

**AGENDA
TOWN OF EDISTO BEACH
NOVEMBER 9, 2017
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, October 12, 2017
 - B. Special Council Meeting Minutes, October 31, 2017
- IV. Proclamations and Presentations**
 - A. 2017 Strom Thurmond Award Recognition
- V. Old Business**
 - A. Second Reading of Ordinance No. 2017-26 to Enact Article III of Chapter 78 of the Code of Ordinances of the Town of Edisto Beach Entitled "Golf Carts"
 - B. Second Reading of Ordinance No. 2017-29 to Amend the FY 2017-18 Budget
 - C. Second Reading of Ordinance No. 2017-32 to Amend Sections 14-71 (i) (1), (2), (3), (4), (5), (6) and 14-113 and enact 14-71(i)(7) of the Town of Edisto Beach Code of Ordinances
- VI. New Business**
 - A. 2018 Goal Setting Retreat
 - B. 2018 Meetings and Holidays Schedule
 - C. Town Hall staff use of Town-owned facilities at no charge
 - D. Special Event Application, Edisto United – Annual Oysters and BBQ Fundraiser
 - E. Special Event Application, Town of Edisto Beach – Holiday Market & Mingle
 - F. American Red Cross Blood Drive 2018
 - G. Water Improvement Project Update
 - H. Myrtle Street Water Improvement Project Update
 - I. DHEC Jurisdictional Line Update
 - J. Agreement between the Town of Edisto Beach and Ashley Hudson Scott for indigent defense
 - K. Special Event Application, Edisto Chamber of Commerce – Edisto Beach Christmas Parade
- VII. Committee Vacancies**
 - A. TIDE Committee – 2 vacancies
 - B. Beachfront Management Committee – 1 vacancy (ballot)
 - C. Water and Sewer Committee – 1 vacancy
- VIII. Accommodations Tax Advisory Board**
 - A. Edisto Chamber of Commerce-Off Season Marketing and Advertising 2017/2018
- IX. Planning Commission**
 - A. Fence Ordinance
- X. Departmental Reports and Committee Updates**
- XI. Public Comment Period**
- XII. Executive Session**
 - Upon Returning to Open Session, Action May Be Taken By The Council On The Items Discussed During The Executive Session**
 - A. Legal Briefing Regarding Tract M [SC 30-4-70(a)(2)]
- XIII. Adjournment**

TOWN OF EDISTO BEACH

AN ORDINANCE

To Enact Article III of Chapter 78 of the Code of Ordinances of the Town of Edisto Beach, entitled "Golf Carts."

CHAPTER 78 TRAFFIC AND VEHICLES

ARTICLE III. Golf Carts

78-50 GOLF CARTS ALLOWED ON STREETS.

Golf carts, as defined below, are permitted to be driven on most streets in the town subject to the provisions of this Article if the golf carts have decals from the town.

78-51 DEFINITIONS.

For the purpose of this Article the following definition shall apply unless the context clearly indicates or requires a different meaning.

"Golf cart" - Four-wheeled vehicle that is built to specific federal standards by licensed manufacturers and can achieve speeds of no more than 19 miles per hour. Golf carts do not include all-terrain vehicles, farm vehicles, low speed vehicles, or any vehicle, including modified golf carts, which can obtain a top speed greater than 19 miles per hour. This includes Polaris, John Deere, and other such vehicles.

Statutory reference:

Similar state law, see S.C. Code §56-1-10(19)

78-52 RULES GOVERNING THE OPERATION OF GOLF CARTS.

- (A) Golf carts may cross Palmetto Boulevard but cannot be driven on Palmetto Boulevard. (Statutory reference, see S.C. Code §56-2-105).
- (B) A golf cart shall only be operated by a person who is at least 16 years old and possesses a valid driver's license. (Statutory reference, see S.C. Code §56-2-105(C).)
- (C) The operator of a golf cart being driven on a street in the town must have in his or her possession:
 - (1) The registration certificate issued by the Department of Motor Vehicles and the Town registration;
 - (2) Proof of liability insurance for the golf cart; and
 - (3) The operator's driver's license. (See S.C. Code §56-2-105(C).)
- (D) Operation of Golf carts is subject to all traffic rules and regulations and parking laws governing the operation of motor vehicles. (See S.C. Code §56-5-820(A).)
- (E) A golf cart may only be driven within four miles of the address on the South Carolina Department of Motor Vehicles registration certificate. (See S.C. Code §56-2-105(B)(1).)

- (F) It shall be unlawful for any person to drive or move any golf cart or for the owner to permit a golf cart to be driven or moved on any street from a half hour after sunset to a half hour before sunrise or at any other time when windshield wipers are required to be in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of 500 feet ahead.
- (G) A golf cart shall be equipped with a rear vision mirror.
- (H) The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart while the golf cart is in motion. No part of the body of the operator or any occupant shall extend outside the perimeter of the golf cart while the golf cart is in motion. Under no circumstances shall the operator hold or carry an infant, child, or other person while operating a golf cart.
- (I) The driver of a golf cart shall use hand signals when turning or stopping unless the golf cart is equipped with turn signals.
- (J) Golf carts shall not be operated on private property without the written permission and consent of the property owner.

