

MINUTES
April 10, 2014
REGULAR COUNCIL MEETING
6:00 P.M.

Town of Edisto Beach
Town Hall
2414 Murray Street
Edisto Beach, SC 29438

Present: Burley L. Lyons, Mayor, Jane S. Darby, Mayor Pro Tempore, Pete Anderson, Susan Hornsby and Patti Smyer, Council Members; *Quorum of Council Present.*

Mayor Lyons welcomed guests and thanked all who served the Town of Edisto Beach.

Council Session opened with a word of prayer by Councilwoman Darby, who also led those present in the *Pledge of Allegiance.*

Approval of Minutes

Councilwoman Darby moved to approve the Regular Meeting Minutes of March 13, 2014. Councilwoman Smyer seconded the motion, which passed unanimously.

Proclamations and Presentations

A. Councilwoman Darby moved to approve Proclamation 2014-08 declaring May 2014 as Building Safety Month. Councilwoman Smyer seconded the motion, which was approved unanimously.

B. Councilwoman Darby moved to approve Proclamation 2014-09 declaring May 2014 as Lupus Awareness Month. Councilman Anderson seconded the motion, which was approved unanimously.

C. A Starfish Award was given to Sara Simpson of the Building Department for exemplifying a positive image for the Building Department.

D. Mayor Lyons recognized Bob Newton and John Rogers of the Edisto Lion's Club for their participation in the Great American Cleanup.

Old Business

A. **Second Reading of Ordinance 2014-05 to Amend Section 82-33 of the Town's Code Related to Water Rates** Councilwoman Smyer moved to approve the second reading of

Ordinance 2014-05 to Amend Section 82-33 of the Town's Code related to Water Rates. The last water rate increase was in December 2011. This increase is needed to fund the renewal and replacement fund. This would provide \$38,467.69 in funds for renewal and replacement. The current balance in the R&R fund is \$110,113. Councilwoman Darby seconded the motion, which was approved unanimously.

B. Second Reading of Ordinance 2014-06 to Amend Section 82-139 of the Town's Code related to Sewer Rates - Councilwoman Darby moved to table Ordinance 2014-06 to Amend Section 82-139 of the Town's Code related to sewer Rates. The last sewer rate increase was in December 2011. This increase is needed to fund the renewal and replacement fund. This would provide \$24,699 in funds for renewal and replacement. The current balance in the R&R fund is \$255,517. Councilwoman Hornsby seconded the motion, which was approved unanimously.

C. Second Reading of Ordinance 2014-07 to Amend Section 66-8(c) of the Town's Code related to Garbage Fees - Councilwoman Smyer moved to approve the second reading of Ordinance 2014-07 to Amend Section 66-8(c) of the Town's Code related to Garbage Rates. The last garbage rate increase was in November of 2011. This increase is needed to fund the cost escalation factored into the existing agreement for years four – six and cover the fuel surcharge costs. Councilwoman Darby seconded the motion. Councilwoman Hornsby reported that the initial three years on the garbage contract has passed, and this is an automatic renewal with a scheduled rate, which is part of a ten-year contract. The Town is in the process of finding out how much curbside recycling would be. Mayor Lyons called for the vote and the motion passed unanimously.

New Business/Appearances

A. Councilwoman Hornsby moved to approve Resolution 2014-R10 designating April 2014 as Fair Housing Month. Councilwoman Smyer seconded the motion, which passed unanimously.

B. Councilwoman Darby moved to change the scheduled Council work session from Tuesday, June 10, 2014, to Wednesday, June 11, 2014 to avoid a conflict with the Primary Election to be held at Town Hall. Councilwoman Smyer seconded the motion, which was unanimously approved.

C. Councilwoman Smyer moved to change the scheduled Council meeting from Thursday, July 10, 2014 to Wednesday, July 9, 2014 to avoid a conflict with the MASC yearly meeting. Councilwoman Hornsby seconded the motion, which passed unanimously.

D. Councilwoman Darby moved to set a special meeting on May 14, 2014 at 10:00 a.m. to provide information to the public regarding Hurricane Awareness. Councilwoman Smyer seconded the motion, which passed unanimously.

E. Emergency Operations Plan Policy Group Decisions - Councilwoman Darby presented information on the Emergency Operations Plan Policy Group Decisions. The Council as the Policy Group is required to make certain policy related decisions regarding the Town's Emergency Operations Plan. Mayor Lyons moved to accept the following policy decisions:

1. Reaffirm the Town Administrator as the Emergency Operation's Chief and Public Information Officer.
2. Reaffirm the Police Chief as the Law Enforcement Liaison
3. Reaffirm the Mayor Pro-Tem as the Colleton County EOC Representative
4. Approve Re-entry – Re-entry shall be phased and dependent upon actual conditions and severity of damage. This is carefully orchestrated so as not to delay citizens from returning to their property and possessions.

