

AGENDA
TOWN OF EDISTO BEACH
November 8, 2018
REGULAR TOWN COUNCIL MEETING
6:00 P.M.

- I. Call to Order**
- II. Pledge of Allegiance and Invocation**
- III. Approval of Minutes**
 - A. Special Council Meeting Minutes, October 9, 2018
 - B. Regular Council Meeting Minutes, October 11, 2018
- IV. Proclamations and Presentations**
 - A. Town of Edisto Beach Police Department Certificate of Appreciation
- V. Old Business**
 - A. Second Reading of Ordinance No. 2018-24 to Amend Section 42-46(e) and Adopt Section 42-46-(f) and (g) of the Code of Ordinances of the Town of Edisto Beach relating to the Fire Department
 - B. Second Reading of Ordinance No. 2018-25 to Enact Section 58-139 of the Town's Code of Ordinances Related to Indecent Exposure and Displays of Specified Anatomical Areas on the Beach and Within Certain Areas of the Town; and to Repeal Section 10-41 Related to the Same Subject
- VI. New Business**
 - A. 2019 Meetings and Holidays Schedule
 - B. 2019 Annual Goal Setting Retreat
 - C. No Cost Budget Adjustment to Edisto Beach Stabilization Project Phase 2
 - D. Amendment #1 For Professional Services 2018 Post-Storm Beach Monitoring Survey Hurricane Florence
 - E. Amendment #2 For Professional Services 2018 Post-Storm Beach Monitoring Survey Hurricane Michael
 - F. Immigration Compliance Reporting
 - G. Recurring Special Event Application, Edisto United, Annual Oysters & BBQ Fundraiser
 - H. TIDE Committee Recommendations
 - I. Award of RFP #2018-14 Groin Repair
- VII. Committee Vacancies**
 - A. Water and Sewer Committee -1 vacancy
- VIII. Accommodations Tax Advisory Board**
 - A. Edisto Chamber of Commerce - Off Season Marketing and Advertising 2018/2019 - \$50,000
 - B. Edisto Beach Police Department, Life Rings, Throw Ropes and Throw Bags - \$2,840
- IX. Departmental Reports and Committee Updates**
- X. Public Comment**
- XI. Executive Session**
 - A. The receipt of legal advice where the legal advice relates to a pending, threat ened, or potential claim or other matters covered by the attorney-client privilege related to Venture Aloft One, LLC zoning board appeal. S.C. Code §3-4-70(a)(2)
 - B. The 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 Redeemer Fellowship lawsuit. S. C. Code §3-4-70(a)(2)

Upon Returning to Open Session, Action May Be Taken By the Council on Items Discussed During the Executive Session
- XII. Adjournment**

TOWN OF EDISTO BEACH

AN ORDINANCE

To Amend Section 42-46(e) and Adopt Section 42-46 (f) and (g) of the Code of Ordinances of the Town of Edisto Beach relating to Fire Department.

BE IT ORDAINED by the Town Council of the Town of Edisto Beach in Council duly assembled and by the authority of the same that Sec. 2-2 is hereby amended to read as follows:

Sec. 42-46. - Established; duties; composition; fire committee; board of trustees.

(d) There is hereby established a committee to be known as the Fire Committee to serve as liaison between the Town Council, its professional fire department and the volunteer fire fighters. The Fire Committee shall consist of the Town Administrator, the Fire Chief, the volunteer fire department President, and one volunteer fire fighter appointed by the Fire Chief annually to serve not more than two consecutive one-year terms and who shall not be a full time employee of the Town. The Fire Chief shall draft a Firemen's Insurance and Inspection budget for each fiscal year which upon approval by the Fire Committee will be submitted to the Board of Trustees for approval and then to Town Council for approval. The committee shall meet upon call of the chair who shall be appointed for an annual term by majority vote of the committee. The Fire Chief shall make such reports as may be appropriate to Town Council.

(e) A Board of Trustees of the Firemen's Insurance and Inspection fund is hereby established in accordance with SC Code of Laws Title 23, Chapter 9, Sections 310-470. The local Board of Trustees shall consist of the Mayor, the chairman of the Fire Committee, and the Fire Chief. The Board shall serve without compensation. The Board shall approve disbursements under such rules and regulations as the Board may adopt. All monies dispersed to the town from the county treasurer related to Firemen's Insurance and Inspection Fund must be set apart and equitably used solely and entirely for the betterment and maintenance of a skilled and efficient fire department. The Board shall insure that expenditures requested and approved by 51% of the entire fire department are approved Firemen's Insurance and Inspection Fund (1%) expenditures consistent with state statutes. The term of office of the last two named members of the Board is four years and until their successors are appointed and confirmed and qualify for office. The Board shall elect from its number a chairman and secretary who shall likewise serve without compensation. The treasurer of the town shall act as the treasurer of the Board and is custodian of all funds received.

