution.

### Old Business

**A. Second Reading of Ordinance No. 2018-10 to Amend Section 82-33 Of The Town’s Code To Adjust The Rates For Water Service** – Councilman Kizer moved to approve the second reading of Ordinance No. 2018-10 to Amend Section 82-33 of the Town’s Code to Adjust the Rates for Water Service, seconded by Mayor Pro Tem Moore. This is the second pre-approved increase to fund the water improvement project. The motion was approved unanimously.

## 4<sup>th</sup> OF JULY HOLIDAY CLOSING

In observance of Independence Day, Town Hall will be closed on Wednesday, July 4<sup>th</sup>.



## EDISTO CELEBRATES JULY 4



### The 33rd Annual Hackett Family 4<sup>th</sup> of July Parade

10 am with line up beginning at 9:30 am  
At Mikell Street and Myrtle Street and ending in Whaley’s parking lot. Park and enjoy watermelon after the parade. Walkers, bicycles and golf carts welcome.

### SALUTE TO THE SHORE

1 pm -2 pm to honor our military as vintage and military planes fly over the beach.

### FIREWORKS OVER THE MARSH

Prime viewing from the park, marina and last beach access.

**(ALL EVENTS ARE FREE AND FAMILY FRIENDLY)**

## New Business

### **A. First Reading of Ordinance No. 2018-11 to Adopt the Fiscal Year 2018-2019 Budget**

– Town Administrator Iris Hill gave an overview of the 2018-2019 budget at the Council Worksession, a draft copy of which is attached to these minutes. Councilwoman Smyer moved to approve the first reading of the budget, seconded by Councilman Kizer and unanimously approved.

### **B. First Reading of Ordinance No. 2018-13 to Enact Section 2-31 of the Code of Ordinances for the Town of Edisto Beach Related to Council Compensation**

– Councilwoman Hornsby moved to approve the first reading of Ordinance No. 2018-13 to Enact Section 2-31 of the Code of Ordinances for the Town of Edisto Beach Related to Council Compensation. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

### **C. Town of Edisto Beach Employee Travel Policy Revisions**

– Mayor Pro Tem Moore moved to approve the changes to the Town of Edisto Beach Employee Travel Policy, seconded by Councilwoman Smyer and approved unanimously.

### **D. Donation of Property from Mark Steedley**

– Councilwoman Hornsby moved to not accept the donation of the lagoon system and portions of the marsh from Mr. Steedley. Councilman Kizer seconded the motion, which was unanimously approved.

### **E. Special Event Application, Edisto Watersports and Tackle, Shark Tournament, and request for sponsorship**

– Councilman Kizer moved to approve the special event application from Edisto Watersports and Tackle for the 2018 Shark Tournament to be held on June 9, 2018 from 6:00 a.m. until 7:00 p.m. at Edisto Watersports and Tackle on Docksites Road and approve \$2000 in sponsorship funds from Alcohol Permitting. Councilwoman Hornsby seconded the motion, which was approved unanimously.

### **F. Special Event Application, Town of Edisto Beach and Edisto Chamber, Movies in the Park**

– Councilwoman Smyer moved to approve the special event application from the Town of Edisto Beach and the Edisto Chamber to hold Movies in the Park on June 18, July 16 and August 20, 2018 from 7:00 p.m. – 10:30 p.m. Councilwoman Hornsby seconded the motion, which was unanimously approved.

### **G. June 12, 2018 Work Session Date Change**

– Statewide primaries will be held on Tuesday, June 12, 2018 at Town Hall. Mayor Pro Tem Moore moved to

approve a change in the Work Session to Monday, June 11, 2018 at 10:00 a.m. Councilman Kizer seconded the motion, which was approved unanimously.

### **H. Award of Bid 2018-04 Well House Tract M**

– Councilwoman Smyer moved to approve the award of Bid 2018-04, Well House Tract M to Delta Constructors at a cost of \$21,517.65 and to have the Town Administrator execute said contract. Councilman Kizer seconded the motion, which was unanimously approved.

