

MINUTES
December 13, 2018
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, Susan Hornsby, Jerome Kizer, and Patti Smyer, Council Members; *Quorum of Council Present.*

Mayor Darby led those present in the Pledge of Allegiance and an invocation.

Approval of Minutes

A. Regular Council Meeting Minutes, November 8, 2018 - Councilman Kizer moved to approve the minutes of the November 8, 2018 Council minutes, seconded by Councilwoman Smyer and approved 4 – 0 prior to the arrival of Councilwoman Hornsby.

Proclamations and Presentations

A. Starfish Awards – Mayor Darby congratulated the following employees and commended them on going above and beyond the call of duty in cleaning up storm debris after Hurricane Florence: Natalie Kantz, Axavier Wright, Julian Meggett, Alfred Meggett, Jim Mellersten, Patrick Zemp and Pete Lala.

New Business

A. Annual Financial Report Fiscal Year Ending June 30, 2018 – K. Eve McKoy, Certified Public Accountant, presented the report to Council for the fiscal year ending June 30, 2018. Ms. McKoy told Council that if ever any questions arose to please feel free to get in touch with her. The report on page one of the audit document states that “these financial statements are actually management’s responsibility and that my responsibility is to attest to an opinion on them. It is my opinion, based on the audit test that I performed for the financial statement that these are a fair presentation of your financial position on June 30, 2018 and your operations for the year ending June 30, 2018. It is what we refer to as a ‘clean opinion’ or an unqualified or unmodified opinion. It is the highest level of assurance that an independent auditor can give on financial statements.” Ms. McKoy directed Council’s attention to the Water and Sewer Fund. “As you know, the Water and Sewer Fund is a separate fund that has separate accounts for the operations of the water and sewer system.... The purpose of the water and sewer fund...is to generate enough money, not only to pay your operating expenses but to pay any debt service that you have. We always look toward having an excess of revenues over expenses for that reason. Your bond ordinances require you, as the Town, to have a certain level of profit to cover those expenses. We are really interested in the bottom line....that change in net position, and you can see there you have revenues over expenses for last year of \$93,461. You do want it to be in a positive situation.... You can see for 2018 your debt service coverage ratio was 1.72. You are required to have 1.5, so you did meet your requirements and your covenants. The reason that has dropped lower than the previous year... (is) because you had debt service payments on the new bond that started in fiscal year 2018, and that’s what has made the ratio go lower. But again, you have a series of increases in your water rates scheduled so that you can meet those bond covenants. Bottom line for the year, you are required to meet your 1.5 ratio, you met it, so move forward and look to the next year.”

The General Fund, which is separate from the Water and Sewer Fund, is to finance the day-to-day operations of the Town. The net change for 2018 was \$206,063. Ms. McKoy next addressed the Federal and State money the Town received in FY2018. In FY2017, the Town received over \$750,000, mostly in FEMA funds for hurricane damage/repairs. Due to reaching that \$750,000 threshold, a special audit known as a "single audit" must be performed. In FY2018 the Town did not reach that threshold, so no single audit was performed. Lastly, Ms. McKoy explained the "material weaknesses" found while performing the FY2018 audit. "There are two findings from last year. Historically Edisto does not have that many findings, but I will preface these findings with the fact that you had a finance clerk who was a wonderful finance clerk who unexpectedly had to retire, and when you have someone with her knowledge and her experience go, you're going to have more than a blip on the radar. That's what these findings address, is the fact that there were a lot of things that needed adjustments last year, and the bottom line recommendation which is, going forward, I recommended that you have someone, either a CPA or someone else with a lot of experience just to come in for this next year, and oversee the finance department, to be sure that the things are getting done that need to be done. The Town of Edisto Beach has a lot of complicated accounting. Your new finance clerk, what she lacks in experience, she makes up with enthusiasm. Based on your clerk having all that experience, all those years of experience and knowing the Town's accounting, like I said, I would not have expected anything different. I think just going forward, and that recommendation has already been implemented....Overall, I think it's an excellent report, but I did want to point out those findings, so as a Council you are aware that we did have some issues last year and that they have been corrected."

B. Army Corps of Engineers Project Public Hearing January 14, 2019 – Mayor Darby informed those in attendance that there will be a Public Meeting on January 14, 2019 at 6:00 p.m. at Town Hall to provide an update on the status of the project and the Perpetual Easement Line (PEL). The Town Administrator will be available to discuss the PEL and the reasoning for the position of the line and provide the language for the easements. Ms. Spencer Whetmore, Town Administrator of Folly Beach, will be available to answer questions regarding their experience with the Army Corps of Engineers.

