

TOWN OF ESTILL
COUNCIL MEETING AGENDA
May 13, 2020
6:00 pm

**** The meeting will be held electronically via ZOOM and later uploaded to YouTube as well as our Website pages for the Public to view.**

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Approve April 8, 2020 Council Meeting Minutes
5. Approval of the April 29, 2020 Special Called Meeting Minutes
6. Approve May 13, 2020 Council Meeting Agenda

7. OLD BUSINESS

- A. Ordinance 01-2020 Amending Ordinance 08-2015 related to Buildings Unit for Human Habitation. 2nd and Final Reading.
- B. Ordinance 06-2020 An Ordinance to Provide for Prohibition of Loitering; and to Regulate the Public Consumption of Alcohol. 2nd and Final Reading
- C. Discussion related to Ordinance 2019-11 tabled by Council 10/28/2020 and direction to the Town Administrator related to such.

8. NEW BUSINESS

- D. Department Reports
- Police Report
- Safety & Recreation Report
- Fire Department Report
- Public Works Report
- Water & Wastewater Report
- Administration Report
- E. April 2020 Income Statement
- F. Resolution 2020-04 Ratifying an April 13, 2020 Tornado Related Executive Order Issued by the Mayor on April 16, 2020.
- G. Renumbering of Ordinances 2019-12
- H. Public Comment (received via email, drop box or mail)

Adjourn

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at 803-625-3243 at least 72 hours prior to the meeting.

Town of Estill
Council Meeting Minutes
April 8, 2020

The Town Council Meeting was called to order by Mayor Bowers at 6:04 pm.

Invocation

The Invocation was given by Mayor Pro-Tem T. Solomon

Present

Mayor C. Bowers, Mayor Pro-Tem T. Solomon, Councilman Joe Hadwin, Councilwoman D. Bolden, Councilman Charles Savino, Town Attorney J. Martin Harvey, Town Administrator Caryn Miller, and Clerk/Treasurer Edna O'Banner.

Pledge of Allegiance

The Council stands and recites the Pledge of Allegiance.

Approve March 11, 2020 Council Meeting Minutes

Mayor Bowers asked for a motion to approve March 11, 2020 Council Meeting Minutes. Mayor C. Bowers recognized Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

Approve March 20, 2020 Emergency Council Meeting Minutes

Mayor C. Bowers asked for a motion to approve March 20, 2020 Special Called Minutes. Mayor C. Bowers recognized Mayor Pro-Tem T. Solomon. The motion was offered by Mayor Pro-Tem T. Solomon; with a second by Councilman C. Savino. Council voted 5-0 in favor of the motion.

Approve April 8, 2020 Council Meeting Agenda

Mayor C. Bowers asked for a motion to approve April 8, 2020 Council Meeting Agenda. Mayor C. Bowers recognized Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

Old Business

A. Ordinance 03-2020 Operating & Capital Budget Amendment - 2nd Reading

Mayor C. Bowers asked for a motion to approve Ordinance 03-2020 Operating & Capital Budget Amendment 2nd Reading. Mayor C. Bowers recognized Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

New Business

A. Department Reports

Police Report- Chief M. Collins- Accepted as written due to coronavirus.

Safety and Recreation Report- Vonzetta Strong- Accepted as written due to coronavirus.

Fire Department Report- Chief Toone- Accepted as written due to coronavirus.

Public Works Report- Mr. M. Hamilton- Accepted as written due to coronavirus.

Water & Wastewater Report- Accepted as written due to coronavirus.

Administration Report- Caryn Miller – Accepted as written with the following changes to the Bull Durham Center rental contract.

- Revamped Bull Durham Center contract to include \$150.00 refundable deposit as long as facility is left in standard condition.
- Provision that in the event someone is going to cancel their event at the Bull Durham it has to be 3-5 business days notice.

B. March 2020 Income Statement

Mayor C. Bowers asked for a motion to take the March 2020 Income Statement as information only. Mayor C. Bowers recognized Councilwoman D. Bolden. The motion was offered by Councilwoman D. Bolden; with a second by Mayor Pro-Term T. Solomon. Council voted 5-0 in favor of the motion.

C. Ordinance 07-2020 Amending Ordinance 05-2020 Emergency Curfew

Mr. Harvey stated the Ordinance was legal according to SC Law. Mayor C. Bowers asked for a motion to accept the amendments which were proposed in section 2.2, removing alcohol provision from ordinance 07-2020 and remaining in place the curfew from 9:00 pm to 5:30 am. Mayor C. Bowers recognized Councilman J. Hadwin. The motion was offered by Councilman J. Hadwin; with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

D. Mayor's Report Related to Emergency Purchase of PPE (Personal Protection Equipment)

Mayor C. Bowers discussed how he has made connections to coordinate PPE for other municipalities. Mayor C. Bowers stated how people are bidding on prices of PPE due to demand on needed items. Mayor C. Bowers stated we should be receiving PPE items that will be needed; we should be receiving the items within about 21 days. Mayor C. Bowers stated the items will be for first responders and the Town Hall, and other areas that may be in need.

Councilman C. Savino suggests coordination with other municipalities to gather inventory levels regarding additional PPE if the County has to be the one to make the request. Councilman J. Hadwin stated he spoke with Suzanne Peoples in regards to receiving gloves. Councilman J. Hadwin informed him they will keep the Town in mind when they order. Town Administrator Ms. Miller stated meetings that are being held with other Mayors to discuss the needs of each municipality and everyone's inventory level. Councilman C. Savino states if Suzanne Peoples wants to standardize who is receiving the PPE it will be good for each department.

E. Ordinance 01-2020 Amending Ordinance 08-2015 Related to Buildings Unfit for Human Habitation. 1st Reading.

Town Administrator Ms. Miller stated there was an Ordinance passed in 2015 that moved the appeals process from the court of appeals to the Municipal Court. This Ordinance is reversing that Ordinance and reinstating the actual procedures that will take place. Mr. Harvey stated that he reorganized the Ordinance to ensure that the Ordinances are not vague to ensure the Town is covered from any future issues. Mayor Pro-Tem T. Solomon stated she wants to table to discuss further. Town Administrator Ms. Miller stated the 1st reading approval was urgent to move forward with the demolition CDBG grant. Town Administrator Ms. Miller stated we have 30 days to submit. Councilwoman D. Bolden asked did the CDBG cover the same properties that were on the list. Town Administrator stated they have two. One that covers the Church Street area, which has the Town's building on it, which needs to move forward. The other covers Morrison Street and a few other areas that there is still time to discuss. Mayor C. Bowers asked for a motion to approve Ordinance 01-2020 Amending Ordinance 08-2015 Related to Buildings Unfit for Human Habitation. 1st Reading. Mayor C. Bowers recognized Councilman J. Hadwin. The motion was offered by Councilman J. Hadwin, with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

F. Ordinance 02-2020 An Ordinance to Provide for Curfew in Times of Emergency, to Change Curfew for Minors and to Impose Penalties for Violation of Curfew. 1st Reading.

Mr. Harvey stated this is designed to go hand in hand with the Emergency Ordinance. This was designed to have something on the books so the Mayor could make decisions as such. Mr. Harvey stated this Ordinance gives the Mayor the authority to make a decision to put a temporary curfew into effect. Mayor C. Bowers stated this Ordinance allows him to make necessary decisions regarding a curfew when necessary. Councilman C. Savino stated an Ordinance needs to be on the books to allow the Mayor to declare an emergency within their limits without the State declaring an emergency. Mr. Harvey said that is correct because a Town may be affected by a disaster that does not affect other towns. Councilwoman D. Bolden stated she does not agree with the Ordinance due to mistakes in the verbiage regarding the minor curfew. Mr. Marty stated this Ordinance is to allow Mayor C. Bowers to be able to put in place a curfew if there is an

emergency disaster situation. Mayor C. Bowers asked for a motion to table Ordinance 02-2020 an Ordinance to provide for curfew in times of Emergency, to change curfew for minors and to impose penalties for violation of curfew. 1st Reading. Mayor C. Savino, with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

G. Ordinance 06-2020 An Ordinance to Provide for Prohibition of Loitering; to Regulate Noise and to Regulate the Public Consumption of Alcohol. 1st Reading.

Mayor C. Bowers reiterated that this Ordinance relates to what the Governor stated regarding no more than 3 people gathering in public places. Mr. Harvey stated that this Ordinance is just something that restricts loitering and public consumption of alcohol by having particular language within the Ordinance. Mayor C. Bowers asked for a motion to approve Ordinance 06-2020. Councilman J. Hadwin stated, "we can possibly reword the loitering Ordinance that we already have if there is one, contingent upon looking to see if we have an Ordinance in place at the present time and if we do, we can update that Ordinance, if not, then return to this Ordinance and make whatever changes we need, but the motion would be just in name and number and do an investigation to see if we have an Ordinance on the book already before going any further". Council agreed with Councilman Hadwin. Mayor C. Bowers recognized Councilman J. Hadwin to approve Ordinance 06-2020 1st reading in name and number only depending on an investigation. The motion was offered by Councilman J. Hadwin; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

H. Resolution 2020-01 Ratifying a Certain Covid-19 Related Executive Order issued by the Mayor on March 25, 2020.

Town Administrator Ms. Miller stated FEMA requires a declaration of disaster from each municipality regardless of whether the County or State has done so or not. This is to be done to ensure FEMA reimburses the Town for any funds. Mayor C. Bowers asked for a motion to approve Resolution 2020-01 ratifying a certain Covid-19 related Executive Order issued by the Mayor on March 25, 2020. Mayor C. Bowers recognized Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

I. Resolution 2020-02 Authorizing the Movement of Funds from BB&T Account Number 000XXXXX827190 in the Amount of \$20,000 to be Deposited in the Palmetto State Bank Fire Department Special Account Number XXXX-3734 for the Purchase of Bunker Gear for the Fire Department.

