

AGENDA
TOWN OF EDISTO BEACH
March 11, 2021
PUBLIC HEARING
5:55 P.M.
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

- I. Call to Order**
 - II. Pledge of Allegiance and Invocation**
 - III. Approval of Minutes**
 - A. Regular Council Meeting Minutes, February 11, 2021
 - IV. Presentations and Proclamations**
 - A. Proclamation No. 2021-P08 Building Safety Month
 - B. Fair Housing Resolution No. 2021-R09
 - C. Proclamation No. 2021-P15, Donate Life Month
 - D. Starfish Awards
 - 1. Assistant Fire Chief Chris Nash, Medic 20 staff Cody Hutto and Donald Martin
 - V. Old Business**
 - A. Second Reading of Ordinance No. 2021-07 to Amend the Budget for Fiscal Year 2020-2021 for the Town of Edisto Beach, South Carolina for the Fiscal Year Beginning July 1, 2020 and Ending June 30, 2021
 - B. Arc/Billow Drainage
 - VI. New Business**
 - A. Sick Leave Donation Policy
 - B. First Reading of Ordinance No. 2021-10 to amend Section 78-36 of the Code of Ordinances of the Town of Edisto Beach to restructure the penalties and procedures for parking violations.
 - C. First Reading of Ordinance No. 2021-11 to Amend Section 82-139 of the Town's Code to Increase the Sewer Rates by 5%.
 - D. Emergency Purchase Order Replacement Pump Lift Station "C"
 - E. First Reading of Ordinance No. 2021-13 to Enact and Establish a Temporary Moratorium on the Issuance and Approval of Building Permits and Record Plats for the Town of Edisto Beach for (1) New or Additional Connections for Properties Situated Inside the Municipal Boundaries to the Town Sewer System that flow through Lift Stations A, B and C and (2) Additions to Existing Structures that access the Town Sewer System if additional sewer capacity would be required for the addition that flow through Lift Stations A, B and C.
 - F. Recurring Special Event Form, Edisto Chamber of Commerce, Movies in the Park
 - VII. Committee Vacancies**
 - A. Water and Sewer Committee – 2 vacancies
 - B. Planning Commission – 1 vacancy
 - C. Town Hall Complex Design Committee – 2 vacancies
 - VIII. Public Comment**
 - IX. Executive Session**
 - 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 Census Count Resolution, S.C. Code §30-4-70 (a)(2).
 - B. 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 Sign Ordinance S.C. Code §30-4-70 (a)(2).
 - C. 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 Ania Bender Claim No. SF-19-0978, S.C. Code §30-4-70 (a)(2).
- Upon Returning to Open Session, Action May Be Taken By the Council on Items Discussed During the Executive Session**
- X. Adjournment**

The March 11th Town Council Meeting can be viewed on the Town's YouTube channel which can be accessed through the Town's website, www.townofedistobeach.com

**BUILDING SAFETY MONTH 2021
TOWN OF EDISTO BEACH**

WHEREAS, the Town of Edisto Beach is committed to recognizing that our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster, and;

WHEREAS, our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians – building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers, and others in the construction industry – who works year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, and federal officials that are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work, play, and;

WHEREAS, our nation benefits economically and technologically from using the International Codes that are developed by a national, voluntary consensus codes and standards developing organization, our government is able to avoid the high cost and complexity of developing and maintaining these codes, which are the most widely adopted building safety and fire prevention codes in the world, and;

WHEREAS, those modern building codes include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods, and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities; largely unknown protectors of public safety – our local code officials – who assure us of safe, efficient, and livable buildings that are essential to America’s prosperity, and;

WHEREAS, “Prevent, Prepare, Protect. Building Codes Save,” the theme for Building Safety Month 2021, encourages all Americans to raise awareness about the importance of safe and resilient construction; fire prevention; disaster mitigation, and new technologies in the construction industry; and;

WHEREAS, each year in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW THEREFORE, WE, Council of the Town of Edisto Beach, South Carolina, do hereby proclaim the month of May 2021 as

Building Safety Month

Accordingly, we encourage our citizens to join with our community in participation in Building Safety Month activities.