Level 1 - Restricted access limited to the Safety Assessment Team and Initial Damage Assessment Team. Extended personnel will not be allowed on the Beach until area has been assessed to determine what measures need to be taken to make entry safe for Level 3.

Level 2 – Extends restricted access to allow entry of contractors, emergency workers and officials to make area public access ready.

Level 3 – Extend re-entry to permanent residents only for a defined period of time. Permanent residency will be confirmed by the official voter's registration and verified by a current utility bill, property managers currently managing properties verified by a signed agreement with management property official, and owners of commercial establishments.

Level 4 – Unrestricted access to the public to include second home homeowners and multiple-owner owned homes will be allowed entry after the permanent homeowners. Multiple-owner owned homes, trusts or corporations must appoint a representative who will be allowed to check property, and Wyndham is to handle interval ownership and timeshares.

5. To ensure qualified contractors perform repairs, contractors responding to Edisto Beach to render emergency repairs must acquire a business license issued by the Town of Edisto Beach. Charges will be waived.
6. To mitigate costs to residents who require emergency repairs, permit fees for emergency repairs will be waived. Emergency repairs will be determined by the Building Official.

Councilwoman Hornsby seconded the motion, which passed unanimously.

F. Solid Waste Management, Section 66-78 – Councilwoman Darby moved to authorize staff to publish intent to enforce the ordinance requiring property owners to remove trash receptacles from the right of way within twelve hours, as stated in Section 66-78 of the Town's Code. Councilwoman Smyer seconded the motion. Councilwoman Hornsby reminded those in attendance of previous attempts to provide the moving of receptacles as an additional service to homeowners. Very few homeowners took advantage of the service, so it was discontinued. Councilwoman Hornsby stated that enforcing the ordinance is the only way to make sure the receptacles are moved in a timely manner, which improves the overall appearance of the beach. Councilwoman Smyer commented that Council had considered other options, such as paying

someone to move the cans after garbage had been collected. This would cause those that move their own cans, as stated in the ordinance, to be charged for something they would not use. Mayor Lyons called for the vote, and the motion passed with a 4 -1 vote, with Councilman Anderson opposed.

Planning Commission

A. 3748 Docksite Road – Coker and Cathy Price – new home in C-2 District – Councilman Anderson moved to approve the building application made by Mr. and Mrs. Price which was unanimously approved by the Planning Commission. The motion was seconded by Councilwoman Darby and approved unanimously.

B. 114-J Jungle Road – Beachside Fitness & Spa – New Gym and Spa – Councilwoman Darby moved to approve the building application made by Mr. Mark Steedley, to open a gym and spa, which was passed unanimously by the Planning Commission. Councilwoman Smyer seconded the motion, which passed unanimously.

C. 114-A Jungle Road – Buck’s Pizza – Change in Seating/Parking Requirement – Councilman Anderson moved to approve the application made by Mr. Steedley to construct a patio in front of Buck’s Pizza for three tables with twelve seats in Unit A, Palmetto Plaza, which is located in the C-3 district. The Planning Commission unanimously approved this motion. Councilwoman Hornsby seconded the motion, which was approved unanimously.

D. 114 Jungle Road – Buck’s Pizza – Change in Use Permit - Councilwoman Smyer moved to approve the application made by Mr. Steedley to sell vegetables from May to September from Edisto U Pick, which is located in the C-3 district at 114 Jungle Road at the Kiosk located at the front of Palmetto Plaza. The application was denied by the Planning Commission 1 – 4 with Andrews, McCarley, Edens and Cumalander opposed and Hackett in favor. Councilwoman Hornsby seconded the motion. Mayor Lyons asked for explanation from the Planning Commission Chairman, Bill Andrews, who was in the audience, as to why the application was denied. Mr. Andrews said that the primary concern with this application was the parking issue, that people may park in the bike lane to access the kiosk. The Commission also feels that the proposed change is not in keeping with the character of the commercial enterprise located there. At the Council work session, Councilwoman Smyer asked Police Chief Bill Coffey if there had been a problem in the past year with the parking and safety issues and he replied that, to his knowledge, there had not been. Chief Coffey added that there needs to be adequate “No Parking” signage, and that he and Mr. Doub would make sure that was done. Councilwoman Darby recommended to Mr. Steedley that he also take advantage of the Bay Creek Market on Wednesdays for the sale of vegetables. Mayor Lyons called for the vote and the motion passed unanimously.

