AGENDA TOWN OF EDISTO BEACH October 11, 2018 REGULAR TOWN COUNCIL MEETING

6:00 P.M.

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II.

- Pledge of Allegiance and Invocation
- III. Approval of Minutes
 - A. Special Council Meeting Minutes, September 11, 2018
- IV. Proclamations and Presentations
 - A. Safety Policy Resolution No. 2018-R22
 - B. Earthquake Awareness Proclamation 2018-P23
- V. Old Business
 - A. Water Improvement Project Update (Work Session Only)
 - B. Second Reading of Ordinance No. 2018-21 to Require a Permit Authorizing Removal of Sand from Private Property and to Prohibit the Removal of Sand from the Town's Rights of Way
 - C. Update on Beach Access 1a

VI. New Business

- A. Recurring Special Event Form, Edisto Chamber of Commerce, 28th Annual Christmas Parade
- B. CSE Final Report 2017 Edisto Beach-Beach Restoration and Groin Lengthening
- C. RFP 2018-12 Utility Vehicles Award
- D. Surf Fishing Discussion
- E. Resolution No. 2018-R26 Edisto Pride By Laws Revisions
- F. TIDE Committee Recommendations
- G. Special Event Application, Town of Edisto Beach, Holiday Market & Mingle
- H. Security Services Agreement between Ocean Ridge Property Owners Association and Town of Edisto Beach
- I. First 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 Fire Department
- J. First Reading of Ordinance No. 2018-25 to Amend Section 10-41 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

VII. Committee Vacancies

- A. Municipal Elections Commission 1 vacancy
- B. The Image and Design of Edisto (TIDE) Committee 2 vacancies
- C. Beachfront Management Committee 1 vacancy
- D. Water and Sewer Committee 1 vacancy

VIII. Departmental Reports and Committee Updates

- IX. Public Comment
- X. Executive Session
 - A. The receipt of <u>legal advice</u> where the legal advice relates to a pending, threatened, 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 <u>legal advice</u> 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

XI. Adjournment

No. 2018-R22

Town of Edisto Beach Safety Policy Resolution

WHEREAS, the Mayor and Town Council recognize that the prevention of accidental losses affecting employees, property, and the public will enhance the operating efficiency of Town government; and

WHEREAS, a pro-active loss control posture requires that sound loss prevention measures are of primary consideration and take precedence over expediency in all operations.

NOW, THEREFORE, BE IT RESOLVED that the Town of Edisto Beach provide a work environment free of recognized hazards through the establishment and implementation of loss control policies and procedures, and their subsequent amendments and additions, designed to provide protection to Town employees, public and private property, and members of the public.

BE IT FURTHER RESOLVED, that the Town will support compliance with all Federal and State safety regulations; provide and require the use of personal protective equipment by all employees; and insure that all employees are advised of and understand their loss control responsibilities in the performance of their work.

SIGNED, SEALED AND ADOPTED BY Town Council this 11th day of October 2018.

Jane Darby, Mayor	
Crawford Moore, Mayor Pro Tem	\
Susan Hornsby, Council Member	
Jerome Kizer, Council Member	
Patti Smyer, Council Member	

TOWN OF EDISTO BEACH PROCLAMATION EARTHQUAKE AWARENESS WEEK 2018

WHEREAS, earthquakes pose a potential threat to the citizens of South Carolina and their property; and

WHEREAS, South Carolina experiences an average of 15 to 20 small earthquakes each year; and

WHEREAS, on February 14, 2014, a 4.1 magnitude earthquake in Edgefield was felt across the entire state; and

WHEREAS, an earthquake similar in intensity to the one that occurred in 1886 with an epicenter near Charleston would today be catastrophic in nature and would cause great loss of life, damage to property, and economic loss amounting to billions of dollars; and

WHEREAS, despite advances in science and technology, earthquakes remain unpredictable; and

WHEREAS, South Carolina has partnered with the states of North Carolina, Georgia, Maryland, Virginia and the District of Columbia for one of the largest earthquake drills in the United States, the Great Southeast ShakeOut; and

WHEREAS, the Town of Edisto Beach has taken part in the Great Southeast ShakeOut for the past 5 years; and

WHEREAS, because we cannot prevent earthquakes from happening, it is important for the citizens of the Town of Edisto Beach to prepare today for the earthquake that could happen tomorrow.

THEREFORE, BE IT RESOLVED that Edisto Beach Town Council formally declares the week of October 15-19 as Earthquake Awareness Week.