Mayor Jane S. Darby

Mayor Pro Tem Crawford Moore

Jerome Kizer

Robert Renner

Patti Smyer

Fair Housing Resolution

WHEREAS, April 12, 2021, marks the 52nd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights act of 1968, as amended, and the State of South Carolina enacted the South Carolina Fair Housing Law in 1989, that both support the policy of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Town of Edisto Beach is committed to addressing discrimination in our community, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every citizen of their right to fair housing; and

WHEREAS, the Town of Edisto Beach rejects discrimination on the basis of race, religion, color, sex, national origin, disability and/or familial status in the sale, rental, or provision of other housing services; and

WHEREAS, the Town of Edisto Beach desires that all its citizens be afforded the opportunity to attain decent, safe and sound living environment;

NOW THEREFORE, be it resolved that the Town of Edisto Beach does hereby designate April 2021 as being Fair Housing Month and, the Town of Edisto Beach recognizes the policy supporting Fair Housing in encouraging all citizens to endorse Fair Housing opportunities for all, not only during Fair Housing month but throughout the year.

SIGNED, SEALED AND ADOPTED BY Town Council this 11th day of March 2021.

Mayor Jane S. Darby

Mayor Pro Tem Crawford Moore

Councilman Jerome Kizer

Councilman Robert Renner

Councilwoman Patti Smyer

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**DONATE LIFE MONTH 2021
TOWN OF EDISTO BEACH**

WHEREAS, one of the most meaningful gifts that a human being can bestow upon another is the Gift of Life through organ, eye, and tissue donation; and

WHEREAS, more than 108,000 children and adults await lifesaving transplants, of which more than 1,300 are in South Carolina; and

WHEREAS, in 2020, for the first time ever, more than 200 South Carolinians said “Yes” to organ donation, saving lives of 514 people awaiting their second chance at life; and

WHEREAS, we are still losing an average of 20 lives every day due to the lack of organs available for transplantation because every 10 minutes, another name is added to the national transplant waiting list, and

WHEREAS, according to national research conducted by Donate Life America, more than 90 percent of Americans support donation and more than 54 percent of South Carolinians have registered at the DMV; and

WHEREAS, the decision to become an organ donor can save up to eight lives and tissue donation can enhance many more – men, women, and children who depend on the generosity and sacrifice of others to receive a second chance at life; and

WHEREAS, every person should support this life saving effort by learning more about organ, eye and tissue donation, making their families aware of their South Carolina driver’s license; and

NOW, THEREFORE WE, the Council of the Town of Edisto Beach, South Carolina, do hereby proclaim the month of April 2021 as

Donate Life Month

Mayor Jane S. Darby

Mayor Pro Tem Crawford Moore

Jerome Kizer

Robert Renner

Patti Smyer

V / A

No. 2021-07

AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2020-21 FOR THE TOWN OF EDISTO BEACH, SOUTH CAROLINA FOR THE FISCAL YEAR BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021

WHEREAS, Subsection 3 of Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that municipal council shall act by ordinance to levy taxes and adopt a budget pursuant to public notice;

WHEREAS, review of the budget has been conducted and adjustments are required to the Fiscal Year 2020-21 budget adopted June 11, 2020: and

NOW THEREFORE, BE IT ORDAINED by the governing body of the Town of Edisto Beach, in Council duly assembled, and by the authority of the same, that the budget adopted on June 11, 2020 is amended as set forth in the attached exhibit.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF EDISTO BEACH ON THIS 11th DAY OF MARCH 2021.

Jane S. Darby, Mayor

ATTEST:

Deborah Hargis
Municipal Clerk

First Reading: 2/11/2021
Public Hearing: 3/11/2021
Final Reading: 3/11/2021

Approved as to form: _____

TOWN OF EDISTO BEACH

AN ORDINANCE

To amend Section 78-36 of the Code of Ordinances of the Town of Edisto Beach to restructure the penalties and procedures for parking violation

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Sec. 78-36 is amended to read as follows:

Sec. 78-36. - Penalty for violations; impoundment; immobilization.

- (a) Whenever a police officer or other enforcement authority designated by the Town Council shall observe a vehicle parked in violation of town ordinance or state law, he or she is authorized, in addition to all other authorized methods of enforcement, to issue a parking citation on a form approved by the police chief and affix such citation to the parked vehicle. The form of the citation so issued shall, as a minimum, contain on its face the license plate number or vehicle identification number (VIN) of the parked vehicle, the date and time of the issuance, the nature of the offense, the standard bond as provided in subsections (c) and (d) of this section for the cited violation, the manner in which payment may be made, and the identification of the issuing official. The parking citation shall contain a warning that if the fine required by the citation is not paid within thirty (30) days, it shall be increased by an additional specified amount and that failure to comply with the requirements of the citation may result in the immobilization or impoundment of the vehicle.
- (b) All municipal parking violations established under this article shall be subject to civil fines only and not subject to criminal penalties except as otherwise provided by the general law of the state. Each day of a continuing violation of this article shall be considered a separate and distinct offense and may result in cumulative fines. Each citation issued may be: (1) administratively dismissed by the enforcement authority as provided in subsection (e), (2) timely paid in the amount shown upon the citation within the time specified or (3) paid under protest with a request for hearing as provided in subsection (f).
- (c) Except for violations of state law, any person who violates or fails to comply with the parking provisions of this article or allows, permits or suffers any vehicle registered in such person's name to stand or park in any street in violation of any of the provisions of this article, with the exception of section 78-35(2)b, shall be subject to a civil fine in the amount of fifty dollars (\$50.00) for each offense and not subject to criminal penalties except as otherwise provided by the general laws of the state. In the event a violator fails to pay the fine within thirty (30) days of the issuance of the citation, the fine shall increase to one-hundred dollars (\$100.00) for each offense. Failure to pay the fine by the 60th day

