

MINUTES
JULY 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 Mayor Lyons, who also led those present in the *Pledge of Allegiance.*

Councilman Mann moved to approve Regular Council Meeting Minutes of June 9, 2011. Councilman Anderson seconded the motion, which carried unanimously.

Proclamations and Presentations

Mayor Lyons told the audience about the Starfish Awards presented in the Council Work Session on Tuesday. Councilman Babe Hutto received a Starfish Award for graduating from the Elected Officials training through the Municipal Association of South Carolina. Maxine Burton received a Starfish Award for her work on the fiscal year 2011-2012 budget. The Edisto Island Lion’s Club received a Starfish Award for constructing bike racks for the beach accesses, Bay Creek Park and Town Hall.

Mayor Lyons then presented Assistant Fire Chief Billy Callahan with a Starfish Award for pressure washing Town Hall and the Police and Fire Stations.

Old Business

Approved: *Second Reading of Ordinance #2011-23 to Enact Section 6-4 of Chapter 6 of the Town’s Code to be Entitled “Poisoning of Animals.”* This section includes language stating that it shall be unlawful for any person, other than a licensed veterinarian, or person under the direction of a veterinarian, to administer poison to any animal, distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal, or knowingly leave a poisonous substance of any kind in any place with the intent to injure an animal or in any location where it may be readily found and eaten by an animal. Certain exclusions apply. The

first reading of this ordinance passed unanimously on June 9, 2011. Councilman Anderson moved to approve the second reading of ordinance #2011-23 to Enact Section 6-4 of Chapter 6 of the Town's Code to be entitled "Poisoning of Animals." Councilman Hutto seconded the motion, which carried unanimously.

Approved: *Second Reading of Ordinance #2011-26 to Amend Sections 18-31 and 18-41 of the Town's Code to Provide for Business License Requirements for Day Vendors.* The current ordinance does not include requirements for day vendors, and would require all vendors to pay an annual fee. Two options were provided for Council's consideration on this ordinance. Both include the same definition of Day Vendor. **Option 1** states that a business license fee of \$5.00 per day for each day the vendor conducts business will be levied against the vendor; and sponsors of special events, open air markets, and farmer's markets are responsible for collecting a \$5.00 daily license fee from each day vendor. **Option 2** states that each "day vendor" will be levied a \$25.00 annual business license fee, and no vendor shall be permitted to conduct business in the Town until the business license fee has been remitted to the Town and a business permit issued. Councilman Anderson moved to approve Option 2 of the second reading of Ordinance #2011-26 to Amend Sections 18-31 and 18-41 of the Town's Code to Provide for Business License Requirements for Day Vendors and amend it to set the license fee at \$15.00 annually. Councilman Hutto seconded the motion. Councilwoman Hornsby stated that she believed the Town would lose vendors by charging this annual business license fee, and that she prefers Option 1. The Building Department will be enforcing this ordinance. Vendors expressed concerns with having to pay an additional retail fee above the state license for artists and craftsmen of \$20.00, and felt this was an additional deterrent to participating in events on Edisto Beach. The Town Attorney stated that there is no provision in the current ordinance to not charge vendors, and if Council were to add an exception, it must be for a legitimate governmental reason, so as not to discriminate. The vote carried 4 to 1, with Councilwoman Hornsby opposed.

Approved: *Installation of Solar Panels at Town Hall.* DCS Energy has a lease program for municipalities in which monthly payments are waived. The program is funded by the Federal government. The Town will be responsible for any necessary structural engineering estimated at \$500 to \$1,000. Solar panels will help reduce future electric costs. This item was tabled at the March 10, 2011 Council Meeting so additional quotes could be obtained. Councilman Hutto moved to approve the installation of solar panels at Town Hall by November 2011. Councilman Mann seconded the motion, which carried unanimously.

New Business/Appearances

Approved: *Acceptable Use Policy.* The purpose of this policy is to outline acceptable use of computers and other electronic equipment at the Town of Edisto Beach. The rules of this policy will protect employees and the Town of Edisto Beach. Inappropriate use exposes the Town to

risks including virus attacks, compromises of network systems and services, and legal issues. This policy will be signed by each employee of the Town of Edisto Beach. Councilman Mann moved to approve the Acceptable Use Policy. Councilman Hutto seconded the motion, which carried unanimously.

