

MINUTES
APRIL 9, 2020
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

Town of Edisto Beach
Town Hall
2414 Murray Street
Edisto Beach, SC 29438

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

Approval of Minutes

A. Regular Council Meeting Minutes, March 12, 2020, Emergency Special Council Meeting Minutes, March 16, 2020, Emergency Special Council Meeting Minutes, March 20, 2020, Emergency Special Council Meeting Minutes, March 25, 2020, Emergency Special Council Meeting Minutes, March 27, 2020, Emergency Special Council Meeting Minutes, March 29, 2020 and Special Council Meeting Minutes, April 2, 2020 – Mayor Pro Tem Moore moved to approve the minutes listed. Councilman Kizer seconded the motion, which was approved unanimously.

New Business

A. Recurring Special Event Application, Edisto Chamber, Movies in the Park 2020 – Councilman Kizer moved to approve the application from the Edisto Chamber to hold Movies in the Park on June 10, July 8 and August 5, 2020. Councilwoman Hornsby seconded the motion, which was unanimously approved.

B. Recurring Special Event Application, Edisto Chamber, Rescheduled Edisto Road Race – Councilwoman Smyer moved to approve the change in the application submitted by the Edisto Chamber for the Edisto Road Race. This event was scheduled to be held on March 21, 2020. Due to COVID-19 it has been rescheduled for November 14, 2020. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

C. Janitorial Services Contract – Councilwoman Smyer moved to approve the Janitorial Services Contract with Phoenix Home Care, LLC for the Civic Center. Mayor Pro Tem Moore seconded the motion, which was unanimously approved.

D. Budget Adjustment – VC3 Windows Upgrade Edisto Incode and Edisto RMS01 - \$8,618.47 – Councilman Kizer moved to approve the adjustment to the budget for the Windows upgrade and RMS1 in the amount of \$8,618.47 to be transferred from the Contingency Account (10-4900.9999) to Computer Hardware/Software (10-4110.6310). The motion was seconded by Councilwoman Smyer and approved unanimously.

E. One-Time Revenue Policy – Councilwoman Hornsby moved to approve the one-time revenue policy, seconded by Mayor Pro Tem Moore and unanimously approved.

F. Structurally Balanced Budget Policy – Councilman Kizer moved to approve the structurally balanced budget policy, seconded by Mayor Pro Tem Moore and approved unanimously.

Committee Vacancies

A. Planning Commission, 1 vacancy – The term of Darrin Moore expires on May 31, 2020. Mr. Moore is not eligible to serve another term. Mayor Pro Tem Moore moved to approve advertising this vacancy, seconded by Councilman Kizer and unanimously approved.

Departmental Reports and Committee Updates

Administration

There were four Freedom of Information Act requests in the month of March; three from Irv Levine and one from William Hackett. The Town’s Facebook page has 17,888 followers. Almost 13,000 people saw the Emergency Order 2020-11.

	Received	Spent
General Fund	64.40%	59.78%
Water Fund	60.27%	71.85%
Wastewater Fund	60.62%	60.51%

Building

	March - 2019	March - 2020	YTD
Business/Rental License Fees	\$16,942.76	\$25,248.52	\$69,131.85
New Construction Permits	1	2	10
Other Permits	41	50	246
Permit Fees	\$6,584.50	\$12,157.50	\$53,481.00
Inspections	45	57	372

Fire

Calls	March - 19	March- 2020	YTD
Medical	24	12	151
Fire-related	15	2	93
EMS/Misc	34	3	251
Beach Wheelchairs	1	0	66
Water Rescue	0	0	6
Welfare Checks	28	0	

Police

	March- 19	March- 2020	YTD
Miles Patrolled	11,382	8,472	81,258
Incidents & Calls for Service	204	77	842
Property Checks	910	939	8,169
Town Parking Tickets	10	11	325

Utilities

	March- 19	March- 2020	YTD
Pumped MG Water	6.77	7.85	94.54
Treated MG Wastewater	3.36	2.52	21.71
Water Line Repairs	9	5	42
Work Order Repairs	43	46	372

Public Works

The Public Works Department has been busy cleaning up beach accesses and Bay Creek Park; cleaning the bike path and sidewalk along Lybrand and Docksite Road, trimming salt cedars along the causeway and performing maintenance on mowing equipment to make sure everything is ready for summer.

Special Projects

	March - 20
Edisto Civic Center	\$1,898.50
Bay Creek Park	\$1,955.00

Chamber of Commerce

The Edisto Chamber is currently working remotely from home to reduce the risk of public contact. (The Civic Center is closed to the public, but the common areas/entrances are utilized by other tenants with keys to the facility.)