Clerk-Treasurer Mrs. O'Banner stated the BB&T accounts are not closed; there is only 1 account at BB&T. The funds have just been sitting in the account for years and can be transferred to Palmetto State Bank to ensure the Fire Department gets bunker gear they are in need of. Councilman J. Hadwin indicated that there were some Fire Department gear that had expired and needed to be replaced to be under the guidelines of OSHA and NFPA. Mayor C. Bowers asked for a motion to approve Resolution 2020-02

Authorizing the Movement of Funds from BB&T Account Number 000XXX827190 in the Amount of \$20,000 to be Deposited in the Palmetto State Bank Fire Department Special Account Number XXXX-3734 for the Purchase of Bunker Gear for the Fire Department. Mayor C. Bowers recognized Councilwoman D. Bolden. The motion was offered by Councilwoman D. Bolden; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

J. Resolution 2020-03 Declaring Certain Town Property as Surplus
Town Administrator Ms. Miller indicated that before the Town gets rid of any property owned by the Town it has to be considered a surplus.

A. Two Motorola radio amps

B. Two or three tablets purchased for previous Councilmembers

C. Some Police vehicles

D. A Lexmark printer at the Town Hall

Mayor C. Bowers asked for a motion to approve Resolution 2020-03 Declaring Certain Town Property as Surplus. Mayor C. Bowers recognized Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

K. Public Comment (received via email, dropbox or mail)
There was none.

Executive Session

Mayor Exits Regular Session and enters into Executive Session at 7:59 pm
Mayor C. Bowers asked for a motion to Exit Regular Session and enter into Executive Session to discuss- Contract, Personnel-Bull Durham Bids for Repair, Personnel, and legal. Mayor C. Bowers recognized Mayor Pro-Tem T. Solomon. The Motion was offered by Mayor Pro-Tem T. Solomon; with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

Mayor entered into Regular session at 8:20 pm

Mayor C. Bowers asked for a motion to exit Executive Session and return to Regular Session from discussing Contract: Bull Durham Bids for repair, Personnel, and legal. Mayor C. Bowers recognizes Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of motion.

Mayor C. Bowers asked for a motion to disregard the Bull Durham bids because they were unsatisfactory and rebid it. Mayor C. Bowers recognized Councilman C. Savino. The motion was offered by Councilman C. Savino; with a second by Mayor Pro-Tem T. Solomon. Council voted 5-0 in favor of the motion.

Councilman C. Savino stated in regards to Covid-19 that everyone needs to follow the guidelines and facts of the CDC. Councilman D. Bolden informed citizens to follow the CDC guidelines and to check on elderly neighbors. Councilman J. Hadwin informed citizens to listen

to the facts of the CDC, take care of elderly neighbors and be mindful of the burn ban, which can affect citizens with prior breathing issues. Mayor Pro-Tem T. Solomon reminded everyone to be mindful of the rules and regulations and to stay safe. Mayor C. Bowers reminded everyone to focus on important issues and to remain safe and to check on elderly neighbors who could be in need.

Adjourn

Mayor C. Bowers asked for a motion to adjourn. Mayor Bowers recognized Mayor Pro-Tem T. Solomon. The motion was offered by Mayor Pro-Tem T. Solomon: with a second by Councilman C. Savino. Council Voted 5-0 in favor of the motion.

Mayor C. Bowers adjourned the meeting at 8:30 pm.

ADOPTED this 8th Day of April 2020

Corrin F. Bowers III, Mayor

Tammy Solomon, Mayor Pro Tem

Dwanda Bolden, Councilwoman

Charles Savino, Councilman

Joe Hadwin Jr., Councilman

ATTEST:

Edna O'Banner, Clerk Treasurer

Town of Estill
Special Called Council Meeting Minutes
April 29, 2020

The Town Council Meeting was called to order by Mayor Bowers at 6:06 pm.

Invocation

The invocation was given by Clerk Treasurer Edna O'Banner

Present

Mayor C. Bowers, Councilman Joe Hadwin, Councilwoman D. Bolden, Councilman Charles Savino, Town Administrator Caryn Miller and Clerk Treasurer Edna O'Banner

Mayor Pro-Tem T. Solomon was present via conference call

Pledge of Allegiance

The Council stands and recites the Pledge of Allegiance.

A. Executive Session

Mayor enters into Executive Session at 6:08 pm

Mayor C. Bowers asked for a motion to enter into Executive Session to discuss Legal: Contract with Town Attorney/Renewal of Contract. Mayor C. Bowers recognized Councilman C. Savino. The Motion was offered by Council C. Savino, with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

B. Regular Session

Mayor exits Executive Session and enters Regular session at 7:07 pm

Mayor C. Bowers asked for a motion to exit Executive Session and return to Regular Session from discussing Legal: Contract with Town Attorney/Renewal of Contract to take as information only and to execute a plan. Mayor C. Bowers recognizes Councilman C. Savino. The motion was offered by Councilman C. Savino, with a second by Councilman J. Hadwin. Council voted 5-0 in favor of motion.

Adjourn

Mayor C. Bowers asked for a motion to adjourn. Mayor Bowers recognized Council J. Hadwin. The motion was offered by Council J. Hadwin, with a second by Councilwoman D. Bolden. Council Voted 5-0 in favor of the motion.

Mayor C. Bowers adjourned the meeting at 7:10 pm.

ADOPTED this 29th Day of April 2020

Corrin F. Bowers III, Mayor

Tammy Solomon, Mayor Pro Tem

Dwanda Bolden, Councilwoman

Charles Savino, Councilman

Joe Hadwin Jr., Councilman

ATTEST:

Edna O'Banner, Clerk Treasurer



Town of Estill Agenda Item A

Ordinance 01-2020 Amending Ordinance 08-2015 related to Buildings Unit for Human Habitation. 2nd and Final Reading.

Background:

The Ordinance was passed on First Reading and sent to Council for comments several times. No comments were received. It is imperative that the Council pass the Ordinance as soon as possible as more than \$500,000 in grant money is being held up until it passes and property owners can have their appeals heard and addressed. We are running out of time and risk losing the grants.

This Ordinance was created because the duties of the Zoning Board of Appeals related to appeals from property owners of dilapidated and condemned properties were changed and transferred to the Municipal Court in Ordinance 08-2015. The Town has to manage the two CDBG Grants we have been awarded to demolish certain properties and appeals to the demolition were to be heard by the Zoning and Appeals Board recently seated. In order for that to happen we need to reverse 08-2015 and place the responsibility back to the Zoning Board of Appeals to hear any appeal from property owners. This is the Second and Final Reading.

Attachments: Ordinance

Recommendation: Approval of Ordinance 01-2020

Presented by: Caryn Miller, Town Administrator

ORDINANCE 01-2020

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

TOWN OF ESTILL

) AN ORDINANCE TO AMEND ORDINANCE
) 08-2015 SO AS TO BETTER REGULATE
) PUBLIC NUISANCES AND UNFIT
) DWELLINGS WITHIN THE TOWN OF ESTILL
) AND TO PROVIDE PROCEDURES FOR
) ENFORCEMENT AND PENALTIES FOR
) VIOLATION AND OTHER ASPECTS
) THEREOF:

WHEREAS, beginning in 2009, Town Council has heretofore determined that public nuisances can substantially degrade residential and business areas within the Town leading to rural blight and deterioration. They often violate health, safety, sanitation, and/or the economic value and preservation of properties; and

WHEREAS, Town Council has further heretofore determined that such nuisances warrant the enactment of regulations and procedures to adequately address such nuisances; and

WHEREAS, Town Council adopted Ordinance 03-2009, amended by Ordinance 05-2010, further amended by Ordinance 07-2013, and most recently by Ordinance 08-2015, determining on each occasion that the adoption and enforcement of such ordinances will steadily improve the general safety, welfare, health, and properties of the citizens of the Town of Estill; and

WHEREAS, the adoption of Ordinance 08-2015 did not change the terms and conditions of Ordinance 07-2013 except that it relegated authority to conduct hearings on petitions for Orders to Repair or Demolish from the Town's Zoning Board of Appeals to the Municipal Court; and

WHEREAS, Town Council has determined that the Board of Zoning Appeals is the more appropriate arbiter of issues involving buildings determined to be unfit for human habitation; and

WHEREAS, Town Council has the authority to enact an ordinance regulating buildings unfit for human habitation pursuant to South Carolina Code of Laws 1976, Sections 31-15-10, et. Seq., as amended in addition to other authority of the Council;

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF ESTILL COUNCIL DULY

ASSEMBLED:

Section 1. Ordinance 08-2015 is repealed.

Section 2. The following is adopted with respect to dwellings in the Town of Estill charged with being unfit for human habitation.

ARTICLE I NUISANCES AND UNFIT DWELLINGS – GENERAL

§ 1.1 Definitions

- A. **Abate/Abatement:** Action to terminate, stop cease, repair rehabilitate, replace, demolish, correct or otherwise remedy nuisance activity, condition, premises, or conduct by such means and in such manner as to bring the activity, condition, premises or conduct into compliance with the laws or regulations of the Town of Estill and/or the State of South Carolina or in such manner as is necessary to promote the health, safety or general welfare of the public.
- B. **Dilapidated:** Falling to pieces, broken down, shabby and neglected
- C. **Town:** Town of Estill, South Carolina
- D. **Building Official:** Town Building Inspector or a designee of the Town Administrator who with proper credentials acts in such capacity on his behalf.
- E. **Owner:** The owner or owners of any real or personal property, lots, parcels or areas within the Town.
- F. **Premises or Real Property:** In context any location, building structure, residence, garage, room, shed dwelling, lot, parcel, land or portion thereof, whether improved or unimproved
- G. **Private Property:** Includes but is not limited to yards, grounds, driveways, entranceways, passageways, parking areas, work areas, storage areas, recreation areas and vacant or wooded lots and land owned by private individuals, firms, corporations, partnerships, institutions or organizations.
- H. **Public Nuisance (Nuisance Activity):** Any condition, instrumentality or machine located in a building or on premises (old washing machines, dryers, refrigerators, freezers and etc.), which constitutes a health hazard and/or which is or may be unsafe or dangerous by reason of inability to appreciate the peril therein, and/or which may be reasonably expected to attract children to the premises and risk injury by playing with, in or on it.
- I. **Public Street:** A right-of-way for vehicular travel which has been dedicated or accepted or declared public by any city, county, or state. The term "street" also means

highways, roads, avenues, boulevards, lanes, drives, parkways and other vehicular travel ways.

