

**AGENDA
TOWN OF EDISTO BEACH
AUGUST 13, 2015
REGULAR TOWN COUNCIL MEETING
6:00 P.M.**

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Minutes**
 - A. Special Council Meeting Minutes – July 21, 2015
- IV. **Proclamations and Presentations**
 - A. **Starfish Awards**
 - a. Quinn McCollum, Patrick Zemp, Walter Hutchinson, Julian Meggett, Alfred Meggett
 - b. Ray Johnson-Service on Water and Sewer Committee
 - c. Jane Morrow-Service on State Accommodations Tax Board
- V. **Old Business**
 - A. First Reading of Ordinance 2015-16 to Re-Zone Three Lots, Designated as Lot 7 Block UU, Lot 7 Block YY, and Lot 8 Block YY, From R-1 Zoning District to PB Zoning District; to Authorize Amendment to Official Zoning Map
 - B. Second Reading of Ordinance No. 2015-12 to increase the annual salaries of the Mayor and Council for the Town of Edisto Beach, South Carolina
 - C. Second Reading of Ordinance 2015-19 to Amend Chapter 71 Section 71-31 and Amend Chapter 86 Section 86-3 and 86-271 of the Town's Code of Ordinances to Re-Define the Terms "Building", "Open Space", "Private Road", "Private Street", and "Site Specific Development Plan".
- VI. **New Business/Appeances**
 - A. Resolution 2015-R20 to revise the Freedom of Information Act Policy and Request Form
 - B. Amendment to the Edisto Beach Volunteer Fire Department By Laws
 - C. Resolution 2015-R22 to Establish the Fee for Residential Garbage Container Roll-out/Roll-back Service as Authorized by Ordinance 2015-07
 - D. Litter Pickup Highway 174
- VII. **Committee Vacancies**
 - A. Zoning Board of Appeals – 2 vacancies
 - B. Water and Sewer Committee – 1 vacancy
 - C. Accommodations Tax Advisory Board – 1 vacancy
- VIII. **Planning Commission**
 - A. First Reading of Ordinance 2015-21 to Amend Section 86-144 of Chapter 86 of the Town's Code of Ordinances as Recommended by the Planning Commission Pursuant to an Extensive Study and Re-write Initiative
 - B. Sea Cloud 208 Property Line Adjustment
- IX. **Accommodation Tax Board**
 - A. Chamber of Commerce Off Season Marketing and advertising within six hour drive (\$12,000)
 - B. Chamber of Commerce Off Season Marketing and advertising expanded market (\$35,000)
- X. **Departmental Reports and Committee Updates**
- XI. **Public Comment Period**
- XII. **Executive Session**
 - A. Administration Department [S.C. Code Section 30-4-70 (1)]
 - B. Legal Advice potential legal matter regarding personnel department [S.C. Code Section 30-4-70(2)]
- XIII. **Adjournment**

TOWN OF EDISTO BEACH

AN ORDINANCE TO RE-ZONE THREE LOTS, DESIGNATED AS LOT 7 BLOCK UU, LOT 7 BLOCK YY, AND LOT 8 BLOCK YY, FROM R-1 ZONING DISTRICT TO PB ZONING DISTRICT; TO AUTHORIZE AMENDMENT TO THE OFFICIAL ZONING MAP

WHEREAS, Section 6-29-760 of the South Carolina Code of Laws gives the Town of Edisto Beach the authority to amend its zoning ordinance and official zoning map: and

WHEREAS, the Town of Edisto Beach owns in fee simple those three specific lots designated as Lot 7 Block UU, Lot 7 Block YY, and Lot 8 Block YY, which are currently in the R-1 zoning district; and

WHEREAS, the Town Council believes it is in the best interests of the orderly governing of the Town to re-zone the three said lots from R-1 to the PB zoning district: and

WHEREAS, the planning commission has approved the proposed change and a public hearing has been held pursuant to law.

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

1. The real property located in the Town of Edisto Beach and described as Lot 7 Block UU, Lot 7 Block YY, and Lot 8 Block YY, are hereby re-zoned from the R-1 zoning district and re-zoned to, and shall be classified as being in, the PB Public & Semi-Public zoning district.
2. The Town Administrator is hereby authorized and directed to amend the zoning map in accordance with the provisions of this ordinance.

This ordinance shall take effect upon adoption.

Jane S. Darby, Mayor

First reading: 08/13/2015
Second reading
Public Hearing: 07/09/2015
Adopted:

ATTEST:

Deborah Hargis, Municipal Clerk

Approved as to form: _____

AN ORDINANCE

No. 2015-12

TOWN OF EDISTO BEACH

AN ORDINANCE TO INCREASE THE RATE OF PAY FOR THE MAYOR AND COUNCIL MEMBERS FOR THE TOWN OF EDISTO BEACH.

