

**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](http://www.townofedistobeach.com)

MINUTES  
MARCH 11, 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, Robert Renner, and Patti Smyer. *Quorum of Council Present.*

**Pledge of Allegiance and Invocation**

Mayor Pro Tem Moore led those present in the Pledge of Allegiance and an invocation.

**Approval of Minutes**

**A. Regular Council Meeting Minutes, February 11, 2021** – Councilwoman Smyer moved to approve the minutes of the February 11, 2021 Council meeting. Councilman Renner seconded the motion, which was approved unanimously.

**Presentations and Proclamations**

**A. Proclamation No. 2021-P08 Building Safety Month** - Councilman Kizer moved to approve the Building Safety Month proclamation, No. 2021-P08. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

**B. Fair Housing Resolution No. 2021-R09** – Mayor Pro Tem Moore moved to approve the Fair Housing Resolution, No. 2021-R09. Councilwoman Smyer seconded the motion, which was approved unanimously.

**C. Proclamation No. 2021-P15 Donate Life Month** – Councilwoman Smyer moved to approve the Donate Life Month proclamation, No. 2021-P15. Councilman Kizer seconded the motion, which was approved unanimously.

**D. Starfish Awards**

**1. Assistant Fire Chief Chris Nash, Medic 20 staff Cody Hutto and Donald Martin** – Mayor Darby presented Assistant Chief Nash, Cody Hutto and Donald Martin with a Starfish Award for their assistance with the COVID-19 vaccine clinic on February 27, 2021. Cody Williams accepted the Starfish Award on Cody Hutto's behalf.

**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** – Councilman Kizer moved to approve the second reading of Ordinance No. 2021-07 to amend the Budget of 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. Mayor Pro Tem Moore seconded the motion, which was approved unanimously.

**B. Arc/Billow Drainage** – Ryne Phillips from Davis & Floyd presented a PowerPoint showing drainage options. Please see attached.

**New Business**

- A. Sick Leave Donation Policy** – Councilwoman Smyer moved to approve the Sick Leave Donation Policy allowing staff to donate sick leave into a leave bank for use by those who have exhausted their sick leave. Councilman Kizer seconded the motion, which was approved unanimously.
- 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** – Councilman Kizer moved to approve the 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. Councilman Renner seconded the motion, which was approved unanimously.
- 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%** - Mayor Pro Tem Moore moved to approve the first reading of Ordinance No. 2021-11 to Amend Section 82-139 of the Town’s code to increase the sewer rates by 5%. Councilman Kizer seconded the motion, which was approved unanimously.
- D. Emergency Purchase Order Replacement Pump Lift Station “C”** – Councilwoman Smyer moved to approve the emergency purchase order of replacement pump lift station “C” at a cost of \$5,295 plus freight and tax from Sewer R&R. Councilman Kizer seconded the motion, which was approved unanimously.
- 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** – Mayor Pro Tem Moore moved to approve the 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. Councilman Kizer seconded the motion. American Engineering is in the process of evaluating the problem to develop a solution. A solution should be forthcoming within the next 30 days. After discussion Councilman Kizer moved to amend the motion that the possible solutions to the Moratorium be provided within 30 days and can be reviewed every 30 days until resolved. Councilwoman Smyer seconded that amendment. The amendment was unanimously approved. Mayor Darby called for the vote and the motion was unanimously approved.
- F. Recurring Special Event Form, Edisto Chamber of Commerce, Movies in the Park** – Councilman Kizer moved to approve the special event application from the Chamber to hold movies in the park on June 9, 2021, July 14, 2021, and August 11, 2021. Mayor Pro Tem Moore seconded the application, which was approved unanimously.

**Committee Vacancies**

**A. Water and Sewer Committee – 2 vacancies** – There are currently two vacancies for the water and sewer committee. An application has been received by John David Griffith. Councilwoman Smyer approved the application. Councilman Renner seconded the application, which was approved unanimously.

**B. Planning Commission – 1 vacancy** – Mayor Pro Tem Moore moved to approve the advertising of the vacancy on the planning commission. Councilman Kizer seconded the motion, which was approved unanimously.

**C. Town Hall Complex Design Committee – 2 vacancies** - There are currently two vacancies for the Town Hall Complex Design Committee. An application has been received by Edye Graves. Councilwoman Smyer approved the application. Councilman Kizer seconded the application, which was approved unanimously.

**Departmental Reports**

Administration

	Received	Spent
General Fund	69.23%	64.27%
Water Fund	105.04%	75.98%
Wastewater Fund	95.00%	57.40%

Building

	February - 2020	February - 2021	YTD
Business/Rental License Fees	\$13,232.50	\$4,226.95	\$84,411.92
New Construction Permits	0	2	18
Other Permits	25	28	224
Permit Fees	\$3,729.50	\$8,414.50	\$81,217.50
Inspections	57	135	470

Fire

Calls	February- 2020	February – 2021	YTD
Medical	8	8	145
Fire-related	7	2	11
EMS/Misc.	22	7	197
Beach Wheelchairs	0	0	60
Water Rescue	0	0	8
Welfare Checks	2	0	41

Police

	February- 2020	February - 2021	YTD
Miles Patrolled	9,324	8,510	73,520
Incidents & Calls for Service	47	51	973
Property Checks	919	773	7,541
Town Parking Tickets	5	5	404

Public Works

The Public Works Department has been busy cleaning bike paths, sidewalks, and the causeway. The department has repaired washouts at various beach accesses this month and has removed broken sand fencing from the beach. The Department has also had 4 trash can work orders and a trash can audit with Republic Services.

