

MINUTES  
PUBLIC HEARING  
JUNE 9, 2011  
5:30 P.M.

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

Subject: Budget Ordinance #2011-20, to Provide for the Levy of Taxes in the Town of Edisto Beach, South Carolina for the Fiscal Year July 1, 2011 through June 30, 2012; to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.

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 the public.

Administrator Iris Hill presented the budget for fiscal year 2011-2012. Included in this presentation were the accomplishments of the Town for the fiscal year 2010-2011.

There was no comment from the public.

Public Hearing adjourned at 5:51 p.m.

MINUTES  
JUNE 9, 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 Councilwoman Hornsby, who also led those present in the *Pledge of Allegiance.*

Councilman Anderson moved to approve Regular Council Meeting Minutes of May 12, 2011. Councilman Mann 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. Jerry Zeller and Laurie Sanders each received Starfish Awards for their service on the Planning Commission. Betty Heaton received a Starfish Award for her work on the Census Challenge research. Maxine Burton received a Starfish Award for her research on employee health insurance. Meagan Chaplin received Starfish Awards for her research on employee health insurance and for the Scenic Byway Grant submittal for a bike lane on Palmetto Boulevard.

Mayor Lyons then recognized Administrator Hill. She informed Council that Casey Gressette has asked that the agenda be amended to consider conditional approval of a use permit for Sunset Bar and Grille pending approval of the Planning Commission on June 21, 2011 and completion of deficiencies from the Building Official and Fire Chief. Mayor Lyons then asked Council to please vote as to whether they wanted to put this item on the Agenda. No motion was made.

### **Old Business**

Approved: *Second Reading of Ordinance #2011-19 Granting Consent to Application for Franchise for Cable or Video Service, Authorize Mayor to Execute and Setting Franchise Fee.* This ordinance states that Council consents to the application of Bellsouth Telecommunications,

Inc. d/b/a AT&T South Carolina (copy attached) to operate cable or video service within the municipality dated April 4, 2011. The maximum allowable franchise fee is 5%. AT&T will be offering a program called U-Verse, a video product through the telephone lines. This product has its own IP address and has unique features over other cable providers. The franchise fee is recommended to offset any loss of revenues received from other cable providers and to prevent AT&T from having an unfair advantage over other cable providers who are assessed a franchise fee. The first reading of this ordinance passed unanimously. Councilman Mann moved to approve the second reading of Ordinance #2011-19 Granting Consent to Application for Franchise for Cable or Video Service, Authorize Mayor to Execute and Setting Franchise Fee. Councilman Anderson seconded the motion, which carried unanimously.

Approved: *Second Reading of Budget Ordinance #2011-20, to Provide for the Levy of Taxes in the Town of Edisto Beach, South Carolina for the Fiscal Year July 1, 2011 through June 30, 2012; to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto.* Councilman Hutto moved to approve the second reading of Budget Ordinance #2011-20, to provide for the Levy of Taxes in the Town of Edisto Beach, South Carolina for the Fiscal Year July 1, 2011 through June 30, 2012; to Provide for All Other Appropriations Thereof; and to Provide for Other Matters Related Thereto. This includes capital improvements and special appropriations and \$400,000 for beach preservation from local accommodations. Councilman Anderson seconded the motion, which carried unanimously.

Approved: *OnSite 300 Radar Trailer.* The OnSite 300 radar trailer is a trailer mounted traffic sign. The Police Department requested the purchase of this equipment as a preventative measure to encourage visitors and residents to drive the posted speed. This item was tabled in the May Council meeting pending further research on a dual purpose sign. Research shows that a dual purpose sign is going to be costly, and it will be more cost effective for the Town to purchase a stand-alone warning sign at a later date in addition to the OnSite radar trailer. Councilman Anderson moved to approve the OnSite 300 radar trailer using hospitality funds in the amount of \$5,775. Councilman Hutto seconded the motion, which carried unanimously.

### **New Business/Appearances**

Approved: *Fire Protection Agreement with Colleton County.* The Fire Protection agreement with Colleton County is renewed each year, and provides mutual aid to and from Colleton County for fire services. Councilman Anderson moved to approve the Fire Protection Agreement between Colleton County and the Town of Edisto Beach and the execution of said agreement by Mayor Lyons. Councilwoman Hornsby seconded the motion, which carried unanimously.

