

MINUTES
OCTOBER 8, 2020
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, and Jerome Kizer, Council Members. Absent, Patti Smyer, Council Member; *Quorum of Council Present.*

Pledge of Allegiance and Invocation

Councilman Kizer led those in attendance and virtually in the Pledge of Allegiance and an invocation.

Approval of Minutes

Mayor Pro Tem Moore moved to approve the minutes seconded by Councilman Kizer and approved 3 – 0.

Proclamations and Presentations

A. Starfish Award – Marci Cook – Mayor Darby expressed thanks to Mrs. Cook for her service on the Zoning Board of Appeals.

B. Proclamation No. 2020-P25 Earthquake Awareness Week 2020 – Earthquake Awareness Week will be October 11 – 17th and the Great American Shakeout (earthquake drill) will be October 15th at 10:15 a.m. Councilman Kizer moved to approve Proclamation No. 2020-P25, seconded by Mayor Pro Tem Moore, and approved 3 – 0.

Old Business

A. First Reading of Ordinance No. 2020-23 to Amend Section 78-54 regarding golf cart decals – Mayor Pro Tem Moore moved to approve the first reading of Ordinance No. 2020-23 to Amend Section 78-54 regarding golf cart decals. This Ordinance adds a \$15.00 administration fee for the three-year golf cart decal and adjusts the parking violation fee to coincide with other parking violation fees. Councilman Kizer seconded the motion, which was approved 3 – 0.

B. Work Authorization No. 15 Water Rate Study Update with American Engineering Consultants – According to preliminary audit numbers, the profit ratio required by our bond covenants is tracking with the current rate study predictions. This item is withdrawn.

C. Plantation Course at Edisto – Mayor Pro Tem Moore moved to approve cost sharing through a public/private partnership with the Plantation Course at Edisto to place a filter on the outflow to the spray heads to alleviate the clogging issue at a cost of \$18,560 to be paid from Sewer R & R and to approve entering into an agreement regarding maintenance and any future obligations regarding the filter. Councilman Kizer seconded the motion, which was approved 3 – 0.

D. US Army Corps of Engineers Storm Reduction Project – Mayor Pro Tem Moore moved to rescind the withdrawal from the US Army Corps of Engineers Storm Reduction Project while the Town negotiates with the Corps and Legislators on resolving issues that led to the withdrawal. Councilman Kizer seconded the motion. Administrator Hill asked for clarification and Mayor Darby requested she request, in writing,

the change from “perpetual easement” to “deauthorized by Congress.” Mayor Darby called for the vote and the motion was approved 3 – 0.

New Business

A. Irrevocable Resignation of Councilwoman Susan Hornsby – Councilwoman Susan Hornsby tendered her irrevocable resignation effective September 30, 2020. There will be a special election on December 15, 2020 to fill the unexpired term through November 2, 2021. Mayor Darby, Councilman Kizer and Mayor Pro Tem Moore all expressed gratitude and admiration for Councilwoman Hornsby, who will certainly be missed. Councilman Kizer moved to accept the irrevocable resignation of Councilwoman Susan Hornsby, seconded by Mayor Pro Tem Moore, and approved 3 – 0.

B. Emergency Ordinance 2020-26 COVID-19 – Councilman Kizer moved to approve Emergency Ordinance 2020-26 COVID-19 to extend the mask requirement for 61 days. Mayor Pro Tem Moore seconded the motion which was approved 3 – 0.

C. Water Shed – Wendy Griffin on behalf of the Volunteer Fire Department asked Council for permission for the Volunteers to use the water shed in front of Town Hall for the purpose of selling t-shirts and other products as well as utilizing the bulletin board. Mayor Pro Tem Moore moved to approve the request, seconded by Councilman Kizer, and approved 3 – 0, with the stipulation that the Volunteers not name the water shed after a person.

D. Resolution No. 2020-R24 Safety Policy – Mayor Pro Tem Moore moved to approve Resolution No. 2020-R24, Safety Policy which supports compliance with federal and state regulations. Councilman Kizer seconded the motion which was approved 3 – 0.