1. **Responsible Party or Person:** Any individual, business or entity responsible for creating, causing, maintaining or permitting the nuisance activity, premises, condition or conduct; and includes, but is not limited to, the property owner (both real and personal), tenant, lessee, possessor, or occupant of real property, the president or other officer of the corporation, a business owner or manager of a business. The owner, occupant or the agent of any owner or occupant of lots, parcels or areas within the Town.

§ 1.2 Unlawful Property Nuisance

It is unlawful for any person owning, renting, leasing, occupying, managing, having charge, or possessing any real or personal property in the Town to maintain such premises or property in such a manner that violate health, safety, sanitation, and/or the economic value and preservation of surrounding properties.

It is unlawful for any person owning, renting, leasing, occupying, managing, having charge or possessing any real or personal property in the Town to allow a building, structure or portion thereof to remain in a dilapidated or dangerous condition determined to be unsafe or unsuitable for human occupancy. Such conditions include but not limited to:

1. Inadequate or inoperable mechanical, electrical, plumbing, or sanitation;
2. Lack of sound and effective exterior walls or roof covering to provide weather protection;
3. Lack of structural integrity, including deteriorated or inadequate foundations, joints, vertical or horizontal support;
4. Broken, missing or inoperable windows or doors constituting a hazardous condition or a potential attraction to trespassers;
5. Broken, deteriorated or substantially defaced structures presenting a risk to public safety;
6. Building conditions that do not comply with the Building Codes adopted by the Town.

§ 1.3 Abandoned Buildings, Structures and Manufactured Homes

Any abandoned building, manufactured home, or structure that violates health, safety, or sanitation requirements or otherwise tends to diminish the economic value of surrounding properties include, but are limited to:

1. An unoccupied and unsecure building or structure;
2. A partially constructed, partially reconstructed, or partially demolished building or structure where work is abandoned for a period of 180 consecutive days after the time the work is commenced;
3. A damaged or partially destroyed building or structure not removed or repaired within 180 days after the the damage or destruction, or, if the

removal or repair cannot reasonably be accomplished within 180 days, upon which removal or repair has not been commenced within such period and prosecuted diligently toward completion.

4. A manufactured home that is damaged, extensively deteriorated, does not have approved utilities, water and septic service, or is deteriorated and is being used as a storage unit.

5. Any property maintained in a condition so defective, substantially defaced, or in a state of such deterioration, disrepair or neglect that it causes a health, safety, sanitation, public nuisance and/or affects the economic value of surrounding properties, include, but are not limited to:

a) The accumulation of dirt, litter, refuse, trash or debris in carports, parking areas, driveways, front yards, rear yards, outside vestibules, doorways of buildings, the adjoining sidewalk or alley no longer than 30 days;

b) Excessive storage of personal property (other than items designated for outdoor use) in front, exterior, side, or rear yard areas visible to public view, including, but not limited to unregistered, inoperative or dismantled vehicles or vehicle parts, building materials not currently being used for the construction of improvements on the site, appliance, household furnishings or equipment, tools machine, packing boxes, debris, rubbish and broken or discarded furniture, no longer than 30 days.

c) Abandoned and broken equipment or machinery, appliances, or parts thereof;

d) The discharge of sewerage into any yard, open ditch, storm sewer line or any other open public or private property area;

e) A motor vehicle that is inoperable, abandoned, or derelict upon any public street, road or thoroughfare, or private property.

6. The provisions of S. C. Code 1976, sections 56-5-510 ---56-5-5950, as amended, are incorporated by reference and applied as to the treatment and disposition of abandoned vehicles. A vehicle shall be considered abandoned if the vehicle is left on;

a) Property owned or operated by Town of Estill for a period of more than 48 hours;

b) Any private property without the consent of the property owner, occupant or lessee thereof for a period of more than 24 hours; or

c) Any public street or highway for a period of more than 48 hours.

§ 1.4. Public Nuisance Declared.

All property found to be maintained in violation of any one more of the provisions of this Ordinance is hereby to be a public nuisance and shall be abated pursuant to the procedure set

forth herein. The procedure for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the Town from enforcing other Town ordinances or abating public nuisances in any manner provided by law.

- a. Responsibility for Property Maintenance: Every Owner or Responsible Party or Person, who owns or is in possession of premises with the Town is required to maintain such premises in a manner so as not to violate the provisions of this Ordinance or the Town's Zoning Ordinance.
- b. Right to Enter Property to Inspect of Abate/Power exercised by Building Official: The Town Building Official is authorized (with just cause) to enter into and upon any property located within the Town for the purpose of inspecting and enforcing the provisions of this Ordinance. If any Owner or Responsible Party or Person, occupant or the agent of any owner or occupant of any property located within the Town refuses to allow the Building Official to inspect any such property, the Building Official is authorized to seek a search warrant from the Municipal Judge or Magistrate Judge having jurisdiction over the subject property.

§ 1.5 Trespassing Prohibited

- A. With respect to any building or structure on private property which has been declared unsafe by the Town Building Official:
 1. It shall be unlawful for any person to trespass upon the land of a condemned building or structure.
 2. It shall be unlawful for any person to remove any baffle used to close windows, doors, underpinning, or other openings in a condemned building or structure.
 3. It shall be unlawful to remove or deface public notices of "Condemned Structure – Unsafe" or "No Trespassing" which are required by this Ordinance to be posted upon the condemned building.
- B. The Building Official shall ensure trespassing notices are filed and notice of "No Trespassing" posted on four (4) sides of the building or structure.
- C. There shall be no violation of this section for entry upon the land, building or structure by any employee or contractor of the Town acting in an official capacity.
- D. The Owner or Responsible Party or Person may enter upon the land only when accompanied by the Town Building Official.

§ 1.6 Costs, Violation and Penalties

- a. Civil: Any person who intentionally, accidentally or negligently violates any provision of this chapter may be civilly liable to the Town in the sum if not less than one hundred dollars (\$100.00) but not to exceed two hundred fifty dollars (\$250.00) per day for each

day in which such violation occurs or continues. The civil penalty provided in this section excludes inspection costs and cleanup or abatement costs; is cumulative and not exclusive; and, shall be in addition to all remedies available to the Town under State Law and local Ordinances.

b. Criminal: Any person who is found to be in violation of any provision of this Ordinance shall be guilty if a misdemeanor and may be punished by a fine of up to Five Hundred dollars or shall serve a sentence of up to thirty (30) days in jail for violation of this article. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

ARTICLE II

PROCEDURE FOR ABATEMENT

§ 2.1 Order to Repair and Demolish

1. Claims of Dilapidation. Whenever (a) a petition is filed with the Building Official by a public authority or by at least five residents of the municipality charging that any dwelling is unfit for human habitation; or (b) whenever it appears to the Building Official (on his own motion) that any dwelling is unfit for human habitation, the Building Official shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the Owner of and Responsible Party or Person of such dwelling a complaint stating the charges in that respect and containing a notice that a hearing will be held before the Zoning Board of Appeals at a place therein fixed not less than ten days nor more than thirty days after the serving of such complaint. The Owner and Responsible Party or Person shall be given the right to file an answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Zoning Board of Appeals. In the event an emergency arises whereby it appears that human life or safety is involved, the Building Official may shorten the notice of the hearing to no less than twenty-four (24) hours.

2. Notice and Opportunity to Be Heard. Complaints or orders issued by the Building Official pursuant to this Ordinance shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and cannot be ascertained by the Building Official in the exercise of reasonable diligence the Building Official shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing it once each week for two consecutive weeks in a newspaper printed and published in Hampton County. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Clerk of the County in which the dwelling is located and such filing of the complaint or order shall have the same force and effect as other its pendens notices provided by law.

§ 2.2 Procedure Before Zoning Board of Appeals

A. In exercising their powers granted herein, the Zoning Board of Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm wholly or partly or may modify the Order, requirement, decision, or determination of the Building Official. The concurring vote of a majority of a quorum of members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Official or to decide in favor of the Owner.

B. If, after such notice and hearing, the Zoning Board of Appeals determines that the dwelling under consideration is unfit for human habitation it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the Owner and Responsible Party together with or in the form of an Order to repair or demolish.

C. If the repair, alteration or improvement of the dwelling can be made at a reasonable cost in relation to the value of the dwelling, the Owner shall be required, within the time specified in such Order, to repair, alter or improve such dwelling to render it fit for human habitation within a fixed period of time or to vacate and close the dwelling as a human habitation; or

D. If the repair, alteration or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling, the Owner shall be required, within the time specified in the order, to vacate, close and remove or demolish such dwelling.

E. Any challenge by the Owner or Responsible Party or Person to the Building Official's complaint shall be according to South Carolina Code of Laws.

§2.3 Removing or Demolishing Structure

A. If the Owner fails to comply with an order to repair, alter or improve or to vacate and close the dwelling, the Building Official may cause such dwelling to be repaired, altered or improved or to be vacated and closed; the Building Official may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful".

B. If the Owner fails to comply with an order to remove or demolish the dwelling, the Building Official may cause such dwelling to be removed or demolished.

§2.4 Costs: Lien Upon the Property

The amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the Building Official shall be a lien against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

§2.5 Bidding on Demolition Work

If the Building Official deems it necessary when demolishing an unfit dwelling as permitted by this Ordinance to contract with a third party not employed by the municipality to do the work, it must seek competitive bids for the work in conformity with any procurement code applicable to the Town.

ARTICLE III

GENERAL

§3.1 Precedence.

Provisions in other Town Ordinances, Resolutions, Policies or by-laws in conflict with this Ordinance are hereby repealed.

§3.2 Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance, which can be given effect without the invalid provision of application and to this end, the provisions of this Ordinance are severable.

§3.3 Limitation of Liability.

