

MINUTES
APRIL 14, 2011
COUNCIL MEETING
6:00 P.M.

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

Present: Burley L. Lyons, Mayor, Susan Hornsby, Mayor Pro Tempore, Pete Anderson, Larry “Babe” Hutto and Tommy Mann, 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 Councilman Mann, who also led those present in the *Pledge of Allegiance.*

Councilman Mann moved to approve Regular Council Meeting Minutes of March 10, 2011. Councilman Hutto seconded the motion, which carried unanimously.

Councilman Anderson moved to approve Special Council Meeting Minutes of March 15, 2011. Councilman Hutto seconded the motion, which carried unanimously.

Proclamations and Presentations

Mayor Lyons told the audience that Steven Ciemniecki from the Utilities Department had received a Service Award for 5 years of service with the Town of Edisto Beach. Mr. Ciemniecki was not present to receive this award.

Old Business

Approved: *Second Reading of Ordinance 2011-06 to Amend Section 18-50 of the Town’s Code to Prohibit Selling, Peddling and Commercial Solicitation on Public Property.* Councilman Anderson moved to approve the second reading of Ordinance 2011-06 to Amend Section 18-50 of the Town’s Code to Prohibit Selling, Peddling and Commercial Solicitation on Public Property. The current ordinance is not clear regarding peddling on Edisto Beach. The language in this amendment has been modified to prohibit peddling on Town streets except as provided by Ordinance 2011-14. Councilman Mann seconded the motion, which carried unanimously.

Approved: *Second Reading of Ordinance 2011-10 to Amend Section 82-33 of the Town’s Code relating to Residential and Commercial Water Rates.* Councilman Mann moved to approve the second reading of Ordinance 2011-10 to Amend Section 82-33 of the Town’s Code relating to Residential and Commercial Water Rates. The language in the current ordinance is not clear as to how many gallons the rates refer to. The amended ordinance adds the language “per 1000 gallons.” Also, the amended ordinance adds language for a service fee to be charged if service is

reconnected after the Town's normal business operating hours and for reconnection of water service after discontinuance for any reason other than fault of the Town or its employees. Councilman Hutto seconded the motion, which carried unanimously.

Approved: *Second Reading of Ordinance 2011-11 to Amend Various Sections of Division 2 of Article II of the Town's Code Relating to Sea Turtle Protection.* Councilwoman Hornsby moved to approve the second reading of Ordinance 2011-11 to Amend Various Sections of Division 2 of Article II of the Town's Code Relating to Sea Turtle Protection. The current ordinance does not include security lighting, lights on balconies and homes on the second row beach houses. The amended ordinance states that no artificial light shall illuminate any area of the beaches in the Town, and this may include any structure, whether on front beach or not. The amended ordinance clarifies that lights on balconies shall be fitted with hoods, dune crosswalks shall utilize low profile shielded luminaries and temporary security lighting at construction sites shall not be mounted more than fifteen feet above the ground and illumination shall not spread beyond the boundary of the property. The amended ordinance also offers clarification on the individual use of light. Councilman Mann seconded the motion, which carried unanimously.

Approved: *Second Reading of Ordinance 2011-13 to Amend Section 10-37 of the Town's Code to Adopt Subsections (f), (g), (h) and (i).* Councilman Hutto moved to approve the second reading of Ordinance 2011-13 to Amend Section 10-37 of the Town's Code to Adopt Subsections (f), (g), (h) and (i). The current ordinance needed clarification regarding the digging of holes, leaving personal property unattended on the beach after sunset and the location of personal property near the beach access or turtle nests. The adopted subsections provide that it shall be unlawful to dig a hole on the sandy beach greater than twelve inches deep without adult supervision of the hole, that it shall be unlawful to leave a hole twelve inches deep or deeper without filling the hole, that personal property left unattended on the beach after sunset shall be deemed abandoned and the Town shall have the right to take possession of said property, and that no personal property shall be located within twenty-five feet of any beach access or any turtle nest. Councilman Mann seconded the motion, which carried unanimously.

Approved: *Second Reading of Ordinance 2011-14 Providing for Mobile Vending and Regulations Governing Mobile Vending.* This ordinance allows for mobile vending in a designated vending district and provides guidelines and requirements for mobile vending. Councilman Anderson moved to amend Ordinance 2011-14 to include the language "a bell or musical recording may be sounded for a period not to exceed five minutes to announce the arrival of the vehicle at each location." Councilman Hutto seconded the motion, which carried unanimously. Councilman Anderson moved to approve the second reading of Ordinance 2011-14 Providing for Mobile Vending and Regulation Governing Mobile Vending. Councilman Hutto seconded the motion, which carried unanimously.

New Business/Appearances

Approved: *Resolution 2011-R15 to name Burley L. Lyons Park.* Councilman Hutto moved to approve Resolution 2011-R15 to name Burley L. Lyons Park. When the property was given to the Town, the deed stated that the park would be named in honor of Mayor Burley L. Lyons. Councilman Anderson seconded the motion, which carried unanimously.