C. Coastal Science and Engineering Hurricane Florence Damage Assessment – Hurricane Florence impacted Edisto Beach on September 14, 2018. According to the survey and after accounting for background erosion, no measurable additional sand loss was related to Hurricane Florence. Since there was no erosion attributable from the hurricane, FEMA will not reimburse the Town for the cost of the assessment.

D. Coastal Science and Engineering Hurricane Michael Damage Assessment – Hurricane Michael impacted Edisto Beach around October 10 – 12, 2018. According to the surveys, overall the beach lost 16,596 cubic yards of sand. The most significant losses were along the state park, groin cells 17 – 19 and cell 30.

E. Myrtle Street Drainage Project Update – Vickie Lindsey and Behling Guess from the South Carolina Department of Transportation gave Council and those in attendance an update on the Myrtle Street Drainage Project. Mr. Guess told those in attendance, "This project started on August 21 of this past year. The proposed completion date, it looks like it's going to be March 29th. That all depends on the paving season and what kind of weather we have in February and March. Hopefully we will be completing this project by then... The pipe is about 47% complete at this time. We did have some utility issues. AT&T is still working out there, hopefully by the end of next week they'll be mostly out of our way." Administrator Hill asked if the standing water on the lot was rainwater or a broken pipe. Mr. Guess said it was a combination

of the two. Administrator Hill asked if the outfall was completed and Mr. Guess said that as far as he knew it is.

F. Coastal Science and Engineering Edisto Beach Groin Repair Project – CSE has submitted a proposal to provide pre-construction and construction oversight for the groin repairs from Hurricane Irma at a cost not to exceed \$37,180. This will be funded from local accommodations funds and be reimbursed by the Federal Emergency Management Agency and the State of South Carolina. Councilwoman Smyer moved to approve the proposal, seconded by Councilwoman Hornsby and unanimously approved.

G. First Reading of Ordinance No. 2018-28 to Amend Section 82-32(c)(1) related to provisions of temporary use of the Town water system to contractors and to amend the fees – Mayor Pro Tem Moore moved to approve the First Reading of Ordinance No. 2018-28 to Amend Section 82-32(c)(1) related to provisions of temporary use of the Town water system to contractors and to amend the fees. These rates have not been adjusted since 1990 and adjustments are needed to account for the new rates associated with the water improvements. Councilman Kizer seconded the motion, which was approved unanimously.

H. Red Cross Blood Drive 2019 Schedule – Councilman Kizer moved to approve the request of the Red Cross to hold blood drives at the Civic Center on the following dates in 2019: January 22, May 21, July 16 and October 22 from 9:00 a.m. until 7:00 p.m. and waive fees. Councilwoman Smyer seconded the motion, which was unanimously approved.

I. Volunteer Fire Department By Laws – Councilwoman Hornsby moved to approve the changes to the Volunteer Fire Department By Laws, seconded by Mayor Pro Tem Moore and approved unanimously.

J. Coastal Science and Engineering Phase 2 Engineering Services Project Closeout – Mayor Pro Tem Moore moved to approve the closeout of the Phase 2 releasing commitment of \$108,737.29 in local accommodations funding. Councilman Kizer seconded the motion, which was unanimously approved.

K. Award of Bid No. 2018-18, Repair Beach Access 35 – Councilwoman Smyer moved to award of Bid No 2018-18, Beach Access 35, to All In Builders in the amount of \$8,500 to be paid by Local Accommodations funds and authorize the Town Administrator to negotiate and authorize the contract. Councilwoman Hornsby seconded the motion, which was approved unanimously.

L. Surf Fishing Brochure – Councilman Kizer moved to approve the surf fishing brochure, a copy of which is attached to these minutes. Councilman Moore seconded the motion which was unanimously approved. The brochure will be distributed to all rental agencies, the Chamber of Commerce, and all retail outlets that sell fishing equipment of bait. It will also be posted to the Town's website and Facebook page.

Committee Vacancies

A. The Image and Design of Edisto Committee, 2 vacancies – The terms of Peter Beck and Marie Bost will expire on January 11, 2019. Councilwoman Smyer moved to approve the advertising of these two vacancies, seconded by Councilwoman Hornsby and approved unanimously.

Planning Commission

A. First Reading of Ordinance No. 2018-27 To Amend Sections 86-214(a)(16), 86-214(a)(17) of the Town of Edisto Beach Code of Ordinances – Councilwoman Smyer moved to approve the First Reading of Ordinance No. 2018-27 To Amend Sections 86-214(a)(16) and 86-214(a)(17) of the Town of Edisto Beach Code of Ordinances. These changes are related to banners and flags. Councilwoman Hornsby seconded the motion, which was unanimously approved.