It is the purpose of this Ordinance to protect the health, safety, sanitation and or economic preservation of properties and general welfare of the people of the Town of Estill. It is not the intent or purpose of this article to protect any specific individuals or groups of individuals or class of persons within or without the Town. To this end, neither the Town of Estill, its officers, officials, agent or employees shall be liable in any way whatsoever to any one as a result of any acts, errors or omissions that may occur because of the enforcement or failure to enforce any of the terms in this article.

FIRST READING: April 8, 2020

SECOND READING: _____, 2020

BE IT ENACTED, this the _____ day of _____, 2020, as witness our hands and seals,
in Council done, at Estill, South Carolina.

Mayor

ATTEST:

Town Administrator

APPROVED AS TO FORM:

J. Martin Harvey, Town Attorney



Town of Estill Agenda Item B

Ordinance 06-2020 An Ordinance to Provide for Prohibition of Loitering; and to Regulate the Public Consumption of Alcohol. 2nd and Final Reading

Background:

The Ordinance was passed on First Reading and sent to Council for comments several times. No comments were received. The Ordinance addresses loitering and the public consumption of alcohol on our streets and public facilities, and was presented to you at the last meeting for discussion and changes. No changes were proposed at the meeting. This is the Second and Final Reading.

Attachments: Ordinance

Recommendation: Approval of Ordinance 06-2020

Presented by: Caryn Miller, Town Administrator

ORDINANCE NO- 06-2020

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
TOWN OF ESTILL)
AN ORDINANCE TO PROVIDE)
FOR PROHIBITION ON ILLEGAL)
LOITERING; AND TO REGULATE)
PUBLIC CONSUMPTION OF ALCOHOL)

WHEREAS, Town Council hereby finds that a new anti-loitering ordinance should be adopted, and that public consumption of alcohol in late evening and early morning hours is disruptive and is not conducive to the general peace and welfare of the community and its citizens; NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF ESTILL, IN TOWN COUNCIL ASSEMBLED:

SECTION 1. There is hereby enacted the following:

LOITERING.

(a) *Loitering.* No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a police officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police officer, and prior to any arrest for an offense under this subsection, shall afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of violating this subsection if the police officer did not comply with the preceding sentence or if it appears at trial that the explanation given was true and would have dispelled the alarm and disclosed the person's lawful purpose.

The provisions of the two preceding sentences are applicable to this paragraph (a) and each of the subsequent paragraphs (b) through (h) herein.

(b) *Dwelling Areas.* No person shall hide, wait or otherwise loiter in the vicinity of any private dwelling house, apartment building or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.

(c) *Public Rest Rooms.* No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(d) *Schools and Public Grounds.* No person shall loiter in or about any school or public place at or near which children or students attend or normally congregate. As used in this subsection, "loiter" means to delay, to linger or to idle in or about any school or public place without a lawful purpose for being present.

(e) *Buildings.* No person shall loiter or lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to possession or in control thereof.

(f) *Restaurants, Taverns.* No person shall loiter in or about a restaurant, tavern or other building open to the public. As used in this subsection, "loiter" means to, without just cause, remain in a restaurant, tavern or public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof.

(g) *Parking Lots.* No person shall loiter in or upon any public parking lot, either on foot or in or upon any conveyance being driven or parked thereon, without the permission of the owner or person entitled to possession or in control thereof. As used in this subsection, "Public parking lot" means five (5) or more ground level parking spaces, or any portion thereof, upon which automobiles or motor vehicles may be parked, stored, housed or kept, and open to public use with or without charge.

(h) *Private or Public Residential Property.* No person shall loiter in or on private or public residential property in residential neighborhoods. As used in this subsection, "loiter" means to, without just cause, linger, remain in or on private or public residential property, or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof, or where "No Loitering" signs are posted.

(i) *Requirements of Identification.* A person being asked for identification pursuant to this section shall provide the police officer with his name and address either verbally or by providing the officer with written evidence of the person's name and address, including but not limited to a driver's license or picture identification.

(j) *Penalty; Continuing Violations.* Any person who is convicted of any violation of this section, the court before whom an offender shall be tried may sentence him to pay a fine not exceeding the maximum fine permitted by law or serve a term not exceeding thirty (30) days in jail, or both. Each day any violation of this ordinance shall continue shall constitute a separate offense.

(k) *Court Order on Jurisdictional Limits.* In addition to the penalty that may be imposed pursuant to subsection (j) above, any person who is arrested for and/or convicted of violating any provision of this section may be subject to an order of the court which shall impose a jurisdictional limit on said person prohibiting his presence in a specific geographic area of the Town of Estill. Failure to comply with the court order shall constitute a violation of the court order and shall result in the following: (1) in the case of a bond where jurisdictional limits have been imposed, the bond may be revoked and the person shall be incarcerated until trial; and/or (2) in the case of a sentence where jurisdictional limits have been imposed, the suspended sentence may be revoked and the person shall be incarcerated until he has served the original sentence imposed by the court without any portion thereof suspended.

SECTION 2. Public consumption of alcohol prohibited.

No person shall at any time of day or night drink beer, wine, liquor or any beverage containing more than 3.0% alcohol upon the sidewalks, streets, highway or roads of the Town or upon the grounds of any facility within the corporate limits of the Town that is considered government property, to include, but not be limited to, parks, playgrounds, schools, and government office buildings.

SECTION 3. Severability. The section, subsections, paragraphs, sentences, clauses and phrases or this Ordinance are severable, and if any phrase, clause, sentence, paragraph, section or subsection herein shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the section and any of the remaining phrases, clauses, sentences, paragraphs and subsections herein, since the same would have been enacted by council without the incorporation of any such unconstitutional or invalid phrase, clause, sentence, paragraph, section or subsection.

SECTION 4. Repealer. The provisions of this Ordinance shall prevail and control in the event of any inconsistency between the provisions hereof and other Ordinances, rules and regulations of the Town.

SECTION 5. Effective Date.

This Ordinance shall become effective on the approval of Council.

FIRST READING: April 8, 2020

SECOND READING: _____, 2020

BE IT ENACTED, this the _____ day of _____, 2020, as witness our hands and seals, in Council done, at Estill, South Carolina.

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

J. Martin Harvey, Town Attorney



Town of Estill Agenda Item C

Discussion related to Ordinance 2019-11 tabled by Council 10/28/2020 and direction to the Town Administrator related to such.

Background:

The Ordinance was presented to Council at the 10/28/2020 Special Called meeting and was tabled until further information was gathered. The minutes do not reflect a lot of what the concerns were and I do not have any history on the subject. I am looking for Council guidance as to whether they want to pursue the Ordinance at this time or not and give me some guidance as to what the concerns are.

Attachments: Ordinance and minutes

Recommendation: Direction to proceed with Ordinance and information or not to pursue this any further and drop the Ordinance all together.

Presented by: Caryn Miller, Town Administrator

2019-11
~~ORDINANCE 2019-11~~

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
TOWN OF ESTILL)
AN ORDINANCE TO AMEND THE TOWN OF)
ESTILL ZONING ORDINANCE SO AS TO)
MAKE DUPLEX APARTMENTS A PERMITTED)
USE FOR AREAS ZONED R6)

In accordance with the authority conferred by the South Carolina Code of Laws, 1976, Title 6, Chapter 7, as amended, and for the continued purpose of promoting the health, safety, and general welfare of the citizens of the Town of Estill; recognizing that the Mayor and Council do hereby ordain the following amendment to the Zoning and Development Standards Ordinance, as amended by ordinance adopted on December 5, 2012, and related sections not otherwise included in the Zoning and Development Standards Ordinance:

Section 1. Table 1, Section 2.2 Use of Tables, Schedule of Permitted Uses Conditional Uses, and Off Street Parking Requirements, is changed so as to make duplex apartments a permitted use for areas zoned R6 .

Section 2. Severability.

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall be remain valid and in full force and effect.

Section 3. Conflict.

All other provisions of the Municipal Code and uncodified ordinances or parts thereof inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 4. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.
INTRODUCED THE 28th DAY OF OCTOBER, 2019.

FIRST READING:

OCTOBER 28, 2019.

SECOND READING:

NOVEMBER _____, 2019.

PASSED THIS _____th DAY OF NOVEMBER, 2019.

AYES:

NAYS:

ABSENT:

NOT VOTING:

MAYOR

ATTEST:

TOWN CLERK

(SEAL)

APPROVED AS TO FORM:

J. Martin Harvey, Town Attorney

**TOWN OF ESTILL
COUNCIL SPECIAL CALLED MEETING AGENDA (AMENDED)
October 28, 2019
6:00 pm
Council Chambers**

1. Call Meeting to Order
2. Invocation
3. Pledge of Allegiance
4. Approve October 28, 2019 Council Meeting Agenda

5. OLD BUSINESS

- A. Public Hearing on Zoning Map Amendment
- B. Ordinance 2019-11 Set Off Debt 2nd Reading
- C. 2019-09 Zoning Map Amendment Office Commercial to Highway Commercial – 2nd Reading

6. NEW BUSINESS

- A. Ordinance 2019-11 An Ordinance to Amend the Town of Estill Zoning Ordinance so as to Make Duplex Apartments A Permitted Use for Areas Zoned R6.
- B. Ordinance 2019 12 Town of Estill Emergency Services Cost Recovery. An Ordinance providing for the Recovery of Costs by Fees from Users of Fire Protection and Emergency Medical Services.
- C. Resolution 19-16: Resolution in Support of Application for Grant to Install Sidewalk from Parrish Greene on Highway 3.
- D. Zoning Board of Appeal

**Executive Session:
a. Personnel**

**Regular Session:
a. Personnel**

Adjourn

Note: Council may take action on matters discussed in executive session.

MAYOR:
CORRIN F. BOWERS, III



Town Council Meeting Minutes
October 28, 2019

COUNCIL:
Dwanda Bolden
JOE N. HADWIN, JR.
CHARLES SAVINO
TAMMY SOLOMON

The Town Council Meeting was called to order by Mayor Bowers at 6:00 pm.

