

**AGENDA
TOWN OF EDISTO BEACH
FEBRUARY 11, 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, January 14, 2016
- IV. Proclamations and Presentations**
 - A. Ten Year Service Award-Patrick Brown
 - B. Starfish Award-Margaret Green
- V. New Business/Apearances**
 - A. FY 2015-2016 Six-Month Budget Adjustment
 - B. FY 2016-2017 Budget Calendar
 - C. Special Event Application Edisto Road Race
 - D. Marine Response Standard Operating Procedures Amendment
 - E. Civic Center-Chamber Request to Waive Fees
 - F. Consent Order #15-027-WP to State Land Application Permit ND0063789 Update
 - G. First Reading of Ordinance 2016-04 to Amend Section 82-1 of the Town's Code of Ordinances to Enact Subsections (d), (e), (f), and (g).
 - H. Intergovernmental Agreement Between Charleston County and the Town of Edisto Beach for Litter Control on Highway 174
 - I. Resolution 2016-R03 calling for the Colleton County Legislative Delegation's Support of Governor Nikki Haley's \$40,000,0000 Funding for Beach Nourishment
 - J. RFP 2016-03 Bike Path Dock Site Award
 - K. RFP 2015-05 Water and Wastewater Professional Engineering Services
 - L. Resolution 2016-R05 calling for the Colleton County Legislative Delegation's Support of Governor Nikki Haley's Full Funding of the Local Government Fund
 - M. Resolution 2016-R06 To Request the Tourism Expenditure Review Committee (TERC) Grant Permission to the Town of Edisto Beach to Use State Accommodations Tax Funds Acquired in Excess of Two Years Prior for Beach Renourishment
 - N. Correct Scrivener's Error Item E. Jungle Shores Water Line Extension Project Change Order No. 1 November 12, 2015.
- VI. Committee Vacancies**
 - A. TIDE Committee – 1 vacancy
 - B. Water and Sewer Committee – 1 vacancy
- VII. Planning Commission**
 - A. 1706 Palmetto Boulevard Lot Line Adjustment
- VIII. Departmental Reports and Committee Updates**
- IX. Public Comment Period**
- X. Adjournment**

TOWN OF EDISTO BEACH

AN ORDINANCE

**TO AMEND SECTION 82-1 OF THE TOWN'S CODE OF ORDINANCES
TO ENACT SUBSECTIONS (d), (e), (f), AND (g).**

WHEREAS, The Town Council of Edisto Beach by this ordinance desires to amend Section 82-1 of the Town's Code of Ordinances to enact subsections that provide for (1) a procedure for customers to request a water meter test, (2) a procedure for a customer to request the relocation of a water meter, (3) establishment of a charge for after-hours service, and (4) a procedure for a customer to request water testing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that Section 82-1 of the Town's Code of Ordinances be amended to add subsections (d), (e), (f), and (g) which shall read as follows:

Sec. 82-1. - Utility fees.

- (a) Fees designated by the council to pay for water service, sewer service, garbage and refuse removal, and installation of numbers on structures as required by Code Section 70-71 are hereby designated utility fees.
- (b) Utility fees established from time to time by the council shall be billed on a schedule established by the administrator. If any utility fee or part thereof shall become delinquent, all water and sewer service to such users shall be disconnect and shall remain disconnected until such user shall have paid all past due fees, penalties and reconnection charges.
- (c) The customer may submit to the town a written challenge to the charges on a utility bill, provided that the challenge is made within 45 days of the date the bill is issued by the town, and further, provided that the customer shall waive his/her right to challenge and be deemed to accept the charges as true and accurate if the customer either pays the bill or does not submit a written challenge within the said 45 days. If it can be determined that the town has overcharged a customer and the customer has not waived his/her right to submit a written challenge as provided herein, the town shall, at the customer's option, credit or refund the excess amount paid by that customer or credit the amount billed.
- (d) The customer may request for a test of the water meter upon payment in advance to the Town of a fee of \$150.00. If the water meter shows upon test an error less than 3% the meter shall not be considered defective. If the water meter is determined to be over-registering by 3% or more on test, the customer's current utility bill shall be adjusted using the customer's annual average usage, or by using the average of 280 gallons per day (SCDHEC average for residential usage) if the customer does not have a twelve-month history with the Town, and the \$150 fee will be credited to the customer's account.

(e) The customer may request a relocation of the water meter upon payment in advance to the Town of a fee of \$250.00.