WHEREAS, South Carolina Code Section 5-7-170 provides that the Town Council may determine the annual salary of its members by ordinance.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the town of Edisto Beach in Council duly assembled and by authority of the same as follows:

1. The salaries of Council members shall be increased to \$300.00 per month.
2. The salary of the Mayor shall be increased to \$500.00 per month.
3. These salary increases shall take effect in February 2016 coinciding with the six-month budget adjustment when the employee cost of living increase is considered. If, at that time, Council deems funds are not sufficient to support the salary increases, Council may by resolution duly adopted suspend the salary increases until a later date.

This Ordinance shall take effect upon approval by Council.

By: _____
Jane Darby, Mayor

First Reading: 07/09/2015
Adopted: 07/21/2015
Approved as to form: _____

ATTEST: _____
Deborah Hargis, Municipal Clerk

TOWN OF EDISTO BEACH

AN ORDINANCE TO AMEND CHAPTER 71 SECTION 71-31 AND AMEND CHAPTER 86 SECTIONS 86-3 AND 86-271 OF THE TOWN'S CODE OF ORDINANCES TO RE-DEFINE THE TERMS "BUILDING," "OPEN SPACE," "PRIVATE ROAD" or "PRIVATE STREET," AND "SITE SPECIFIC DEVELOPMENT PLAN."

WHEREAS, the Planning Commission of the Town of Edisto Beach has recommended to the Town Council that the terms "building," "open space," "private road" or "private street," and "site specific development plan" be re-defined in Chapter 71 and Chapter 86 of the Town's Code; and

WHEREAS, prior to the final reading of this ordinance a public hearing was held pursuant to the requirements of the S.C. Code of Laws.

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

1. Section 31 of Chapter 71 of the Town's Code be amended to re-define the following terms as set forth herein:

"Building" means a structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind, and includes the word "structure". The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

"Open Space" means areas that are not occupied by buildings, structures, parking areas, streets, public and private roads, alleys or required yards. Open space shall be permitted to be devoted to landscaping and preservation of natural features.

"Private road" or "private street" means a nonpublic road which is limited in access to specified groups and their permittees which (1) has not been dedicated to the state, the county, or the Town, and (2) has not accepted by the appropriate public agency for the purpose of maintenance.

2. Section 3 of Chapter 86 of the Town's Code be amended to re-define the following terms as set forth herein:

"Building" means a structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals or property of any kind, and includes the word "structure". The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

"Open Space" means areas that are not occupied by buildings, structures, parking areas, streets, public and private roads, alleys or required yards. Open space shall be permitted to be devoted to landscaping and preservation of natural features, and is to be permanently free of structures.

"Private road" or "private street" means a nonpublic road which is limited in access to specified groups and their permittees which (1) has not been dedicated to the state, the county, or the Town, and (2) has not accepted by the appropriate public agency for the purpose of maintenance.

3. Section 86-271 of Chapter 86 of the Town's Code be amended to re-define "site specific development plan" as follows:

"Site specific development plan" means a development plan submitted to the Town or its authorized Boards, commission or agents by a landowner describing the types, and density, or intensity of uses for a specific property or properties. These plans include planned unit development district (PUD) submissions pursuant to section 86-144 which comply with all of the required standards of the zoning district within which the property is located or have received a variance or special exception for which all appeals have been exhausted and the decision is final.

This ordinance shall take effect upon final reading.

Jane Darby, Mayor

First Reading: July 21, 2015
Public Hearing: _____
Final Reading: _____
Approved as to form: _____

ATTEST:

Deborah Hargis, Municipal Clerk

TOWN OF EDISTO BEACH

A RESOLUTION TO REVISE THE FREEDOM OF INFORMATION ACT POLICY AND REQUEST FORM

WHEREAS, the Town Council believes it is in the best interest of the Town to revise the Freedom of Information Act Policy and Request Form to better account for fees, record keeping, time spent responding to requests, and conformity with law; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that the attached Freedom of Information Act Policy and Request Form of the same date is hereby adopted effective immediately, and further, all previous versions of the Freedom of Information Act Policy are hereby repealed.

This resolution shall take effect upon adoption.

Jane Darby, Mayor

ATTEST:

Deborah Hargis, Municipal Clerk

Adopted: August 13, 2015

TOWN OF EDISTO BEACH
Freedom of Information Act Policy and Request Form

(Adopted August 13, 2015)

The purpose of this policy is to set forth the procedures to be followed for persons seeking access to public records which are subject to the disclosure requirements of Section 30-4-30 of the South Carolina Code of Laws.

RULES AND PROCEDURES:

1. Verbal Freedom of Information Act Requests; Limitations

Certain records of the Town of Edisto Beach will be made available for public inspection and copying without the requestor being required to make a written request to inspect or copy the records when the requestor appears in person. Verbal FOIA requests shall be limited by section 30-4-30(d) to only the following public documents:

- 1) Minutes of meetings of the public body for the preceding six months;
- 2) All reports identified in section 30-4-50(A)(8) for at least the fourteen-day period before the current day "which disclose the nature, substance, and location of any crime or alleged crime reported as having been committed. Where the report contains information exempt as otherwise provided by law, the law enforcement agency exempt as otherwise provided by law, the law enforcement agency may delete that information from the "report"; and
- 3) Documents identifying persons confined for the three months prior to the current date in jail.