Mayor Jane S. Darby	Mayor Pro Tem Crawford Moore			
Susan Hornsby	Jerome Kizer			
Patti Sr	nver			

No:2018-21

TOWN OF EDISTO BEACH

AN ORDINANCE TO REQUIRE A PERMIT AUTHORIZING REMOVAL OF PUBLIC BEACH SAND FROM PRIVATE PROPERTY AND TO PROHIBIT THE REMOVAL OF SAND FROM THE TOWN'S RIGHTS-OF-WAY

Section 1: Intent and Purpose

The purpose of this ordinance is to promote the public health, safety, and welfare of the residents of the Town of Edisto Beach so that public beach sand does not become a hazard, a nuisance, or is improperly disposed of and, therefore, to establish regulations of the control of all public beach sand.

Further, it is the intent of this Ordinance:

To enhance the quality of life of our oceanfront community through the effective control of this valuable resource, and

To provide a pleasing overall environment setting and good community appearance deemed vital to the continued economic attractiveness of the Town, and

To improve the overall stability of the beach in an effort to control erosion and protect and enhance the value of public properties, utilities, and infrastructure in the Town.

- Section 2: As demonstrated by past hurricanes, sand from the public beach in the Town has been moved into private property and the Town's rights-of-way by turbulent weather and/or storm surges.
- Section 3: Private property owners endeavoring to clear their property of beach sand deposited onto their property by turbulent weather and/or storm surges are encouraged to restore the sand to the public beach whenever possible. The removal of sand from private property and the deposit of said sand on areas of the Town other than the public beach is not in the best interest in that it may allow for further deterioration of the public beach.
- Section 4: The Council deems it appropriate, in the exercise of the police powers granted to the Town by the State of South Carolina, to control the removal and relocation of public beach sand, and deems a Town Permit as an appropriate method to control such removal and prohibit removal except in special or extraordinary circumstances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Article III of Chapter 10 of the Town's Ordinance is enacted to read as follows:

CHAPTER 10

ARTICLE III. - PUBLIC BEACH SAND REGULATIONS

Section 10-80. - Permit required.

Any person or business intending to remove public beach sand deposited on private property by the operation of turbulent weather and/or storm surge must seek and obtain a special permit from the Town authorizing the removal of such sand.

Section 10-81. - Removal of public beach sand from private property without permit a violation.

Removal of public beach sand that has been deposited on private property by operation of turbulent weather and/or storm surge from the private property without a Town permit is prohibited and is a violation of this article.

Section 10-82. - Removal of sand from Town right-of-way a violation.

Removal of sand from the Town's rights-of-way by any contractor, property owners, person, corporation, or other entity is prohibited and is a violation of this article except with written permission of the Town.

Section 10-83. - Removal of sand from any waterway; permit required.

Removal of sand from any waterway requires a written permit from the Town. Property owners shall be allowed to reclaim sand moved into said waterways by the operation of turbulent weather and/or storm surge to restore the lot to pre-storm condition. Any and all excess sand should be returned to the waterway whenever possible.

Section 10-84. - Severability and Validity.

Each phrase, sentence, paragraph, section, or other provision of this article is severable from all other such phrases, sentences, paragraphs, sections, or provisions of this article and should any phrase, sentence, paragraph, section, or other provision of this article 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 article.

Section 10-85. - Penalty.

Any contractor, property owner, person, corporation, or other entity found to be in violation of the provisions of this article shall be guilty of a misdemeanor and upon conviction be punished by a fine of more than Five Hundred Dollars (\$500.00) and/or may be imprisoned for a period not exceeding 30 days for each cubic yard of sand moved, removed, or transported in violation of this ordinance. Nothing herein shall prevent the Town of Edisto Beach from taking any other administrative or lawful action deemed necessary to prevent or remedy any violation.

Section 10-86. - Compliance with federal, state, and/or local rules or ordinances.

Nothing contained herein shall relieve any contractor, property owner, person, corporation, or other entity from the responsibility to comply with federal, state, and/or local rules or ordinances nor obtain any other licenses or permits which may be required thereby.

