

MINUTES
SPECIAL TOWN COUNCIL MEETING

April 22, 2020
11:00 a.m.

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

Present: Jane S. Darby, Mayor, Crawford Moore, Mayor Pro Tem, Jerome Kizer and Patti Smyer, Councilmembers. Susan Hornsby joined the meeting via conference call. *Quorum of Council Present.*

Mayor Darby called the meeting to order. Mayor Pro Tem Moore moved to go into Executive Session to obtain legal advice regarding Town Emergency Ordinance 2020-09, Emergency Ordinance 2020-10, Emergency Ordinance 2020-11, Emergency Ordinance 2020-12, Emergency Ordinance 2020-13 and Emergency Ordinance 2020-14. Upon returning to open session, action may be taken by Town Council on items discussed in Executive Session. Councilman Kizer seconded the motion, which was unanimously approved.

Councilman Kizer moved to exit Executive Session, seconded by Mayor Pro Tem Moore and approved unanimously.

Mayor Pro Tem Moore and Councilman Kizer read Emergency Ordinance 2020-14, a copy of which is attached to these minutes. Councilman Kizer moved to approve Emergency Ordinance 2020-14, seconded by Mayor Pro Tem Moore. Councilwoman Smyer expressed her concern and “extreme displeasure with the date in this Ordinance. I feel like opening up, even just to some people on May 8th is too early. I think that anything before May 15th should not be considered.” Mayor Darby called for the vote and the motion passed 4 – 1 with Councilwoman Smyer opposed.

Questions were asked prior to the meeting that were addressed by Mayor Darby. She stated, “If you are able to get into the Town, fishing is allowed on the beach. Please practice social distancing. Please practice good fishing manners and maintain no large groups. As far as the State Park being opened, they will formally announce later this week their schedule. You will need to be cognizant of that and check that on South Carolina PRT. I understand not every park is being done the same.... For those on the beach front, we have just said that no umbrellas, canopies or shading of that nature is permitted on the beach. The reason being, for turtle season and that it encourages mass gathering. You can’t practice social distancing.... I want you to think very carefully about this. Each of us has a personal responsibility to protect ourselves, we know our conditions, we know our parameters. Each one of us must accept that responsibility for ourselves, and at the same time, be cognizant of the respect for other people, so we’re also protecting them at the same time.... Assume that no one is going to clean as well as you can. Never assume the house has been cleaned to specifications. You may need to be prepared to clean if you feel at all uncomfortable. Last but not least, I want to emphasize again, let’s all of us assume self responsibility. Protect ourselves, protect others.”

Mayor Pro Tem Moore moved to adjourn the meeting, seconded by Councilman Kizer and unanimously approved.

The media/public was notified of the location, date and time of the meeting on April 21, 2020.

APPROVED BY TOWN COUNCIL



Deborah Hargis, Municipal Clerk

May 14, 2020

TOWN OF EDISTO BEACH
EMERGENCY ORDINANCE 2020-14

WHEREAS, the United States of America, the State of South Carolina, and the Town of Edisto Beach have declared emergencies related to the spread of COVID-19 virus; and

WHEREAS, in order to lessen the intensity and duration of the crisis, reduce the stress on our first responders and healthcare system, and to prevent unnecessary deaths, all citizens must prepare to make adjustments to their daily routines and lives; and

WHEREAS, the Town experienced a second state of emergency on April 13 due to the landfall of an EF-2 tornado which caused significant damage and a need to limit the curiosity seekers and population in the impacted areas; and

WHEREAS, the Governor's Executive Order 2020-13 directs local law enforcement to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

WHEREAS, the Governor's Executive Order 2020-13 also authorizes any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of any Order issued by the undersigned in connection with the same; and

WHEREAS, the Governor's Executive Order 2020-14 directs that an individual who enters the State of South Carolina from an area with substantial community spread, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut) and the City of New Orleans, Louisiana, shall isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina; and