(f) No funds of the Firemen's Insurance and Inspection Fund may be divided among the firemen of the fire department in cash. When the fire department by a majority vote of the Fire Committee provides for the expenditure of any funds from the Firemen's Insurance and Inspection Fund for the collective benefit and enjoyment of the entire department, it is mandatory for the local trustees and the state trustees of the South Carolina State Firemen's Association to approve the expenditure. None of the funds may be expended in any manner for any purpose for which the town may be legally liable. No funds from the Firemen's Insurance and Inspection Fund may be withheld or used for any purpose except as prescribed by state law.

(g) The Town hereby accepts the benefits of the Firemen's Insurance and Inspection Fund.

STATE LAW REFERENCE: South Carolina Code of Laws Title 23, Chapter 9, Sections 310-470 .

This ordinance shall take effect upon adoption.

By: _____
Jane S. Darby, Mayor

First Reading: _____

ATTEST: _____
Deborah Hargis, Municipal Clerk

Second Reading: _____

Adopted: _____

Approved as to form: _____

TOWN OF EDISTO BEACH

AN ORDINANCE TO ENACT SECTION 58-139 OF THE TOWN'S CODE OF ORDINANCES RELATED TO INDECENT EXPOSURE AND DISPLAY OF SPECIFIED ANATOMICAL AREAS ON THE BEACH AND WITHIN CERTAIN AREAS OF THE TOWN; AND TO REPEAL SECTION 10-41 RELATED TO THE SAME SUBJECT

WHEREAS, the Town of Edisto Beach is widely recognized as a family-oriented beach vacation destination and residential destination due to its relaxed, non-commercial, and family-friendly environment and further the Town's economy is greatly centered around family-oriented tourism; and

WHEREAS, the Town Council finds that it is both in the public interest and necessary to protect and promote the public health, safety and welfare and that said places open to the public be utilized and enjoyed by as many persons as possible; and

WHEREAS, maximum utilization and enjoyment of places open to the public can only be obtained through imposition of regulations regarding activities thereon; and

WHEREAS, persons utilizing said places by appearing thereon without clothing and/or with the private parts of their bodies exposed indecently, unreasonably interferes with the rights of all persons to use and enjoy said places open to the public by causing many persons to leave and others not to use said places; and

WHEREAS, the presence of persons who are indecently unclothed and exposed in places open to the public tend to discourage the use and enjoyment of said places, and creates a nuisance and is offensive to members of the public who wish to use and enjoy said places and who are unwillingly exposed to such conduct; and

WHEREAS, the Town Council recognizes the possible harmful effects on children and minors exposed to indecent public nudity and recognizes the need to enact regulations which will minimize and/or eliminate such exposure.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled:

1. That Chapter 58 of the Town's Code is amended to enact the following section:

Sec. 58-139. Indecent Exposure, display of specified anatomical areas, and specified sexual activities prohibited.

(a) It shall be unlawful for any person to intentionally, willfully, maliciously, and indecently appear on any public beach, beach access, in the public waters, any town-owned property, or in a public right of way in such a state of dress or undress so as to expose to the view of others specified anatomical areas. *Specified anatomical areas* means human male or female genitals, pubic area, pubic hair, buttocks, anus, vulva, or any portion of the female breast at or below the areola thereof.

- (b) It shall be unlawful for any person to intentionally, willfully, maliciously, and indecently simulate or engage in specified sexual activities on any public beach, public beach access, street end adjacent to the beach, or any government land immediately adjacent to the beach, or in the waters adjacent to the public beach. *Specified sexual activities* means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; and (2) sex acts, normal or perverted, including intercourse, oral copulation, or sodomy.
- (c) This section does not apply to a woman who breastfeeds her own child in a public place, on property of others, to the view of any person on a street or highway, or any other place where a woman and her child are authorized to be.
- (d) Severability and Validity. Each phrase, sentence, paragraph, section, or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections, or provisions of this ordinance and should any phrase, sentence, paragraph, section, or other provision of this ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

State Law reference - Indecent Exposure, S.C. Code 1976, §16-15-130;
 Lewd Act, S.C. Code 1976, §16-15-365 .

2. That Section 10-41 of the Town's Code of Ordinances is hereby repealed in its entirety.

This ordinance shall take effect upon adoption.

 Jane Darby, Mayor

First reading: _____

ATTEST:

Adopted: _____

 Iris Hill, Administrator

Approved as to form: _____