This ordinance shall take effect upon adoption.	
	Jane Darby, Mayor
First reading: <u>9/14/2018</u>	
Second reading: <u>10/12/2018</u>	
Adopted: 10/12/2018	ATTEST:
Annroyed as to form:	Deborah Hargis, Municipal Clerk

FINAL REPORT

2017 BEACH RESTORATION AND GROIN LENGTHENING PROJECT Edisto Beach Colleton County SC

Prepared for:



Town of Edisto Beach 2414 Murray Street Edisto Island SC 29438

Prepared by:



[CSE-2416FR]

EXECUTIVE SUMMARY

This final report outlines a beach restoration and groin extension project at Edisto Beach (SC), which was sponsored by the Town of Edisto Beach. The project occurred January–June 2017 and included nourishment of the beach and extension of 26 of the groins along the Atlantic Ocean facing shoreline of the beach. The work included placement of 1,006,000 cubic yards (cy) of sand over ~19,000 linear feet of beach between Edisto Beach State Park and Edisto Street. Groins were extended between 20 and 100 feet (ft) with a total lengthening of 1,630 ft. Sand was excavated by cutterhead dredge from the shoal on the north side of the South Edisto River Inlet.

Nourishment was completed by Marinex Construction (Charleston SC). The groin work was completed by Crowder Construction (Charlotte NC). The total project was completed under authorization by state (SCDHEC-OCRM) and federal (USACE) permit P/N 2015-00528. Coastal Science & Engineering Inc (CSE) (Columbia SC) served as project engineer.

Planning for the project evaluated nourishment alternatives and volume requirements, groin extension design, coastal processes, potential downdrift impacts, costs, and potential environmental impacts. Design and planning documents included submission of groin analysis studies, monitoring reports, cultural resource assessments, geotechnical investigations, and environmental assessments. The project permit application was submitted on 27 April 2015 with public notice being issued 3 June 2015. The state permit was issued by South Carolina Department of Health and Environmental Control–Office of Ocean & Coastal Resource Management (SCDHEC–OCRM) on 26 May 2016, and the US Army Corps of Engineers (USACE) permit on 19 August 2016. Hurricane *Matthew* (October 2016) forced the Town to postpone the bid opening so that the project could be reassessed, allowing incorporation of minor changes to the design.

Funding for the project was provided by a combination of sources including the Town of Edisto Beach, Colleton County, the state of South Carolina, and the Federal Emergency Management Agency (FEMA). The total nourishment cost was \$12,198,780 including \$2,683,800 for mobilization and an average of \$9.46 per cubic yard of sand. Groin extensions totaled \$5,424,642.29, which is an average cost of \$3,328 per linear foot of extension.

Mobilization for the work began in December 2016 with heavy equipment being delivered to the site. Crowder initiated work on the groins on 3 January 2017 and completed the work on 7 June. Marinex began pumping on 25 January and completed the fill on 14 April 2017. All equipment was removed from the beach by 15 June.

The nourishment design was based on pre-project beach conditions and included a dune in areas where no existing dune was present and varying berm widths based on design volume. The northern end of the beach (Reach 1 and the state park) generally showed lower pre-project volumes and, therefore, received the greatest fill quantity. Reach volumes ranged from 32.4

cubic yards per foot (cy/ft) to 68.3 cy/ft. The initial berm widths reached up to 125 ft in the highest fill density areas.

Groins were lengthened based on a combination of recommended scenarios by CSE and the USACE. Extensions were designed to extend the sloping section as necessary until the elevation reached -1 ft NAVD, then extensions were built seaward at -1 ft elevation. Thirteen of the extensions included composite sheet-pile and armor-stone scour aprons, and the remaining were constructed with grouted armor stone. Groins with sheet pile included a concrete cap along the top edge of the sheets to protect the sheets from wave action and moving armor stone. Marine mattresses were placed under all armor-stone areas to prevent the stones from settling lower in the sand.

Following construction, the Town installed sand fencing and planted dune vegetation along the project area. Similarly, South Carolina Department of Parks, Recreation & Tourism (SCPRT) installed fence and dune plants along the state park area. CSE completed a post-project survey of the nourished beach in April 2017 and surveyed each groin extension in August 2017.



Aerial view of the Edisto Beach project on 31 January 2017. [Photo by SB Traynum]

8.0 MAINTENANCE AND MONITORING RECOMMENDATIONS

Beach nourishment projects typically involve varying levels of post-project monitoring, depending on the site and project complexity. Regular monitoring provides updated assessments of project performance, impacts, and storm losses, and allows for planning of future projects. The Town of Edisto Beach has monitoring responsibilities required by the state and federal permits (see Appendix A). Specific monitoring to be completed in the future includes the following.

