

**AGENDA
TOWN OF EDISTO BEACH
OCTOBER 8, 2020
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, September 10, 2020
- IV. **Proclamations and Presentations**
 - A. **Starfish Awards**
 - i. Marci Cook, Zoning Board of Appeals
 - B. Proclamation No. 2020-P25 Earthquake Awareness Week 2020
- V. **Old Business**
 - A. First Reading of Ordinance No. 2020-23 to Amend Section 78-54 regarding golf cart decals
 - B. Work Authorization No. 15 Water Rate Study Update with American Engineering Consultants
 - C. Plantation Course at Edisto
 - D. US Army Corps of Engineers Storm Reduction Project
- VI. **New Business**
 - A. Irrevocable resignation of Councilwoman Susan Hornsby
 - B. Emergency Ordinance 2020-26 COVID 19
 - C. Water Shed
 - D. Resolution No. 2020-R24 Safety Policy
 - E. Deer Study
 - F. Light Emitting Diode Lighting Agreement
- VII. **Committee Vacancies**
 - A. Water and Sewer Committee – 1 vacancy
 - B. Municipal Elections Commission – 1 vacancy
- VIII. **Departmental Updates**
- IX. **Public Comment**
- X. **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 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).

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

The October 8 Town Council meeting can be viewed on the Town's YouTube Channel which can be accessed through the Town's website www.townofedistobeach.com

**TOWN OF EDISTO BEACH PROCLAMATION
EARTHQUAKE AWARENESS WEEK 2020**

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 7 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 11-17, 2020 as Earthquake Awareness Week.

Mayor Jane S. Darby

Mayor Pro Tem Crawford Moore

Jerome Kizer

Patti Smyer

TOWN OF EDISTO BEACH

AN ORDINANCE

To Amend Section 78-54 of the Code of Ordinances of the Town of Edisto Beach to provide for an administrative fee for the issuance of a golf cart decal and increase the fine for parking violations

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Edisto Beach, South Carolina, in council duly assembled, that Section 78-54 of the Town's Code of Ordinances is amended to read as follows:

CHAPTER 78 TRAFFIC AND VEHICLES

ARTICLE III. Golf Carts

Sec. 78-54 TOWN GOLF CART DECALS.

- (A) Application for a town decal shall be made to Town Hall before a golf cart may be parked on a street, right-of-way, or other public property in the town. The decals shall be valid for three years and shall expire on December 31 of the year punched on the decal. The decal shall be displayed on the front of the golf cart.
- (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. "Long term lease" means a lease of six months or longer. All other leases are short term. Short term renters will not be issued a Town registration; and
 - (3) A certification that the golf cart has a rear-view mirror and is otherwise in safe operating condition; and
 - (4) A 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.

(5) Payment of an administrative fee in the amount of \$ 15.00

(6) Proof of Insurance

(C) A lost or stolen decal may be replaced upon payment of a fee of \$10 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) It shall be unlawful for a golf cart to be parked on a street, right-of-way, or other public property without a valid town golf cart decal. Any person who violates or fails to comply with the parking provisions of this section shall be fined \$50.00 for each offense, provided the fine is paid within 15 calendar days of the date of the citation. The fine shall then be increased to \$100.00 for each offense on the 16th calendar day after the date of the citation. Failure to pay the fine by the 30th day after the date of the citation shall result in the issuance of a summons for court appearance with the fine to be in the discretion of the court but not to exceed \$100.00 for each offense. 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. (See S.C. Code § 56-5-710(A)(1).)

(E) The Town decal requirement is for identification 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.

This ordinance shall take effect upon adoption.

Jane Darby, Mayor

First Reading: 10/08/2020

Second Reading: 11/12/2020

Deborah Hargis, Municipal Clerk

Approved as to form: _____

**TOWN OF EDISTO BEACH
EMERGENCY ORDINANCE 2020-26**

**Emergency Ordinance Requiring that Face Coverings Be Worn in Certain Circumstances
in the Town of Edisto Beach During the COVID-19 Public Health Emergency**

WHEREAS, it is well recognized that SARS-CoV-2, the virus that causes the disease COVID-19, presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency for the United States and its territories to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry McMaster declared a state of emergency for the State of South Carolina which he has renewed and is currently in effect; and

WHEREAS, S.C. Code Ann. §5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, on June 24, 2020 South Carolina Attorney General Alan Wilson issued a public written statement wherein he gave the opinion that municipalities in South Carolina may lawfully enact emergency ordinances requiring the wearing of masks as a measure to protect against the spread of COVID-19 and that generally these ordinances do not violate constitutional rights. A copy of this statement is attached to this ordinance as Exhibit A for reference; and

WHEREAS, on August 2, 2020 Governor Henry McMaster issued an Emergency Order reaffirming the state of emergency and urged counties and municipalities of this State to enact or implement appropriate and narrowly tailored emergency ordinances, orders, or other measures requiring individuals to wear a face covering in public settings where they are, will be, or reasonably could be located in close proximity to others who are not members of the same household and where it is not feasible to maintain six (6) feet of separation from such individuals or to otherwise practice effective “social distancing” in accordance with CDC and DHEC guidance; and

WHEREAS, COVID-19 has spread across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly high risk of exposure and infection creating an extreme public health risk; and