(f) An after-hours service charge at the rate of \$75.00 per hour will be assessed to any customer who requests a Town employee to respond to their property after hours for a water/sewer situation not caused by the Town or the responsibility of the Town. After-hours is any time outside of normal business operating hours for the Town, including weekends and Town observed holidays.

(g) The customer may request the Town conduct testing on the customer's water. If the testing results are within the normal range, the cost of the testing and technician time shall be applied to the customer's utility bill.

This ordinance shall take effect upon final reading.

Jane Darby, Mayor

First Reading: _____

ATTEST:

Final Reading: _____

Iris Hill, Administrator

Approved as to form: _____

STATE OF SOUTH CAROLINA)
) INTERGOVERNMENTAL AGREEMENT
COUNTY OF CHARLESTON)

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") made this _____ day of _____, 2016, by and between the Town of Edisto Beach (the "Town") and the County of Charleston (the "County"), ("Party" as to each, collectively the "Parties").

WITNESSETH:

WHEREAS, Edisto Island has become an increasingly popular tourist destination located in Charleston County; and

WHEREAS, the increased travel to Edisto Beach has resulted in road litter along State Scenic Highway 174 ("SR 174") from Edisto Beach to the McKinley Washington Bridge; and

WHEREAS, State Scenic Highway 174 is the entrance to Edisto Beach; and

WHEREAS, the County has a convenience center located on SR 174 on Edisto Island which has resulted in road litter along SR 174; and

WHEREAS, the Town and concerned parties on Edisto Island have been sharing the cost to remove litter from SR 174; and

WHEREAS, the Town is requesting municipal aid from the County to mitigate the removal of litter from SR 174 to enable the Town to continue this practice; and

WHEREAS, the County will pay the Town for the litter removal as it is in the best interest of the citizens of Charleston County; and

WHEREAS, the Parties agree to cooperate and work together to insure the entrance to Edisto remains clean and litter-free;

NOW, THEREFORE, in consideration of these mutual promises and covenants set forth in this Agreement and the above-referenced recitals, which are incorporated herein by reference, the Parties agree as follows:

SECTION I: TERMS

- A. The Town agrees to continue removing, by contract or otherwise, litter from the causeway to the McKinley Washington Bridge along SR 174. The County agrees to provide municipal aid based on an annual contract to the Town of Edisto Beach for the costs associated with removing the litter on an annual basis.
- B. The Town will submit a request annually prior to July 1st of each fiscal year to the County and, following review and approval by the County, the County will pay the Town.

C. The County will pay the Town \$18,000 upon execution of this Agreement for the Town's expenses for litter removal in 2015.

SECTION V: MODIFICATION

This Agreement may only be modified in a writing signed by both Parties.

SECTION VII. TERMINATION

Termination of this Agreement will take place only under extraordinary circumstances as determined by one or both of the Parties, to include, but not limited to, failure or refusal of either Party to perform the duties and obligations outlined in this Agreement. If practicable, the terminating Party shall provide 90-days written notice to the non-terminating Party.

SECTION VIII. DURATION OF AGREEMENT

Unless further amended, this agreement will continue until terminated by one or both of the Parties.

SECTION XI. SEVERABILITY

Should any part of the Agreement be determined by a court of competent jurisdiction to be invalid, illegal or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein; nor this Agreement as a whole, invalid. Those rights and obligations under this Agreement, which by their nature should survive, shall remain in effect after termination, suspension or expiration hereof.

SECTION XII. EXECUTION

This Agreement, and any amendments hereto, shall be executed on behalf of each participating jurisdiction by its duly authorized representative and pursuant to an appropriate motion, resolution or ordinance of each participating jurisdiction. This Agreement, and any amendments thereto, shall be deemed adopted upon the date of execution by the last so authorized representative.

SECTION XIII. ENTIRE AGREEMENT

This document encompasses the entire Agreement of the Parties. No understanding or amendment, addendum, or addition to this Agreement shall be effective unless made in writing and signed by both Parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of _____, 2016.

