

MINUTES
JANUARY 14, 2021
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

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

Present: Jane S. Darby, Mayor, Crawford Moore, Mayor Pro Tempore, Jerome Kizer and Robert Renner Council Members. Present via conference call, Council Member Patti Smyer. *Quorum of Council Present.*

Pledge of Allegiance and Invocation

Councilman Kizer led those present in the Pledge of Allegiance and an invocation.

Swearing in Ceremony

Newly elected Councilmember Robert (Bob) Renner was sworn in by Colleton County Chief Magistrate Bert Duffie and assisted by Mrs. Stephanie Renner.

Approval of Minutes

Mayor Pro Tem Moore moved to approve the minutes of the December 10, 2020 Council meeting seconded by Councilman Kizer and approved unanimously.

Presentations and Proclamations

- A. **Five Year Service Award, David McWatters** – Mayor Darby thanked Officer McWatters for his service on behalf of all of Council.
- B. **Starfish Awards:**
 1. **Mark Aakhus** – Mr. Aakhus has successfully completed the 2-year Municipal Association’s Risk Management Institute program.
 2. **Patrick Brown** – Mr. Brown received a Starfish Award for obtaining the SC Certified Fire Marshall designation.
 3. **Archie Livingston** - Mr. Livingston has resigned from the TIDE Committee after many years. His service to the Town is sincerely appreciated.
 4. **Krystal Parsons** – Mrs. Parsons was instrumental in the Town’s successful completion of the 2020 audit.
 5. **Dominion Energy** – Jennifer Hightower, Economic Development and Local Government Manager for Dominion Energy accepted a Starfish Award given for Dominion’s assistance in hanging the Town’s Christmas lights.

Old Business

- A. **Second Reading of Ordinance 2021-02 to Amend Section 38-101 of the Code of Ordinances of the Town of Edisto Beach to include the definitions of “electronic smoking device” and “e-liquid” and “vapor product” and amend the definition of “smoking”** – Councilman Kizer moved to approve the second reading of Ordinance 2021-02 to amend section 38-101 of the Code of Ordinances of the Town of Edisto Beach to include the definitions of “electronic smoking device” and “e-liquid” and

- “vapor product” and amend the definition of “smoking.” Mayor Pro Tem Moore seconded the motion which was approved unanimously.
- B. Frist Reading of Ordinance No. 2021-05 to Provide for the Issuance and Sale of Not to Exceed \$2,135,000 General Obligation Refunding Bonds of the Town of Edisto Beach, South Carolina for the purposes of refunding the Town’s Outstanding General Obligation Bonds of 2007; To Provide for the Payment Thereof; and Other Matters Relating Thereto** – Mayor Pro Tem Moore moved to approve the first reading of Ordinance No. 2021-05 to provide for the issuance and sale of not to exceed \$2,135,000 General Obligation Refunding Bonds of the Town of Edisto Beach, South Carolina for the purposes of refunding the Town’s outstanding General Obligation Bonds of 2007; to provide for the payment thereof; and other matters relating thereto. Councilman Renner seconded the motion which was unanimously approved.
- C. Second Reading of Ordinance 2021-03 to Amend Section 2-201, Section 2-215(J) and Section 2-218(A) of the Town’s Code of Ordinances to Provide the Purchasing Agent with Authority to Award Small Purchases up to \$10,000.00 and Clarify Purchases in the Amount of More than \$10,000.00 Require Town Council Approval for Award** – Councilman Kizer moved to approve the second reading of Ordinance No. 2021-03 to amend Section 2-201, Section 2-215(J) and Section 2-218(A) of the Town’s Code of Ordinances to provide the purchasing agent with the authority to award small purchases up to \$10,000.00 and clarify purchases in the amount of more than \$10,000.00 require Town Council approval for award. The motion was seconded by Mayor Pro Tem Moore and approved unanimously.
- D. Plantation Course at Edisto** – When the Plantation Course at Edisto requested partnering with the Town on the installation of a filter at the October 8, 2020 Council meeting, the funding did not include sales tax. Councilwoman Smyer moved to approve the Plantation Course at Edisto’s request of an adjustment of \$1,272.65 to be paid from Sewer R & R. Councilman Kizer seconded the motion, which was unanimously approved.