Invocation

The invocation was given by Mayor Pro Tem T. Solomon

Present

Mayor C. Bowers, Pro Tem T. Solomon Councilwoman D. Bolden, Councilman Joe Hadwin, Councilman Charles Savino, Town Administrator James McCroskey and Clerk Treasurer Edna O'Banner

Pledge of Allegiance

The Council stands and recites the Pledge of Allegiance.

Approve October 28, 2019 Special Called Council Meeting Agenda (Amended)

Mayor C. Bowers asked for a motion to approve October 28, 2019 Special Called Council Meeting Agenda. Mayor Bowers recognized Councilman C. Savino. The Motion was offered by Councilman C. Savino; with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

Old Business

A. Public Hearing on Zoning Map Amendment.
Town Administrator James McCroskey discusses zoning map. Presents zoning map to council. Public comments were directed to the council by Thomas Owens regarding utilizing the county's zoning board. Public Hearing was closed by Mayor C. Bowers.

B. Ordinance 2019-11 Set Off Debt 2nd Reading
Mayor C. Bowers asked for a motion to approve Ordinance 2019-11 Set Off Debt 2nd Reading. Mayor Bowers recognized Councilman C. Savino. The Motion was offered by Councilman C. Savino; with a second by Councilman Joe Hadwin. Council voted 5-0 in favor of the motion.

C. 2019-09 Zoning Map Amendment Office Commercial to Highway Commercial-2nd Reading.

Mayor C. Bowers asked for a Motion to have the 2019-09 Zoning Map Amendment

323 MARTIN LUTHER KING JR. BLVD. S • Post Office Box 415
ESTILL, SOUTH CAROLINA 29918 • TELEPHONE: (803) 625-3243 • FAX: (803) 625-3106
WWW.TOWNOFESTILL.SC.GOV

New Business

Office Commercial to Highway Commercial-2nd Reading. Mayor C. Bowers recognizes Councilman C. Savino. The Motion was offered by Councilman C. Savino; with a second by Councilman J. Hadwin. Council voted 4-0 in favor of the Motion. Councilwoman Dwanda Bolden sustained from voting.

A. Ordinance 2019-11 An Ordinance to Amend the Town of Estill Zoning Ordinance so as to Make Duplex Apartments A Permitted Use for Areas Zoned R6.

Town Administrator James McCroskey spoke on Duplex Apartments and to have it be a Permitted Use for Areas Zoned R6. Councilman C. Savino commented regarding who would be responsible for maintenance when dealing with a Duplex and would it be single-owned.

Mayor C. Bowers made a Motion to take this as information only and table until more information is gathered. Mayor C. Bowers recognizes Mayor Pro Tem T. Solomon. The Motion was offered by Mayor Pro Tem T. Solomon; with a second by Councilman J. Hadwin. Council voted 5-0 in favor of the motion.

B. Ordinance 2019-12 Town of Estill Emergency Services Cost Recovery. An Ordinance providing for the Recovery of Costs by Fees from Users of Fire Protection and Emergency Medical Services.

Town Administrator James McCroskey discussed costs that could be recovered through insurance companies through recovery costs. Councilman J. Hadwin explained procedures that could be done to recoup the costs that the town spends when responding to an emergency scene.

Mayor C. Bowers asked for a motion to approve Ordinance 2019-12 Town of Estill Emergency Services Cost Recovery. An Ordinance providing for the Recovery of Costs by Fees from Users of Fire Protection and Emergency Medical Services. Mayor C. Bowers recognizes Councilman C. Savino. The Motion was offered by Councilman C. Savino; with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

C. Resolution 19-16: Resolution in Support of Application for Grant to Install Sidewalk from Parrish Greene on Highway 3.

Town Administrator James McCroskey discusses TAP grant money, which was \$400,000 DOT money \$100,000 CTC money, which covered the town's match. The purpose would be to install a sidewalk in that area for safety. Councilman C. Savino explains what TAP (Transportation Alternative Grants) does and how they supply grant money to help municipalities.

Mayor C. Bowers accepts a motion for Resolution 19-16: Resolution in Support of Application for Grant to Install Sidewalk from Parrish Greene on Highway 3. Mayor C. Bowers recognizes Mayor Pro Tem T. Solomon. The Motion was offered by Mayor Pro Tem T. Solomon; with a second by Councilman J. Hadwin. Council voted 5-0 in favor of the motion.

D. Zoning Board of Appeal

Town Administrator James McCroskey discusses a grant received by U.S. Department of Housing and Urban Development. The grant allowed the demolition of 25 substandard (abandoned structures) in town. Demolition has been completed project on hold because one individual filed an appeal for the demolition of their structure. James McCroskey stated he has found 5 nominees for the board of appeals, which consist of 2 business owners and 3 citizens of the town. Councilman J. Hadwin wants to spend more time understanding the length of the term and training of the board members. Mayor C. Bowers asked for a motion to table and discuss more about the Zoning Board of Appeals. Mayor C. Bowers recognized Councilman C. Savino. The Motion was offered by Councilman C. Savino; with a second by Mayor Pro Tem T. Solomon. Council voted 5-0 in favor of the motion.

Executive Session

Mayor Exit Regular Session and enters into Executive Session at 6:56pm
Mayor C. Bowers asked for a motion to Exit Regular Session and enter into Executive Session to discuss personnel. Mayor C. Bowers recognizes Mayor Pro Tem T. Solomon. The Motion was offered by Mayor Pro Tem T. Solomon; with a second by Councilwoman D. Bolden. Council voted 5-0 in favor of the motion.

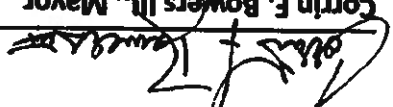
Mayor entered into Regular session at 7:31pm
Mayor C. Bowers asked for a motion to exit Executive Session and return to Regular Session from discussing personnel. Mayor C. Bowers recognizes Mayor Pro Tem T. Solomon. The motion was made by Mayor Pro Tem T. Solomon; with a second by Councilman J. Hadwin. Council voted 5-0 in favor of motion.

Adjourn

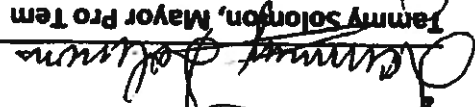
Mayor C. Bowers asked for a motion to adjourn. Mayor Bower recognized Mayor Pro Tem T. Solomon. The motion was offered by Mayor Pro Tem T. Solomon. The motion was offered by Mayor Pro Tem T. Solomon; with a second by Councilman C. Savino. Council Voted 5-0 in favor of the motion.

Mayor C. Bowers adjourned the meeting at 7:33pm.

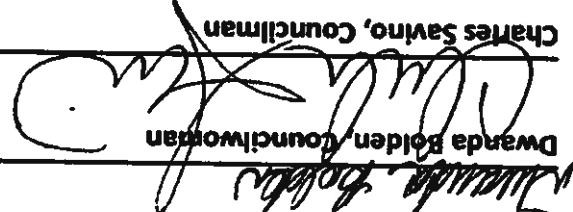
ADOPTED this 28th Day of October 2019



Corin F. Bowers III, Mayor



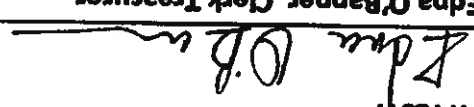
Tammy Solonjon, Mayor Pro Tem



Dwanda Bolden, Councilwoman

Charles Savino, Councilman

Joe Hadwin Jr., Councilman

ATTEST:


Edna O'Banner, Clerk Treasurer



Town of Estill Agenda Item D

Department Reports

Background:

Department Reports are attached except for the Recreation Report as the Bull Durham has been closed so Ms. Strong has nothing to report other than opening and closing the facility for the volunteers on a daily basis.

Attachments: Administrator, Police, Fire, Public Works and Water and Wastewater reports

Recommendation: Acceptance of Reports as written and submitted

Presented by: Caryn Miller, Town Administrator

Estill Fire /Rescue
824 2nd Street East
Estill, S.C. 29918

04/30/2020

To: Mayor Bowers, Members of Council, and Administrator Ms. Miller

Operations: The Estill Fire Department served as the central command for the local area after the deadly tornado on April 13, 2020. The firefighters teamed up with sheriff deputies and volunteers to clear access roads, offer assistance and bring relief to the victims of this devastating storm. This EF4 tornado with winds of 175 MPH killed five people and injured approximately sixty.

Training

1st Drill Night: April 07, 2020 Fire drill was postponed due to the Corona virus. It will be rescheduled later to perform hose test on Engine 22.

2nd Drill Night: April 27, 2020 the firefighters performed routine station

maintenance. The garage door opener motor for Engine 23 was not operating. We performed an electrical check and found a defective fuse in the main disconnect switch. The fuse has been replaced and the door is now operational. We replaced six fluorescent lights in the bay area. We checked the garage door in front of Rescue two and found several loose bolts. This problem was resolved. The fire fighters operated Tanker 26 and checked for any problems. There were seven fire fighters present for drill.

County Drill:

The following is the summary of the incident responses from April 1, 2020 through April 30, 2020.

Type of Incident	April
Vehicle Fire	0

Fire Chief Lanier Toone

Respectfully submitted,

Structure Fire	3
Brush Fire	2
EMS	0
Medical Alarm	0
Fire Alarm	2
MVC	3
Extrication/Rescue	0
Aircraft Standby	3
Gas Leak	0
Service Call	0
Cancelled En-route	0
Assist Law Enforcement (HPD) Lighting	0
Power Line down	0
Total (in town 06) (county 07)	13

April

Monthly Report

is as follows: April

BOND MONEY

Community Service Report	0	0	Persons
--------------------------	---	---	---------

1 Warrant(s) served this month
1 Codes citation(s) issued

Public Works & Utilities Department Monthly Report 4/30/2020

The Bull Durham Center is closed for engagement at this time. Continue mowing of the Library, mowing and trimming walking trail, Dogwood Park, Baseball field, Best Manufactory yard, other parks and Town Hall. The pickup rout for leaf and limbs on 2nd and 4th week each month is ongoing.