Due to COVID-19, all events on the calendar have been cancelled through April along with most of the events in May. We are working on a revised advertising strategy to keep the interest of our tourists while we are closed to the public.

Executive Session

A. Receipt of legal advice covered by the attorney-client privilege related to the Town of Edisto Beach's Emergency Order 2020-12, Governor McMaster's Executive Order 2020-21, current measures taken by the Town of Edisto Beach and possible future measures to lessen the impact of COVID-19 – Mayor Pro Tem Moore moved to go into Executive Session to discuss this item, seconded by Councilman Kizer and approved unanimously.

Councilman Kizer moved to exit Executive Session, seconded by Councilwoman Smyer and approved unanimously.

Mayor Pro Tem Moore read portions of Ordinance 2020-13, which is attached to these minutes.

Mayor Pro Tem Moore moved to approve Ordinance 2020-13, seconded by Councilwoman Smyer and unanimously approved.

Adjournment

Mayor Pro Tem Moore moved to adjourn the meeting, seconded by Councilwoman Smyer and approved unanimously.

The public/media was informed of the location, date and time of the meeting on Friday, April 3, 2020.

APPROVED BY TOWN COUNCIL



Deborah Hargis, Municipal Clerk
May 14, 2020

TOWN OF EDISTO BEACH
EMERGENCY ORDINANCE 2020-13

WHEREAS, the United States of America, the State of South Carolina, and the Town of Edisto Beach have declared emergencies related to the spread of COVID-19 virus; and

WHEREAS, in order to lessen the intensity and duration of the crisis, reduce the stress on our first responders and healthcare system, and to prevent unnecessary deaths, all citizens must prepare to make sacrifices; and

WHEREAS, on March 25, 2020 the Edisto Beach Town Council enacted Emergency Ordinance 2020-09 which, in part, placed a temporary suspension of all short-term rental occupancy as well as day visitors to the Town, and, thereafter, on March 27, 2020 the Town Council enacted Emergency Ordinance 2020-10 which repealed Ordinance 2020-09 after receipt of an opinion from the South Carolina Attorney General; and

WHEREAS, as a result of the Town re-opening on Friday, March 27 the Town has received a substantial influx of visitors over the weekend, including visitors from the areas with substantial community spread as defined in the Governor's Executive Order 2020-14, all as demonstrated by the numerous anecdotal account of citizens, personal observation of Town Council members and staff, photographic evidence, and vehicular data, swelling its population by significant numbers in a short period of time, and it is anticipated that the number of visitors will remain at heightened levels throughout the State of Emergency due to other nearby beach and resort communities "closing their doors" and due to the large number of business and school closures; and

WHEREAS, throughout the weekend people were protesting beside the road against visitors coming to the Town and there is potential for conflict between people, as well as potential unsafe situations for vehicular traffic; and

WHEREAS, the Governor's Executive Order 2020-13 directs local law enforcement to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, the Governor's Executive Order 2020-13 also authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of any Order issued by the undersigned in connection with the same; and

WHEREAS, the Governor's Executive Order 2020-14 directs that an individual who enters the State of South Carolina from an area with substantial community spread, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana, shall isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina; and

WHEREAS, in the Governor's Executive Order 2020-14, he authorizes, orders, and directs any State, county, or city official to enforce the provisions of the Order and any prior or future Orders issued in connection with the present State of Emergency; and

WHEREAS, the Town of Edisto Beach does not have the manpower in its police department to comply with the Governor's Orders, maintain the peace, protect against the effects of the virus, and provide adequate law enforcement in the Town in the event of the large influx of visitors; and

WHEREAS, the re-opening of the Town caused a serious impediment to the Town's ability to (1) enforce the Executive Orders of the Governor, (2) maintain peace and good order during the State of Emergency, and (3) potentially provide necessary municipal services to the citizens of the Town of Edisto Beach, all while causing a serious possibility of community spread of Covid-19 in direct contravention of the Governor's orders; and

WHEREAS, Town Council is concerned it may not be able to serve the emergency medical needs of the community since the nearest local hospitals are approximately 50 miles away; the nearest pharmacy is approximately 25 miles away and there is only one part-time physician; and

WHEREAS, on March 29, 2020 the Town Council enacted Emergency Ordinance 2020-11 to reinstate the protective measures and restrictions set forth in Emergency Ordinance 2020-09; and

WHEREAS, this Emergency Ordinance 2020-12 is being enacted to supersede, replace, and supplement the previous Emergency Ordinances to add a penalty provision, an effective time provision, and a recommendation to Stay at Home to the protective measures set forth in Emergency Ordinance 2020-11 to further protect the citizens of the Town of Edisto Beach and to stem the spread of COVID-19; and

