

MINUTES
MAY 14, 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.*

Pledge of Allegiance and Invocation

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

Approval of Minutes

- A. Regular Council Meeting Minutes, April 9, 2020, Special Council Meeting Minutes, April 16, 2020, Special Council Meeting Minutes, April 22, 2020**– Mayor Pro Tem Moore moved to approve the minutes of the April 9, 2020 meeting, seconded by Councilwoman Smyer and unanimously approved.

Proclamations and Presentations

- A. Five Year Service Award – Sara Simpson** - Mayor Darby announced a five year service award was given to Sara Simpson, Utilities Secretary.
- B. Starfish Awards – David Cannon, Laurie Sanders and Darrin Moore** – Mayor Darby thanked David Cannon (Beachfront Management Committee), Laurie Sanders (Water and Sewer Committee) and Darrin Moore (Planning Commission) for their service and contributions to various committees.
- C. Presentation of Plaque to Outgoing Judge Thomas Weeks** – Council and Mayor Darby recognized Judge Tom Weeks for his service as Municipal Judge.
- D. New Municipal Judge Susan Williams** – Mayor Darby introduced new Municipal Judge Susan Williams.
- E. Municipal Association Award (1 – 1,000 population category)** – Mayor Darby announced the Town of Edisto Beach has won a Municipal Association Award for the category 1 – 1,000 population, for the Town’s Water Improvement Project.

Old Business

- A. Second Reading of Ordinance No. 2020-04 to Amend Section 82-33 to Adjust the Rates for Water Service** – Councilwoman Smyer moved to approve the second reading of Ordinance No. 2020-04 to amend section 82-33 to adjust the rates for water service. This is a 15% increase to fund the Water Improvement Project. Mayor Pro Tem Moore seconded the motion, which was unanimously approved.
- B. Second Reading of Ordinance No. 2020-05 to Amend Section 82-139 to Adjust the Rates for Sewer Service** – Councilman Kizer moved to approve the second reading of Ordinance No. 2020-05 to adjust the rates for sewer service. This is a 3% increase. Councilwoman Smyer seconded the motion, which was approved unanimously.

New Business

- A. First Reading of Ordinance No. 2020-15 to Adopt the Budget for Fiscal Year 2020-21 for the Town of Edisto Beach, South Carolina for the Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021** – Assistant Town Administrator Mark Aakhus and Financial/Budget Analyst Krystal Parsons gave a presentation on the FY2020-2021 Budget, a copy of which is attached to these minutes. Mayor Pro Tem Moore moved to approve the first reading of Ordinance No. 2020-15 to Adopt the Budget for Fiscal Year 2020-21 for the Town of Edisto Beach South Carolina for the Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021. Councilman Kizer seconded the motion, which was approved unanimously.
- B. First Reading of Ordinance No. 2020-16 to Amend Section 66-8 (c) to Adjust Fees for Garbage Collection and Transportation** – Councilman Kizer moved to approve the first reading of Ordinance No. 2020-16 to Amend Section 66-8(c) to Adjust Fees for Garbage Collection and Transportation. The fee for cans other than the first can will be increased from \$52.50 to \$89.50 every six months. Councilwoman Smyer seconded the motion, which was unanimously approved.
- C. State and Subrecipient Public Assistance Funding Agreement COVID-19 (FEMA-4492-DR-SC)** - Councilwoman Smyer moved to approve the State and Subrecipient Public Assistance Funding Agreement and authorize the Town Administrator to execute said agreement. Mayor Pro Tem Moore seconded the motion which was approved unanimously.
- D. AirMedCare Network Municipal Site Membership Agreement** – Councilman Kizer moved to approve the AirMedCare agreement to provide emergency air medical transport for employees of the Town of Edisto Beach at a cost of \$1,755.00. Mayor Pro Tem Moore seconded the motion which was unanimously approved.
- E. Indigent Defense Contract Renewal** – Mayor Pro Tem Moore moved to approve the renewal of the Indigent Defense Contract with Ashley Hudson-Scott at a cost of \$200 per case. Councilman Kizer seconded the motion, which was approved unanimously.
- F. Garbage Container Roll in/Roll Out Service Contract Renewal** -Councilwoman Smyer moved to approve the renewal of the contract for roll in/roll out services with Lyons Contracting, LLC at a cost of \$6.00 per container. Councilman Kizer seconded the motion which was unanimously approved.
- G. Highway 174 Litter Removal Contract Renewal** – Mayor Pro Tem Moore moved to approve the contract with Wright 4 U Services for roadside litter removal from the McKinley Washington Bridge to the causeway at a cost of \$238.50 per week. This is the last extension of the contract with Wright 4 U Services. Councilwoman Smyer seconded the motion, which was approved unanimously.
- H. Emergency Decal Policy** – Councilman Kizer moved to approve the Emergency Access Decal Policy. This provides decals to property owners making re-entry to the beach easier during emergency events. Councilwoman Smyer seconded the motion, which was unanimously approved.
- I. Award of RFP No. 2019-10, Architectural Service for Edisto Beach Town Hall** – Councilman Kizer moved to approve the award of RFP No. 2019-10, Architectural Services for Edisto Beach Town Hall to Coast Architects at a cost not to exceed \$50,000 for Phase I and authorize the Town Administrator to authorize said agreement. Councilwoman Smyer seconded the motion. Mayor Darby clarified that the project would only go forth if funded by the Colleton County capital project sales tax which will be voted on in 2022. The motion was approved unanimously.
- J. Award of RFP No 2020-03, Professional Tank Maintenance Program** – Mayor Pro Tem Moore moved to approve the award of RFP No. 2020-03, Professional Tank Maintenance Program to Suez Advanced Solutions for \$20,253.00 for year one and authorize the Town Administrator to negotiate and execute said agreement. Councilman Kizer seconded the motion, which was unanimously approved.