Water & Wastewater Department

Working as needed for on water leaks, mowing, trimming, and work orders just to keep the town looking good. At the same time, we are practicing Self Distancing, washing hands, and using sanitizer. Until further notice I have someone in every day and on call weekends.

1. Reading water meters, rereads and NO CUT OFF DUE TO THE CORONAVIRUS
2. Repaired 9 water lines and 26 sewer calls

Maintaining 3 water wells 7 lift stations each week and wastewater treatment plant.

3. 28 work orders completed from the Town Hall.
4. Tested fire Hydrants GPM and PSI on Woods St. at Valmont Composite for their new expansion.

McDonald Hamilton

Public Works Superintendent

May 6, 2020

Town of Estill Agenda Item D

Administrator Report for April 2020



1. The Spring CDBG Water Improvement Grant Application is moving forward with Engineers and Water and Sewer Operator's input to get as much information gathered ahead of time.
2. The CDBG Demolition Grant for the Church Street area is moving along. If Ordinance 01-2020 is approved tonight we can move forward with the necessary hearings and proceed with the demolitions
3. The CDBG Demolition Grant for the Morrison Area is ready to go as well. Letters to the property owners will go out as soon as Ordinance 01-2020 is adopted on Second Reading.
4. I met with the Engineers and we are moving forward on several areas:
 - a) We have submitted an application for a SRF Loan to cover the costs of doing a 5 Year Sewer Study and Plan. We have requested 100% principal forgiveness and are confident that since it is a green project we will be successful. Interest is very low right now.
 - b) We are moving forward with the next Phase of the Wastewater work needed to comply with the DHEC Consent Order. The Engineers and EA Services are working together to get the necessary scope and cost estimates for the application to the USDA.
5. I have contacted DHEC and The USDA in relation to the Utilities and our needs and will continue with monthly meetings to ensure communications are flowing.
6. The Town Attorney has reviewed several documents sent to us related to a Tower Lease Agreement. The documents will be sent back to them for approval and if they agree with our changes I will bring it forward to the Council at that time.
7. The Budget process is well underway. Unfortunately the COVID 19 and the recent tornado that affected the prison will affect our projected revenues such that reduced rates of revenues are expected in both Funds. However Staff is working to ensure a balanced budget is presented some time later this month for a Work Session.
8. We have started the process of scanning all Ordinances in an effort to begin the Codification process with MUNICODE. It is of the utmost importance to get the codification done so that we avoid any duplication of Ordinances, and even more importantly we can provide proper and concise information to requests from the public.

9. I have researched the annexation of our spray fields and will be bringing a Resolution to you at the next meeting that will accomplish that.
10. The website has been updated as time permits me to do so.
11. The first round of applications to FEMA for COVID 19 reimbursements has gone out.
12. I will be working on the second round of applications for COVID 19 for the month of May as well as the first application for reimbursement of expenses related to the tornado.
13. Randy Crews reported that the addressing issue and 911 is almost complete.
14. A lot of my time was spent on the coordination and delivery of relief efforts to our neighbors who were affected by the tornado. I want to thank the many people who aided these efforts.
15. Spoke with a representative from DHEC that has provided me with information on the possibility of applying for a grant at 35/65 to purchase equipment. This will be advantageous if we need to purchase equipment in the next fiscal year budget this reducing the cost of the equipment by the 35% the grant provides.

Attachments: None

Recommendation: None

Presented by: Caryn Miller, Town Administrator



Town of Estill Agenda Item E

April 2020 Financial Report

Background:

The Accountant has presented the financial report for April 2020

Attachments: Report

Recommendation: Acceptance of the Report

Presented by: Caryn Miller, Town Administrator

TOWN OF ESTILL

GENERAL FUND

INCOME STATEMENT FOR PERIOD ENDING 04/30/2020

Expected percentage 83%

APR YTD	%	REVISED	REMAINING
ACTUAL	BUDGET	BUDGET	BUDGET
REVENUES			
14,685.04	106%	13,819.00	(866.04)
145,000.00	46%	315,825.00	170,825.00
481,754.77	108%	445,971.00	(35,783.77)
39,600.27	70%	56,745.00	17,144.73
42,258.67	85%	50,000.00	7,741.33
5,288.70	4%	141,500.00	136,211.30
32,376.62	81%	40,000.00	7,623.38
2,075.00	72%	2,900.00	825.00
2,577.27	76%	3,400.00	822.73
140.00	100%	140.00	-
36,273.87	79%	46,064.00	9,790.13
71,524.69	56%	127,196.00	55,671.31
38,168.77	65%	59,000.00	20,831.23
11,189.88	75%	14,920.00	3,730.12
-	0%	18,500.00	18,500.00
2,625.38	2%	139,400.00	136,774.62
4,606.35	121%	3,800.00	(806.35)
1,260.00	42%	3,000.00	1,740.00
45.00	18%	250.00	205.00
9,725.00	97%	10,000.00	275.00
1,570.00	79%	2,000.00	430.00
85.00	24%	350.00	265.00
115.00	82%	140.00	25.00
1,851.00	29%	6,300.00	4,449.00
10,000.00	97%	10,300.00	300.00
-	0%	14,000.00	14,000.00
954,796.28	63%	1,525,520.00	570,723.72
TOTAL REVENUES			
18 Donations Income			
19 Fax & Copy Machine Use Income			
20 Building Rental Income			
21 Short-Term Vendors			
22 Admission Fees Income			
23 Interest Income - Bank Accts			
24 Proceeds from Sale of Assets			
25 Transfers IN			
26 Loan Proceeds - Internal Debt			
17 Miscellaneous Income			
16 Franchise Fees			
15 Accommodations Tax			
14 Merchants Inventory Tax			
13 LOST - Municipal			
12 LOST - Property			
11 Aid to Subdivision			
10 Traffic School Fees			
9 Victim Advocate Fines			
8 City Ordinance Fines			
7 Court Fines			
6 MASC			
5 Business License			
4 Vehicle Taxes			
3 Property Taxes			
2 Non-Operating Grants			
1 Operating Grants			

TOWN OF ESTILL
GENERAL FUND
INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
Expected percentage 83%

EXPENSES	ADMINISTRATIVE	ADMINISTRATIVE				
APR YTD	ACTUAL	%	REVISED	REMAINING	BUDGET	BUDGET
27 Bonuses	270.75	100%	271.00	0.25	5,905.80	451.71
28 Payroll	26,006.20	81%	31,912.00	5,905.80	3,045.00	783.30
29 Payroll Tax - FICA	2,010.29	82%	2,462.00	451.71	3,045.00	783.30
30 Workers Compensation	955.00	24%	4,000.00	3,045.00	3,045.00	783.30
31 Retirement	2,935.70	79%	3,719.00	783.30	3,045.00	783.30
32 Contract Labor	400.00	100%	400.00	-	2,072.94	-
33 Supplies	5,062.06	71%	7,135.00	2,072.94	11,862.00	(247.93)
34 Insurance	12,109.93	102%	11,862.00	(247.93)	3,000.00	125.98
35 Fuel	2,874.02	96%	3,000.00	125.98	35,000.00	15,000.00
36 Administrative Fees	20,000.00	57%	35,000.00	15,000.00	26,368.00	7,132.32
37 Legal	19,235.68	73%	26,368.00	7,132.32	14,100.00	-
38 Audit Services	14,100.00	100%	14,100.00	-	9,216.00	1,401.42
39 Bookkeeping Services	7,814.58	85%	9,216.00	1,401.42	2,100.00	(6,712.93)
40 Other Professional Services	8,812.93	420%	2,100.00	(6,712.93)	2,300.00	1,381.27
41 Training and Workshops	918.73	40%	2,300.00	1,381.27	10,000.00	391.50
42 Telephone	9,608.50	96%	10,000.00	391.50	3,288.00	24.00
43 Per Diem - Employees	3,264.00	99%	3,288.00	24.00	12,000.00	6,724.19
44 Lodging	5,275.81	44%	12,000.00	6,724.19	2,814.00	1,035.24
45 Office Supplies	1,778.76	63%	2,814.00	1,035.24	2,600.00	268.92
46 Postage	2,331.08	90%	2,600.00	268.92	6,100.00	121.25
47 Dues and Subscriptions	5,978.75	98%	6,100.00	121.25	1,000.00	86.80
48 Membership Dues	913.20	91%	1,000.00	86.80	3,000.00	654.19
49 Advertising	2,345.81	78%	3,000.00	654.19	5,000.00	834.00
50 Dog Pound	4,166.00	83%	5,000.00	834.00	380.00	171.57
51 Bank Charges	208.43	55%	380.00	171.57	200.00	51.11
52 Finance Charges	148.89	74%	200.00	51.11	1,000.00	75.20
53 Beautification	924.80	92%	1,000.00	75.20	205,825.00	204,423.50
54 Econ. Development - Unclassified	1,401.50	1%	205,825.00	204,423.50	600.00	450.00
55 Donations	150.00	25%	600.00	450.00	452.00	(0.21)
56 Taxes	452.21	100%	452.00	(0.21)	7,000.00	1,253.37
57 Repairs and Maintenance	5,746.63	82%	7,000.00	1,253.37	6,385.00	994.10
58 Lease Maintenance	5,390.90	84%	6,385.00	994.10	756.00	-
59 Land Lease	756.00	100%	756.00	-	800.00	373.69
60 Meals for Staff	426.31	53%	800.00	373.69	-	-
61 Miscellaneous Expense	-	**	-	-	423,045.00	248,271.55
TOTAL ADMINISTRATIVE	174,773.45	41%	423,045.00	248,271.55		

TOWN OF ESTILL
GENERAL FUND
INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
Expected percentage 83%

