

AGENDA
TOWN OF EDISTO BEACH
February 13, 2014
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 Minutes, January 9, 2014
- IV. Proclamations and Presentations**
 - A. 15 Year Service Award-Walter Hutchinson
 - B. 5 Year Service Award-Iris Hill
 - C. Starfish Awards -Kyle Cahill, Linda Hoff, Trae Wright, Billy Callahan
- V. Old Business**
 - A. Second Reading of Ordinance 2014-03 to Suspend Section 82-1(b) of the Code of Ordinances with Regard to the Current Water and Sewer Bill due from Plantation Grille to Allow for a Repayment Agreement
 - B. Progressive Design Build Procurement for Water Supply and Quality
- VI. New Business/Appearances**
 - A. Six Month Budget Adjustments
 - B. Special Event Application for the Edisto Beach Road Race
 - C. Special Event Application for the Edisto Marina Governor's Cup Billfishing Tournament
 - D. Special Event Application for the 4th Annual Edisto Eats Festival and Ultimate Chef Competition
 - E. RFQ 2013-04 Beach Stabilization
- VII. Planning Commission**
 - A. 140 Jungle Road-Island Bikes and Outfitters-Storage Room Addition
- VIII. Accommodation Tax Advisory Board**
 - A. Town of Edisto Beach Police Department-Beach Patrol 2014-\$20,000
 - B. Town of Edisto Beach Fire Department-Beach Wheel Chair Storage Building Enclosure-\$5,500
 - C. Town of Edisto Beach Fire Department-Beach Wheel Chair Parts Storage Locker-\$1,057.30
 - D. Edisto Marina Governor's Cup Billfishing Tournament-\$11,000 plus park fees waived
- IX. Committees**
 - A. Accommodations Tax Advisory Board-Vacancy Hospitality/lodging
- X. Departmental Reports and Committee Updates**
- XI. Public Comment Period**
- XII. Council Time-Work Session Only**
 - A. Resolution 2014-R04, Suspension of Agriculture Withdrawal – Mayor Lyons
- XIII. Adjournment**

TOWN OF EDISTO BEACH

AN ORDINANCE

TO SUSPEND SECTION 82-1(b) OF THE CODE OF ORDINANCES WITH REGARD TO THE CURRENT WATER AND SEWER BILL DUE FROM THE PLANTATION GRILLE TO ALLOW FOR A REPAYMENT AGREEMENT

WHEREAS, Mr. Leland Vaughan has asked for special consideration for the current water and sewer charges for the Plantation Grille. He would like to pay the bill over the first six months of 2014 with equal payments; and

WHEREAS, a proposed agreement has been drafted between Plantation Grille and the Town to allow for the repayment, a copy of which is attached as Exhibit A; and

WHEREAS, Section 82-1(b) of the Town's Code does not give the Town authority or flexibility to allow for a repayment plan, thus this Ordinance is being adopted to suspend the application of that section in this particular situation on a one-time basis only in order to allow for the payback agreement in question.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF EDISTO BEACH THAT:

1. The payment provisions of Section 82-1(b) of the Town's Code as it related to water and sewer charges are hereby temporarily suspended on a one-time basis as to Plantation Grille for the sole purpose of allowing the repayment agreement as set forth in the attached Exhibit A. This suspension shall not apply to any other customer, nor shall it apply to Plantation Grille for future water and sewer charges. The suspension shall expire and terminate upon the first of either Plantation Grille defaulting on the terms of the repayment agreement or full payment by Plantation Grille of the amount due under the repayment agreement.
2. The Mayor and Town Administrator are hereby authorized to execute the repayment agreement set forth in Exhibit A on behalf of the Town.

This ordinance shall take effect upon adoption.

Burley L. Lyons, Mayor

First Reading: 1/09/2014

Second Reading: 2/13/2014

Iris Hill, Town Administrator

Approved as to Form: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF COLLETON)

MEMORANDUM OF UNDERSTANDING

WHEREAS, the six (6) month water bill due to the Town of Edisto Beach by Plantation Grille for the period December 1, 2013 to May 31, 2014 was not paid leaving an outstanding balance of \$12,622.16 to date; and

WHEREAS, the Plantation Grille, by and through its manager Leland Vaughan, has requested that it be permitted to pay the delinquent bill in equal monthly installments without further penalties accruing; and

WHEREAS, the Town of Edisto Beach recognizes the unique benefit the restaurant provides to the town, its citizens, guests, and economy, and, therefore, agrees to allow for the payment on the terms set forth below on a one-time basis only.