Departmental Reports and Committee Updates

Mayor Darby updated those in attendance on the water system improvements. “Yesterday (we met with) Richard Welch, from DHEC. In attendance were Arnold Ellison, myself, Lindy Cummins and Davis Rizer. As a result of this meeting... the papers were submitted that answered all the questions they had had previously at the 90%. They now have the 100% plans... By going in yesterday... rather than having emails going back and forth with questions asked and answered, we were able to do them on the spot yesterday. As a result, one thing was needed, and that was the fact that one page was not stamped by the P.E. seal. They said that would not hold anything up...The good news is that they have indicated that... they will get to us (the permit to construct) before Christmas.”

Administration

Town Administrator Iris Hill gave the financial report for the month ending October 31, 2018.

	Received	Spent
General Fund	25.74%	28.47%
Water Fund	34.26%	31.04%
Wastewater Fund	29.82%	27.49%

In the month of November, 2018 the Town received one Freedom of Information request and has 11,800 “likes” on the Facebook page.

Building

Patrick Brown, Building Code Administrator, gave the Building report for the month of November 2018.

	November-17	November-18	YTD
Business/Rental License Fees	\$1,031	\$3,200.88	\$32,970.71
New Construction Permits	3	2	
Other Permits	22	28	
Permit Fees	\$12,060.00	\$7,345.50	\$30,704.00
Inspections	49	60	

After the Christmas holiday, the Building Department will be finishing up the repair of sand fencing on the beach.

Fire

Fire Chief Denney Conley gave the Fire Department report for the month ending November 30, 2018.

Calls	November - 17	November - 18	YTD
Medical	7	24	130
Fire-related	4	18	67
EMS/Misc	44	46	273
Beach Wheel Chairs	2	3	65

Water Rescue	0	0	8
Welfare Checks	28	32	<u>156</u>

Police

Police Chief George Brothers gave the Police Department report for the month of November 2018.

	November -17	November -18	YTD
Miles Patrolled	10,752	10,567	50,922
Incidents & Calls for Service	105	40	661
Calls for 2 or More Officers	21		6,742
Property Checks	852	1,410	1,651

Special Events

Kelly Moore, Special Events Coordinator, gave the report for November 2018.

	November -18	YTD
Edisto Civic Center	\$269.90	
Bay Creek Park	\$1,462.00	\$

The refinishing of the hardwood floors at the Civic Center is being completed. Bay Creek Park was decorated for Christmas and Mrs. More attended the Lions Club meeting on behalf of Edisto Pride and accepted a donation.

Utilities

Utilities Manager Patrick Zemp gave the report for the month ending November 30, 2018.

	November-17	November-18	YTD
Pumped MG Water	9.00	8.90	
Treated MG Wastewater	3.5	3.83	
Water Line Repairs	4	4	
Work Order Repairs	20	45	

Utility Services performed a wash-out inspection on the 200,000-gallon ground storage tank. Holiday services completed the annual hydrant flow testing. Wharton Smith and McCall Brothers drove the pilot hole for well #7. Patrick Zemp passed the "D" level Biological Wastewater operator's exam and received his "D" level license.

Public Works

Patrick Zemp, Utilities Manager, gave the report for the month of November 2018. Sixteen trash cans were delivered by the Public Works Department and they assisted in getting Bay Creek Park ready for November events. Beach accesses maintenance was performed.

Chamber of Commerce

Lisa Harrell, Chamber Director, gave the report for November 2018.

- Pictures with Santa will be held at Ocean Ridge for \$5.00 per session on Sunday and Monday, December 16th and 17th and December 23rd and 24th at Water's Edge Café.
- On Saturday, December 29th, at 11:30, Story Telling, Crabs, Turtles and Snails, Oh My, will be held at the Edisto Book Store.

Mayor Darby wished everyone a Merry Christmas

Public Comment

No one was signed in to speak.

Executive Session

Mayor Pro Tem Moore moved to go into Executive Session, seconded by Councilwoman Hornsby and approved unanimously.

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

Mayor Pro Tem Moore moved to approve Resolution No. 2018-R31, which states in part, " Now therefore on December 13, 2018, the Town Council met again to consider the language of the Civic Center's Facility Use Guidelines and hereby agrees to rescind the exclusion of religious worship services within the Civic Center such that the original Facility Use Guidelines (attached hereto) are now applicable for the use of the Civic Center moving forward." Councilwoman Hornsby seconded them motion, which was approved unanimously. A complete copy of the Resolution is attached to these minutes.