Approved: *Social Networking/Blogging Policy.* This policy applies to all employees of the Town of Edisto Beach, and covers all publicly accessible communication via the Internet regarding the Town. This includes, but is not limited to: blogs, Twitter, all social networking sites (Facebook, MySpace, etc.), discussion forums, newsgroups, and e-mail distribution lists. Councilman Hutto moved to approve the Social Networking/Blogging Policy. Councilman Anderson seconded the motion, which carried unanimously.

Approved: *Policy Decision needed from Council regarding Voluntary Evacuations.* It is recommended that people will only be allowed back on the beach during a voluntary evacuation. If there is a mandatory evacuation declared by the Governor, no traffic will be allowed back on the beach. Councilman Anderson moved to approve the recommendation that people will only be allowed back on the beach during a voluntary evacuation, and if there is a mandatory evacuation declared by the Governor, no traffic will be allowed back on the beach. Councilwoman Hornsby seconded the motion, which carried unanimously.

Approved: *Policy Decision needed from Council regarding Storm Damage Reduction.* The Army Corps of Engineers has drafted a without funding scenario which needs Council approval. Councilman Hutto moved to approve the without funding scenario that was drafted by the Army Corps of Engineers. Councilman Anderson seconded the motion, which carried unanimously.

Approved: *Myrtle Street Drainage Technical Memorandum.* If Council decides to move forward with the recommended design and construction of a gravity system, homeowners along Myrtle Street with low lying property will be asked to give an easement to the Town to construct catch basins for water to drain from their property during heavy rains. Also, if Council decides to move forward, the outfall will need to tie into the lagoon on the golf course. This will require permission from the owners of said lagoon. Councilwoman Hornsby moved to approve the Myrtle Street Drainage Technical Memorandum from URS (BP Barber). Councilman Mann seconded the motion, which carried unanimously.

Approved: *Memorandum of Agreement for the Detention of Juveniles.* This agreement is for the 2011-2012 fiscal year. This agreement does not obligate the Town in any way unless the Edisto Beach Police Department detains a juvenile in the Department of Juvenile Justice while awaiting return to another jurisdiction, or while awaiting trial or sentencing. If such an event should occur, the per diem rate is \$50 per day to house a juvenile in the Department of Juvenile Justice. Councilman Anderson moved to approve the Memorandum of Agreement for the Detention of

Juveniles between the South Carolina Department of Juvenile Justice and the Town of Edisto Beach and approval for the Town Administrator to execute said agreement. Councilman Hutto seconded the motion, which carried unanimously.

Tabled: Donation by Mr. Steedley-Marsh Property. Mr. Steedley has offered to donate 7,500 square feet of marsh access for a park located at 1207 Jungle Road. He reserves the right to name said park. Currently there are taxes due on this property in the amount of \$678.53. Councilman Hutto moved to table this item until legal issues can be discussed with the Town Attorney. Councilwoman Hornsby seconded the motion, which carried unanimously.

Approved: First Reading of Ordinance #2011-25 to Amend Section 14-71 of the Town's Code to Require the Execution of an Affidavit of Non-Conversion Statement. The statement will be signed by everyone who submits to build new construction in the Special Flood Hazard Zone. The purpose of the statement is to prohibit owners from enclosing the space below the base flood into a habitable space after the certificate of occupancy is issued. The statement includes several construction reminders for structures built below flood including the requirement of flood resistant materials, that mechanical, electrical, and plumbing devices be installed one foot above BFE, that walls constructed below flood must be certified breakaway in V zones, and that the owner may be subject to increased premiums for flood insurance. Councilman Mann moved to approve the first reading of Ordinance #2011-25 to Amend Section 14-71 of the Town's Code to Require the Execution of an Affidavit of Non-Conversion Statement. Councilman Hutto seconded the motion, which carried unanimously.

Approved: Special Event Application Trinity Episcopal Church. Trinity Episcopal Church has a weekly teen bible study held on Sundays from July 3, 2011 to August 14, 2011. They usually meet at the Edisto Marina, but they have requested the use of the Bay Creek Park during inclement weather conditions. Councilman Hutto moved to approve the Special Event Application submitted by Wey Camp of Trinity Episcopal Church and waive the fee for the Bay Creek Park. Councilman Anderson seconded the motion. Councilman Mann stated that he did not think the fee should be waived for one person or group because everyone would expect to have the fee waived. The vote carried 4 to 1, with Councilman Mann opposed.