Approved: *Resolution #2011-R22 to Establish the Franchise Fee for Bellsouth Telecommunications, Inc. d/b/a AT&T South Carolina to Operate Cable or Video Service within*

*the Municipality.* This resolution establishes the annual franchise fee for Bellsouth Telecommunications, Inc. d/b/a AT&T South Carolina to operate cable or video service within the municipality shall be set at five (5.0%) percent of its gross revenue as defined in Sections 58-12-300 through 58-12-400 of the South Carolina Code of Laws. Councilman Mann moved to approve Resolution #2011-R22 to Establish the Franchise Fee for Bellsouth Telecommunications, Inc. d/b/a AT&T South Carolina to Operate Cable or Video Service within the Municipality. Councilman Hutto seconded the motion, which carried unanimously.

Approved: *First 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. Councilman Hutto moved to approve the first reading of Ordinance #2011-23 to Enact Section 6-4 Chapter 6 of the Town's Code to be entitled "Poisoning of Animals." Councilwoman Hornsby seconded the motion, which carried unanimously.

Approved: *Resolution #2011-R24 National Scenic Byways Program.* This resolution states that Council authorizes the Municipal Clerk to apply for National Scenic Byways Program funds for the bike lane along Palmetto Boulevard. Councilman Hutto moved to approve Resolution #2011-R24 for National Scenic Byways Program grant funds. Councilwoman Hornsby seconded the motion, which carried unanimously.

Approved: *Amend Bay Creek Park Rules and Regulations.* The current Bay Creek Park Rules and Regulations state that the market building will be open from 9:00 am until 4:30 pm on Wednesdays. The amended Bay Creek Park Rules and Regulations state that the market building hours are 9:00 am until 4:00 pm on Wednesdays. Councilman Mann moved to approve the amendment of the Bay Creek Park Rules and Regulations. Councilwoman Hornsby seconded the motion, which carried unanimously.

Approved: *Vendor Business Licenses.* Council direction was requested regarding how to handle vendor business licenses for special events or at Bay Creek Park. Under Section 18-32 of the Town's Code, every person engaged or intending to engage in any business within the limits of the Town is required to pay an annual license fee and obtain a business license. In the past, the Town has not charged vendors for business licenses. The Town Attorney states that there is no provision in the current ordinance to not charge vendors, and if Council would like to add an exception, it must be for a legitimate governmental reason so as not to discriminate. The Building Department recommended that the business license ordinance be revised to include a vendor business license from the Town, which will be valid for one calendar year. The Building department also recommended that the cost for such license be \$30.00. Most licenses are

calculated by a base fee plus a percentage of the gross receipts. Because gross receipts will not be reported by vendors, the Building Department believes \$30.00 is a fair and nominal fee. Councilman Mann moved to approve that the Building Department move forward with revisions to the business license ordinance and set the license fee for vendors at \$25.00. Councilman Hutto seconded the motion. During discussion, Councilwoman Hornsby recommended the sponsor pay the fee for the vendor, rather than the Town collecting license fees from each individual vendor. The vote carried with a 3-2 vote. Councilman Anderson and Councilwoman Hornsby were opposed.

Approved: Budget Transfers.

- transfer from the General Fund Contingency account 104900.9999 in the amount of \$10,000 to the Fire Department Salary and Payroll Tax accounts
- transfer from the General Fund Contingency account 104900.9999 in the amount of \$5,000 to the Police Department Building Maintenance account for remodeling.

The current Contingency balance is \$107,419. After the transfers, the balance will be \$92,419. Councilman Anderson moved to approve the above listed budget transfers. Councilwoman Hornsby seconded the motion, which carried unanimously.

### **Committee Vacancies**

There are two upcoming vacancies for the Accommodations Tax Advisory Board, Larry Darby and Lisa White. These committee terms expire on August 1, 2011. Mr. Darby and Mrs. White are both eligible to serve another term. Council will vote to fill these vacancies in the July 14, 2011 regular Council Meeting.