New Business

- A. Resolution No. 2021-R04 Jury Box Resolution** – Mayor Pro Tem Moore moved to approve Resolution No. 2021-R04 Jury Box Resolution which reads in part, “...the 2021 Jury Box has been prepared pursuant to the requirement of Act #480 of 1980 and is now ready for use.” Councilman Kizer seconded the motion, which was unanimously approved.
- B. VC3 Custom Browser Notifications Project** – Councilman Kizer moved to approve the VC3 Custom Browser Notifications Project and transfer \$2,840 from general fund contingency 10-4900.9999 to General Fund VC3 10-4100.3225. Mayor Pro Tem Moore seconded the motion which was approved unanimously.
- C. RFP 2020-08 Edisto Beach Nourishment Hurricane Dorian Award** – Mayor Pro Tem Moore moved to approve awarding RFP 2020-08 Edisto Beach, SC Beach Renourishment Hurricane Dorian to green Wave Contracting, Inc. at a cost not to exceed \$779,410 and authorize the Town Administrator to negotiate and execute said agreement. Councilman Kizer seconded the motion. Administrator Hill told Council that the bids had come in higher than expected and she has asked FEMA for more money. Mayor Darby called for the vote and the motion was unanimously approved.
- D. Storm Damage Reduction Project** – Councilman Kizer moved to approve requesting a one-year extension to see if in-kind credit can be included in the Water Resources Development Act of 2021. Councilman Renner seconded the motion which was approved unanimously.
- E. Budget Approval – Road Maintenance** – Mayor Pro Tem Moore moved to approve the transfer of \$12,204 from General Fund Contingency (10-4900.9999) to Public Works Street improvement repairs

(10-4700.4010) to pay for the recent dirt road improvements. Councilwoman Smyer seconded the motion which was unanimously approved.

- F. Special Event Application, Town of Edisto Beach, Cookin' on the Creek BBQ Festival** – Councilman Kizer moved to approve the special event application from the Town of Edisto Beach to hold the Cookin' on the Creek BBQ Festival on Friday, May 28th from 6:00 p.m. – 10:00 p.m. and Saturday, May 29th from 11:00 a.m. – 4:00 p.m. at Bay Creek Park. Councilman Renner seconded the motion. Special Events Coordinator Kelly Moore told Council that the approval of the application is tentative depending on COVID-19 numbers as May approaches. Mayor Darby called for the vote and the motion was approved unanimously.
- G. First Reading of Ordinance No. 2021-06 Requiring that Face Coverings Be Worn in Certain Circumstances in the Town of Edisto Beach During the COVID-19 Public Health Emergency** – Councilwoman Smyer moved to approve the first reading of Ordinance No. 2021-06 requiring that face coverings be worn in certain circumstances in the Town of Edisto Beach during the COVID-19 public health emergency. Town Attorney Bert Duffie told Council, “This was requested by me, to be put on the agenda this week. Earlier this week, the Municipal Association of South Carolina issued its latest...update, and in that latest edition, the Municipal Association and their legal counsel discussed face covering Ordinances and recommended that Municipalities...go from repeated Emergency Ordinances every sixty days to issuing a standard two-reading Ordinance for the face coverings so that you don't have to go through the process every sixty days... The language of this Ordinance as it relates to face coverings is identical to our Emergency Ordinance. Nothing's changed... The language in this Ordinance terminates it upon either resolution of Town Council, so at any meeting you can take a vote to terminate it, you don't have to go through a two-reading Ordinance to terminate it, or upon termination of the State of Emergency by the Governor. If either one of those two events happen, then this Ordinance terminates. Basically, it's the same Ordinance, you just don't have to go through repeated Emergency Ordinances. For example, our current Emergency Ordinance is due for reconsideration at next month's meeting... and then two months after that, and two months after that, which is what we've been doing. I think the Municipal Association wants to take out the repeated nature of having to go through this and give more of a standard approach... From my standpoint, there's really no legal difference to the Ordinances other than it is more of an administratively easier setup for y'all... But the Ordinance language is the same, the ability to terminate it is the same...” Councilman Renner seconded the motion, which was unanimously approved.
- H. Agreement Between Colleton County Sheriff's Office and the Town of Edisto Beach Police Department to Provide the Town of Edisto Beach with Victim Assistance** – Mayor Pro Tem Moore moved to approve the agreement between the Colleton County Sheriff's Office and the Town of Edisto Beach Police Department to provide the Town of Edisto Beach with victim assistance. Councilman Kizer seconded the motion which was approved unanimously.