	APR YTD	%	REVISED	REMAINING
	ACTUAL	BUDGET	BUDGET	BUDGET
POLICE				
62 Bonuses	1,082.92	100%	1,083.00	0.08
63 Payroll	286,575.35	90%	318,324.00	31,748.65
64 Overtime	59,044.40	93%	63,564.00	4,519.60
65 Payroll Tax - FICA	24,899.69	89%	27,962.00	3,062.31
66 Payroll Tax - SUTA	448.00	100%	448.00	-
67 Workers Compensation	48,850.50	98%	50,000.00	1,149.50
68 Employee Insurance	45,587.19	97%	47,157.00	1,569.81
69 Retirement	57,336.01	83%	69,201.00	11,864.99
70 Contract Labor	3,480.00	76%	4,600.00	1,120.00
71 Utilities	1,330.80	133%	1,000.00	(330.80)
72 Supplies	6,553.78	164%	4,000.00	(2,553.78)
73 Uniforms	2,071.94	69%	3,000.00	928.06
74 Insurance	29,013.06	100%	28,914.00	(99.06)
75 Fuel	28,870.14	82%	35,000.00	6,129.86
76 Training and Workshops	535.00	36%	1,500.00	965.00
77 Inmate Housing	75.00	4%	1,750.00	1,675.00
78 Victim Advocate Expense	2,069.70	61%	3,400.00	1,330.30
79 Dispatching	27,402.26	84%	32,514.00	5,111.74
80 Telephone	18,973.87	86%	22,000.00	3,026.13
81 Per Diem - Employees	1,000.00	45%	2,200.00	1,200.00
82 Lodging	948.28	47%	2,000.00	1,051.72
83 Office Supplies	193.36	32%	600.00	406.64
84 Postage	47.55	24%	200.00	152.45
85 Dues and Subscriptions	6,819.17	148%	4,619.00	(2,200.17)
86 Bank Charges	18.00	**	-	(18.00)
87 PD Equipment	14,050.33	100%	14,050.00	(0.33)
88 Equipment/Capital Improvements	2,341.00	2%	102,341.00	100,000.00
89 Donations	300.00	100%	300.00	-
90 Repairs and Maintenance	17,165.65	49%	35,000.00	17,834.35
91 Lease Maintenance	1,910.00	87%	2,200.00	290.00
92 Meals for Staff	114.77	42%	275.00	160.23
93 Motorola Radios Lease	8,350.38	100%	8,350.00	(0.38)
94 PD Vehicles Loan	8,964.80	83%	10,758.00	1,793.20
TOTAL POLICE	706,422.90	79%	898,310.00	191,887.10

TOWN OF ESTILL
GENERAL FUND
INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
Expected percentage 83%

APR YTD	%	REVISED	REMAINING
MUNICIPAL COURT			
95 Bonuses	108.30	108.00	(0.30)
96 Payroll	32,116.27	38,080.00	5,963.73
97 Overtime	17.85	562.00	544.15
98 Payroll Tax - FICA	2,406.86	2,821.00	414.14
99 Workers Compensation	-	160.00	160.00
100 Employee Insurance	13,090.95	20,449.00	7,358.05
101 Retirement	5,000.11	6,013.00	1,012.89
102 Supplies	363.15	-	(363.15)
103 Fuel	340.05	250.00	(90.05)
104 Other Professional Services	3,200.00	3,600.00	400.00
105 Training and Workshops	1,319.76	1,000.00	(319.76)
106 Court Expense	23,139.59	30,992.00	7,852.41
107 Per Diem - Employees	650.00	600.00	(50.00)
108 Lodging	1,199.92	1,200.00	0.08
109 Office Supplies	131.04	500.00	368.96
110 Postage	271.50	500.00	228.50
TOTAL MUNICIPAL COURT			
83,355.35	78%	106,835.00	23,479.65
FIRE			
111 Bonuses	5,540.96	5,541.00	0.04
112 Payroll	2,250.00	2,700.00	450.00
113 Bonuses for Volunteer Firemen	10,318.00	10,318.00	-
114 Payroll Tax - FICA	594.69	630.00	35.31
115 Workers Compensation	5,280.50	6,000.00	719.50
116 Employee Insurance	(17.08)	-	17.08
117 Retirement	350.10	420.00	69.90
118 Supplies	2,937.59	400.00	(2,537.59)
119 Insurance	4,293.73	4,294.00	0.27
120 Fuel	446.84	500.00	53.16
121 Training and Workshops	65.00	65.00	-
122 Telephone	2,236.04	3,600.00	1,363.96
123 Repairs and Maintenance	844.31	15,400.00	14,555.69
124 Lease Maintenance	270.62	350.00	79.38
TOTAL FIRE			
35,411.30	71%	50,218.00	14,806.70

TOWN OF ESTILL
GENERAL FUND

INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
Expected percentage 83%

APR YTD	%	REVISED	REMAINING
ACTUAL	BUDGET	BUDGET	BUDGET
FALL FESTIVAL			
125 Payroll	100%	1,346.00	(0.40)
126 Payroll Tax - FICA	100%	103.00	-
127 Fall Festival Expense	100%	10,663.00	(0.19)
TOTAL FALL FESTIVAL	100%	12,112.00	(0.59)
BUILDING and GROUNDS			
128 Utilities	88%	15,000.00	1,826.56
129 Utilities - Library	89%	6,100.00	663.76
130 Supplies	22%	200.00	156.80
131 Pest Control	38%	3,200.00	1,983.41
132 Repairs and Maintenance	61%	10,500.00	4,131.06
TOTAL BUILDING and GROUNDS	75%	35,000.00	8,761.59
TOTAL EXPENSES	68%	1,525,520.00	487,206.00
(83,517.72)		-	
SURPLUS/(DEFICIT)			

TOWN OF ESTILL
OPERATIONS and MAINTENANCE FUND
INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
Expected percentage 83%

APR YTD	%	REVISED	REMAINING
REVENUES			
368,855.00	86%	430,178.00	61,323.00
711,215.74	92%	777,240.00	66,024.26
874,183.79	86%	1,013,880.00	139,696.21
-	0%	600.00	600.00
15,175.00	71%	21,500.00	6,325.00
210.00	140%	150.00	(60.00)
25,562.63	92%	27,911.00	2,348.37
280.00	160%	175.00	(105.00)
11,050.00	76%	14,510.00	3,460.00
847.66	**	-	(847.66)
57.99	145%	40.00	(17.99)
1,845.64	154%	1,200.00	(645.64)
3,962.82	100%	3,963.00	0.18
TOTAL REVENUES			
2,013,246.27	88%	2,291,347.00	278,100.73
EXPENSES			
WATER & WASTEWATER			
10,028.79	271%	3,704.00	(6,324.79)
307,979.16	83%	371,222.00	63,242.84
2,219.43	56%	3,941.00	1,721.57
23,445.86	83%	28,138.00	4,692.14
22,941.00	98%	23,360.00	419.00
28,929.18	88%	33,028.00	4,098.82
43,486.89	80%	54,686.00	11,199.11
18,400.00	65%	28,100.00	9,700.00
81,438.54	80%	102,000.00	20,561.46
9,789.43	65%	15,000.00	5,210.57
9,759.64	83%	11,800.00	2,040.36
9,593.03	60%	16,000.00	6,406.97
14,786.46	73%	20,280.00	5,493.54
26,005.20	100%	26,005.00	(0.20)
11,898.82	92%	13,000.00	1,101.18
20,000.00	57%	35,000.00	15,000.00
12,883.63	68%	18,912.00	6,028.37
12,000.00	100%	12,000.00	-
7,708.33	84%	9,216.00	1,507.67
51,300.00	75%	68,400.00	17,100.00
4,177.50	135%	3,100.00	(1,077.50)
260.00	26%	1,000.00	740.00

TOWN OF ESTILL
OPERATIONS and MAINTENANCE FUND
INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
Expected percentage 83%

APR YTD	%	REVISED	REMAINING
		BUDGET	BUDGET
36 Telephone	71%	11,000.00	3,208.38
37 Per Diem - Employees	15%	1,300.00	1,106.00
38 Lodging	33%	500.00	335.72
39 Office Supplies	44%	1,353.00	760.41
40 Postage	80%	3,200.00	629.40
41 DHEC Permits	72%	14,741.00	4,102.50
42 Dues and Subscriptions	47%	1,904.00	1,001.00
43 Advertising	54%	2,000.00	929.81
44 Bank Charges	98%	500.00	8.72
45 Finance Charges	50%	180.00	90.58
46 Equipment/Capital Improvements	19%	4,350.00	3,543.35
47 Water & Sewer Capital Improvements	89%	408,028.00	45,807.50
48 Engineering	0%	28,000.00	28,000.00
49 Safety	0%	1,360.00	1,360.00
50 Repairs and Maintenance	71%	211,000.00	61,742.29
51 Lease Maintenance	79%	2,315.00	492.88
52 Equipment Rental	0%	500.00	500.00
53 Miscellaneous Expense	**	-	-
54 Interest on Debt	100%	83,733.00	160.51
55 Revenue Bond Principal	100%	245,000.00	-
56 2014 Backhoe Loader Principal	84%	9,936.00	1,628.14
TOTAL WATER & WASTEWATER	83%	1,928,792.00	324,268.30
57 Bonuses	100%	54.00	(0.15)
58 Payroll	87%	40,292.00	5,361.50
59 Overtime	75%	829.00	210.25
60 Payroll Fall Festival	101%	500.00	(5.42)
61 Payroll Tax - FICA	87%	2,934.00	387.39
62 Workers Compensation	105%	12,000.00	(590.00)
63 Employee Insurance	57%	10,790.00	4,648.82
64 Retirement	83%	6,398.00	1,068.82
65 Street Lights - Utilities	75%	64,400.00	16,097.99
66 Street Signs - Utilities	70%	1,440.00	432.63
67 Supplies	44%	5,000.00	2,808.60
68 Chemicals	0%	3,000.00	3,000.00
69 Insurance	100%	9,292.00	0.50
70 Fuel	88%	12,000.00	1,424.66
71 Equipment/Capital Improvements	0%	7,725.00	7,725.00
72 Repairs and Maintenance	67%	23,000.00	7,591.38

TOWN OF ESTILL
 OPERATIONS and MAINTENANCE FUND
 INCOME STATEMENT FOR PERIOD ENDING 04/30/2020
 Expected percentage 83%