Annual beach profile and hydrographic surveys of the project area for a minimum of five years. Surveys will extend from the back berm or dune to a minimum of -15 ft NAVD or a distance of 1,000 ft, whichever is reached first. Survey data will be used to determine project performance, calculate erosion rates, and determine potential downcoast impacts.

Semiannual monitoring of the same area for five years post-construction. These monitoring events will span the same limits as the annual monitoring, but are only required to extend to -6 ft NAVD (low-tide wading depth).

Hydrographic surveys of the borrow area in Years 1, 3 and 5 post-construction. Survey data will be used to monitor infilling of the area following dredging.

Aerial photography for five years following construction. High-resolution vertical photos georeferenced and covering the entire project area are required annually for five years following construction.

Compaction and escarpment monitoring for Years 1–3 post-construction. Compaction measurements are to be taken in the project area and compared to native areas. If compaction values are greater than the 500 psi threshold and exceed native values, the area will require tilling prior to 1 May following consultation with USFWS. Escarpments measuring greater than 100 linear feet and 18 inches high are required to be graded prior to 1 May.

Reports following each survey to be submitted to permitting and resource agencies as required by project permits. Reports will update the condition of the beach, and compare erosion rates to established thresholds to assist in determining potential downdrift impacts.

Data and information regarding the above-listed items must be submitted to SCDHEC-OCRM, USACE, USFWS, and SCDNR following each monitoring event.

In the event of a future declared disaster, the Town would potentially be eligible for post-storm beach restoration funds from FEMA under a Community Assistance Grant—Category G— Improved Projects. This fund is available to cover the cost of renourishment such that sand losses due to a major storm are replaced. The Town received funds for Hurricane Joaquin and Matthew under this program. These funds were used to add additional sand to Edisto during the 2017 project. The key in each case was an ongoing monitoring and maintenance program along with post-storm surveys that documented losses due to these storms. This is an important program for sites that otherwise do not receive federal assistance for beach protection. FEMA continues to fund these grants in recognition that healthy beaches generally lower property damages in storms.

Turtle nesting is expected to be tracked in the future by the Edisto Beach Turtle Patrol. Should this program be terminated, CSE recommends the town seek ways to continue seasonal surveys and implement appropriate nest tracking and protection measures according to USFWS protocols.

The groins should be inspected yearly for evidence of displacement, corrosion, local scour, or loss of rock protection around the head. Visual inspections should be made frequently to note obvious damage to the cap, warning marker, or armor stone. The amount of exposure (height and length of groin section above sand level) should be documented when surveys are conducted. Other things to note when observing the groin condition are:

- Burial of the landward end—means the nourished berm/dry beach remains stable.
- Even reveal along the sloping section—means the nourished profile continues to follow a natural profile.
- Partial burial of rock above the low-tide beach and exposure of sheet piles near the head of the structure—may indicate toe protection is settling.
- Width of dry beach on the east and west side of the groin—measure of beach stability.

VI E 2018-R26

Town of Edisto Beach Resolution Edisto Pride By Laws

WHEREAS,	the	Town	has	partnered	with	Edisto	Pride	an	affiliate	of	Keep	America
Beautiful/Pa	almet	to Pride	e sinc	e 2003; and	İ							

WHEREAS, the purpose of Edisto Pride is to organize, coordinate and promote community behavior that reduces or eliminates litter on Edisto Island; and

WHEREAS, projects are funded from grant funds, donations and restricted funds in compliance with policies and procedures; and

WHEREAS, revisions to the By-Laws are being recommended; and

WHEREAS, the Edisto Beach Town Council continues to support all efforts to enhance our community and support the Keep America initiatives.

THEREFORE BE IT Resolved on this 11th day of October, 2018 that the Town Council of Edisto Beach does approve these By-Law changes.

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Mayor Jane Darby	Mayor Pro Tem Crawford Moore
Susan Hornsby	Jerome Kizer
	Patti Smyer

Ordinance No. 2018 -24

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 Fi	remen's Insurance and Inspection Fund.
STATE LAW REFERENCE: South Carolina Cod	le of Laws Title 23, Chapter 9, Sections 310-470
This ordinance shall take effect upon adoption.	
	By:
First Reading:Adopted:	ATTEST: Deborah Hargis, Municipal Clerk
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

WHEEAS, 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, public 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.

This ordinance shall take effect upon adoption

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

This ordinance shall take effect upon adopt	ion.
	Jane Darby, Mayor
First reading:	ATTEST:
Adopted:	7.11 23 1.
Approved as to form:	Iris Hill, Administrator