### **I. Agreement with Coastal Science & Engineering, Inc. for Annual Beach and Inshore Surveys (Years 1 – 5)**

– Councilwoman Hornsby moved to approve the agreement with Coastal Science and Engineering, Inc. to provide the annual beach and inshore surveys for years one through five and authorize the Town Administrator to execute said agreement. Councilwoman Smyer seconded the motion, which is a requirement per the Town's permit for the beach nourishment project. The annual cost is \$50,634 to be funded from local accommodations funds. Councilwoman Hornsby told those in attendance that Big Bay Creek and the borrow area, to be surveyed on alternating years. Mayor Darby called for the vote and the motion was approved unanimously.

### **J. Award of Bid 2018-03 Fire Department Remodel**

– Councilwoman Hornsby moved to defer the award bid 2018-03 and to authorize Administration to rebid the project. Councilman Kizer seconded the motion, which was unanimously approved.

### **K. AirMedCare Network Municipal Site Membership Agreement**

– Councilman Kizer moved to approve the renewal of the AirMedCare network site membership at an annual cost of \$2,465.00 and authorize the Mayor to execute said agreement. Councilwoman Smyer seconded the motion, which was approved unanimously.

### **L. Technology Solutions of Charleston Limited Warranty Agreement**

– Councilwoman Hornsby moved to approve the renewal of the TSC limited warranty agreement for maintenance of the security cameras at an annual cost of \$1,820.00 and authorize the town Administrator to execute said agreement. Councilwoman Smyer seconded the motion, which was unanimously approved.

### **M. Emergency Purchase Order, Booster Pump #1**

– Mayor Pro Tem moved to approve the emergency purchase order for booster pump number one in the amount of \$13,103.00. Councilman Kizer seconded the motion, which was approved unanimously.

## Planning Commission

**A. First Reading of Reading of Ordinance No. 2018-16 to Amend Sections 86-186 of the Town of Edisto Beach Code of Ordinances** – Councilwoman Smyer moved to defer the first reading of Ordinance No. 2018-16 to Amend Sections 86-186 of the Town of Edisto Beach Code of Ordinances. There are questions that Council would like answered prior to the first reading. Councilwoman Hornsby seconded the motion which was unanimously approved.

**B. Coastal Carts of Edisto** – Councilman Kizer moved to approve the Planning Commissions recommendation to grant the request of Coastal Carts of Edisto LLC to operate a golf cart/bicycle rental business from 101 Jungle Road. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

**Committee Vacancies**

**A. Planning Commission** – Councilwoman Smyer moved to approve the applications of William Hackett and Bob Sandifer for the Planning Commission vacancies. Councilwoman Hornsby seconded the motion, which was unanimously approved.

**B. ATAX Board** – Councilwoman Hornsby moved to approve the application of Tyler Von Neida to fill the unexpired term created when Pieter Knot resigned from the ATAX Board. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

**C. Municipal Elections Commission** – Councilwoman Hornsby moved to approve the application of Gloria Zeller to serve a six-year term on the Municipal Elections Commission. Councilwoman Smyer seconded the motion, which was unanimously approved.

**D. ATAX Board – advertise three vacancies** – Councilwoman Smyer moved to approve advertising three vacancies on the ATAX Board. These vacancies are in the Arts and Culture sector (1), the Hospitality/Lodging sector (1) and the At Large sector (1). Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

**Accommodations Tax Advisory Board**

**A. Town of Edisto Beach, Bell Buoy Bond Debt, \$50,000** – Mayor Pro Tem Moore moved to approve the ATAX Board’s recommendation to grant the request of the Town of Edisto Beach for \$50,000 to pay the interest only portion of the Bell Buoy Bond debt. Councilman Kizer seconded the motion, which was unanimously approved.

**B. Town of Edisto Beach Police Department, Beach Patrol, \$9,000** – Councilwoman Smyer moved to approve the ATAX Board’s recommendation to grant the request of the Police Department for \$9,000 to fund the beach patrol for the summer of 2018. Councilman Kizer seconded the motion, which was approved unanimously.