after the date of the citation shall result in the town invoking any remedy permitted by law for debt collection or vehicle impoundment or immobilization as provided in subsection (g).

- (d) Any person who violates or fails to comply with section 78-35(2)b, parking within 15 feet of a fire hydrant, or allows, permits or suffers any vehicle registered in such person's name to stand or park in any street in violation of section 78-35(2)b shall be subject to a civil fine of seventy-five dollars (\$75.00) for each offense and not subject to criminal penalties except as otherwise provided by the general laws of the state. In the event a violator fails to pay the fine within thirty (30) days of the issuance of the citation, the fine shall increase to one-hundred fifty dollars (\$150.00) for each offense. Failure to pay the fine by the 60th day after the date of the citation shall result in the town invoking any remedy permitted by law for debt collection or vehicle impoundment or immobilization as provided in subsection (g).
- (e) Administrative review. Any person aggrieved by the issuance of a parking citation may seek administrative review by submitting a written statement as to why the citation was improvidently issued. Such written statement must be submitted with payment of the fee due and received by the enforcement authority at the address which appears on the citation no later than the original due date for payment referenced on the citation. If facts, circumstances, or credible proof is shown to the satisfaction of the issuing officer that given totality of circumstances good cause exists, the issuing officer may immediately invalidate the citation.
- (f) Payment under protest and request for administrative hearing. If the violator believes that the violator can show good cause why the parking citation was issued in error, why no penalty should be added to the initial fine, or why the penalty should be reduced, the violator may pay the amounts due under protest and request a hearing with an administrative hearing officer appointed by the town administrator, provided the following conditions are met:
 - (1) The violator must remit payment to the town court clerk and serve the clerk with written notice of the request to be heard no later than the original due date for payment referenced on the citation. The notice must state the reason why the citation or fine is being protested and provide the clerk with the violator's current address, telephone numbers at which the violator may be reached during the day, and, where applicable, an e-mail address.
 - (2) Upon receipt of payment under protest, the municipal court clerk will notice the violator and the officer who issued the citation of a date and time to appear at a hearing before the administrative hearing officer. The clerk must also notice the officer who issued the citation that accrual of penalties is stayed pending the court hearing.
 - (3) Hearing procedures for citation protests. To be eligible for a hearing, all citation protests must comply with the provisions of this subsection (f) and the following procedures will apply:

(a) Rights of violator. If the violator pays under protest and requests a hearing pursuant to this subsection (f), the violator is entitled to a hearing before an administrative hearing officer. The violator is not entitled to a trial by jury or trial in municipal court.

(b) Hearing officer authority. If the hearing officer determines that the citation was properly issued, the initial fine and all penalties shall stand, provided the hearing officer has authority to waive or reduce penalties added for failure to pay if the hearing officer finds good cause to do so. If the hearing officer determines that the citation was not properly issued, payment under protest will be refunded.

(c) Waiver. If, after payment under protest, the violator fails to appear for the hearing as noticed, the request for a hearing will be declared abandoned and the payment under protest forfeited to the town.

(d) Decision. The decision of the hearing officer shall be the final decision by the town as to the citation.