- K. Award of RFP No. 2020-04, Fire Station Barracks Remodel** – Councilwoman Smyer moved to approve the award of RFP No. 2020-04, Fire Station Barracks Remodel to Mitchell Construction at a not to exceed cost of \$103,030 and authorize the Town Administrator to negotiate and execute the contract. This project is funded in part by the General Fund (\$35,570) and the Volunteer Fire Department (\$50,000). Councilman Kizer seconded the motion, which was approved unanimously.
- L. Transfer of Funds Road Maintenance Dolphin and Fort Streets** – Councilwoman Smyer moved to approve the transfer of \$23,600 from 10-4900-999 General Fund Contingency to 10-4700-4010 Public Works Street Improvement Repairs. Mayor Pro Tem Moore seconded the motion which was unanimously approved.
- M. First Reading of Ordinance No. 2020-17 to Amend Section 78-36 Penalty for Parking Violations** – Councilman Kizer moved to approve the first reading of Ordinance No. 2020-17 to Amend Section 78-36 to increase the penalty for parking violations from \$25.00 to \$50.00. Councilwoman Smyer seconded the motion which was approved unanimously.
- N. Work Authorization No. 1 Billow/Arc Streets Stormwater Project** – Councilwoman Smyer moved to approve Work Authorization No. 1 Billow/Arc Streets Stormwater Project to Davis and Floyd at a cost not to exceed \$35,000 to evaluate and design the project. Funds are budgeted under General Fund Other Capital Improvements. Councilman Kizer seconded the motion, which was unanimously approved.
- O. Bay Creek Market Fee for 2021** – Councilman Kizer moved to approve setting the fee for market vendors at \$20.00 regardless of where a vendor lives. This change was suggested at the Annual Goal Setting Retreat. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.
- P. Civic Center Rates** – Councilwoman Smyer moved to approve the new Civic Center rates discussed at the Annual Goal Setting Retreat. Councilman Kizer seconded the motion, which was unanimously approved.
- Q. Bay Creek Park Rental Rates** – Mayor Pro Tem Moore moved to approve the new Bay Creek Park Rental Rates that were suggested at the Annual Goal Setting Retreat. Councilwoman Smyer seconded the motion, which was approved unanimously.
- R. Special Council Meeting, May 19, 2020 at 10:00 a.m.** – Councilman Kizer moved to approve the Special Council Meeting to be held on May 19th at 10:00 a.m. to discuss Coastal Science and Engineering’s 2019 Inshore Monitoring Report and the project proposed by the Army Corps of Engineers. Mayor Pro Tem Moore seconded the motion, which was unanimously approved.