FOR CHARLESTON COUNTY:

WITNESSES

Keith Bustraan, County Administrator (Seal)

FOR TOWN OF EDISTO BEACH:

WITNESSES

Jane S. Darby, Mayor (Seal)

**Governor Nikki Haley’s Executive Budget
Fiscal Year 2016-17
Beach Nourishment and Repair**

WHEREAS, Governor Nikki Haley has included \$40,000,000 as a one-time allocation from non-recurring surplus funds for beach nourishment; and

WHEREAS, the Town of Edisto Beach has been advocating for beach nourishment and repair funding through the South Carolina Beach Advocates, a new organization to support beach communities; and

WHEREAS, the Town of Edisto Beach experienced beach erosion from the 1,000-year storm event and the beach is in need of beach nourishment and repair; and

WHEREAS, the Town of Edisto Beach has been working with the Department of Parks, Recreation and Tourism on a joint beach nourishment project in Fiscal Year 2016-17; and

WHEREAS, Colleton County has appropriated funding in the amount of \$4,000,000 for beach nourishment in FY 2016-17 through a Capital Project Sales Tax; and

WHEREAS, the Town of Edisto Beach has appropriated funding in the amount of \$3,000,000 for beach nourishment for FY 2016-17; and

WHEREAS, this funding source is critical to the scheduled beach nourishment project in FY 2016-17; and

WHEREAS, The Town of Edisto Beach commends and fully supports the Governor’s \$40,000,000 funding for beach nourishment and repair as a forward looking investment.

NOW THEREFORE, be it resolved that the Town of Edisto Beach calls on the Colleton County Legislative Delegation to show its full support of the Governor’s funding in the amount of \$40,000,000 for beach nourishment and repair.

SIGNED, SEALED AND ADOPTED BY Town Council this 11th day of February, 2016.

Jane S. Darby, Mayor

Crawford Moore, Council Member

Susan Hornsby, Council Member

Patti Smyer, Council Member

Jerome Kizer, Council Member

Iris Hill, Town Administrator

TOWN OF EDISTO BEACH

A RESOLUTION

To Request the Colleton County Legislative Delegation's Support of Governor Nikki Haley's Full Funding of the Local Government Fund.

WHEREAS, Governor Nikki Haley has allocated \$113 million to fully fund the Local Government Fund in her recommended 2016-2017 budget; and

WHEREAS, The Town of Edisto Beach applauds the Governor's insight and commitment to local government, and more importantly to the citizens of South Carolina; and

WHEREAS, many municipalities have cut important services to their communities, especially in public safety, because of the limited options available for budget reductions. Some cuts are not based on priority or need, but rather whether or not the General Assembly mandates the service; and

WHEREAS, the General Assembly's failure to fully fund the Local Government Fund leads to artificial increases in millage rates. These increases would often not be necessary, or at least would be less, if the Local Government Fund was funded in accordance with the State statute; and

WHEREAS, full funding of the Local Government Fund will allow for better public safety, lower taxes and the funding of State mandated services; and

WHEREAS, The Town of Edisto Beach fully supports the Governor's \$113 million to fully fund the Local Government Fund.

NOW THEREFORE, be it resolved that the Town of Edisto Beach calls on the Colleton County Legislative Delegation to show its full support of the Governor's allocation in the amount of \$113 million to fully fund the Local Government Fund.

SIGNED, SEALED AND ADOPTED BY Town Council this 11th day of February, 2016.

Jane S. Darby, Mayor

Crawford Moore, Council Member

Susan Hornsby, Council Member

Patti Smyer, Council Member

Jerome Kizer, Council Member

Iris Hill, Town Administrator

The Town of Edisto Beach

A Resolution

To Request the Tourism Expenditure Review Committee Grant Permission to the Town of Edisto Beach to Use Accommodations Tax Funds Acquired in Excess of Two Years Prior for Beach Renourishment

WHEREAS, the Town of Edisto Beach will undertake a beach renourishment project in 2016-2017; and

WHEREAS, the Edisto Beach Chamber of Commerce estimates the beach and State Park receive over 440,000 vacationers and day visitors per year; and

WHEREAS, local businesses rely on the stability and beauty of the beach to attract vacationers and day visitors in order to provide income for said businesses; and

WHEREAS, local businesses contribute to the Accommodations Tax fund; and

WHEREAS, in order to acquire sufficient funds for the renourishment project, some funds may need to be held in excess of two years;

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Edisto Beach, as duly assembled, formally requests the Tourism Expenditure Review Committee grant permission to the Town of Edisto Beach to use Accommodations Tax funds acquired in excess of two years prior for the purpose of the 2016-2017 beach renourishment project.

SIGNED, SEALED AND ADOPTED BY Town Council this 11th day of February, 2016.

Jane S. Darby, Mayor

Crawford Moore, Council Member

Susan Hornsby, Council Member

Patti Smyer, Council Member

Jerome Kizer, Council Member

Iris Hill, Town Administrator