**Departmental Reports and Committee Updates**

Mayor Darby told those in attendance that the Myrtle Street project bids have come in under the projected price. The bid would be awarded within the next 30 days and should start the middle of July and finish no later than October.

**Administration**

There was no financial report due to the hiring and training of Jennifer Daniels, the new Financial/Budget Analyst.

	March 2018	April 2018
Facebook likes	10,250	10,231
FOIA requests	11	2

Freedom of Information Act requests were received from Lee Frank and one with two subparts from Kevin Cook.

**Building**

Patrick Brown, Building Official, gave the report for the month ending April 30, 2018.

	April -17	April - 18	YTD
Business/Rental License Fees	\$12,862.7	\$16,071.7	\$288,023.9
New Construction Permits	0	0	7
Other Permits	1	0	7
Permit Fees	33	38	240
Inspections	\$8,011.70	\$7,122.00	\$53,446.00
Bay Creek Park	40	161	564
	\$2,065.00	\$3,561.00	\$7,552.78

Earlier this week, Patrick Brown was elected and installed as President for the Building Officials Association of South Carolina.

**Fire**

Fire Chief Denney Conley gave the report for the month of April 2018.

Calls	April - 17	April - 18	YTD
Medical	13	21	175
Fire-related	6	4	89
EMS/Misc	81	74	558
Beach Wheel Chairs	5	6	67
Water Rescue	4	1	4
Welfare Checks	29	29	304

Chief Conley reported that the lagoon cleanup was very successful. There were 2 thirty-yard containers full of debris taken from the lagoons during the two-day event.

### Police

Police Chief George Brothers gave the report for April 2018.

	April - 17	April - 18	YTD
Miles Patrolled	7,761	11,330	90,315
Incidents & Calls for Service	195	189	1,248
Calls for 2 or More Officers	33	60	2,145
Property Checks	787	975	7,418
Alarm Calls	14		112
Town Parking Tickets	30	50	209

The week of May 14, 2018 is National Police Week. There will be 135 names installed on the Law Enforcement Memorial for officers killed in action. Four of the officers that were killed were South Carolina officers. In 2018, there have been 53 officers killed in the line of duty, three from South Carolina. Mayor Darby asked for a moment of silence in memory of the fallen officers.

### Utilities

Utilities Director Bob Doub gave the report for the month of April 2018.

	April - 17	April - 18	YTD
Pumped MG Water	13.47	10.38	109.20
Treated MG Wastewater	5.72	4.54	47.94
Water Line Repairs	2	6	45
Work Order Repairs	52	43	331

The pump house on Tract M has been demolished. The water tower repairs and cleaning have been completed and American Engineering and an inspector from Utility Services and a representative from Tnemec Coating inspected the tank. The tank was then refilled and, after the required testing, was back on-line on April 17, 2018.

### Public Works

Bob Doub, Public Works Director, gave the report for the month ending April 30, 2018. In the Public Works Department, they completed 26 work orders for garbage containers, cleaned and trimmed trees and vines on beach access 18, trimmed and mowed beach accesses 2, 3 and 7. They cut and removed downed trees at beach access 37, mowed and trimmed the Town Hall complex, McConkey Square, Bay Creek Park the Jungle Road Park parking area and Burley L. Lyons Park. They filled potholes on Jenkins Street and relocated dog boxes on beach accesses 1 -9. They raised several benches on beach access that were too low and put up additional poles and rope at beach access 8. Councilwoman Smyer recognized the Public Works Department for their help in the lagoon clean up.

### Edisto Chamber of Commerce

Lisa Harrell, Chamber Director, gave the report for the Edisto Chamber of Commerce for April 2018.