E. First Reading of Ordinance 2014-11 to Amend 86-3 of the Town’s Code of Ordinances to Add the Definition of “Retail Business Establishment” and Amend Section 86-141(b)(2) to Read

“Any Retail Establishment” – Councilwoman Darby moved to approve the first reading of Ordinance 2014-11. “Retail Business Establishment” shall mean a business located in a building which involves the retail sale or rental of merchandise, provided that open air markets and flea markets shall be specifically excluded from this definition and shall not be deemed or interpreted to be retail business establishments. Councilwoman Smyer seconded the motion. The Planning Commission unanimously denied the approval at their meeting. Town Attorney Bert Duffie suggested a change to the Ordinance language, in one clause to read “Whereas prior to the adoption of this Ordinance, the amendments were presented to the Planning Commission and a Public Hearing was duly held.” Attorney Duffie then gave the common definitions for flea market and open air market: Merriam-Webster defines flea market as “a usually outdoor market in which old and used goods are sold; a usually open-air market for secondhand articles and antiques.” The Oxford Dictionary defines flea market as: “A market, typically outdoors, selling secondhand goods.” Open-air market is defined as “a public marketplace where food and merchandise is sold.” If you separate open-air and market, the definitions are: (open air) “A free or unenclosed space outdoors.” (market) “A regular gathering of people for the purchase and sale of provisions, livestock and other commodities; An open space or covered building where vendors convene to sell their goods.” The common definitions more than cover the intent in drafting the Ordinance definition. Councilwoman Smyer pointed out that there was a word left out of the reading of the draft Ordinance contained in the packets distributed to Council. Bill Andrews, Planning Commission Chairman, added that there were quite a few definitions in existing ordinances and might be considered “common definitions” and that there was a concern among Planning Commission members that there would be upcoming additional changes to ordinances. The Commission thought it would be better to bring a completed, thoroughly investigated document before Council, therefore they denied approval. Mayor Lyons called for a vote, and the motion passed 4 – 1 with Councilman Anderson opposed.

Accommodations Tax Board

A. Town of Edisto Beach Fire Department and Police Department – Rapid Response Marine Rescue Team. Councilman Anderson moved to approve the recommendation of the ATAX Board to approve the funding in the amount of \$53,434.39 for the Rapid Response Marine Rescue Team. Councilwoman Hornsby seconded the motion. This rescue team would provide the equipment to rapidly respond to critical situations that arise on and around the beach and provide a lifesaving benefit to visitors and tourists. Councilwoman Hornsby pointed out that we had a boat previously, and that it had not been maintained properly, only one person was certified to drive it, and it was vandalized repeatedly. Councilwoman Hornsby voiced her concern over the actual duties of the marine response team, indicating that taking gas to those who had run out of gas would be a waste of the team’s time. Councilwoman Darby reported she had checked on the possibility of a Homeland Security grant to purchase the vehicle. The grant is only for harbors, which the sound does not qualify as. Councilwoman Darby asked Chief Conley to expound on the maintenance program and the patrol duties of the team. Chief Conley replied there would be a limited response area, with immediate rescue along one mile of the shoreline of Edisto Beach. Mayor Lyons voiced his support of the rescue for our visitors.

Councilwoman Darby pointed out this was a one-time request from ATAX, and that other maintenance costs and accessories would have to come out of the Fire Department budget. Mayor Lyons called for a vote and the motion passed 4 – 1 with Councilwoman Hornsby opposed.

B. Town of Edisto Beach Police Department – Bicycle Patrol. Councilwoman Smyer moved to approve the recommendation of the ATAX Board, to fund the bicycle patrol unit for \$3,000. Councilwoman Hornsby seconded the motion. The bicycle patrol would increase and enhance officer visibility and mobility and in general improve vehicle and pedestrian safety. The ATAX Board unanimously approved the request. Councilwoman Hornsby voiced concern over the amount of the request, but approved of the ultimate goal of the bicycle patrol, to be ambassadors to the public. Mayor Lyons called for a vote and the motion passed unanimously.

Planning Commission Vacancies

Council voted on the three applications for the two Planning Commission vacancies: Mrs. Barbara Habhegger, Mr. William Hackett and Mr. Tommy Mann. Mrs. Habhegger and Mr. Hackett were elected to fill the vacancies.

Departmental Reports and Committee Updates

Administration

Iris Hill, Town Administrator, gave the finance report for March 2014.

