

MINUTES
October 11, 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.*

Councilman Kizer led those present in the Pledge of Allegiance and an invocation.

Approval of Minutes

A. Special Council Meeting Minutes, September 11, 2018 – Councilwoman Hornsby moved to approve the minutes from the Special Council meeting held on September 11, 2018, seconded by Mayor Pro Tem Moore and approved unanimously.

Proclamations and Presentations

A. Safety Policy Resolution No. 2018-R22 – Councilwoman Smyer moved to approve the Safety Policy Resolution No. 2018-R22, seconded by Councilman Kizer and unanimously approved.

B. Earthquake Awareness Proclamation 2018-P23 – Councilman Kizer moved to approve the Earthquake Awareness Proclamation, seconded by Mayor Pro Tem Moore and approved unanimously.

Old Business

A. Water Improvement Project Update – Davis Rizer and Sean Stanford gave an update on the Water Improvement Project at the Council worksession on Tuesday, October 9, 2018. Mr. Rizer told those in attendance that the timeline for the completion of the project was now late 2019. Right now, the permit to construct wells #7 and #8 and the stormwater line are in hand. The raw water line permit is pending. At the end of the month, the lot will be cleared and the construction entrance will be built. In early November drilling should begin on the two wells. Council is very concerned and quite displeased that the project completion date has been changed from summer 2019 to late 2019 and wants an explanation. Mr. Rizer explained that permitting was taking longer than anticipated and that Wharton Smith was vetting each cost item to keep the total cost as low as possible. The Town was notified on Friday, October 5 that the timeline was changing. Mayor Pro Tem Moore asked that a monthly update be provided to Town Council on the progress of the Water Improvement Project. Bob Sandifer told Council that it was difficult to explain to property owners that the project that is already being paid for in increased water rates is behind schedule.

B. Second Reading of Ordinance No. 2018-21 to Require a Permit Authorizing Removal of Sand from Private Property and to Prohibit the Removal of Sand from the Town's Rights of Way – Councilwoman Hornsby moved to approve the second reading of Ordinance No. 2018-21 to Require a Permit Authorizing Removal of Sand from Private Property and to Prohibit the Removal of Sand from the Town's Rights of Way. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

C. Update on Beach Access 1A – The Town is in receipt of the executed twelve-foot easement for public access on Beach Access 1A. A survey will be done and the access will be opened to the public as soon as possible.

New Business

A. Recurring Special Event Form, Edisto Chamber of Commerce, 28th Annual Christmas Parade – Councilwoman Smyer moved to approve the recurring special event form from the Edisto Chamber of Commerce for the 28th Annual Christmas parade to be held on December 8, 2018 at 2:00 p.m. from the 600 block of Palmetto to the BiLo parking lot. Councilwoman Hornsby seconded the motion, which was unanimously approved.

B. CSE Final Report 2017 Edisto Beach – Beach Restoration and Groin Lengthening – Coastal Science and Engineering has completed the final report on the 2017 beach restoration and groin lengthening project. The report can be found online at http://townofedistobeach.com/Data/Sites/1/media/24162final_edisto-beach-final-report08-31-2018drs.pdf. Mayor Pro Tem Moore moved to accept the report, seconded by Councilwoman Smyer and approved unanimously.

C. RFP 2018-12 Utility Vehicles Award – Councilwoman Smyer moved to approve the award of RFP 2018-12 to Walterboro Ford as follows: Vehicle 1 - \$33,611.72. Vehicle 2 - \$37,115.72 and Vehicle 3 - \$39,425.72 to be funded from the Utility Vehicle Equipment Replacement Fund. Mayor Pro Tem Moore seconded the motion, which included authorizing the Town Administrator to purchase the vehicles, which were budgeted in the FY2018-2019 budget. Mayor Darby called for the vote and the motion was unanimously approved.

D. Surf Fishing Discussion – Currently the Town does not regulate surf fishing. This topic was brought to the Beachfront Management Committee in 2015 and again in 2017 due to complaints the Town received. The Town continues to receive complaints regarding surf fishing on the beach and safety concerns dealing with this issue. Information was provided to Council to generate discussion on surf fishing. Councilman Kizer moved that “the Town of Edisto Beach produce an informative brochure addressing the concerns that have been brought to the Town regarding surf fishing. This brochure will include consideration for swimmers, sunbathers and beach goers. It will also address the disposal of fishing debris and the proper placement of fishing rods on the beach when surf fishing. These brochures will be available to the public on the Town’s website, Facebook page as well as through the Edisto Chamber of Commerce, rental agencies, EBPOA and all businesses especially those selling beach and fishing equipment.” Mayor Pro Tem Moore seconded the motion, and added, “We’ve been looking at this for a while, and looking at all the other communities up and down the coast, most of them have limitations and Ordinances governing surf fishing. We are Edisto. That’s not Edisto, and we understand that. I think this is a way for us to address this without the Town being invasive with some Ordinance restricting the things that people come down here and enjoy doing. I think this is a good first step for us, I think it puts the emphasis back on the public to police themselves.” Councilwoman Hornsby added, “Those of us on Edisto pride ourselves on our freedom and our lack of regulations. But like Mr. Moore said, we’re about the only community that does not regulate surf fishing. And as we grow up, this may very well be something we have to do in the future. So we’re going to have to police each other.” Councilwoman Smyer stated, “I have several things I’d like to say. First of all, we have read every comment and response to a comment that was on the Edisto Watersports website. We have read every email that has been sent to us, and I want you to know that this Town Council has listened and we realize that we are representatives for you, that you elected us to help

