

AGENDA
TOWN OF EDISTO BEACH
September 13, 2018
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

- I. **Call to Order**
- II. **Pledge of Allegiance and Invocation**
- III. **Approval of Minutes**
 - A. Public Hearing Meeting Minutes, August 9, 2018
 - B. Regular Council Meeting Minutes, August 9, 2018
 - C. Special Council Meeting Minutes, August 30, 2018
- IV. **Proclamations and Presentations**
 - A. Ten Year Service Award, Julian Meggett
 - B. Five Year Service Award, Denney Conley
 - C. Starfish Award Kelly Moore and Natalie Kantz
- V. **Old Business**
 - A. Water Improvement Project Update
- VI. **New Business**
 - A. Award of Bid to Install Hardie Plank on Bay Creek Park Heritage Building
 - B. Ellison Consulting Amendment
 - C. Resolution No. 2018-R20 to Appoint a Voting Delegate to the South Carolina Rural Water Association
 - D. First 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
 - E. Award of RFP No. 2018-10 Utility Relocate Myrtle Street Drainage
 - F. Trick or Treat at the Creek Special Event Application
 - G. 1st Annual Edisto Beach Cooking on the Creek
 - H. Recurring Special Event Application, Edisto Chamber of Commerce, 13th Annual Fall Festival
 - I. Commercial Sub-Lease Agreement with Subordination – The Episcopal Church on Edisto
 - J. Award of RFP No. 2018-12 Utility Vehicles
- VII. **Committee Vacancies**
 - A. Municipal Elections Commission-1 vacancy
 - B. The Image and Design of Edisto Committee – 2 vacancies
 - C. Beachfront Management Committee – 1 vacancy
- VIII. **Departmental Reports and Committee Updates**
- IX. **Public Comment**
- X. **Executive Session**
 - 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 Global Medical Consulting Company/Beach Access 1-A easement matter. S.C. Code §3-4-70(a)(2)
 - C. 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. S.C. Code §3-4-70(a)(2)

Upon Returning to Open Session, Action May Be Taken By the Council on Items Discussed During the Executive Session
- XI. **Adjournment**

VIC.

No. 2018-R20

The Town of Edisto Beach

A Resolution

**To Appoint a Voting Delegate To The South Carolina
Rural Water Association**

WHEREAS, the Town of Edisto Beach is a member of the South Carolina Rural Water Association; and

WHEREAS, pursuant to Article VI, Section Six of the Association bylaws the Town can appoint a voting delegate; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Edisto Beach, as duly assembled, does hereby constitute and appoint Robert Doub as the voting delegate and Patrick Zemp as the alternate voting delegate.

SIGNED, SEALED AND ADOPTED BY Town Council this 13th day of September, 2018.

Jane S. Darby, Mayor

Crawford Moore, Mayor Pro Tem

Susan Hornsby, Council Member

Patti Smyer, Council Member

Jerome Kizer, Council Member

Iris Hill, Town Administrator

V/D

No:2018-21

TOWN OF EDISTO BEACH

AN ORDINANCE TO REQUIRE A PERMIT AUTHORIZING REMOVAL OF PUBLIC BEACH SAND FROM PRIVATE PROPERTY AND TO PROHIBIT THE REMOVAL OF SAND FROM THE TOWN'S RIGHTS-OF-WAY

Section 1: Intent and Purpose

The purpose of this ordinance is to promote the public health, safety, and welfare of the residents of the Town of Edisto Beach so that public beach sand does not become a hazard, a nuisance, or is improperly disposed of and, therefore, to establish regulations of the control of all public beach sand.

Further, it is the intent of this Ordinance:

To enhance the quality of life of our oceanfront community through the effective control of this valuable resource, and

To provide a pleasing overall environment setting and good community appearance deemed vital to the continued economic attractiveness of the Town, and

To improve the overall stability of the beach in an effort to control erosion and protect and enhance the value of public properties, utilities, and infrastructure in the Town.

Section 2: As demonstrated by past hurricanes, sand from the public beach in the Town has been moved into private property and the Town's rights-of-way by turbulent weather and/or storm surges.

Section 3: Private property owners endeavoring to clear their property of beach sand deposited onto their property by turbulent weather and/or storm surges are encouraged to restore the sand to the public beach whenever possible. The removal of sand from private property and the deposit of said sand on areas of the Town other than the public beach is not in the best interest in that it may allow for further deterioration of the public beach.

Section 4: The Council deems it appropriate, in the exercise of the police powers granted to the Town by the State of South Carolina, to control the removal and relocation of public beach sand, and deems a Town Permit as an appropriate method to control such removal and prohibit removal except in special or extraordinary circumstances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Article III of Chapter 10 of the Town's Ordinance is enacted to read as follows:

CHAPTER 10

ARTICLE III. - PUBLIC BEACH SAND REGULATIONS

Section 10-80. - Permit required.

Any person or business intending to remove public beach sand deposited on private property by the operation of turbulent weather and/or storm surge must seek and obtain a special permit from the Town authorizing the removal of such sand.

Section 10-81. - Removal of public beach sand from private property without permit a violation.

Removal of public beach sand that has been deposited on private property by operation of turbulent weather and/or storm surge from the private property without a Town permit is prohibited and is a violation of this article.

Section 10-82. - Removal of sand from Town right-of-way a violation.

Removal of sand from the Town's rights-of-way by any contractor, property owners, person, corporation, or other entity is prohibited and is a violation of this article except with written permission of the Town.

Section 10-83. - Removal of sand from any waterway; permit required.

Removal of sand from any waterway requires a written permit from the Town. Property owners shall be allowed to reclaim sand moved into said waterways by the operation of turbulent weather and/or storm surge to restore the lot to pre-storm condition. Any and all excess sand should be returned to the waterway whenever possible.

Section 10-84. - Severability and Validity.

Each phrase, sentence, paragraph, section, or other provision of this article is severable from all other such phrases, sentences, paragraphs, sections, or provisions of this article and should any phrase, sentence, paragraph, section, or other provision of this article be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this article.

Section 10-85. - Penalty.

Any contractor, property owner, person, corporation, or other entity found to be in violation of the provisions of this article shall be guilty of a misdemeanor and upon conviction be punished by a fine of more than Five Hundred Dollars (\$500.00) and/or may be imprisoned for a period not exceeding 30 days for each cubic yard of sand moved, removed, or transported in violation of this ordinance. Nothing herein shall prevent the Town of Edisto Beach from taking any other administrative or lawful action deemed necessary to prevent or remedy any violation.

Section 10-86. - Compliance with federal, state, and/or local rules or ordinances.

Nothing contained herein shall relieve any contractor, property owner, person, corporation, or other entity from the responsibility to comply with federal, state, and/or local rules or ordinances nor obtain any other licenses or permits which may be required thereby.

This ordinance shall take effect upon adoption.

Jane Darby, Mayor

First reading: _____

Second reading: _____

Adopted: _____

ATTEST:

Deborah Hargis, Municipal Clerk

Approved as to form: _____