Approved: Special Event Application Cystic Fibrosis Foundation. This event application is for October 1, 2011. The Cystic Fibrosis bicyclists are requesting the use of the Bay Creek Park, but they do not want use of the building inside, just the overhang shelter while they stop for water. Councilman Hutto moved to approve the Special Event Application submitted by Alicia Parsons on behalf of the Cystic Fibrosis Foundation and waive the fee for the Bay Creek Park. Councilman Anderson seconded the motion. The vote carried 4 to 1 with Councilman Mann opposed.

Denied: *The Plantation Course*. Dwight Funderburk submitted a proposal, as amended from the original proposal to develop approximately 40 acres of the Plantation Course, to develop only 20.88 acres. During the June 9, 2011 Council meeting this item was postponed per Mr. Funderburke's request. Per Section 86-144 (f) of the Town's Code, this concept plan must be reviewed by the Planning Commission, and approved by Council. Planning Commission **unanimously denied** the original proposed project to develop the golf course, but have not yet reviewed the amended proposal to develop only 20.88 acres. Edisto Golf, LLC submitted a letter requesting a delay of thirty days to reassess their situation. Councilman Mann moved that Council act to reject the proposal that has already been rejected by the Planning Commission, with the stipulation that if Mr. Funderburke wants to submit an application for the proposed map he has since submitted to Council, he needs to submit it according to Section 86-144 of the Town's Code, which would require it go through the Planning Commission. Councilman Anderson seconded the motion, which carried unanimously.

Approved: *Law Enforcement Agreement with Charleston County*. Councilman Anderson moved to approve the Law Enforcement Mutual Aid Agreement between Charleston County and the Town of Edisto Beach and approval for Mayor Burley L. Lyons to execute said agreement. Councilman Mann seconded the motion, which carried unanimously.

Approved: *Law Enforcement Agreement with Colleton County*. Councilman Hutto moved to approve the Law Enforcement Mutual Aid Agreement between Colleton County and the Town of Edisto Beach and approval for Administrator Hill to execute said agreement. Councilwoman Hornsby seconded the motion, which carried unanimously.

Committee Vacancies

Accommodations Tax Advisory Board

Four applications were received from Lisa White (hospitality), Kathlyn Ann Fritz (at large), Dean Habegger (at large) and Iddy Andrews (at large). Council needed to select one person to fill the hospitality sector vacancy, and one person to fill the "at large" sector vacancy. Council voted Lisa White for the hospitality sector vacancy and Iddy Andrews for the "at large" sector vacancy.

Zoning Board of Appeals

There are three upcoming vacancies on the Zoning Board of Appeals, Nancy McIntosh, Ida Tipton and Charlie Boozer. These terms expire September 1, 2011. Nancy McIntosh and Charlie Boozer are both eligible to serve another term. Council will vote to fill these vacancies during the August 11, 2011 regular Council meeting.

Planning Commission

Approved: 102 Jungle Road-Snow Cone Shack. Dana Rasmussen and Anne Rasmussen will be employees under Sea Spirits and will be operating their Snow Cone Shack as an extension of Sea Spirits from the parking lot. With the number of employees increasing for Sea Spirits, there will be a change in parking requirements. Per section 86-141 (i) of the Town's Code, each application for a change in parking requirements in area zoned C-3 shall be reviewed by the Planning Commission and approved by Town Council. The Planning Commission **passed unanimously**. Discussions included the fact that the ordinance does not restrict a business, Sea Spirits, from expanding their existing business in this manner to allow the Snow Cone Shack to operate. The Planning Commission members agreed that the Snow Cone Shack will benefit the beach, but allowing them to open in this manner is an example of how the Town's ordinance is flawed. Councilman Mann moved to approve the Snow Cone Shack to be located at 102 Jungle Road. Councilman Anderson seconded the motion. The vote carried 4 to 1, with Mayor Lyons opposed.

Approved: 3702 Dock Site Road-Sunset Grill. Casey Gressette has made a request to open Sunset Grill at 3702 Dock Site Road. Per section 86-141 (i) of the Town's Code, each application for a building permit for new construction, remodeling, or a change in floor plan or for a change in use permit or a change in parking requirements in an area zoned C-3 shall be reviewed by the Planning Commission and approved by Town Council. The Planning Commission has **passed unanimously**. There are currently 109 parking spaces (107 spaces in the raised parking lot across the street from the Marina and 2 spaces in front of the Sunset Grill). There are 31 spaces available to the Sunset Grill after subtracting the spaces dedicated to the Marina boat slips, Bay Creek Villas, and the Ship Store. The Sunset Grill only requires 30 spaces. Below are the parking requirements. Fire Chief Larry Waddle and Building Codes Administrator Patrick Brown informed Council that Ms. Gressette has met all requirements to pass inspection and open Sunset Grill. Councilman Mann moved to approve the opening of Sunset Grill at 3702 Dock Site Road. Councilman Anderson seconded the motion, which carried unanimously.