Committee Vacancies

- A. Planning Commission – 1 vacancy** – There were three applications received for this vacancy, from Camille Lemon, Janet Oakley and Gray Snead. Janet Oakley was selected serve a four-year term on the Planning Commission.
- B. Accommodations Tax Advisory Board 2 vacancies** – Councilwoman Smyer moved to approve the advertisement of two vacancies on the ATAX Board which will occur on August 1, 2020 when the terms of Van Maxwell (Hospitality) and Robert Pratt (at large) will expire. Mr. Pratt is eligible to serve another term, Mr. Maxwell is not. Councilman Kizer seconded the motion which was approved unanimously.

Committee Reports and Departmental Updates

Administration

	Received	Spent
General Fund	68.15%	69.71%
Water Fund	64.25%	75.04%
Wastewater Fund	64.55%	63.89%

There were two Freedom of Information Act Requests in April, one from William Hackett and one from Jason Tighe. The Facebook page has 18,647 followers.

Building

	April - 2019	April - 2020	YTD
Business/Rental License Fees	\$184,842.51	\$91,914.34	\$161,046.19
New Construction Permits	2	2	12
Other Permits	21	24	268
Permit Fees	\$8,321.00	\$7,522.00	\$1,003.00
Inspections	136	90	462

Fire

Calls	April - 2019	April- 2020	YTD
Medical	20	13	164
Fire-related	28	0	93
EMS/Misc	43	12	263
Beach Wheelchairs	11	0	66
Water Rescue	0	0	6
Welfare Checks	28	4	

Police

	April- 2019	April- 2020	YTD
Miles Patrolled	12,164	4501	85,759
Incidents & Calls for Service	357	35	877
Property Checks	984	377	8,546
Town Parking Tickets	57	3	328

Utilities

	April - 2019	April- 2020	YTD
Pumped MG Water	15.08	10.68	105.22
Treated MG Wastewater	4.18	2.79	24.5
Water Line Repairs	5	2	44
Work Order Repairs	39	49	421

Public Works

The Public Works Department has been busy cleaning beach accesses and Bay Creek Park. They delivered 19 trash cans and picked up yard debris. Public Works assisted in tornado damage clean-up.

Executive Session

Mayor Pro Tem Moore moved to go into Executive Session for the following items:

- A. Receipt of legal advice regarding Emergency Ordinance No. 2020-18 regarding COVID-19 S.C.Code §30-4-70(a)(2)**
- B. Receipt of legal advice protected by the attorney-client privilege related to the Rhinehart lawsuit S.C. Code §30-4-70 (a)(2)**
- C. Receipt of legal advice related to Wharton Smith Change Order. S.C. Code §30-4-70 (a)(2)**

Councilman Kizer seconded the motion, which was unanimously approved.

Mayor Pro Tem Moore moved to exit Executive Session, seconded by Councilman Kizer and approved unanimously.


Mayor Pro Tem Moore moved to approve Emergency Ordinance 2020-18, a copy of which is attached to these minutes. Councilman Kizer seconded the motion. Councilwoman Smyer stated the Town Council will continue to watch the COVID-19 reported cases in the 29438 zipcode. Mayor Darby asked visitors and residents to be courteous of other shoppers and workers in shops in the Town. Mayor Darby called for the vote and the motion was approved 3 – 2 with Councilwoman Hornsby and Councilwoman Smyer opposed.

Adjournment

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

The media/public was notified of the date, time and location of the meeting on Friday, May 8, 2020.