Governor's Cup Budget Request of \$16,000. Ms. Becca Smith requested that \$16,000 be included in the Town's FY2011-12 Budget for the Governor's Cup. The Governor's Cup is scheduled for July 27-30. Ms. Smith requested that Council co-sponsor the event, and waive the rental fees for the Bay Creek Park (\$3,000) as part of the \$16,000. Councilman Anderson moved that Council not allocate the \$16,000, but asked that the park fee be waived. Councilman Mann seconded the motion. Councilwoman Hornsby stated she did not think Council should waive the fee for the park, since they did not waive the fee for the Edisto Beach Property Owners Association. Councilman Anderson stated that the Governor's Cup brings a lot of people to Edisto Beach, and the Governor's Cup is a good use for the Bay Creek Park. Mayor Lyons did not agree with adding the \$16,000 to the Town's budget. Councilman Hutto moved to amend the motion to state that the Town will not include \$16,000 in the FY 2011-12 budget, but the Town will donate the park fee. Councilman Mann seconded the motion. The vote was 4 to 1 to waive the park fees, with Councilwoman Hornsby opposed.

Approved: *Scenic Highway Grant.* Councilwoman Hornsby moved to approve a request for funding from the Accommodations Tax Advisory Board for the 20 percent match required of the Town for the FY 2011 National Scenic Byway Program Funds. These funds will be used to construct a bike path from Billow Street to Sunset Street on the two lane portion of Palmetto Boulevard. Councilwoman Hornsby stated the bike path would be on the right side of the road adjacent to the ditch. Staff has submitted a Notice of Intent to apply for these funds. The grant requires a 20 percent (\$29,600) match by the Town, if awarded. Councilman Hutto seconded the motion, which carried with a vote of 4 to 1. Councilman Anderson was opposed.

Approved: *Feasibility Study to Discharge Storm Water from Myrtle Street Drainage Basin.* Councilman Anderson moved to approve the Feasibility Study to Discharge Storm Water from the Myrtle Street Drainage Basin and authorize Mayor Lyons to execute the agreement with BP Barber. The cost of the Feasibility Study will not to exceed \$18,000. This project is in the FY2010-2011 Budget. Councilman Mann seconded the motion, which carried unanimously.

Approved: *Street Grading Contract Award.* West Bank Construction submitted a proposal that was \$83 higher than the proposal submitted by Deep Bottom Construction. Administrator Hill told Council that according to Section 2-206 of the Town's ordinance entitled "Sealed Bid Procedures," to determine the lowest responsible bidder, the purchasing agent, in addition to price, shall consider other factors including: the quality of performance of previous contracts or services and the ability of the bidder to provide future maintenance and service related to the subject contract. West Bank Construction has performed work for the Town in the past, and they have done a commendable job and are familiar with the roads on Edisto and know where the utilities are located. West Bank Construction is located on Edisto; whereas, the low bidder is located in Ruffin, SC, which is approximately one and a half hours away. Councilman Anderson moved to approve the award of RFP #2011-09 to West Bank Construction, the lowest responsive bidder. Councilman Hutto seconded the motion, which carried unanimously.

Approved: *Edisto Shrimp Fest.* Councilman Mann moved to approve the use of funds from the Bay Creek Park Fund for the Edisto Shrimp Fest and Bay Creek Park ribbon cutting ceremony not to exceed \$10,000 at a date to be determined. Councilman Hutto seconded the motion, which carried unanimously.

Committee Vacancies

There are two upcoming committee vacancies in the Planning Commission, Jerry Zeller and Laurie Sanders. These committee terms end on May 31, 2011. Mr. Sanders will be eligible to serve another term. So far, two applications for the Planning Commission have been received. Council will vote to fill these vacancies in the May 12, 2011 regular Council Meeting.

Planning Commission

Approved: *145 Jungle Road-Gift Shop.* Councilman Anderson moved to approve the change in use permit submitted by Ms. Autumn Banning to open a gift shop at 145 Jungle Road in the Edisto Village Shops. This location formerly housed the Edisto Arcade. Staff has reviewed this application for a change in use permit and has determined the parking requirements will not change from the previous use permit. Per Section 86-141 (I) of the Town's Code, all applications that require a change in use permit be reviewed by the Planning Commission and approved by Council. The Planning Commission passed this change in use permit unanimously. Councilman Hutto seconded the motion, which carried unanimously.

Approved: *114-F Jungle Road-Wyndham Sales Booth.* Mr. Mark Steedley submitted an application to construct a temporary booth from April 1st to October 1st at Palmetto Plaza in front of Unit F. This booth will be used by Wyndham in their marketing program. The base will be permanent, but the booth will be seasonal. Per Town Code section 86-85 Conditional Use Administration and Duration, applications for permission to build, erect or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this article, prior to the issuance of any permits. The Planning Commission has passed this item unanimously. Councilman Hutto moved to approve the Wyndham Sales Booth at 114-F Jungle Road. Councilman Anderson seconded the motion, which carried unanimously.