78-53 DECALS AND INSURANCE REQUIREMENTS.

Golf carts, whether owned or rented, shall have:

- (A) A current registration from the South Carolina Department of Motor Vehicles and Town registration that is displayed in a clearly visible place on the golf cart;
- (B) A current decal from the town that is displayed on the left side of the windshield or left front fender in a clearly visible place on the golf cart; and
- (C) Current liability insurance in an amount not less than required by state law for motor vehicles operated on public highways.

78-54 TOWN GOLF CART DECALS.

- (A) Application for a town decal shall be made to Town Hall before a golf cart may be driven on any street in the town. The decals shall be valid for three years from the date of issue. There is no fee for registration.
- (B) The following must be presented to the town to obtain or renew a decal:
 - (1) Proof of registration with the South Carolina Department of Motor Vehicles;
 - (2) Proof of ownership or long term lease of the property listed on the State registration. Short term rentals will not be issued a Town registration.
 - (3) A certification that the golf cart has a rear view mirror and is otherwise in safe operating condition; and
 - (4) A signed certification;
 - (a) That the owner has read this Article or a town-prepared document that explains the laws related to golf carts; and

- (b) That the owner will not allow anyone to operate the golf cart until that person has also reviewed the rules.
- (C) A lost or stolen decal may be replaced upon payment of a fee of \$5 and the execution of a sworn statement that the decal was lost or stolen. No decal shall be replaced more than once in any calendar year.
- (D) If a golf cart is parked on a street, right-of-way, or other public property without a valid town golf cart decal, the Police Department or anyone who has been approved by the Police Department shall be authorized to issue a parking citation and to impound or immobilize the vehicle.
- (E) The Town decal requirement is for identification and statistical purposes. The issuance of a Town decal does not and shall not act as authorization from the Town to the operator to operate the golf cart within the Town limits. The operator and owner must comply with all applicable state and municipal laws related to operation of a golf cart.

78-55 RENTAL OF GOLF CARTS.

- (A) A business that rent golf carts shall have all business licenses, state and town permits required by law.
- (B) Rental companies should insure that a golf cart is rented at a location that the golf cart can legally be driven.
- (C) All sections in this article shall apply to rented golf carts.
- (D) Each rented golf cart shall have the rental company's name affixed to the cart in such a manner as to be clearly visible.
- (E) A company that rents golf carts shall rent only to an individual who:
 - (1) Is at least 18 years old;
 - (2) Has a valid driver's license; and
 - (3) Signs a certification that all persons who will operate the golf cart have read or will read this chapter or a town-prepared document that explains the laws related to golf carts.
- (F) Golf cart rental companies shall keep copies of all rental contracts, certifications, and the renters' drivers' licenses for a least three years.

79-56 Violation; Misdemeanor.

Violation of any of the provisions of Article III of Chapter 78 shall constitute a misdemeanor punishable as set forth in Section 1-6 of this Code of Ordinances.

This ordinance shall take effect upon adoption.

First Reading: October 12, 2017

Second Reading: November 9, 2017

Approved as to Form _____

Jane S. Darby, Mayor

Deborah Hargis, Municipal Clerk

**TOWN OF EDISTO BEACH
AN ORDINANCE**

TO AMEND THE FY 2017-2018 TOWN BUDGET

WHEREAS, Town administration has conducted an analysis of the recent storm activity and its effect on the Town and recommends an amendment to the Budget to incorporate line items and contingencies for expenditures related to natural disaster emergencies; and

WHEREAS, Town Council believes it is in the best interests of the Town to amend the 2017-2018 Town Budget per the recommendations.

BE IT ORDAINED by the governing body of the Town of Edisto Beach, in council duly assembled, and by the authority of the same:

1. The FY 2017-2018 Town of Edisto Beach Budget is hereby amended as set forth in the attached Exhibit A.

This ordinance shall be effect upon adoption.