APPROVED BY TOWN COUNCIL


Deborah Hargis, Municipal Clerk
June 11, 2020

TOWN OF EDISTO BEACH
EMERGENCY ORDINANCE 2020-18

WHEREAS, the United States of America, the State of South Carolina, and the Town of Edisto Beach have previously 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 first responders and healthcare system, and to prevent unnecessary deaths, the Governor of the State of South Carolina and Town of Council of the Town of Edisto Beach have previously taken emergency protective measures; and

WHEREAS, the Governor's Executive Order 2020-13, as extended by Executive Order 2020-29 and further extended by Executive Order 2020-31, 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 gather of people poses, or could pose, a threat to public health; and

WHEREAS, the Governor's Executive Order 2020-13, as extended by Executive Order 2020-29 and further extended by Executive Order 2020-31, 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, in the Governor's Executive Order 2020-14, as extended by Executive Order 2020-29 and further extended by Executive Order 2020-31, 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 the present State of Emergency; and

WHEREAS, the Governor's Executive Order 2020-28, as extended by Executive Order 2020-29 and further extended by Executive Order 2020-31, authorizes any agency, department, county, municipality, or political subdivision of the State owning, operating, managing, or otherwise having jurisdiction and control over any public beach access points to close, in whole or in part, or otherwise restrict the use of any such public beach access points, to include any adjacent or associated public parking lots or other public facilities, if it is determined that such action is necessary to preserve or protect public health; and

WHEREAS, Town Council on April 22, 2020 issued Emergency Ordinance 2020-14 to supersede and replace the previous Emergency Ordinances to begin the process of incrementally lessening

some of the Town's protective measures in a safe and cautious manner with the health and welfare of the town's citizens paramount as the timeline of the virus moves forward and in recognition of the necessity of a time period to transition to a more normal situation before fully opening the Town as it was prior to COVID-19; and

WHEREAS, Town Council believes that the incremental approach to lessening the protective measures has been successful based on the COVID-19 data and figures provided by the SCDHEC; that the protective measures in place by the Governor's Executive Orders should be appropriate to continue mitigation of the virus; and that based on observational analysis of human traffic in the Town and on the beach the Town public service departments should be able to adequately enforce the Governor's emergency orders without the need for the check point; and

WHEREAS, this Emergency Ordinance 2020-15 is being enacted to continue and complete the process of incrementally lessening the Town's protective measures with specific instruction to Town law enforcement to continue to enforce the provisions of the Governor's Executive Orders issued in connection the present State of Emergency; and

WHEREAS, this Emergency Ordinance is necessary to preserve or protect public health and is narrowly tailored to address the specific public safety concerns arising from this State of Emergency; 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 2020-18 supersedes and replaces Emergency Ordinances 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, and 2020-14 effective Friday, May 15, 2020 at 12:01 a.m.
2. Emergency Ordinances 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, 2020-13, and 2020-14, and all provisions contained therein, are repealed, rescinded, and cancelled effective Friday, May 15, 2020 at 12:01 a.m.
3. Town staff and law enforcement are specifically instructed to continue to enforce the provisions of the Governor's Executive Orders issued in connection the present State of Emergency.
4. Town Council hereby urges any and all residents and visitors of the Town of Edisto Beach to limit social interaction, practice "social distancing" in accordance with CDC guidance and the Governor's Executive Orders, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage

residents and visitors to limit their movements outside of their home, place of residence, or current place of abode for essential purposes only.

Enacted this 14th day of May, 2020, by Town Council of the Town of Edisto Beach, South Carolina.


Jane Darby, Mayor

Attest:

Iris Hill, Town Administrator

2020-2021 Budget Overview

TOWN OF EDISTO BEACH

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Fund Overview

	Revenue	Expenses	Contingency
General Fund	5,514,651	5,514,651	102,230
Water Fund	1,501,238	1,501,238	79,243
Sewer Fund	629,260	629,260	20,427
Civic Center	74,147	74,147	

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General Fund – Revenues

- Accommodations Tax = 5% decrease
- Hospitality Tax = 10% decrease
- FEMA Reimbursement – Irma?
- Garbage User Fee
- Property Tax

	Revenue	Expenses	Contingency
General Fund	5,514,651	5,514,651	102,230

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General Fund – Expenditures

- Replace Squad Truck – Fire
- Replace 2 Patrol Vehicles – Police
- Capital Improvement Projects: (one-time expenditures)
 - Cradle Point for 6 PD Vehicles
 - FD Barracks Remodel
 - ID machine
 - Wireless projector
 - Architectural Services
 - Bike Path Repair
 - Arc Billow Street Engineering Study
 - ATV Shed

	Expenses
General Fund	1,920,383
General Fund Other	1,276,990
Municipal Court	93,104
Police Dept.	760,385
Fire Dept.	795,618
Building Dept.	257,789
Safety & Wellness	3,700
Public Works	303,242
Contingency	103,440
Total	5,514,651