WHEREAS, the Governor's Executive Order 2020-19 orders and directs that effective Friday, April 3, 2020, at 5:00 p.m., any and all individuals, entities, or establishments engaged in the provision of short-term rentals, vacation rentals, or other lodging accommodations or operations in exchange for consideration (collectively "Lodging"), as set forth below, in the State of South Carolina are prohibited from making or accepting new reservations or bookings from or for individuals residing in or travelling from any country, state, municipality, or other geographic area subject to or identified in a CDC travel advisory or other CDC notice as a location with extensive

community transmission of COVID-19, to include the Tri-State Area (consisting of the States of New York, New Jersey, and Connecticut); and

WHEREAS, the Governor's Executive Order 2020-21 orders and directs that effective Tuesday, April 7, 2020, at 5:00 p.m., any and all residents and visitors of the State of South Carolina are required to limit social interaction, practice "social distancing" in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and shall limit their movements outside of their home, place of residence, or current place of abode (collectively, "Residence"), except as allowed by the Order, for purposes of engaging in Essential Business, Essential Activities, or Critical Infrastructure Operations, to which the definition of Essential Activities includes engaging in outdoor exercise or recreational activities, provided that a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same Residence; and

WHEREAS, in the Governor's Executive Order 2020-14, he authorizes, orders and directs any State, county, or city official to enforce the provisions of the Order and any prior or future Orders issued in connection with the present State of Emergency; and

WHEREAS, the Governor's Executive Order 2020-28 authorizes any agency, department, county, municipality, or political subdivision of the State owning, operating, managing, or otherwise having jurisdiction and control over any public beach access points to close, in whole or in part, or otherwise restrict the use of any such public beach access points, to include any adjacent or associated public parking lots or other public facilities, if it is determined that such action is necessary to preserve or protect public health; and

WHEREAS, the Town of Edisto Beach does not have the manpower in its police department to comply with the Governor's Orders, maintain the peace, protect against the effects of the virus, and provide adequate law enforcement in the Town in the event of the large influx of visitors; and

WHEREAS, the re-opening of the Town will likely cause a serious impediment to the Town's ability to (1) enforce the Executive Orders of the Governor, (2) maintain peace and good order during the State of Emergency, and (3) potentially provide necessary municipal services to the citizens of the Town of Edisto Beach, all while causing a serious possibility of community spread of Covid-19 in direct contravention of the Governor's orders; and

WHEREAS, a DHEC official has stated that the majority of COVID-19 deaths in South Carolina to date have been over the age of 61 and the median age of residents of the Town of Edisto Beach is 65, thus placing town residents potentially at greater risk of severe consequences from the contraction of COVID-19; and

WHEREAS, Town Council is concerned it may not be able to serve the emergency medical needs of the community since the nearest local hospitals are approximately 50 miles away; the nearest pharmacy is approximately 25 miles away and there is only one part-time physician; and

WHEREAS, at a recent Isle of Palms City Council Meeting, Doctor Edward O'Brien of the Medical University of South Carolina stated that opening beach accesses to residents as a lessening of restrictions is a good step and gradual lessening of restrictions is the best approach; and

WHEREAS, this Emergency Ordinance 2020-14 is being enacted to supersede and replace the previous Emergency Ordinances to incrementally lessen some of the protective measures in a safe and cautious manner with the health and welfare of the town's citizens paramount as the timeline of the virus moves forward, and in recognition of the necessity of a time period to transition to a more normal situation before fully opening the Town as it was prior to COVID-19 and the tornado; and

WHEREAS, this Emergency Ordinance is necessary to preserve or protect public health and is narrowly tailored to address the specific public safety concerns arising from this State of Emergency and is temporary in effect; and

WHEREAS, Section 5-7-250 of the South Carolina Code of Laws provides that to meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE Mayor and Council of the Town of Edisto Beach, in Council assembled, that:

1. This Emergency Ordinance 2020-14 supersedes and replaces Emergency Ordinances 2020-08, 2020-09, 2020-10, 2020-11, 2020-12, and 2020-13 as of the effective date of this ordinance.
2. A local state of emergency has previously been declared for the Town of Edisto Beach, South Carolina pursuant to Section 26-33 of the Code of Ordinances of the Town of Edisto Beach.
3. The state of emergency shall continue for a period of not more than 60 days from the effective date of this ordinance unless terminated, continued, or renewed by the Council of the Town of Edisto Beach.
4. Short-term and long-term rentals for written reservations existing "on the books" as of April 21, 2020 for stays beginning May 8, 2020 will be permitted beginning 8:00 a.m. May 8, 2020. Beginning 8:00 a.m. May 15, 2020 all short-term and long-term rentals regardless of reservation dates will be permitted. It is strongly urged and recommended that the rental agencies and individuals:
 - A. Limit the capacity of rental units and monitor the same;