represent you in this Town. I want to also say that I appreciate those of you who were polite and respectful in the comments that you made and in the emails that you sent. I would also like to just bring out a few points that I feel like from reading the comments that some of you are not aware of. There were two issues that were repeatedly brought up in the comments, and they were safety and litter. And I'm not sure that everyone, in fact I'm sure that everyone doesn't understand, some people do, what those two issues are. The safety issues are people, largely, who have been stuck by a fishing hook, and have landed at St. Francis Hospital when our local doctor was not available on a weekend. We have six documented cases of that happening, so it's not just hearsay. So that's the safety issue. There are (also) dogs that have eaten bait that has been left on the beach and have gotten food poisoning, so they've been to the vet because of that. That kind of, for me, is where the safety issues are. I'm not going to discuss sharks at all, I'm just not going there. The litter issue is not trash. The litter issue is bait remains that are left in ziplock bags and in containers on the beach. I walk the beach three days a week during the summer, at 6:00 doing turtle patrol and I pick up trash every one of those days, so I know what's out there. That's what I see a lot of, it's not as much as the plastic bags and paper and food wrappers, I give you that, but I do see a lot of fish bait that's left behind. There's also, bait that some fisherman, I'm sure think they're helping out the fish, and when they're done for the day, they throw their bait into the ocean and it invariably washes back up on our shore. So that's nasty bait that's on our shore that some of those dogs are getting to. The last issue is that there are some fisherman, thank goodness not many, but it happened a fair amount this summer, with fisherman fileting their fish right there on the beach and leaving the remains. So that's the litter we're talking about." Mayor Pro Tem Moore commented on a phone call he had received from Shane Rasely who highlighted the "bigger picture" of surf fishing. Mayor Darby added, "I'd like to add one more thing on the courtesy rules. If people are swimming and there are kids there, for heaven's sake, don't walk in the middle of them and throw out your pole. Because this happens folks, not everybody is a responsible fisherman. We get a lot of people who come down here and say, 'Oh I paid \$3,000 for this house for this week, I can do whatever I want to.' And consequently, they go right out there and do it. If you say anything to them, as a parent or responsible citizen, you get four-letter words, you get told what to do with yourself, you get told that, 'My uncle is a judge, he lives over there on Osceola Street and he'll take care of you.' So it's going to come to all of us to prove that we're adults and all of us to police each other to make sure that we are not forced to Ordinances. And the discussion the other day was, 'How do you enforce an Ordinance,' it was not to ban fishing. When we discussed enforcing the Ordinance, you should never pass something that you can't enforce. And know how you're going to do it." Councilwoman Smyer added, "The things that we have mentioned just now, we realize that's not all the fisherman. I have spoken with too many people on email and on the phone today to think that. I know that there are many, many fishermen out there, most fisherman out there, who care about Edisto, love Edisto, and certainly do not want to mess it up in any way. So please don't think that the instances we're putting in front of you are what we think about all fisherman. It's just that we want you to know what some of the complaints have been to us, what we know, that you might not know." There being no further discussion, Mayor Darby called for the vote and the motion passed unanimously.

E. Resolution No. 2018-R26 Edisto Pride By-Laws Revisions – Councilwoman Smyer moved to approve the revisions to the Edisto Pride By-Laws, seconded by Councilman Kizer seconded the motion, which was unanimously approved.

F. TIDE Committee Recommendations – At the September meeting of the TIDE Committee, they unanimously approved a motion recommending Council consider making several of the beach accesses fully handicap accessible and ADA compliant. At the October TIDE Meeting, the Committee unanimously approved one of two signs to be used as a say finder sign for the Burley L. Lyons Park. The Committee

also unanimously approved one of three possible additions to the manger scene that is put up across from the Horizon on the State Park side of Palmetto Boulevard. Councilwoman Smyer moved to approve the motions from the TIDE Committee, seconded by Mayor Pro Tem Moore and unanimously approved.

G. Special Event Application, Town of Edisto Beach, Holiday Market & Mingle – Councilman Kizer moved to approve the application to hold the Market and Mingle event on December 7, 2018 from 12:00 – 7:00 p.m. at Bay Creek Park. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

H. Security Services Agreement between Ocean Ridge Property Owners Association and Town of Edisto Beach – Councilwoman Smyer moved to approve the agreement for the Town to provide security services to Ocean Ridge for the term of three years. Ocean Ridge will pay ½ the officer's salary plus benefits. Councilwoman Hornsby seconded the motion, which was unanimously approved.