WHEREAS, this Emergency Ordinance is narrowly tailored to address the specific public safety concerns arising from this State of Emergency and is temporary in effect; and

WHEREAS, Section 5-7-250 of the South Carolina Code of laws provides that to meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, in Council assembled, that:

1. This Emergency Ordinance 2020-13 supersedes and replaces Emergency Ordinances 2020-09, 2020-10, 2020-11 and 2020-12
2. A local state of emergency has been declared for the Town of Edisto Beach, South Carolina pursuant to Section 26-33 of the Code of Ordinances of the Town of Edisto Beach.
3. The state of emergency shall continue for a period of not more than sixty days from the date of this declaration unless continued or renewed by the Council of the Town of Edisto Beach.
4. **Short-Term Rentals (less than 30 days) and Other Overnight Accommodations:** No new check ins are permitted beginning 5 p.m. Sunday, March 29, 2020 through April 30, 2020. Visitors currently checked in may remain until the end of their existing reservations.
5. **Long-term rentals** of 30 days or more shall be prohibited if the occupancy commencement date begins any time from 5 p.m. Sunday, March 29, 2020 through April 30, 2020. Existing long-term rentals that have already commenced occupancy as of the date of this ordinance shall be permitted by showing a valid lease agreement.
6. **Physical businesses** (except essential businesses as defined by the CDC) may not allow patrons indoors or to shop on-premises and must follow Centers for Disease Control (CDC) guidelines. However, business employees may come to work with a pass as determined appropriate by the Police Chief from their employer confirming their work status, and businesses may continue to serve clients virtually, by delivery, or at a service window. The grocery store and gas station are deemed essential by the CDC and may continue to allow customers inside. Restaurants can continue with take-out and delivery services. Private Boat charters are not allowed as they cannot practice social distancing.
7. **Construction and service businesses** may continue, but the crew is limited to the job site premise only, with the exception that the crew may patronize food establishments and gas stations in the Town. Employees must have a copy of the permit (if applicable) and the 2020 business license vehicle sticker or copy of current business license. Please expect substantial delays in processing new building permit and business license applications.
8. **All Other Checkpoint Regulations:**
 - o Checkpoint will be operational 24 hours a day until further notice.
 - o All persons who are not residents of the Town or who do not own real property in the Town are prohibited from entering the Town until April 30, 2020, unless otherwise authorized in this ordinance.

- Residents and property owners: Please bring one form of identification showing residency or ownership (driver's license, utility bill, deed, tax bill, lease, etc.) If the property is owned by a LLC or other group, documentation must be provided showing owners.
- Edisto Island residents: will continue to be allowed to access essential businesses (BiLo and Gas station) and restaurants as long as they have proof of Edisto island residency.
- Relatives and family members: Immediate family members (defined as spouse, children, parents, grandparents) are allowed as long as accompanied by an owner.
- Guest passes are not permitted.
- Delivery persons who can demonstrate business on the beach at the checkpoint (including pharmacy, FedEx, UPS, Amazon, building supply, and food delivery) by showing delivery order, address, and goods at the checkpoint.
- Caretakers: Professional caretakers are limited to caretakers with professional medicalservice credentials.
- Essential Business Employees Essential business employees will still be allowed past the checkpoint.
- Media personnel with media credentials presented.
- Town Parks, playgrounds and facilities will be closed.

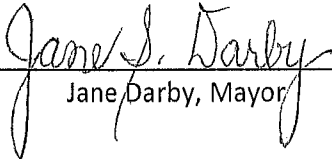
9. Stay at Home Recommendation

The Town Council strongly urges individuals to stay in their homes and not travel through or congregate in the streets, sidewalks, waterways and/or public spaces in the Town of Edisto Beach.

10. Penalties. Any violation of the provisions of this Emergency Ordinance or any other Emergency Ordinance enacted by Town Council, including failure to comply with the instructions of law enforcement made pursuant to this Emergency Ordinance or any other Emergency Ordinance enacted by Town Council, is unlawful. A person violating these provisions may be penalized by (1) an infraction, punishable by a civil fine of not less than \$10.00 nor more than \$100.00, or (2) as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency) which provides a person violating its provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or (3) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. Any failure to comply with this Emergency Ordinance or any other Emergency Ordinance enacted by Town Council, including efforts to circumvent an emergency ordinance, may also be penalized as provided in Section 18-48 of the Town of Edisto Beach Code of Ordinances allowing for suspension or revocation of business license and may result in the loss of a business license or other measures.

- 11. Time Effective.** This Emergency Ordinance shall be effective upon adoption and shall continue through April 30, 2020.

Enacted this 9th day of April, 2020, by Town Council of the Town of Edisto Beach, South Carolina.


Jane Darby, Mayor

Attest:


Iris Hill, Town Administrator