	Received	Spent
General Fund	78.44%	74.54%
Water Fund	75.05%	65.20%
Wastewater Fund	75.15 %	61.69%

Administrator Hill reminded Council of the presentation to the Capital Project Sales Tax Board at 9:40 a.m. in Walterboro on April 14, 2014. She asked Council members to be present at the presentation if possible. The projects will be ranked by the Board and then submitted to Colleton County Council for approval in the rank order they were submitted. Standard and Poors will be conducting another bond rating for the Town in the near future.

Building

Patrick Brown gave the building report for March 2014.

	March -13	March - 14	YTD
Business/Rental License Fees	\$122,545.43	\$93,708.30	\$224,926.75

New Construction Permits	0	0	8
Other Permits	27	31	202
Permit Fees	\$2,944.50	\$4,651.00	\$44,382.00
Inspections	44	67	472
Bay Creek Park	\$1,120.00	\$800.00	\$6,955.00

Councilman Anderson asked how many houses were currently under construction and Mr. Brown estimated there were eight.

Fire Department

Calls	March - 13	March- 14	YTD
Medical	16	16	210
Fire-related	5	6	45
Public Assistance/Miscellaneous	23	54	408
Beach Wheel Chairs	2	2	82

The Fire Department conducted a successful CPR class and started the second first-responder class.

Police Department

	March - 13	March - 14	YTD
Citations	13	15	290
Speeding	7	13	248
Warnings	110	51	640
Alarm Calls		16	227
Calls for 2 or More Officers	6	7	95
Miles Patrolled	7,059	8,457	73,755
Assaults	1	1	6
Larcenies	0	3	42
Burglaries	1	1	4
Incidents & Calls for Service	56	97	796
Golf Cart Violations	1	1	4
Domestic Violence Calls	1	0	0
Property Checks	1,115	8,457	25,123
Open Container	0	0	1
D.U.I.	0	0	0
CDV Arrest	0	0	0

Disorderly Conduct	0	0	7
Animal Control Call	0	1	18

Utilities Department

	March - 13	March - 14	YTD
Pumped MG Water	10.83	9.54	134.78
Treated MG Wastewater	3.38	2.95	37.15
Water Line Repairs	8	2	31
Work Orders	122	66	959

Patrick Zemp and Joe Rafalowski have taken and passed their "D" Biological Wastewater exam. Jimmy Mellersten and Patrick Zemp have taken their Wasterwater Distribution and Collection exam and the results will be known in three weeks.

Public Works Department

	March- 13	March - 14	YTD
Mowed Acres	48	30	362
Cleaned Ditches	1.10 miles	5,398 feet	56.273 feet
Roll Carts Delivered	4	6	65

Crews have been busy trimming the sidewalks and curbs, edging bike paths and maintaining beach accesses. Jason Lott with Sanders Brothers Construction indicated to Mr. Doub that the milling and paving of Palmetto will begin April 21st and take three to four weeks.

Chamber of Commerce

Dan Carter, Chamber Director, gave the March report.

- On Monday, April 14, 2014 at 7:00 p.m., a jazz trio will perform at the Civic Center.
- The Spring Show and Sale sponsored by the Art Guild will be April 19 at the Edistonian.
- The sunrise service will be held Easter morning.
- May 3, 2014 is the King's Daughters Bazaar at the Lions Club.

Beachfront Management Committee

Mr. David Cannon gave a presentation which is attached to the minutes. Administrator Hill suggested that Council meet with Coastal Science Enginneering, the Army Corps of Engineers

and the Beachfront Management Committee to come up with a plan on how to move forward so that future funding is not jeopardized. Councilman Anderson agreed with Administrator Hill's suggestion and recommended moving forward in the permitting process. Administrator Hill said she would check everyone's calendar and schedule a meeting.

Public Comment Period

Tom Mann addressed Council. He stated that while he understood why the garbage and water rates were being raised, the fact that the sewer rates were not raised was only beneficial to one third of the people on the beach. Mr. Mann asked Council if the water bill at Grover's was current. Administrator Hill said that it was. Upon further investigation, it was found that Grover's had not paid the March payment, and was told to pay the March and April payments by April 15th or the water service would be discontinued.

Adjournment

Councilman Anderson moved to go into Executive Session. Councilwoman Darby seconded the motion, which passed unanimously. Councilwoman Darby moved to exit Executive Session. Councilman Anderson seconded the motion, which passed unanimously.

Councilman Anderson moved to not appeal the order in the Jungle Shores litigation. Councilwoman Hornsby seconded the motion, which passed unanimously.

Councilwoman Hornsby moved to adjourn the meeting. Councilman Anderson seconded the motion, which passed unanimously.

The media/public was duly notified of the date, time and location of the meeting on Friday, April 5, 2014.

APPROVED BY TOWN COUNCIL



May 8, 2014