

AGENDA
TOWN OF EDISTO BEACH
January 14, 2021
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

- I. **Call to Order**
- II. **Pledge of Allegiance and Invocation**
- III. **Approval of Minutes**
 - A. Regular Council Meeting Minutes, December 10, 2020
- IV. **Presentations and Proclamations**
 - A. Five Year Service Award, David McWatters
 - B. Starfish Awards
 - 1. Mark Aakhus
 - 2. Patrick Brown
 - 3. Archie Livingston
 - 4. Krystal Parsons
 - 5. Dominion Energy
- V. **Old Business**
 - A. Second Reading of Ordinance 2021-02 to Amend Section 38-101 of the Code of Ordinances of the Town of Edisto Beach to include the definitions of “electronic smoking device” and “e-liquid” and “vapor” product and amend the definition of “smoking”.
 - B. First Reading of Ordinance No. 2021-05 to 2007 to Provide For the Issuance and Sale of Not to Exceed \$2,135,000 General Obligation Refunding Bonds of The Town of Edisto Beach, South Carolina For the Purposes of Refunding the Town’s Outstanding General Obligation Bonds of 2007; To Provide For the Payment Thereof; And Other Matters Relating Thereto.
 - C. Second Reading of Ordinance 2021-03 to Amend Section 2-215(J), and Section 2-218(A) of the Town’s Code of Ordinances to Provide the Purchasing Agent with Authority to Award Small Purchases up to \$10,000.00 and Clarify Purchases in the Amount of More Than \$10,000.00 Require Town Council Approval For Award.
 - D. Plantation Course at Edisto
- VI. **New Business**
 - A. Swearing In New Council Member
 - B. Resolution No. 2021-R04 Jury Box Resolution
 - C. VC3 Custom Browser Notifications Project
 - D. RFP 2020-08 Edisto Beach Nourishment Hurricane Dorian Award
 - E. United States Army Corps of Engineers Storm Damage Reduction Project
 - F. Budget Approval- Road Maintenance
 - G. Special Event Application, Town of Edisto Beach, Cookin’ on the Creek BBQ Festival
 - H. First Reading of Ordinance No. 2021-06 Requiring that Face Coverings Be Worn in Certain Circumstances in the Town of Edisto Beach During the COVID-19 Public Health Emergency
 - I. Agreement Between Colleton County Sheriff’s Office and the Town of Edisto Beach Police Department to Provide the Town of Edisto Beach with Victim Assistance
- VII. **Committee Vacancies**
 - A. Water and Sewer Committee – 1 vacancy
 - B. Municipal Elections Commission – 1 vacancy
 - C. TIDE Committee – 1 vacancy

VIII. Public Comment
IX. Executive Session

- A.** Receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege related to the Sea Island Elevator, LLC v. Patrick Brown and Town of Edisto Beach lawsuit, S.C. Code §30-4-70 (a)(2).
- B.** Discussion of employment, appointment, compensation, promotion, demotion, discipline or release of an employee in the Administration Department. S.C. Code §30-4-70(a)(1).
- C.** Discussions incidental to contractual negotiations or other matters covered by the attorney-client privilege. (US Army Corps of Engineers) S.C. Code §30-4-70(a)(2)

Upon Returning to Open Session, Action May Be Taken By the Council on Items Discussed During the Executive Session

X. Adjournment

The January 14th Town Council meeting can be viewed on the town's YouTube Channel which can be accessed through the Town's website www.townofedistobeach.com

No. 2021- 02

TOWN OF EDISTO BEACH

AN ORDINANCE

To Amend Section 38-101 of the Code of Ordinances of the Town of Edisto Beach to include the definitions of “electronic smoking device” and “e-liquid” and “vapor product” and amend the definition of “smoking”

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Sec. 38-101 is amended to include the definitions of “electronic smoking device” and “e-liquid” and “vapor product” and amend the definition of “smoking” as follows:

Sec. 38-101. - Definitions.