E. Deer Study – Mayor Pro Tem Moore moved to defer this item until further information was provided. Councilman Kizer seconded the motion, which was approved 3 – 0.

F. Light Emitting Diode Lighting Agreement – Councilman Kizer moved to approve the agreement with Dominion Energy of South Carolina to install 47 Cooper LED 210-watt turtle friendly light fixtures with photo control, remote monitoring and diagnostics for the project along Palmetto Boulevard. This will increase the Town’s monthly streetlight charge of \$189 per month for three years. The US Department of the Interior Fishing Wildlife Service/Edisto Beach Sea Turtle Lighting Project grant for \$50,000 will offset a portion of the cost. Mayor Pro Tem Moore seconded the motion, which was approved 3 – 0.

Committee Vacancies

A. Water and Sewer Committee – 1 vacancy – No applications have been received. The Town will continue to advertise for this vacancy.

B. Municipal Elections Commission – 1 vacancy – No applications have been received. The Town will continue to advertise for this vacancy.

Departmental Updates

Administration

In the month of September there were eight Freedom of Information Act requests, one each from Wayne Ridgeway, Jr., Kevin Cook, Bob Sandifer and Linda Kimble and four from William Hackett.

	Received	Spent
General Fund	15.87%	17.10%
Water Fund	9.92%	18.73%
Wastewater Fund	8.53%	17.73%

Building

	September -19	September - 20	YTD
Business/Rental License Fees	\$4,189.45	\$10,675.63	\$47,889.32
New Construction Permits	1	2	9
Other Permits	27	36	102
Permit Fees	\$4,718.50	\$8,823.50	\$231,691.50
Inspections	28	62	156

Fire

Calls	September -19	September- 20	YTD
Medical	17	15	79
Fire-related	7	1	4
EMS/Misc	32	34	115
Beach Wheelchairs	9	6	49
Water Rescue	1	2	5
Welfare Checks		10	25

Police

	September - 19	September- 20	YTD
Miles Patrolled	8,198	9,250	27,700
Incidents & Calls for Service	87	131	630
Property Checks	823	891	2,583
Town Parking Tickets	5	50	318

Utilities

	September -19	September - 20	YTD
Pumped MG Water	13.34	20.33	71.59
Treated MG Wastewater	3.44	4.5	16.0
Water Line Repairs	3	5	14
Work Order Repairs	56	27	92

DHEC conducted an inspection of the RO plant on 9/28 and performed the sanitary survey on 9/29.

Public Works

The Public Works Department continued the summertime mowing schedule and replaced eight street signs. They cleaned up beach access 37 and graded Pompano Street.

Public Comment

Virginia Stephenson submitted a comment on the Emergency Ordinance questioning the validity of requiring masks. Mayor Darby stated that until more definitive data was available, the Town would continue to err on the side of caution to protect its citizens.

Executive Session

Mayor Pro Tem Moore moved to go into Executive Session to discuss the following items, seconded by Councilman Kizer and approved 3 - 0:

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 the Wharton Smith Change Order, 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 Sea Island Elevator, LLC v. Patrick Brown and Town of Edisto Beach, S.C. Code §30-4-70 (a)(2)

Mayor Pro Tem Moore moved to exit Executive Session, seconded by Councilman Kizer, and approved 3 – 0.

Regarding item A, Mayor Pro Tem Moore moved to authorize payment of \$125,000 to satisfy the Wharton Smith change order and direct the Mayor and Administrator, with the assistance of legal counsel to draft and execute the necessary documents.

Regarding item B, Councilman Kizer moved to hire attorney Mitchell Griffith to represent the Town and Patrick Brown in the Sea Island Elevator case and authorize administration and Town Attorney to obtain legal advice as to the Municipal Association denying insurance coverage for the Sea Island Elevator case.

Adjournment

Mayor Pro Tem Moore moved to adjourn the meeting, seconded by Councilman Kizer and approved 3 – 0.

The public/media were notified of the location, date, and time of the meeting on Friday, October 2, 2020.

APPROVED BY TOWN COUNCIL

Deborah Hargis, Municipal Clerk
November 12, 2020