Committee Reports

Financial Report

This report was presented by Iris Hill, Town Administrator for the month ending March 31, 2011.

	Received	Spent
General Fund	83.07%	73.47%
Water Fund	94.28%	71.45%
Wastewater Fund	90.83%	64.45%

Police Department Report

The Police Department report was presented by Mayor Lyons for the month of March 2011.

	March-10	March-11	YTD
Citations	22	14	112
Speeding	15	9	41
Golf Cart Violations	1	0	3

Property Checks	0	982	6333
Calls for Service	58	56	611
Calls Requiring 2 Officers	6	2	80
Burglary	0	1	16
Larceny	2	0	39
Assaults	0	0	6
Alarms	23	14	187
Warning Tickets	37	64	391
Patrolled Miles	8,574	7,276	50,002
Criminal Domestic Violence	0	0	3

Interim Chief John Towery introduced Jerry Haynie to Council and the audience. Officer Haynie joined the Edisto Beach Police Department in March 2011.

Mayor Lyons told the audience that the Town has hired a Police Chief. Bill Coffey will begin work on May 2, 2011.

Building Department Report

The Building Department Report was presented by Rebecca Brown, Codes Enforcement Officer, for the month of March 2011.

	March-10	March-11	YTD
Business/Rental License Fees	\$91,228.22	\$99,578.95	\$217,922.87
New Construction Permits		3	7
Other Permits	35	21	210
Permit Fees	\$1,962.50	\$8,476.50	\$36,756.30
Inspections	123	81	771

Councilwoman Hornsby told the audience that volunteers are needed for sand fencing on May 14, 2011. She also told the audience that the Town has an “Adopt a Beach Access” program, and if anyone would like to participate, they can contact Town Hall for details.

Fire Department

The fire department report for the month of March 2011 was given by Fire Chief Larry Waddle.

Calls	March-10	March-11	YTD
Medical	6	22	134
Fire-related	3	2	32
Public Assistance	4	10	128
Beach Wheel Chairs	3	3	70

Chief Waddle introduced Del Dennis to Council and the audience. Mr. Dennis is a firefighter for the Town of Edisto Beach. He began work in January 2011.

Edisto Chamber of Commerce

The Chamber report for the month of March was given by Jeanine Rhodes.

Utilities Department

Councilman Mann announced that Bob Doub, Utilities Director, received the Manager of the Year award from the South Carolina Rural Water Association.

The Utilities Department report for the month of March 2011 was given by Bob Doub, the Town’s Utilities Director. Mr. Doub told Council and the audience about the two water leaks that occurred in the past few weeks. Also, the Utilities Department has been completing manhole inspections for their DHEC certifications.

	March-10	March-11	YTD
Pumped MG Water	10 MG	12.04 MG	231.46 MG
Treated MG Wastewater	4 MG	3.81 MG	39.75 MG
Water Line Repairs	90	111	1,061
Work Order Repairs	-	168	928

Public Works

This report was presented by the Utilities Director, Bob Doub for the month of March 2011.

	March-10	March-11	YTD
Mowed Sq. Yds.	70,686	56,856	762,112
Cleaned Ditches	34,119	17,952	384,497
Roll Carts Delivered	7	76	211

Mr. Doub told the audience that the Public Works department has been cleaning beach accesses, replacing signs and filling pot holes.

Mr. Doub thanked Councilman Mann and Meagan Chaplin for nominating him for Manager of the Year.

Signed in to Speak

There was no one signed in to speak.

Councilman Anderson moved to go into Executive Session. Councilman Mann seconded the motion, which carried unanimously.

Councilman Anderson moved to exit executive session. Councilman Hutto seconded the motion, which carried unanimously.

Councilwoman Hornsby moved to begin on Environmental Assessment Phase I on lagoons that have been offered by Mark Steedley to the Town, and transfer funding in the amount of \$5,000

from contingency to the general fund for the Environmental Assessment Phase I. Councilman Mann seconded the motion, which carried unanimously.

Councilwoman Hornsby moved to accept Mr. Mark Steedley's offer of the marsh lot located adjacent to 1207 Jungle Road. Councilman Anderson seconded the motion, which carried unanimously.

Councilman Mann moved to allow staff and the Town Attorney to contact the appropriate engineering company, two of which are under contract, and regulatory counsel and begin negotiating rates and contracts to effect a contractual solution to the Town's wastewater contract and bring back to Council for approval as soon as possible. Funding for this project will be transferred from the sewer contingency fund to the sewer fund. Councilman Anderson seconded the motion, which carried unanimously.

Councilman Hutto moved to adjourn the meeting. Councilman Anderson seconded the motion, which carried unanimously.

Meeting adjourned at 7:37 p.m.

The media/public was duly notified of the date, time and place of the Council Meeting on Friday, April 8, 2011.

APPROVED BY TOWN COUNCIL

Meagan Chaplin

Meagan Chaplin, Municipal Clerk

May 12, 2011