### **Planning Commission**

Approved: 124 Jungle Road-Concession Van. Master Chef Leslie Brown requested permission to operate a concession van that will be parked at 124 Jungle Road from May 15<sup>th</sup> – September 1<sup>st</sup> for the purpose of food sales and pickup. The van has a self contained kitchen that is approved by DHEC. Per section 86-141 (i) of the Town's Code, all applications for a building permit in a district area zoned C-3 must be reviewed by the Planning Commission and approved by Town Council. The Planning Commission vote failed with a 3-3 vote. The operation of a concession van is an allowed use in the C-3 district. However the opposing Planning Commission members discussed that there are already four restaurants within a block of the proposed location and according to the Comprehensive Plan's Land Use section "there are still not enough people living in the Town year-round to support most businesses and services. Part-time resident and visitor numbers are adequate to sustain only a small number of specialized retailers and others who cater to those markets." Additionally, the opposing Planning Commission members discussed that this concession van is not consistent in keeping with the unique character, appearance, and culture of Edisto Beach. Councilman Anderson moved to approve the concession van at 124 Jungle Road. Councilman Mann seconded the motion, which carried unanimously.

Failed: *102 Jungle Road-Snow Cone Stand.* Dana Rasmussen requested permission to move her seasonal snow cone stand to 102 Jungle Road. The stand was approved and located at 124 Jungle Road last year. Per section 86-141 (i) of the Town's Code, all applications for a building permit in a district area zoned C-3 must be reviewed by the Planning Commission and approved by Town Council. The Planning Commission denied unanimously. Discussions by the Planning Commission included the fact that the business will not be on a lot of record and that it did not adequately have the lot size minimum of 11,000 square feet. The Planning Commission members also discussed that this business could not be considered an addition to the existing planned shopping center. Councilman Anderson moved to approve the snow cone stand to be located at 102 Jungle Road. Councilman Mann seconded the motion. Council discussed the fact that this application was in violation of Town ordinance because 11,000 square feet cannot be subdivided out of the lot. The vote carried with all opposed.

Failed: *102 Jungle Road-Open-Air Market.* Robert Redfearn, owner of 102 Jungle Road, would like to lease his parking lot to local arts and crafts vendors and set up multiple tents for the vendors to sell their products. Per section 86-141 (i) of the Town's Code, all applications for a building permit in a district area zoned C-3 must be reviewed by the Planning Commission and approved by Town Council. At the February 22, 2011, Planning Commission meeting, Mr. Redfearn was heard for a request to erect several metal structures for the purpose of having vendors set up for an open air market. The Planning Commission discussed in depth their concern that the market would adversely affect "the residential character of the island." The Planning Commission vote failed with a 3-3 vote. At the April 26, 2011, Planning Commission meeting, Mr. Redfearn requested construction of a different type of open-air market. Instead of having multiple tents set up for vendors, Mr. Redfearn requested to construct a pole building-type structure for vendors to set up and sell their products. The Planning Commission discussed in depth their concern that the market would adversely affect "the residential character of the island" as per the Town's Code Section 86-141 Purpose of the C-3 district. The Planning Commission denied with a 4-3 vote. At the May 24, 2011, Planning Commission meeting, the Planning Commission denied this request unanimously. In reference to permitted uses in the C-3 commercial district, Section 86-141(b)(16) of the Town's code states that a permitted use includes, *Government owned or operated parks and open-air markets situated thereon and government owned or operated open space recreational areas.* The Town's interpretation of this code is that due to the omission of the language "privately owned open air market" an arts and crafts tent market would not be an allowed use. Since the ordinance does not allow privately owned open air markets, the Planning Commission discussed that it was a moot point and could not be approved. Councilman Hutto moved to deny the open-air market at 102 Jungle Road. Councilman Mann seconded the motion, which carried unanimously.

Postponed: *The Plantation Course.* Request Council consideration and approval of proposed development of the Plantation Course. Dwight Funderburk submitted a proposal for development of the Plantation Course that demonstrates how many units can be built on the golf course. Also included in this proposal, is a new maintenance building for the golf course. Per Section 86-144 (f) of the Town's Code, this concept plan must be reviewed by the Planning

Commission and approved by Town Council. This item was originally on the March Planning Commission agenda, but no one was at the meeting to represent this item and it was unanimously postponed. It was put on the April Planning Commission agenda, but again no representative attended the meeting. The Planning Commission unanimously denied this project. Per Mr. Funderburk's request, Council agreed to postpone this by common consensus.