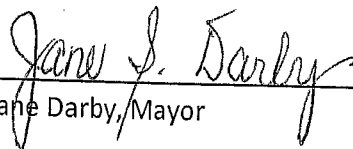
- B. Clean the rental units to meet CDC and Realty Association guidelines;
 - C. Advise renters of the Town's Emergency Ordinances and Governor's Executive Orders current at the time;
 - D. Specify houseguests, day visitors, and/or parties are prohibited in order to practice social distancing;
 - E. Encourage renters to wear face covering when in public retail and service establishments.
5. Parks will remain closed due to the inability to provide adequate sanitation.
 6. Public Beach Accesses. Pursuant to the authority granted in the Governor's Executive Order 2020-28, state law, and municipal ordinance, the Town Council restricts the use of the public beach accesses, to include any adjacent or associated public parking lots, to access only by residents, renters, lease holders, and property owners of the Town, and their verified immediate family members (defined as spouse, children, parents, grandparents) and only for the purposes of exercise and recreational activities as permitted by the Governor's Executive Orders with the requirement to engage in social distancing as required by said Executive Orders. Day visitors are specifically prohibited from utilizing the public beach accesses during the effective time of this Emergency Ordinance 2020-14.
 7. All shading devices including but not limited to tents, tarps, cabanas, pavilions, umbrellas or devices similar to umbrellas are prohibited on the beach until further notice.
 8. The checkpoint will be in place for 24 hours a day until further notice. The following rules shall apply at the checkpoint:
 - a. All persons who are not residents, renters, lease holders, or property owners of the Town or their verified immediate family members (defined as spouse, children, parents, grandparents) or persons who engage in "Essential Business" or "Essential Activities," as defined in the Governor's Executive Orders subject to the restrictions set forth in this Emergency Ordinance, are prohibited from entering the Town. This prohibition includes day visitors.
 - b. Residents, lease holders, and property owners: Please bring one form of identification showing residency or ownership (driver's license, utility bill, deed, tax bill, lease, etc.). If the property is owned by a LLC or other group, documentation must be provided showing owners. Please prepare a signed written statement with your contact telephone number to be presented to the officers at the checkpoint naming the immediate relatives who are permitted by you to stay at your home.
 - c. Renters shall show a rental contract specific to a property. In the case of rentals directly from the property owner, the renter needs to show a copy of the property owner's business license with the town at the checkpoint.
 - d. Edisto Island residents: will continue to be allowed to access essential businesses (BiLo and Gas station) and restaurants as long as they have proof of Edisto island

residency.

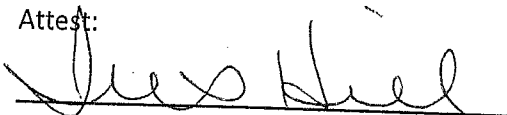
e. Guest passes are not permitted.

9. **Penalties.** Any violation of the provisions of this Emergency Ordinance, including failure to comply with the instructions of law enforcement made pursuant to this Emergency Ordinance is unlawful. A person violating these provisions may be penalized by (1) an infraction, punishable by a civil fine of not less than \$10.00 nor more than \$100.00, or (2) as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency) which provides a person violating its provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or (3) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. Any failure to comply with this Emergency Ordinance, including efforts to circumvent an emergency ordinance, may also be penalized as provided in Section 18-48 of the Town of Edisto Beach Code of Ordinances allowing for suspension or revocation of business license and may result in the loss of a business license or other measures.
10. **Time Effective.** This Emergency Ordinance shall be effective upon enactment and shall continue through May 30, 2020.

Enacted this 22nd day of April, 2020, by Town Council of the Town of Edisto Beach, South Carolina.


Jane Darby, Mayor

Attest:


Iris Hill, Town Administrator