Utilities

	February- 2020	February - 2021	YTD
Pumped MG Water	8.54	9.22	134.20
Treated MG Wastewater	2.78	2.73	30.81
Water Line Repairs	4	4	31
Work Order Repairs	40	20	264

Special Projects

	January 2021	February - 2021
Edisto Civic Center	\$6,047.30	\$5,528.06
Bay Creek Park	\$0	\$0

Public Comment

Linda Woods: "It has been many years since I worked directly with the sewer system and sewer allocations but without hesitation, I can confidently say that no one has ever worked as closely as I have with the finite capacity of the plant. Having said that, I recognize that I do not have total recall and would appreciate and respect fact checking.

However, this is what I believe:

Edisto beach could not support at any time a sewer plant to serve the entire beach. Sewer was and is a precious commodity. The plant was built to serve limited capacity. Capacity use was charged from the plant as SCDHEC permitted projects. Projects were applied for by developers. Tap fees and development costs

born by developments rendered the sewer system self-sufficient and service was provided as SCDHEC permitted.

If a property could be served by a septic system, it was required. Remember that at the time of that writing Council was referring to a conventional system. The engineered systems we have today were not available.

The Jungle Road Sewer Extension's destination was the 100 Block. Existing businesses throughout the block needed sewer services but this was cost prohibitive for one or two. Tap on fees were based on usage. There was enough interest from the area to fund the extension. The Extension was coordinated through Town Hall, managed, and constructed. The Steedley Development interests included the Palmetto Plaza strip mall construction and condominium building behind the mall. The marsh lots were individually stubbed out for sewer service and the Town made a commitment to serve those lots also. The commitment was made through the permitting of the area with SCDHEC. These permits do not expire. This should be well documented in Town Council, Planning Commission and Water and Sewer Committee minutes. The area within the 100 Block was Zoned C3 at the time and although the lots abutting the marsh are being built out as residential, they continue to be zoned commercial. Most of these lots were owned by the Developer as opposed to as it is today where individual lots have been sold off. The potential for commercial development was anticipated. Sewer taps were needed, particularly because of the environmentally sensitive area.

It seems to me that over time the Town has gotten away from being "guardian" of the finite capacity as it was permitted. I know very little of the current day distress of the sewer plant except what I have taken from January Retreat minutes where it is noted that the distribution system is the problem, not capacity of the plant. I have worked in SCDHEC when the Town was required to build the current plant. We were in a similar situation. I haven't seen where SCDHEC has required (Mandated) the taps be halted.

It seems to me that there is some flexibility left to who might tie on to the system. The proposed ordinance states: *The Moratorium shall not apply to request 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 requisite fees.*

Just as in the PUD, the Jungle Road extension was a commitment to serve the lots with sewer as permitted and approved by the Town of Edisto Beach. I would like to draw your attention to the fact that individual lots within the PUD at one time were on a pay as you construct basis also.

Ben and I bought our property in 2009. I did not have any reason to believe at the time that sewer taps would ever be denied. The 100 Block was not just the end of the line, it was the destination. Force lines and sewer mains came down Jungle Road in front of lots who were required to be served by conventional septic tanks. It was believed that the marsh lots would best be served by tying into the sewage plant.

I respectfully request that Council fact check this development and reconsider allowing the remaining lots on the marsh side of Jungle Road to tie on to the system within the 100 block.

Thank you for your time.

/lcw"

Sam Caldwell: "I took a site glass and sited it in here, I don't know, 6 months ago maybe and there is probably a one-inch drop across the whole front of my property. I mean, it's very low. But, one of the problems you got is that it's filled in and eroded off the sides when its filled in. You probably only got half

the pipe under my driveway showing right now. So, it's filled in and even you mentioned the other day that when Billow is empty there will be water standing on Arc because it's clogged up and filled up and all that. I think if anything, we will help the situation by putting pipe in there because we will have to excavate it back out and we will get it deep again. Obviously, the reason we want to put it in temporarily... and I mean obviously we want a total solution to the problem because there is just too many...you know, my neighbor was able to do it a year ago. Y'all allowed him to do it and I talked to him. I don't remember where he lives, Illinois or somewhere and he said, "I didn't want the liability." I said, "Well I don't have to worry about that. I have gone to Town Council enough about this that it is on them and the engineers now." He did it because he didn't want a child falling in there or an animal or whatever. But, if we ran pipe across ours temporarily, we would still have open areas where the water would come up so we wouldn't be blocking anything. Unless, we got an obstruction in the pipe. I was going to go a step further. I was going to put a grating on the end and clean it out every time I got around it, just to keep stuff from getting in the pipe. If anything, you will have better flow coming through my property than you would anybody else's. But you will also have open areas on the end and that is what we eventually want to eliminate. Where you would have drainpipes going in where water could still go up, ingress and egress. If you needed the Arc Street lots to handle it, that's fine. They could still handle it. And truthfully, years ago, I remember we used to flood a lot worse in that area. The water would stand there forever. But to me, that was far better than having to put up with the drains all the time and the pipes out there. All the problems we have with that - I mean, all the cars that run into that ditch, y'all just don't know. And that's a minor problem I guess in the scheme of things. I'll shut up. It is all redundant."

### Executive Session

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

- 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) –**

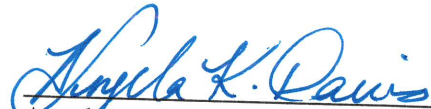
Mayor Pro Tem Moore moved to exit Executive Session, seconded by Councilman Kizer, and approved unanimously. There was no action taken on the items discussed in Executive Session.

### Adjournment

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

*The public/media were notified of the location, place, and time of the meeting on Friday, March 5, 2021.*

APPROVED BY TOWN COUNCIL



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Angela Davis, Municipal Clerk  
April 8, 2021