**Committee Reports**

Financial Report

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

	Received	Spent
General Fund	92.66%	85.36%
Water Fund	95.09%	80.78%
Wastewater Fund	91.52%	77.52%

Police Department Report

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

	May-10	May-11	YTD
Citations	47	28	153
Speeding	25	13	66
Golf Cart Violations	6	0	3
Property Checks	0	1,553	9,020
Calls for Service	83	90	804
Calls Requiring 2 Officers	16	6	91
Burglary	2	1	19
Larceny	8	2	44
Assaults	1	1	8
Alarms	21	28	248
Traffic Warnings	118	88	561
Patrolled Miles	6,932	11,171	68,599
Criminal Domestic Violence	0	0	3

Building Department Report

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

	May-10	May-11	YTD
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Business/Rental License Fees	\$5,252.68	\$10,005.10	\$252,379.84
New Construction Permits		0	7
Other Permits	30	41	296
Permit Fees	\$4,886.00	\$4,165.10	\$45,378.30
Inspections	89	117	981

Councilwoman Hornsby informed the public of the Adopt a Beach Access Program and how those interested could participate. She also thanked Jimmy Culclasure for continuing to represent the Town at the County level. Councilwoman Hornsby also told the audience that Ida Tipton had received an award from Keep Colleton Beautiful for being a charter member.

Fire Department

The fire department report for the month of May 2011 was given by Assistant Fire Chief Billy Callahan.

Calls	May-10	May-11	YTD
Medical	9	22	175
Fire-related	0	2	38
Public Assistance	8	13	162
Beach Wheel Chairs	5	8	84

Assistant Fire Chief Billy Callahan thanked everyone who helped at the Fire Department Fish Fry along with everyone who came to eat. The Fish Fry was a huge success. He told the audience that the money raised will offset the expense of new bay doors for the Fire Department. Also, the Fire Department gave fire truck rides from 11 a.m.-6:30 p.m. at the fish fry.

Edisto Chamber of Commerce

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

Utilities Department

The Utilities Department report for the month of May 2011 was given by Bob Doub, the Town's Utilities Director.

	May-10	May-11	YTD
Pumped MG Water	21 MG	21.75 MG	270.31 MG
Treated MG Wastewater	4 MG	4.84 MG	49.21 MG
Water Line Repairs	234	119	1,343
Work Order Repairs	-	98	1,162

Mr. Doub informed the audience that the Utilities Department had a major sewer repair at The Village, and they have had a contractor doing manhole rehabilitation. The Utilities Department spent two days in April in training in order to maintain the Town's LLR licenses and DHEC permits.

Public Works

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

	May-10	May-11	YTD
Mowed Sq. Yds.	42,672	41,184	939,852
Cleaned Ditches	12,672	0	460,529
Roll Carts Delivered	41	9	225

Mr. Doub informed the audience that the Public Works Department has been cleaning beach accesses and maintaining parks.

Administrator Hill thanked Fire Department for going above and beyond the call of duty on Wednesday by removing lumber from the beach, and Bob Doub for his help in burying an alligator that washed up on the beach.

**Signed in to Speak**

Emily Craig: Ms. Craig told Council and the audience that she thinks the Town is doing a wonderful job with the beach accesses as far as keeping them maintained.

David Cannon: Mr. Cannon expressed his disagreement with The Plantation Course proposed changes. He stated that the proposed changes are in violation of the Master Land Use Plan for Fairfield Ocean Ridge that was adopted on May 18, 2007. Mr. Cannon also suggested that a bike rack be placed somewhere within the Town Hall complex.

David Gressette: Mr. Gressette again requested that he be placed on the Agenda because he had completed everything necessary to open his business. Patrick Brown, Building Administrator for the Town of Edisto Beach stated that Mr. Gressette did not have everything completed. Council told Mr. Gressette that he must follow procedure, and exceptions were not going to be made for him.

Ida Tipton: Ms. Tipton expressed her disapproval with Town Council approving items that the Planning Commission has denied.

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

Meeting adjourned at 7:14 p.m.

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*The media/public was duly notified of the date, time and place of the Council Meeting on Friday, June 3, 2011.*

APPROVED BY TOWN COUNCIL

Meagan Chaplin  
Meagan Chaplin, Municipal Clerk  
July 14, 2011