- (g) Immobilization; Impoundment. Any vehicle parked on any street or other public property, whether in an authorized or unauthorized zone, which is found to be the subject of one-hundred dollars (\$100.00) or more past due on outstanding parking citations is hereby declared to be a public nuisance. Any vehicle identified as a public nuisance may be impounded or immobilized by the town. The town may also give authorization to a commercial towing or wrecker service to tow the vehicle away to store in a safe place until claimed by the owner. The fee for immobilization and impoundment shall be that amount set forth by town council, as amended from time to time. Unless an approved payment agreement has been signed by all parties, no vehicle shall be released to the owner until all outstanding parking citation charges, as well as towing and storage charges or booting charges, are paid and satisfactory proof of ownership has been demonstrated. Upon impoundment or immobilization, the enforcement officer shall provide the owner or driver notice sufficient to warn the owner or driver that the vehicle has been impounded or immobilized. Such notice shall also inform the owner or driver of the reason for the impoundment or immobilization. It shall be unlawful for any person to tamper with, damage, remove, destroy or take an immobilization device except as authorized pursuant to this article. Immobilization shall remain in place for forty-eight (48) hours unless sooner released by authority of the enforcement officer. If payment of the outstanding parking citations has not occurred within forty-eight (48) hours, the vehicle shall be towed and impounded. The town assumes no liability for loss or damage to an impounded vehicle or its contents while immobilized or impounded.
- (h) Request for hearing on immobilization or impoundment. After a vehicle has been immobilized or impounded, the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle are entitled to request an administrative hearing to contest the validity of the immobilization or impoundment of the vehicle. The request for a hearing must be made in writing to the town clerk and will state the grounds upon which the person requesting the hearing believes the

immobilization or impoundment invalid or unjustified, and such other information as the town may require. An administrative hearing officer appointed by the town administrator shall set and conduct an administrative hearing on the matter within twenty-one (21) days of receipt of a proper filed request, except where a vehicle has not yet been released from impoundment, in which case the hearing officer will set and conduct the hearing within seventy-two (72) hours of receipt of the request, not including Saturdays, Sundays, or town sanctioned holidays. There shall be no right to a jury trial. The owner(s) and any other person(s) who have an interest in the vehicle are only entitled to one hearing for each tow of that vehicle. Any person who fails to appear at the hearing without good cause will not be entitled to have such hearing rescheduled. The hearing officer shall determine whether the immobilization and/or impoundment was proper and whether the removal, towing, storage, and administrative fees were properly assessed. If the hearing officer finds that the immobilization and/or impoundment of the vehicle was invalid or unjustified, the hearing officer shall direct the immediate release of the vehicle, and the owners(s) or any other person(s) who have an interest in the vehicle shall not be liable for any tow and/or storage charges. If the costs of immobilization and/or impoundment and the administrative fee have already been paid, the hearing officer shall direct that all such monies be refunded to the owner. If the hearing officer finds that the immobilization and/or impoundment of the vehicle was valid and justified, the hearing officer will direct that the vehicle continue to be held until all tow and storage charges and fines are paid. The decision of the hearing officer shall be the final decision by the town. Any person aggrieved by the decision may file a petition for judicial review in a court of competent jurisdiction within ten (10) days after notice of the decision from which the appeal is taken.

This ordinance shall take effect upon adoption.

Jane Darby, Mayor

First Reading: _____

Municipal Clerk

Second Reading: _____

Approved as to form: _____

V I C

No. 2021-11

TOWN OF EDISTO BEACH

AN ORDINANCE

TO AMEND SECTION 82-139 OF THE TOWN'S CODE.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that Section 82-139 of the Town's Code be amended to read as follows:

Sec. 82-139. Sewer rates.

(a) Until changed pursuant to appropriate action of the council, the following shall be the schedule of rates or charges for the sewer services afforded by the town sewage works:

TABLE INSET:

Gallons	Rate per billing cycle
0--6,000, semi-annual, minimum	\$225.35
Over 6,000, semi-annual, per 1,000	\$3.75

(b) The minimum fee would be billed in semi-annual billing cycles in advance for the period beginning June 1 and for the period beginning December 1. Sewage use in excess of the minimum is billed in arrearage for the period ending May 31 and the period ending November 30 respectively.

This ordinance shall take effect upon final reading.

Jane S. Darby, Mayor

First Reading _____

ATTEST:

Final Reading: _____

Public Hearing: _____

Iris Hill, Town Administrator

Approved as to form: _____

TOWN OF EDISTO BEACH

AN ORDINANCE

An Ordinance to Enact and Establish a Temporary Moratorium on the Issuance and Approval of Building Permits and Record Plats for the Town of Edisto Beach for (1) New or Additional Connections for Properties Situated Inside the Municipal Boundaries to the Town Sewer System that flow through Lift Stations A, B and C and (2) Additions to Existing Structures that access the Town Sewer System if additional sewer capacity would be required for the addition that flow through Lift Stations A, B and C.