Adjournment

Councilwoman Smyer moved to adjourn the meeting, seconded by Councilman Kizer and approved unanimously.

The public/media was informed of the location, date and time of the meeting on Friday, December 7, 2018

APPROVED BY TOWN COUNCIL



January 10, 2019



A GUIDE TO SURF FISHING ETIQUETTE & SAFETY

The Town of Edisto Beach wants all of our citizens and visitors to enjoy the beautiful beach. This is made possible by following a few simple rules and being respectful.



BE RESPECTFUL

Anglers: Pay attention to swimmers, sunbathers and beach goers; most have little knowledge of fishing and do not know when they are in danger or in your way. Give them plenty of space. If you can, limit fishing to areas of the beach and times of day when other beach activities are off peak.



Beach Goers: Please leave 100ft on either side of the angler to be safe. Hooks are sharp! Keep an eye out for lines going into the water when walking on the beach. Don't swim near schools of bait fish.

Remember we are all equally entitled to enjoy this public beach



FISHING ROD PLACEMENT

Place fishing rods as close to the waters edge as possible, so they do not obstruct the walking beach or snag a passerby. We do recommend the use of highly visible lines. Hooks in the foot are no fun for anyone.

Rod spacing is important as well, please share the beach



DISPOSAL OF FISHING DEBRIS

Please remove all of your trash and left over bait when you leave the beach as it will attract birds, rats and pets. We do not want pets getting sick. Do not place it in the beach access cans. Disposing of bait in the ocean is not acceptable either as it usually washes back ashore. Please don't clean your fish on the beach.

Shark Chumming is Prohibited

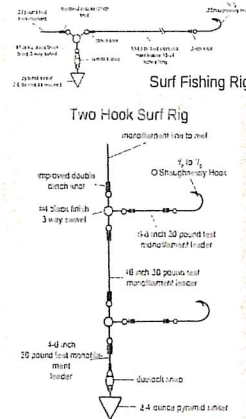
Requirements: South Carolina Salt Water Recreational Fishing License & no more than two rods per person

www.townofedistobeach.com
843-869-2505



SURF FISHING TIPS

THE TYPE OF FISH YOU CATCH WILL DEPEND GREATLY ON THE SIZE OF YOUR GEAR.



SMALL TO MEDIUM RIGS:

You can use smaller rigs for saltwater "panfish" (spot, croaker, whiting, and even pompano).

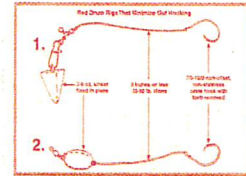
For these fish, use a small rod (6 to 7 foot spinning rod with 8 or 10 pound line) and small (less than 1/2 ounce) weight, with a hook size of about 2 through 6 with small baits. Pieces of shrimp, mole crabs, or small pieces of cut mullet work well.

You can also fish for small fish with a big surf rod (up to 10 or 11 foot) with 2 to 4 ounce pyramid sinker to keep your bait from moving around too much in the surf.

To target flounder, trout, or small red drum, use a slightly larger hook (1 or 1/0) and a live shrimp or mud minnow.

LARGE RIGS:

If you want to target adult red drum or other large species, you need to use large rods/reels and heavy weight line and hooks. For adult Red Drum especially, DNR recommends using gear that ensure a quick fight and will minimize gut hooking. Use a 10 to 11 foot surf rod with a 3-6 ounce pyramid sinker and a 7/0-10/0 circle hook with a large piece of bait. Cut mullet or whole menhaden work well. These are examples of (1) Red Drum rig for surf fishing and (2) Red Drum rig for boat fishing.



SEASONAL FISHING AND REGULATIONS:

Fish Species	Bag Limit	Size Limit
Red Drum	2 per person per day	15-23 inch TL
Black Drum	5 per person per day	14-27 inch TL
Flounder	10 per person per day	>15 inch TL
Spotted Sea Trout	10 per person per day	14 inch TL
Sheepshead	10 per person per day	14 inch TL
Cobia	1 per person per day	36 inch FL
King Mackerel	3 per person per day	24 inch FL
Spanish Mackerel	15 per person per day	12 inch FL
Bluefish	15 per person per day	none
Pompano	none	none
Ladyfish	none	none
Croaker	none	none
Spot	50 per person per day aggregate bag limit	none
Whiting	none	none
Sharks	See regulations online, it is illegal to possess many shark species	

You can surf fish any time of the year, but fall is one of the best times to fish in the low country. Almost every species is biting! Generally, summer is the best time to target flounder and pompano.