- The Chamber has published a new wedding brochure.
- The First Annual Paddle Board and Kayak Race will be on Saturday, May 12, 2018 at 10:00 and will start at Live Oak Landing. All proceeds will be donated to ALOE.
- On Monday, May 14<sup>th</sup>, the Edisto Art Guild will have a program at the Civic Center featuring Dan Brailsford, musician and historian.
- On May 19<sup>th</sup>, a Cobia Tournament will be held at the Edisto Marina.
- The Edisto Beach Blood Drive will be held on May 22, 2018 from 10:30 a.m. – 5:00 p.m.
- On May 25<sup>th</sup> there will be a book signing featuring Hope Clark at the Edisto Book Store.
- On June 2, 2018 from 10:00 – 12:00 Turtlefest will be held at the Edisto Beach State Park.
- On June 2<sup>nd</sup> and 3<sup>rd</sup>, the Jennie Gowan Memorial Art Show will be held at the Civic Center.
- Bingo at the Lions Club starts June 2<sup>nd</sup> and will be held every Tuesday and Thursday throughout the summer.
- The Arts and Crafts Market is held at Bay Creek Park every Wednesday.

- Arts in the Park will start with the Appalachian Ballet Company's "Blue Jeans and Ballet" performance on June 10<sup>th</sup> at 6:00 p.m.

### **Public Comment Period**

There was no one signed in to speak at the meeting, but Mr. Hook and Mr. Harman, owners of 129 Palmetto Boulevard spoke at the worksession regarding access to the beach where beach access 1A used to be.

### **Executive Session**

Councilwoman Smyer moved to go into executive session, seconded by Mayor Pro Tem Moore and approved unanimously.

Mayor Pro Tem Moore moved to exit executive session, seconded by Councilwoman Hornsby and unanimously approved.

**A. Legal Advice Regarding Water Improvement Project** – No action was taken by Council on this matter.

**B. Legal Advice Regarding Rental Contracts at the Civic Center** – Mayor Darby asked Town Attorney Bert Duffie for instruction on how to proceed. Mr. Duffie stated it was his recommendation that Council consider a motion to amend the Civic Center rental rules to prohibit rentals for religious worship services. Mayor Darby made a motion to amend the Civic Center rental rules to prohibit rentals for religious worship services. Councilwoman Hornsby seconded the motion. Mr. Duffie went on to explain, "The Town has received requests for church organizations to rent the Civic Center for their worship services. I have done research at the Town's request on this issue. It's my legal opinion that that type of rental is prohibited by the First Amendment Establishment Clause. The Establishment Clause says that no governmental entity shall endorse or establish or support a religion. That's what we commonly refer to as separation of church and state. In this particular situation when you have worship services, which is sort of the core of a religious activity obviously, you have signs that are put out at the Civic Center with the religious organization's name on it and the Edisto Beach Civic Center's name on it, there's potential for flyers to be given out, and it gives the appearance that the Town is endorsing or supporting whichever particular religious organization that is. So that could violate the Establishment Clause and put the Town at risk for liability. The other aspect of it is, the rentals at the Civic Center, being governmental rentals are generally less costly than private party rentals, so if you have an organization that is trying to use the Civic Center as its quote 'Church' what the case laws demonstrate is that has been termed a subsidy, where the government is

subsidizing through that type of rental, the establishment of that church, and that again, could violated the Establishment Clause. So, you have these issues with the religious worship services that give the potential and the appearance of violating the Establishment Clause, the First Amendment, separation of church and state and therefore, that's why counsel, this counsel, legal counsel is requesting that Town Council amend the policy to prohibit that." Mayor Darby called for the vote and the motion passed unanimously.

**C. Legal Advice Regarding Beach Access #1A** – Mayor Darby moved to authorize the Administrator and Town Attorney to negotiate ingress and egress for the public for beach access 1A. If this then fails, then authorize the Town to initiate legal action. Mayor Pro Tem Moore seconded the motion, which was approved 4 – 0 with Councilman Kizer recused.

### **Adjournment**

Councilman Moore moved to adjourn the meeting, seconded by Councilman Kizer and unanimously approved.

*The media/public was informed of the date, time and location of the meeting on Thursday, May 3, 2018.*