WHEREAS, at the time of enactment of Emergency Ordinance 2020-22 on August 13, 2020, DHEC was reporting as of August 11, 2020, there were 101,360 confirmed cases throughout the State of South Carolina, 12,454 cases in Charleston County and 828 cases in Colleton County, and 2,098 deaths statewide, 203 deaths in Charleston County and 34 deaths in Colleton County; and

WHEREAS, since then the State continues to experience a significant increase in the spread of the virus with DHEC reporting as of September 28, 2020, there were 142,449 confirmed cases throughout the State of South Carolina, 14,962 cases in Charleston County and 1,007 cases in Colleton County, and 3,154 deaths statewide, 260 deaths in Charleston County and 42 deaths in Colleton County; and

WHEREAS, at the City of Columbia Council meeting on June 23, 2020, which has been broadcast via YouTube, Dr. Linda Bell, State Epidemiologist, stated “We are now a state on the national picture among a handful of other states considered to be hot spots” and that 42% of all reported positive cases since the start of reporting to SCDHEC in March have been reported in the last two weeks, noting that this is a very troubling trend telling us that not enough people are taking this pandemic seriously enough or adopting the measures that have been recommended such as mask wearing. Dr. Bell stated that masks have an important role in stopping the spread; and

WHEREAS, testing reports from SCDHEC as of August 2 indicate that percent positive graphs, which show trends in the percent of cases of COVID-19 relative to the number of tests performed, demonstrate a continuation of the elevated levels, measuring over the past week between 15% and 21% compared to 7% to 9% at the end of May; and

WHEREAS, the number of cases is growing rapidly and if COVID-19 continues to spread in the Lowcountry, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID19 among us all now rather than suffer the unfortunate and devastating consequences later; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and SCDHEC advise the use of cloth face coverings to slow the spread of COVID-19; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the Town’s residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the Town is taking steps to try to protect the citizens and employees of the Town and visitors to the Town from increased risk of exposure; and

WHEREAS, restaurants, retail stores, salons, barber shops, grocery stores, convenience stores, gas stations, and pharmacies are determined by the Council to be places where the public may patronize indoors in larger numbers, particularly due to the relatively few number of these businesses in town versus the tourist season population, and where social distancing practices may not be practical; and

WHEREAS, in light of the foregoing, Town Council finds a state of emergency exists which will carry beyond the term of Emergency Ordinance 2020-22 and deems it proper and necessary to adopt this Emergency Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Edisto Beach, South Carolina this 8th day of October, 2020 that face coverings shall be required in public places within the Town to slow the spread of the novel coronavirus disease, known as COVID-19, as follows:

1. For the purposes of this Ordinance and as used herein, “face covering” means a uniform piece of cloth, fabric, or other material that securely covers the entire area of a person’s nose and mouth and remains affixed in place without the use of one’s hands. Face coverings include, but are not limited to, bandanas, medical masks, cloth masks, scarves, and gaiters, provided that they are worn such that they securely cover the person’s nose and mouth.

2. All persons entering a restaurant, retail store, salon, barber shop, grocery store, convenience store, gas station, and pharmacy in the Town shall wear a face covering at all times while inside the business establishment.

3. All restaurants, retail stores, salons, barber shops, grocery stores, convenience stores, gas stations, and pharmacies in the Town shall require their employees to wear a face covering at all times while having face to face interaction with the public.

4. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others is exempt from this Ordinance.

5. Face coverings are not required in the following circumstances:

- a. While drinking, eating, or smoking;
- b. When wearing a face covering would prevent the receipt of personal services;
- c. For people whose religious beliefs prevent them from wearing a face covering;
- d. When a person is 10 years of age or younger.

6. A person who fails to wear a face mask in compliance with Paragraph 2 violates this Ordinance and shall be guilty of a civil infraction, punishable by a fine of not more than \$25.00.

7. A person who fails to comply with Paragraph 3 violates this Ordinance and shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of Paragraph 3 of this Ordinance shall be considered a separate and distinct offense. In addition to the fines established by this paragraph, repeated violations of this Ordinance by a person as defined in this Paragraph 7 may, subject to all procedural protections set forth in the Town Code, result in the suspension or revocation of any occupancy permit or business license issued to a business where the repeated violations occurred. Repeated violations of this Ordinance are additionally hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. For the purposes of enforcement of Paragraph 3 of this Ordinance, “person” shall be defined in this Paragraph 7 as any individual associated with the business establishment subject to Paragraph 3 of this Ordinance who has the control or authority and ability to enforce the requirements of this Ordinance within the business establishment, such as an owner, manager, or supervisor. “Person” also includes an employee or other designee who is present at the business

but does not have the title of manager, supervisor, etc., but has the authority and ability to ensure the requirements of this Ordinance are met while the business establishment is open to the public.

8. Should any provision, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

9. This Ordinance is effective as of 6:00 a.m, October 9th, 2020. This Ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this Ordinance, whichever date is earlier.

Enacted this day of 8th day of October 2020, by the Town Council of the Town of Edisto Beach, South Carolina.

Jane Darby, Mayor

Attest:

Deborah Hargis, Municipal Clerk

Approved as to form: _____

**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 8th day of October 2020.

Jane Darby, Mayor

Crawford Moore, Mayor Pro Tem

Jerome Kizer, Council Member

Patti Smyer, Council Member