TOWN OF EDISTO BEACH

By: _____
Mayor Jane Darby

ATTEST:

Deborah Hargis, Municipal Clerk

First Reading: October 12, 2017
Final Reading: November 9, 2017

Approved as to form: _____

TOWN OF EDISTO BEACH

AN ORDINANCE

To Amend Sections 14-71 (i) (1), (2), (3) (4), (5), (6) and 14-113 and enact 14-71 (i) (7) of the Town of Edisto Beach Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled that Sections **14-71 (i) (1), (2), (3) (4), (5), (6) and 14-113** of the Town's Code be amended and **14-71 (i) (7)** to read as follows:

14-71

- (j) Each applicant for a permit for a new building ~~must shall~~ read and execute an affidavit of non-conversion statement on a form to be approved by the building inspection department to be submitted along with the application. The affidavit ~~must shall~~ contain at least the following language:
- (1) That ~~any the~~ enclosed area below the ~~lowest floor base flood zone of _____~~ ~~will shall~~ be used solely for the parking of vehicles, limited storage or access to the building and will never be used for human habitation without first becoming fully compliant with the Flood Damage Prevention Ordinance in effect at the time of the conversion.
 - (2) That ~~all of the interior walls, ceilings, and floors below the base flood elevation plus three (3) feet will shall be unfinished or constructed of flood-resistant materials.~~
 - (3) That ~~all mechanical including ductwork, electrical, and or plumbing devices will shall not be installed at least one foot above below the base flood elevation plus three (3) feet.~~
 - (4) That, ~~in A and V zones the opening in the walls of the enclosed areas below the base flood elevation lowest floor shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater. The openings in A and V zones will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of the openings shall be no more than one foot above grade. Walls in V zones shall also be certified breakaway.~~
 - a. ~~In V zones shall be certified breakaway, or~~
 - b. ~~In A zones shall be equipped with at least two openings which allow the automatic entry and exit of flood water. The openings will be on two different walls with at least one square inch of free area for every square foot of enclosed space and have the bottom of the openings no more than one foot above grade.~~
 - (5) That ~~the structure may be subject to increased premium rates for flood insurance from the National Flood Insurance Program any variation in construction beyond what is permitted shall constitute a violation of this agreement and Section 71 of Ordinance 14.~~
 - (6) ~~The original document must be submitted. That the owner and subsequent owners agree to allow a representative of the Town of Edisto Beach in the premises to verify compliance with this agreement at least once each year. The Town representative will provide at least 48 hours' notice of such visit.~~
 - (7) ~~That this agreement shall run with the property and be binding on successor owners and shall be recorded in the office of the Register of Deeds so that subsequent owners are made aware of these restrictions.~~

14-113

Definitions

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 48 percent of the market value of the structure before the damage occurred or two floods in ten (10) years with average damage at twenty-four (24) percent of the buildings value. If the repair project is conducted in phases, the total of all costs associated with each phase, beginning with the issuance of the first permit, shall be utilized to determine whether substantial damage will occur.

Register of Deeds
Recording Information:



Town of Edisto Beach

Affidavit of Non-Conversion Statement

This form must be filed with the Colleton County Register of Deeds.

OWNERS ACKNOWLEDGEMENT UNDER THE TOWN OF EDISTO BEACH MUNICIPAL ORDINANCE SECTION 14-71

I am the property owner of the property described on the attached. I acknowledge that an application has been made to construct or modify a structure in a Special Flood Hazard Zone.

(NOTE: You must attach a self addressed/stamped envelope and a check for \$10.00 to the Colleton County Register of Deeds and mail to PO Box 157, Walterboro, SC 29488)

Street Address: _____

TMS # _____ Lot # _____ Block # _____

Whereas, the permitted building has the lowest floor elevated above the base flood elevation plus three (3) feet and the design and construction of the building meets current building code and flood damage prevention ordinance requirements, and

Whereas, as a condition of a Certificate of Occupancy, the owner must agree to not alter the building at a later date so as to violate the building code or flood damage prevention ordinance requirements,

Now, therefore, the undersigned owner of said property hereby agrees to the following:

1. That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first becoming fully compliant with the flood damage prevention ordinance in effect at the time of conversion.
2. That all interior walls, ceilings, and floors below the base flood elevation plus three (3) feet shall be unfinished or constructed of flood-resistant materials.
3. That mechanical, electrical, or plumbing devices shall not be installed below the base flood elevation plus three (3) feet.
4. That, in A and V zones the openings in the walls of the enclosed areas below the lowest floor, shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater. The openings in A and V zones will be on two different walls with at least one square inch of free area for every square foot of enclosed space and the bottom of the openings shall be no more than one foot above grade. Walls in V zones shall also be certified breakaway.
5. That any variation in construction beyond what is permitted shall constitute a violation of this agreement and Section 71 of Ordinance 14.
6. That the owner and subsequent owners agree to allow a representative of the Town of Edisto Beach in the premises to verify compliance with this agreement at least once each year. The Town representative will provide at least 48 hours' notice of such visit.
7. That this Agreement shall run with the property and be binding on successor owners and shall be recorded with the Register of Deeds so that subsequent owners are made aware of these restrictions.

Signature of Owner

Date

Print Owner's name as it appears on Deed

The foregoing instrument was acknowledged before me by _____, who is personally known to me or has produced _____ as identification and who did not take an oath.

WITNESSED my hand and official seal this _____ day of _____, 20_____.

Notary Public Signature

My Commission expires: _____
Please affix seal or stamp.

Witness

Date