Electronic smoking device means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, vapor product, or e-hookah. "Electronic smoking device" includes any component, part or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance includes nicotine.

E-liquid means a substance that:

- (a) may or may not contain nicotine;
- (b) is intended to be vaporized and inhaled using a vapor product; and
- (c) is a legal substance under the laws of this State and the laws of the United States;

E-liquid does not include cannabis or CBD as defined under the laws of this State and the laws of the United States.

Smoking means inhaling, exhaling, burning, lighting, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco product or plant product, or liquid, gel or substance in any form, intended for inhalation, including but not limited to nicotine and/or marijuana products or derivatives, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device which creates an aerosol or vapor in any manner or in any form or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this article.

Vapor product means a powered vaporizer that converts e-liquid to a vapor intended for inhalation.

This ordinance shall take effect upon adoption.

Jane Darby, Mayor

First Reading: _____

Deborah Hargis, Municipal Clerk

Second Reading: _____

Approved as to form: _____

TOWN OF EDISTO BEACH**A RESOLUTION**

The Town Council of the Town of Edisto Beach, acting as the Jury Commission for the Town of Edisto Beach Municipal Court, hereby certifies to the Judge of the Town of Edisto Beach Municipal Court that the 2021 Jury Box has been prepared pursuant to the requirement of Act #480 of 1980 and is now ready for use.

Adopted this 14th day of January 2021.

Jane Darby, Mayor

Crawford Moore, Mayor Pro Tempore

Jerome Kizer, Council Member

Robert Renner, Council Member

Patti Smyer, Council Member

TOWN OF EDISTO BEACH

ORDINANCE 2021-06

Ordinance Requiring that Face Coverings Be Worn in Certain Circumstances in the Town of Edisto Beach During the COVID-19 Public Health Emergency

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a state of emergency for the State of South Carolina which he has renewed and is currently in effect; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, on June 24, 2020 South Carolina Attorney General Alan Wilson issued a public written statement wherein he gave the opinion that municipalities in South Carolina may lawfully enact emergency ordinances requiring the wearing of masks as a measure to protect against the spread of COVID-19 and that generally these ordinances do not violate constitutional rights. A copy of this statement is attached to this ordinance as Exhibit A for reference; and

WHEREAS, on January 7, 2021 Governor Henry McMaster issued an Emergency Order reaffirming the state of emergency and Executive Order 2020-73 which specifically urged counties and municipalities of this State to enact or implement appropriate and narrowly tailored emergency ordinances, orders, or other measures requiring individuals to wear a face covering in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective “social distancing” in accordance with CDC and DHEC guidance; and

WHEREAS, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and

WHEREAS, rather than the disease statistics decreasing over time, the State has recently seen a significant increase in the spread of the virus following the winter holiday season with DHEC reporting as of January 11, 2020, that the 30-day rate trend for the following key indicators are all on the rise: (1) rate of cases per 100,000 individuals, (2) percent positive, (3) deaths by

report date, (4) hospitalizations due to COVID-19, (5) ICU hospitalizations due to COVID-19, and (6) COVID-19 patients on ventilators; and

WHEREAS, according to DHEC “In December 2020, the United Kingdom identified a new version of the SARS-CoV-2, the virus that causes COVID-19. The new version is being called “SARS-CoV-2 VOC 202012/01. It appears this new form of the virus spreads faster from person to person than other strains of SARS-CoV-2.”; and

WHEREAS, at the City of Columbia Council meeting on June 23, 2020, which has been broadcast via YouTube, Dr. Linda Bell, State Epidemiologist, stated “We are now a state on the national picture among a handful of other states considered to be hot spots” and that 42% of all reported positive cases since the start of reporting to SCDHEC in March have been reported in the last two weeks, noting that this is a very troubling trend telling us that not enough people are taking this pandemic seriously enough or adopting the measures that have been recommended such as mask wearing. Dr. Bell stated that masks have an important role in stopping the spread; and