Committee Vacancies

- A. Water and Sewer Committee – 1 vacancy** – There is still a vacancy on the Water and Sewer Committee. No applications have been received. The Town will continue to advertise this vacancy.
- B. Municipal Elections Commission – 1 vacancy** – Councilwoman Smyer moved to approve the application from Sharon Moore to serve on the Municipal Elections Commission, seconded by Mayor Pro Tem Moore and unanimously approved.
- C. TIDE Committee – 1 vacancy** – Two applications have been received, one from Ron Scroggy and one from Virginia Stephenson. Council voted by ballot and Ron Scroggy was selected to fill the vacancy.

Departmental Reports

Administration

In the month of December 2020 there were seven Freedom of Information Act requests, one from William Hackett, one from Mandy Hutchinson, two from Kelly Hyatt and three from Sammie Sherman.

	Received	Spent
General Fund	37.76%	50.96%
Water Fund	10.69%	43.78%
Wastewater Fund	9.33%	45.93%

Building

	December 2019	December 2020	YTD
Business/Rental License Fees	\$1,888.00	\$2,529.45	\$74,992.07
New Construction Permits	2	2	14
Other Permits	21	28	172
Permit Fees	\$6,371.50	\$15,589.50	\$65,921.50
Inspections	29	49	298

Fire

Calls	December 2019	December 2020	YTD
Medical	14	8	122
Fire-related	6	1	7
EMS/Misc	9	19	183
Beach Wheelchairs	0	1	60
Water Rescue	0	1	7
Welfare Checks	8	6	41

Police

	December 2019	December 2020	YTD
Miles Patrolled	9,113	8,173	55,024
Incidents & Calls for Service	48	67	865
Property Checks	984	1,009	5,774
Town Parking Tickets	3	14	388

Utilities

	December 2019	December 2020	YTD
Pumped MG Water	10.33	11.96	114.48
Treated MG Wastewater	3.45	2.86	25.58
Water Line Repairs	4	3	26
Work Order Repairs	33	49	224

Public Works

The Public Works Department has been busy cleaning Town-owned rights-of-way, bike paths and sidewalks. West Bank Construction completed road grading and extensive repair of Town dirt roads.

Special Projects

	November 2020	December 2020
Edisto Civic Center	\$4,521.30	\$3,097.45
Bay Creek Park	\$1,115.00	\$80.00

Public Comment

The following submission was received:

Chad Rose “So now that we are on the 4th round of Emergency Ordinance it’s time to start taking effective action. All the medical professionals agree cigarette smoking is one of the worst things that you can do when you have COVID-19. Time for the Mayor and Council to stand up for the health and cleanliness of the Beach. Cigarette butts are the number one polluter of the Ocean and beaches. Time to Ban cigarette sales and smoking from the Edisto Beach. Starting with anyone who is on the taxpayer’s payroll. Also, time to open up the meetings, stop hiding behind COVID-19, if every Convenience Store and employee and waiter can work in person, the Mayor and Council members can as well.”

Executive Session

Mayor Pro Tem Moore moved to go into Executive Session to discuss the following items, seconded by Councilman Kizer and approved unanimously:

- A. Receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege related to the Sea Island Elevator, LLC v. Patrick Brown and Town of Edisto Beach lawsuit, S.C. Code § 30-4-70(a)(2)**
- B. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee in the Administration Department. S.C. Code §30-4-70(a)(1)**
- C. Discussions incidental to contractual negotiations or other matters covered by the attorney-client privilege. (US Army Corps of Engineers) S.C. Code §30-4-70(a)(2)**

Upon returning to open session, action may be taken by the Council on items discussed during executive session.

Mayor Pro Tem Moore moved to exit Executive Session, seconded by Councilman Kizer and unanimously approved. No action was taken on the items discussed in Executive Session.

Adjournment

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

The media/public was notified of the date, place, and time of the meeting on Friday, January 8, 2021.

APPROVED BY TOWN COUNCIL



Deborah Hargis, Municipal Clerk
February 11, 2021