Committee Reports

Building Department Report

The Building Department Report was presented by Patrick Brown, Building Codes Administrator, for the month of June 2011.

	June-10	June-11	YTD
Business/Rental License Fees	\$4,961.55	\$1,997.50	\$254,821.29
New Construction Permits		0	7
Other Permits	38	42	338
Permit Fees	\$7,386.50	\$3,081.50	\$48,459.80
Inspections	137	114	1,095

Councilwoman Hornsby told the audience that the TIDE committee did not meet this month, so she does not have a report.

Police Department Report

The Police Department report was presented by Chief Coffey for the month of June 2011.

	June-10	June-11	YTD
Citations	41	20	173
Speeding	17	15	81
Golf Cart Violations	0	1	4
Property Checks	0	1,517	10,537
Calls for Service	108	166	970
Calls Requiring 2 Officers	15	16	107
Burglary	2	0	19
Larceny	6	6	50
Assaults	2	2	10
Alarms	30	18	266
Traffic Warnings	81	96	657
Patrolled Miles	5,906	9,327	77,936
Criminal Domestic Violence	0	2	5

Financial Report

This report was presented by Iris Hill, Town Administrator for the month ending June 30, 2011, which is also the end of fiscal year 2010-2011.

	Received	Spent
General Fund	106.24%	92.97%
Water Fund	105.78%	89.65%
Wastewater Fund	100.86%	83.21%

Mayor Lyons read a letter from William Salters from OCRM stating that the Beach Management Committee was very impressed with the draft of Edisto Beach's Local Comprehensive Beach Management Plan drafted by Administrator Hill.

Fire Department

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

Calls	June-10	June-11	YTD
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Medical	20	37	212
Fire-related	3	9	47
Public Assistance	25	32	194
Beach Wheel Chairs	21	13	97

Chief Waddle informed Council that quotes have been received on three RFP's submitted by the Edisto Beach Fire Department. These RFPs were for bay doors at the fire department, an extrication tool and an air compressor. The fire department bathroom renovation is 95% complete. Chief Waddle also stated that Colleton County Fleet Management has been working on the Edisto Beach Fire Department's Trucks.

Edisto Chamber of Commerce

The Chamber report for the month of June was given by Dan Carter.

Utilities Department

The Utilities Department report for the month of June 2011 was given by Bob Doub, the Utilities Director.

	June-10	June-11	YTD
Pumped MG Water	28 MG	29.91 MG	300.22 MG
Treated MG Wastewater	6 MG	7.38 MG	56.59 MG
Water Line Repairs	119	135	1,478
Work Order Repairs	-	100	1,262

Mr. Doub informed the audience that the Utilities Department had been working on repairing pump stations.

Public Works

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

	June-10	June-11	YTD
Mowed Sq. Yds.	85,536	145,577	1,085,429
Cleaned Ditches	25,344	79,200	539,729
Roll Carts Delivered	10	12	237

Mr. Doub informed the audience that the Public Works Department has been cleaning beach accesses, replacing signs and repairing beach access walkovers. He also told the audience that the public works department has reapplied rubber mulch under the playground equipment at the Jungle Road Park.

Traffic Data

	July 3-6, 2010	July 1-5, 2011
Highway 174	35,041	38,909
Palmetto Blvd.	35,992	34,505
Jungle Road	23,414	22,069

Signed in to Speak

David Cannon: Mr. Cannon complimented Council on the way they handled the matter of the Plantation Course.

Councilman Mann moved to go into executive session. Councilman Anderson seconded the motion, which carried unanimously.

Councilman Mann moved to exit executive session. Councilwoman Hornsby seconded the motion, which carried unanimously.

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

Meeting adjourned at 7:40 p.m.

The media/public was duly notified of the date, time and place of the Council Meeting on Friday, July 1, 2011.

APPROVED BY TOWN COUNCIL

Meagan Chaplin

Meagan Chaplin, Municipal Clerk

August 11, 2011

APPROVED BY TOWN COUNCIL

AS AMENDED

Meagan Chaplin

Meagan Chaplin, Municipal Clerk

September 8, 2011