The chart provides the basic regulations on some of South Carolina's most popular fish. This list does not cover seasonal closures or all species you may encounter, and part of being a responsible angler is knowing your fish regulations. Check SCDNR's website or the "Fish Rules" App to see the most up to date and exhaustive regulations.

DNR recommends the use of non-stainless steel circle hooks when fishing in saltwater.

www.townofedistobeach.com
843-869-2505

TOWN OF EDISTO BEACH RESOLUTION
DECEMBER 13, 2018

1. WHEREAS, the Town of Edisto Beach was called to Order with an appropriate Quorum as required by law and has publically voted as follows:

2. WHEREAS, the Edisto Civic Center is located at 42 Station Court, Edisto Island, SC 29438 and is owned by the Colleton County Board of School Trustees and managed by the Town of Edisto Beach.

3. WHEREAS, the Town created a set of Facility Use Guidelines for use of the Civic Center, which consists of an auditorium, a gallery/lobby area, two multi-purpose rooms, and the grounds around the facility.

4. WHEREAS, under the Facility Use Guidelines, the Town “welcomes civic, political, business, social groups and others to its facility.” The original Facility Use Guidelines stated that the “auditorium, the gallery/lobby area, two multi-purpose rooms and/or the grounds may be scheduled for use provided:

- Such use does not interfere or conflict with previously scheduled programs or normal operation of the Center;
- Such use is in accordance with local, state, and federal laws and ordinances governing the Center; and
- Such use conforms to applicable policies, guidelines, and procedures in effect at the Center.”

5. WHEREAS, under the Facility Use Guidelines, the Town also reserves the right to deny a request, reassign space, or cancel reservations which may be for, but not limited to, any of the following reasons:

- Lack of available or suitable space;
- The proposed event interferes or conflicts with previously scheduled programs or normal operation of the Center;
- The organization or individual failed to abide by the terms and conditions of the Center during a prior event within the last three years;

- The organization or individual misused or damaged the property during a prior use;
- A determination that the event could be disruptive, hazardous to persons or the Center, or is unlawful or a breach of peaceful circumstances.

6. WHEREAS, the use of the Civic Center is prohibited except by prior written approval, and a Facility Use Application must be submitted at least ten (10) days in advance of the proposed event. The Town requires that the "agenda for the event . . . be submitted in writing along with the Facility Use Application." The agenda must include "proposed activities, tentative time schedule, and earliest time when access will be required . . ."

7. WHEREAS, the Town has also created a Fee Schedule which set forth usage fees for various types of rentals at the Civic Center. Pursuant to the Facility Management Agreement, both the Town and Colleton County agreed to the Fee Schedule in writing prior to its implementation.

8. WHEREAS, the Town had previously received a request from a church-affiliated group to use the Civic Center for religious worship services for an ongoing basis. The Town was concerned about the legal use of the publicly owned Civic Center by religious groups for religious worship services and was further concerned that by agreeing to the group's proposed discounted rates for usage of the Civic Center, that the Town could be effectively subsidizing the endorsement and establishment of a church.

9. WHEREAS, the Town consulted with its attorney who conducted legal research and found case law which held that a government's exclusion of religious worship services as a use for limited public forums was a valid and constitutional exclusion which did not infringe upon any First Amendment rights of religious groups and organizations.


10. WHEREAS, on June 14, 2018, the Town Council voted to amend the Facility Use Guidelines to prohibit use of the Civic Center for religious worship services, and the Facility Use Guidelines were amended to reflect this change.

11. WHEREAS, the Town's decision to amend the Civic Center's Facility Use Guidelines was not motivated by any hostility toward any religion; rather, the sole motivation for the amendment was to curtail the Town's risk for liability under the Establishment Clause of the First Amendment.

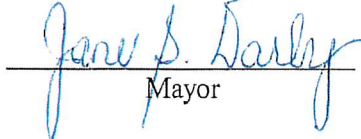
12. NOW THEREFORE on December 13, 2018, the Town Council met again to consider the language of the Civic Center's Facility Use Guidelines and HEREBY AGREES to rescind the exclusion of religious worship services within the Civic Center such that the original Facility Use Guidelines (attached hereto) are now applicable for the use of the Civic Center moving forward.

ADOPTED AND RESOLVED by Council duly assembled this 13th day of December, 2018.

ATTEST:



Town Clerk



Mayor