WHEREAS, The Town of Edisto Beach operates a sanitary sewer system for the benefit of its citizens. The system includes a wastewater treatment plant licensed by the South Carolina Department of Health and Environmental Control (SCDHEC); and

WHEREAS, the sanitary sewer system is seriously deficient in the following particulars: The Town's Sewer Collection System is under evaluation by American Engineering to develop solutions to reoccurring high volume alarms at Lift Stations A, B and C. Lift Stations A, B and C collectively connect to the Wastewater Treatment Plant through a 6-inch force main which is not sufficient to accommodate the volume of flow entering the system causing high volume alarms. This deficiency taxes the system beyond its licensed capacity; and

WHEREAS, these deficiencies may lead to and constitute serious environmental hazards, create public health and safety risks, result in additional stress on the wastewater treatment plant, increase its operating costs, require additional attention of Town personnel, and expose the Town to fines and other enforcement and disciplinary action by SCDHEC and the federal government;

WHEREAS, the Town Staff has made recommendations relating to, and has outlined a plan to address, the deficiencies in the sewer system; and

WHEREAS, the Mayor and Council have determined that the deficiencies in the sanitary sewer system create potential for and may result in serious environmental, health and safety hazards, and that such hazards are a nuisance prejudicial to the health, safety and comfort of the public; and

WHEREAS, the Town of Edisto Beach has experienced increased development and growth in the number of new residential housing units constructed and the number of building permits applied for, and there are currently plans on the part of landowners to construct additional housing units which, if constructed and connected to the Town sewer system will place additional burdens on that system; and

WHEREAS, by restricting and precluding municipal approval of building permits and record plats that would increase demand for and/or the volume of sanitary sewage that flow through lift stations A, B, and C, and by restricting and precluding (1) any further connections to the municipal sewer system for properties by way of Lift Stations A, B and C, and (2) additions to existing structures which flow through lift stations A, B and C if the additions would effect an increase on the sewer capacity and demand of the sewer system, the Town can reduce, to a limited degree, the impact which new additions to the Town sewerage system would otherwise have on the deficiencies which currently characterize that system; and

WHEREAS, in order to give the Town time to address the sewer system deficiencies and make appropriate and needed studies, repairs and improvements to its infrastructure, the Town intends by this Ordinance to establish, for a temporary and limited period of time, a moratorium on the approval of building permits and record plats for (1) new and additional connections to the Town sewer system for properties through tie-in to Lift Station A, B and C, and (2) additions to existing structures utilizing Lift Stations A, B and C if the additions would effect an increase on the sewer capacity and demand of the sewer system.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the Town of Edisto Beach as follows:

SECTION I. There is hereby imposed, on a temporary and interim basis, and for the immediate preservation of the public health and safety, and for the protection of the sanitary sewerage system of the Town of Edisto Beach, a moratorium on any new or additional building permit approvals and any new or additional record plat approvals for (1) new and additional connections to the Town sewer system for properties through tie-in to Lift Station A, B and C, and (2) additions to existing structures utilizing Lift Station A, B and C if the additions would affect an increase on the sewer capacity and demand of the sewer system. Until such moratorium is terminated by the Town, the Town shall not approve any new or additional building permits or record plats and shall not authorize or permit any new or additional connections to the Town sewer system for (1) new and additional connections to the Town sewer system for properties through tie-in to Lift Stations A, B and C, and (2) additions to existing structures utilizing Lift Stations A, B, and C if the additions would affect an increase on the sewer capacity and demand of the sewer system. This moratorium shall not be applicable to any property presently utilizing Town sewer services on the first reading date of this Ordinance, but which subsequently requires a new site building permit after, and as a result of, disruption to its existing service due to damage to or destruction of improvements situated on the property.

SECTION II. The problem is under evaluation and as soon as reasonably practical, the Town shall formulate, establish, adopt and implement a program to repair, improve and correct the deficiencies in the Town sewer system. The Town shall regularly, and at no less than 90-day intervals, review the program and shall make any such revisions to the

program as may be necessary to correct the sewer system deficiencies with all due haste.

SECTION III. This moratorium shall continue for a limited time in order to finalize the current study and to undertake and complete the necessary improvements so as to eliminate those deficiencies.

SECTION IV. This moratorium shall not apply to any building projects which have received a building permit and sewer tie in approval prior to the date of first reading of this ordinance. This moratorium shall not apply to requests for building permits accompanied by those who are in possession of current sewer certificates. This ordinance also shall not apply to the Planned Unit Development zoning district because property owners in that district have previously secured approval from the Town to tie into the sewer system and paid the requisite fees.

SECTION V. The recitals set forth above are herein incorporated as if fully re-written.

This Ordinance shall take effect upon approval by Council.

By: _____
Jane Darby, Mayor

First Reading: _____
Adopted: _____

ATTEST: _____
Angela Davis, Municipal Clerk

Approved as to form: _____