I. First Reading of Ordinance No. 2018-24 to Amend Section 42-46(e) and Adopt Section 42-46(f) and (g) of the Code of Ordinances of the Town of Edisto Beach relating to the Fire Department – This amendment updates our code to comply with recent changes to the state code. Mayor Pro Tem Moore moved to approve the First Reading of Ordinance No. 2018-24 to Amend Section 42-46(e) and Adopt Section 42-46(f) and (g) of the Code of Ordinances of the Town of Edisto Beach relating to the Fire Department, seconded by Councilwoman Hornsby and approved unanimously.

J. First Reading of Ordinance No. 2018-25 to Amend Section 10-41 of the Town's Code of Ordinances Related to Indecent Exposure and Display of Specified Anatomical Areas on the Beach and Within Certain Areas of the Town – This amendment updates the Town's Code to comply with recent changes to the state code. Councilman Kizer moved to approve the First Reading of Ordinance No. 2018-25 to Amend Section 10-41 of the Town's Code of Ordinances Related to Indecent Exposure and Display of Specified Anatomical Areas on the Beach and Within Certain Areas of the Town. Councilwoman Smyer seconded the motion, which was unanimously approved.

Committee Vacancies

A. Municipal Elections Commission – Councilwoman Smyer moved to approve the application from Marilyn Bowman for the vacancy on the Municipal Elections Commission. Councilwoman Hornsby seconded the motion, which was approved unanimously.

B. The Image and Design of Edisto (TIDE) Committee – Councilman Kizer moved to approve the applications from Cameron Andrews and Archie Livingston to fill two vacancies. Councilwoman Smyer seconded the motion, which was unanimously approved.

C. Beachfront Management Committee – Councilwoman Smyer moved to approve the application of Paul Oakley to fill the vacancy on the Beachfront Management Committee. Councilman Kizer seconded the motion, which was approved unanimously.

D. Water and Sewer Committee – Councilwoman Hornsby moved to approve the request to advertise the vacancy on the Water and Sewer Committee. The term of Jody Kleckley expires in December. Mayor Pro Tem Moore seconded the motion, which was unanimously approved.

Departmental Reports and Committee Updates

Because of the large number of people signed in to speak during Public Comment, no reports or updates were given.

Public Comment

Robert Renner – Mr. Renner thanked Council for “letting things try to take care of itself.”

Lindsey Young – Mrs. Young commended Council on the brochure idea.

Jeff Hebert – Mr. Hebert noted that providing informational brochures “is just reinforcing common sense. And that’s really what I wanted to talk about is for people to use common sense.”

Philip McNair – Mr. McNair suggested that in the brochure, “you ask people to use the high visibility line so that people can see it so they won’t walk into it.”

Shane Rasely – Mr. Rasely told those in attendance, “I am a local fisherman, so thank you for letting me have a moment. The Austin Pediatric Study published one in March of this year, that of 37 injuries with hooks, only 4 of them were actually at the beach. So I just wanted to put that out there. We do a lot of fishing here, and I probably had the cops called on me 30 times this year, just hoping that I was doing something wrong. So I think respect and understanding would go a long way between everybody. We’re just here to fish. We do a lot of it for research, so actually here there’s a Carolina Hammerhead that they think might be in the waters. There’s not a lot of information on it, so we are trying to get some of it. Cooperation and understanding would go a long way.”

Lynn Curtice – Mrs. Curtice thanked Councilwoman Smyer for responding so quickly. Mrs. Curtice suggested that there be a way “to get comments from local fisherman, like Mr. McNair with the visible lines, (the fisherman) might have some good suggestions that might not be thought of, but they are the experts. And I would also suggest that you distribute that brochure to realtors.”

Sherri (last name unknown) – “I also ask that part of the brochure include what the DNR laws really are, because I’m often shocked by people who are like ‘you gotta have a license?’”

Alan Walker – Mr. Walker told Council he would like to see a draft of the brochure before it is distributed.

Executive Session

Councilwoman Hornsby moved to go into Executive Session for the purpose of discussion of the following:

A. The 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 Venture Aloft One, LLC zoning board appeal. S.C. Code §3-4-70(a)(2)

B. The 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 Redeemer Fellowship lawsuit and insurance coverage issues. S.C. Code §3-4-70(a)(2)

Councilwoman Smyer seconded the motion, which was approved unanimously.

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

Councilwoman Hornsby moved to authorize the Town Administrator to investigate and perhaps hire an insurance coverage attorney to advise the Town on the Redeemer Fellowship lawsuit. Mayor Pro Tem Moore seconded the motion, which was unanimously approved.

Adjournment

Councilman Moore 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 Thursday, October 4, 2018.

APPROVED BY TOWN COUNCIL



November 9, 2018