Verbal FOIA requests for the aforementioned information may only be made to the Town Administrator or designee between the hours of 9:30 am and 4:00 pm from Monday to Friday, excepting public holidays in accordance with sections 30-4-30(a) and (d) of the Act. Copies of any such documents that are requested shall be charged based on the fee schedule contained herein.

2. Written Freedom of Information Requests

All written FOIA requests shall be completed and signed with the attached Request Form and shall either be hand-delivered or sent by first class mail addressed to the Town Administrator or designee. The Town will accept Request Forms via facsimiles and emails only if the Request Form contains a hand-written signature. No Request Forms with electronic signatures will be accepted. Requests which are estimated to require three or more hours of staff time for research shall be accompanied by a deposit of \$50.00, in the form of cash, cashier's check, or money order to defray costs in the event the

person making the request fails to pay for copies and prorated wages of the staff collecting and copying the documents. Any balance remaining after copy and staff wage costs are assessed shall be refunded. If the total cost exceeds the \$50.00 deposit, no documents shall be released until such time as the difference is remitted. All minor requests which are estimated to take less than three hours of staff time shall not be required to be accompanied by a deposit and shall be charged based on the fee schedule herein. No FOIA request shall be honored for any person who has failed to reimburse the Town for the costs associated with prior FOIA requests until such time as they remit the fees that are in arrears.

The Town Administrator or designee shall, within fifteen business days of receipt of the written request, notify the person making such request of his/her determination of the availability of the specific record(s) or documents(s) requested, and the estimated cost of assembling and copying the specific record(s). Such determination shall constitute the final opinion of the Town as to the public availability of the requested public record(s) or document(s).

3. Fees

If the requested public records or documents are available and are not exempt from disclosure pursuant to the provisions of section 30-4-40, the fee charged for assembling and copying the records or documents shall be as follows:

- 1) Copies- \$0.25 per letter size copy, \$0.50 per legal size copy, \$0.50 per color copy, and \$0.75 per ledger size copy. Oversized copies shall be charged at the outsourced cost, including the prorated hourly wage of the staff calculated at half-hour increments, and mileage to and from the copying center. Copies of tapes, CD's, DVD's, or other electronic, optical, or magnetic media shall be charged at the rate of \$5.00 per item.
- 2) Research- the cost for researching and recovering records for copying shall be charged at the prorated hourly wage of the staff conducting the research calculated at half-hour increments.
- 3) Review- the cost for making records available for review shall be the prorated hourly rate of the staff in attendance during the review and the staff time devoted to researching and recovering those records for review calculated at half-hour increments.

NOTE: Information of a personal nature where the disclosure thereof would constitute unreasonable invasion of personal privacy is exempt from disclosure pursuant to section 30-4-40(a)(2) of the Code.

TOWN OF EDISTO BEACH

**A RESOLUTION TO ESTABLISH THE FEE FOR RESIDENTIAL GARBAGE
CONTAINER ROLL-OUT / ROLL-BACK SERVICE AS AUTHORIZED BY
ORDINANCE 2015-07**

WHEREAS, Ordinance No. 2015-07 provides “the Town may provide or contract for, but is not required to provide or contract for, a mandatory service to “roll-out” authorized residential containers to the curbside for household waste service and “roll-back” authorized residential containers after collection. The fee assessed to the residents will be based on the number of containers per dwelling”; and

WHEREAS, The Town Council has engaged a contractor to provide the roll-out and roll-back service and now desires to establish a uniform monthly fee assessed to citizens of \$4.00 per month per container.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that a uniform monthly fee shall be assessed to citizens of \$4.00 per month per container for roll-out / roll-back container service as authorized by Ordinance 2015-07.

This resolution shall take effect upon adoption.

Jane Darby, Mayor

ATTEST:

Adopted: _____

Deborah Hargis, Municipal Clerk

TOWN OF EDISTO BEACH

AN ORDINANCE TO AMEND SECTION 86-144 OF CHAPTER 86 OF THE TOWN'S CODE OF ORDINANCES AS RECOMMENDED BY THE PLANNING COMMISSION PURSUANT TO AN EXTENSIVE STUDY AND RE-WRITE INITIATIVE

WHEREAS, after extensive study the Planning Commission of the Town of Edisto Beach has recommended to the Town Council that Section 86-144 of Chapter 86, amended and re-written as set forth in Exhibit A attached hereto, be adopted by Town Council; and

WHEREAS, after further study of the proposed amendment and re-write, Town Council believes it is in the best interest of the Town to enact the amended and re-written Section 86-144 of Chapter 86, amended and re-written as set forth in Exhibit A attached hereto; and

WHEREAS, prior to the final reading of this ordinance a public hearing was held pursuant to the requirements of the S.C. Code of Laws.

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

1. Section 86-144 of Chapter 86 of the Town's Code be amended in totality to read as set forth in Exhibit A attached to this ordinance.

This ordinance shall take effect upon final reading.

Jane Darby, Mayor

First Reading: _____
Public Hearing: _____
Final Reading: _____

ATTEST:

Deborah Hargis, Municipal Clerk

Approved as to form: _____