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Water Fund – Revenues

- User Fee – Scheduled 15% increase
- Reduced by 5% due to unknown RO usage

	Revenue	Expenses	Contingency
Water Fund	1,501,238	1,501,238	79,243

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Water Fund – Expenditures

- Minor adjustments for RO facility
- Trailer mounted Jet Vacuum
- Capital Improvement Projects:
 - RO fence

	Expenses
Water Fund	1,133,778
Water Fund Other	257,717
Contingency	79,243
Total	1,470,738

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Sewer Fund – Revenues & Expenditures

- User Fee – Scheduled 3% increase

	Revenue	Expenses	Contingency
Sewer Fund	629,260	629,260	20,427

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Civic Center Fund

- Increase in rental rates
- Building maintenance:
 - Paint office and hallways
 - Roof repair
 - Clean flooring
 - Replace ceiling tiles and lights

	Revenue	Expenses
Civic Center Fund	74,147	74,147

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Water R&R		
	Description	Amount
Current Balance		\$ 542,833.00
Revenues FY 2020-2021		\$ 210,000.00
FY 2020-2021	Cap 3 Wells (1,2,3)	\$ (24,000.00)
FY 2020-2021	Replace 2 Insertion Valves	\$ (12,000.00)
	Ending Balance	\$ 716,833.00
Sewer R&R		
	Description	Amount
Current Balance		\$ 278,142.00
Revenues FY 2020-2021		\$ 45,000.00
PY 2019-2020	Work Authorization #14	\$ (61,452.00)
	Ending Balance	\$ 261,690.00

Special Funds

- Water Renewal and Replacement
 - Cap 3 wells (1,2,3)
- Sewer Renewal and Replacement
- Carry forward Work Authorization #14

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Hospitality Tax		
	Project Description	Amount
Current Balance		\$ 314,934.00
Revenues FY 2020-2021		\$ 216,000.00
PY 2019-2020	Recreation Plan (Carry Forward)	\$ (54,225.00)
PY 2019-2020	Sign Branding (Carry Forward)	\$ (15,000.00)
FY 2020-2021	Bell Bond Debt	\$ (25,000.00)
FY 2020-2021	Code Red	\$ (5,000.00)
FY 2020-2021	Hospitality Restricted GF	\$ (108,000.00)
	Ending Balance	\$ 331,709.00

Special Funds

- Hospitality Tax

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Special Funds	ATAX Fund		
	Project Description	Amount	
• State Accommodations Tax	Current Balance	\$ 538,736.00	
	Revenues FY 2020-2021	\$ 266,000.00	
	PY 2019-2020	Beach Patrol	\$ (9,500.00)
	PY 2019-2020	Code Enforcement	\$ (6,880.00)
	PY 2019-2020	Edisto Art Guild, Bay Creek Park Outdoor Stage Rigging up Backdrops	\$ (3,500.00)
	PY 2019-2020	SC Park Recreation Trails (Grant Match)	\$ (25,000.00)
	PY 2019-2020	Edisto Chamber of Commerce Off Season Marketing and Advertising	\$ (50,000.00)
	PY 2019-2020	Bay Creek Park Parking Lot Asphalt	\$ (50,000.00)
	PY 2019-2020	Cookin' on the Creek	\$ (15,000.00)
	FY 2020-2021	Bell Bond Debt	\$ (50,000.00)
	Ending Balance	\$ 594,856.00	

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Special Funds	Local Accommodations Fund		
	Project Description	Amount	
• Local Accommodations	Current Balance	\$ 1,499,709.00	
	Revenues FY 2020-2021	\$ 266,000.00	
	Prior Year Encumbered	Beach Preservation	\$ (1,352,340.00)
	PY 2019-2020	Beach Monitoring	\$ (50,634.00)
	PY 2019-2020	General Fund (Tourism Related)	\$ (100,000.00)
	PY 2019-2020	Bell Bond Debt	\$ (50,000.00)
	PY 2019-2020	Beach Preservation	\$ (200,000.00)
		Ending Balance	\$ 12,735

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Questions?