WHEREAS, the number of cases is growing rapidly and if COVID-19 continues to spread in the Lowcountry, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, it is vitally important that we all continue to work together to decrease the widespread proliferation of COVID19 among us all now rather than suffer the more and more unfortunate and devastating consequences later; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the Town’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the Town is taking steps to try to protect the citizens and employees of the Town and visitors to the Town from increased risk of exposure; and

WHEREAS, restaurants, retail stores, salons, barber shops, grocery stores, convenience stores, gas stations, and pharmacies are determined by the Council to be places where the public may patronize indoors in larger numbers, particularly due to the relatively few number of these businesses in town versus the tourist season population, and where social distancing practices may not be practical; and

WHEREAS, in its latest edition of the *Uptown Update* dated January 11, 2021, the Municipal Association of South Carolina (MASC) recommends the adoption of a regular two-reading face covering ordinance in lieu of repeated emergency ordinances “because the need for local mask requirements appears likely to continue for at least another 60 days”; and

WHEREAS, in light of the foregoing, Town Council finds a state of emergency exists which will carry beyond the term of Emergency Ordinance 2020-___ and deems it proper and necessary to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Edisto Beach, South Carolina this ___ day of February, 2020 that face coverings shall be required in public places within the Town to slow the spread of the novel coronavirus disease, known as COVID-19, as follows:

1. For the purposes of this Ordinance and as used herein, “face covering” means a uniform piece of cloth, fabric, or other material that securely covers the entire area of a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person’s nose and mouth.

2. All persons entering a restaurant, retail store, salon, barber shop, grocery store, convenience store, gas station, and pharmacy in the Town shall wear a face covering at all times while inside the business establishment.

3. All restaurants, retail stores, salons, barber shops, grocery stores, convenience stores, gas stations, and pharmacies in the Town shall require their employees to wear a face covering at all times while having face to face interaction with the public.

4. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.

5. Face coverings are not required in the following circumstances:

- a. While drinking, eating, or smoking;
- b. When wearing a face covering would prevent the receipt of personal services;
- c. For people whose religious beliefs prevent them from wearing a face covering;
- d. When a person is 10 years of age or younger.

6. A person who fails to wear a face mask in compliance with Paragraph 2 violates this Ordinance and shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.

7. A person who fails to comply with Paragraph 3 violates this Ordinance and shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of Paragraph 3 of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this paragraph, repeated violations of this Ordinance by a person as defined in this Paragraph 7 may, subject to all procedural protections set forth in the Town Code, result in the suspension or revocation of any occupancy permit or business license issued to a business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. For the purposes of enforcement of Paragraph 3 of this Ordinance, “person” shall be defined in this Paragraph 7 as any individual associated with the business establishment subject to Paragraph 3 of this Ordinance who has the control or authority and ability to enforce the requirements of this Ordinance within the business establishment, such as an owner, manager, or

supervisor. "Person" also includes an employee or other designee who is present at the business but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure the requirements of this Ordinance are met while the business establishment is open to the public.

8. Should any provision, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

9. Suspension of Contrary Local Provisions. Any ordinance, resolution, policy, or bylaw of the Town that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

10. Severability. Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

11. Emergency Ordinance 2020-27 shall remain in effect until second reading of this Ordinance 2021-06 at which time Emergency Ordinance 2020-27 shall expire. This Ordinance 2021-06 shall take effect immediately upon adoption of second reading by Town Council.

12. Termination. This Ordinance shall automatically expire upon either (1) the issuance of a Resolution by the Council of the Town of Edisto Beach declaring that COVID-19 is no longer a serious threat to the public health, safety, and welfare of its citizens, or (2) the Governor's Executive Orders declaring a State of Emergency exists in South Carolina due to COVID-19 are not renewed, whichever event is earlier.

Enacted this day of ____ day of February 2021, by the Town Council of the Town of Edisto Beach, South Carolina.

Jane Darby, Mayor

Attest:

First Reading: _____

Deborah Hargis, Municipal Clerk

Second Reading: _____

Approved as to form: _____