NOW, THEREFORE, BE IT MUTUALLY UNDERSTOOD AS FOLLOWS:

1. The Town of Edisto Beach and Plantation Grille mutually agree to the terms set forth below.
2. The parties fully incorporate the recitals set forth above as if fully rewritten.
3. Plantation Grille acknowledges the utilities charges and bill dated December 2, 2013 in the amount of \$12,622.16 are proper for services received from the Town and Plantation Grille hereby waives any and all right to dispute and/or challenge the charges.
4. The Town of Edisto Beach permits and Plantation Grille agrees to pay the said utilities charges in the amount of \$ 2,103.69 in six (6) equal monthly payments with the first and second payment being due and payable to the Town on or before February 20, 2014, and each subsequent payment being due and payable on the 15th day of the month beginning March 15, 2014.
5. Provided that Plantation Grille is making payments as set forth in paragraph 4, the Town will hold late fees in abeyance and upon full payment being made by Plantation Grille in accordance with the terms herein, late fees will be waived by the Town.
6. If Plantation Grille fails to make a payment as required by paragraph 4 herein, the Town will disconnect utilities service to the Plantation Grille on the 20th day of the month in which the payment is not made. Further, in that event, the balance of the service charges, all late fees and reconnect fees will be immediately due and payable to the Town.
7. This agreement shall only be for one time and shall not be deemed or interpreted as applying to any other charges, whether past or future.

This Memorandum is made effective this ____ day of February, 2014.

Town of Edisto Beach

Plantation Grille.

By:

By:

Burley L. Lyons, Mayor

Leland Vaughan

No. 2014 – R04

REQUESTING THE IMMEDIATE SUSPENSION OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AGRICULTURAL SURFACE WATER WITHDRAWAL REGISTRATION NUMBER 02IR025 RELATING TO WALTHER FARMS

WHEREAS, The Town of Edisto Beach Council is committed to helping ensure the health, safety, and general welfare of the citizens of Edisto Beach; and

WHEREAS, The Town of Edisto Beach Council believes the rights of all citizens to use and enjoy the Town's natural resources must be protected; and

WHEREAS, the Edisto River ("River") is an extremely important natural resource that greatly affects The Town of Edisto Beach citizens, as well as citizens throughout the state; and

WHEREAS, DHEC issued the registration without any public notice, consultation with the Department of Natural Resources, or input from Edisto Beach citizens, some of whom work, own property and enjoy recreational activities in and along the River, thus depriving them of an opportunity to ask questions, express concerns, or otherwise be heard; and

WHEREAS, subsequent to the Registration there has been great public outcry and concern regarding the impact that such a large withdrawal of water will have on the biological, chemical, and physical integrity of the River, as well as the public's reasonable use of the River; and

WHEREAS, The Town of Edisto Beach Council believes that permitting such a large withdrawal of water from the River as authorized by the Registration without obtaining sufficient input from the public is unconscionable and unreasonable.

NOW THEREFORE, be it resolved by Edisto Beach Town Council as follows:

Section 1. Edisto Beach Town Council hereby fully supports, endorses and requests the immediate suspension of Agricultural Surface Water Withdrawal Registration #02IR025. Edisto Beach Council strongly urges the South Carolina Department of Health and Environmental Control to conduct a series of public hearing regarding the Registration and to not lift the suspension if the Edisto River or the public's use of the river is in any way threatened by the withdrawal authorized by said Registration.

Section 2. Town Council hereby authorizes the Town Administrator to take such steps as are necessary to communicate this Resolution to the South Carolina Department of Health and Environmental Control.

Section 3. All orders, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This resolution shall take effect and be in full force from and after its passage by the Edisto Beach Town Council.

SIGNED, SEALED AND ADOPTED BY Town Council this 13th day of February, 2014

Burley L. Lyons, Mayor

Jane S. Darby, Mayor Pro Tempore

Pete Anderson, Council Member

Susan Hornsby, Council Member

Patti Smyer, Council Member

Iris Hill, Town Administrator