APR YTD	%	REVISED	REMAINING
ACTUAL	BUDGET	BUDGET	BUDGET
73 Equipment Rental	-	2,000.00	2,000.00
74 Decorations	3,000.00	5,500.00	2,500.00
75 Miscellaneous Expense	-	-	-
76 Lawnmowers 8/18 Note Payable	12,716.21	12,892.00	175.79
TOTAL STREETS	165,208.24	220,046.00	54,837.76
TOTAL EXPENSES	1,769,731.94	2,148,838.00	379,106.06
SURPLUS/(DEFICIT)	243,514.33	142,509.00	
DEBT SERVICE FUNDS			
77 Depreciation Account	30,000.00	83%	36,000
78 Contingency Account	48,000.00	83%	57,600
	78,000.00	83%	93,600.00

APR YTD	%	REVISED	REMAINING
ACTUAL	BUDGET	BUDGET	BUDGET
REVENUES			
98,033.84	83%	117,853.00	19,819.16
23.39	52%	45.00	21.61
TOTAL REVENUES			
<u>98,057.23</u>	<u>83%</u>	<u>117,898.00</u>	<u>19,840.77</u>
EXPENSES			
69,348.68	84%	82,500.00	13,151.32
2,605.68	41%	6,300.00	3,694.32
1,321.99	78%	1,700.00	378.01
30.16	2%	2,000.00	1,969.84
3,000.00	136%	2,200.00	(800.00)
3,868.34	84%	4,608.00	739.66
35.00	**	-	(35.00)
1,235.75	25%	5,000.00	3,764.25
100.00	5%	2,000.00	1,900.00
<u>81,545.60</u>	<u>77%</u>	<u>106,308.00</u>	<u>24,762.40</u>
SURPLUS/(DEFICIT)			
<u>16,511.63</u>		<u>11,590.00</u>	
RESERVE FUNDS			
7,000.00	83%	8,400.00	
<u>7,000.00</u>	<u>83%</u>	<u>8,400.00</u>	
12 Contingency Account			



Town of Estill Agenda Item F

Resolution 2020-04 Ratifying an April 13, 2020 Tornado Related Executive Order Issued by the Mayor on April 16, 2020.

Background:

When the Tornado hit on April 13, 2020 the Mayor enacted a Disaster Declaration Proclamation to ensure that if FEMA dollars were available the Town could apply for reimbursement of expenses related to the disaster. This Resolution simply ratifies his action taken

Attachments: Resolution and Proclamation

Recommendation: Approval of Resolution 2020-04

Presented by: Caryn Miller, Town Administrator

DONE AND ENTERED THIS _____ DAY OF MAY, 2020

Section 2. This Resolution shall take effect immediately.

Section 1. The executive order issued by the Mayor on April 16, 2020, 2020 concerning the declaration of a disaster and attached hereto, be and hereby is, ratified and adopted.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ESTILL, SOUTH CAROLINA, AS FOLLOWS, TO WIT:

WHEREAS: Town Council finds it appropriate to formally enact and ratify such action as undertaken by the Mayor.

WHEREAS: The Federal Emergency Management Agency [FEMA] requires a declaration of TORNADO a state of emergency and disaster in order to provide funding for Town needs created by the state of emergency; and

WHEREAS: In the interests of the good order and security of the public, it was necessary for the Mayor, as the chief executive office of the City pursuant to SC Code Sec 5-7-10 (1976), et seq., as amended, to issue and enact certain orders to preserve the public welfare, security and comfort; and

WHEREAS: On April 13, 2020 The Town of Estill was affected by a tornado; and

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
RESOLUTION 2020-04)
RESOLUTION RATIFYING A CERTAIN APRIL 13,)
2020 TORNADO RELATED EXECUTIVE ORDER)
TOWN OF ESTILL)
ISSUED BY THE MAYOR ON APRIL 16, 2020)

Town Clerk

ATTEST:

Council Member

Council Member

Mayor

Town Attorney

APPROVED AS TO FORM:

Council Member

Council Member



PROCLAMATION DISASTER DECLARATION

Town of Estill, SC

WHEREAS, the April 13, 2020 tornado that hit in the area has caused severe damage to Town infrastructure related to our Water and Waste Water systems; and

WHEREAS, the April 13, 2020 tornado caused power and communication outages throughout Hampton County resulting in the establishment of the location of the Emergency Response Command Center at the Estill Fire Department; and

WHEREAS, On April 13, 2020 the Town's Bull Durham Center was opened in response to the disaster as a location for the delivery and distribution of donations to all the affected parties within Hampton County; and

WHEREAS, Governor McMaster issued State of Emergency declaration via Executive Order 20-24 on April 15, 2020; and

WHEREAS, it is the intent of Town of Estill, South Carolina to follow the April 15, 2020 Executive Order 20-24 issued by Governor McMaster; and

WHEREAS, the Town of Estill, South Carolina, has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED by Corrin F Bowers III, Mayor of The Town of Estill, South Carolina:

That a local state of disaster is hereby declared for the Town of Estill, South Carolina pursuant to the Governor's Executive Order 20-24 an any additional State of South Carolina applicable Law.

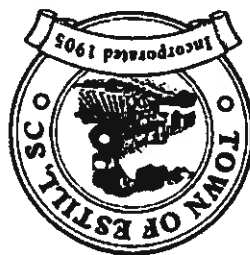
This Order is effective immediately and shall remain in effect for the duration of the State of Emergency declared by the Federal and State governments unless otherwise modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and pursuant to additional Executive Orders issued by the President of the United States or the Governor of the State of South Carolina.

That this Proclamation shall take effect immediately from and after its issuance.

PROCLAIMED AND ORDERED this 16th Day of April 2020.

Corrin F. Bowers III, Mayor Town of Estill SC

Attest: *[Signature]*
Town Clerk



Town of Estill Agenda Item G

Renumbering of Ordinances 2019-12

Background:

I have been reviewing our Ordinances to ensure that they are correct in an effort to provide them to MUNICODE when the time comes to have them codified. I found two Ordinances that were numbered 2019-12 and both were passed by Council. The Town Attorney advises that both of them are legally passed Ordinances but they only need to be renumbered.

So, the Ordinance passed related to the Recovery of Fees From Users of Fire Protection and Emergency Medical Services will be renumbered to be Ordinance **2019-12A** and the Ordinance related to Mobil Homes being permitted in Areas Zoned GR will be renumbered to Ordinance **2019-12B**

Attachments: Ordinances

Recommendation: Approval of the renumbering as explained above

Presented by: Caryn Miller, Town Administrator

Town of Estill Emergency Services Cost Recovery Ordinance 2019-12.
AN ORDINANCE PROVIDING FOR THE RECOVERY OF COSTS BY FEES FROM
USERS OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

WHEREAS, the Town of Estill is authorized to provide emergency response relating to the protection of lives and property within the fire district boundaries; and

WHEREAS, the 106 in years past has provided services to its citizens through (a) volunteer service / property tax revenue / fixed fire fees...); and

WHEREAS, the emergency services response activity to incidents continues to increase each year; and

WHEREAS, Section 6-1-330 of the Code of Laws of South Carolina provide authority for a local governing body to adopt service or user fees; and

WHEREAS, Section 5-7-60 of the Code of Laws of South Carolina authorizes a municipality to perform many of its functions and provide many of its services in areas outside the corporate limits by contract and to make charges therefore; and

WHEREAS, Section 4-21-10 of the Code of Laws of South Carolina provides authority for a governing body of a county to provide fire protection and ambulance services by contract with municipalities and for the charging of a service fee for services; and

WHEREAS, it is fiscally prudent and advisable to charge a fee for services including, but not limited to, motor vehicle accidents, collisions, motor vehicle fires, motor vehicle extractions, hazardous materials spills or discharge, structure fires, false alarms, fire inspections, utility line failure, and fire cause and origin investigations; and

WHEREAS, it will be cost effective to utilize a third-party Fire/EMS billing service to bill and collect for fire engine response fees and such contract should be employed; and

NOW, THEREFORE, BE IT RESOLVED, by the Estill Town Council, that:

Section 1. Short Title.

This ordinance shall be known and may be cited as the Town of Estill Emergency Services Cost Recovery Ordinance.

Section 2. General Purpose

This Ordinance is adopted in order to provide reimbursement to Town of Estill for a portion of the costs incurred by the Estill Fire Department for certain emergency services provided.

Section 3. Fee Collection Authorized

The owner or occupant of a structure, vehicle, or property to which the fire department or other department of the service area provides fire suppression, emergency medical care, or services, vehicle extrication, hazardous material mitigation, emergency medical care, or other fire department services, (collectively referred to in this article as "Emergency Response Services") or any person or entity causing the need for the fire or emergency services department to respond and/or provide any emergency response service (the

"Responsible Party" shall pay the cost of such service. Cost Recovery Fees are set forth in the EXHIBIT A of this Ordinance and are hereby found to not exceed the Town of Estill's actual expense in providing such emergency response services. The fees enacted herein apply to any services rendered by any Town department to whatever property or person, whether within the city/county or if requested by any other entity, or if supplied by the Town pursuant to any interlocal cooperation agreement.

Section 4. Fees and Charges

The cost recovery fees will be collected in the amounts found in Exhibit A of this Ordinance, which may be revised periodically by the adoption of a resolution by the Town Council.

Section 5. Severability

If any provision of this ordinance or the application hereof to any person or circumstance is held invalid, or in any exception to or limitation upon any provision contained herein be held to be unconstitutional, invalid or ineffective, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect, and to this end, the provisions of this ordinance are declared to be severable.

Section 6. Repealer

All Ordinances and parts of Ordinances that conflict with this Ordinance are hereby repealed.

Section 7.

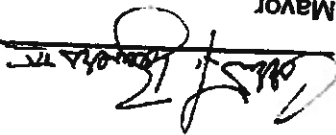
This Ordinance shall take effect immediately after its adoption, the welfare of the people and Town of Estill requiring it.

FIRST READING: OCT 28, 2019

SECOND READING: NOV. 13, 2019

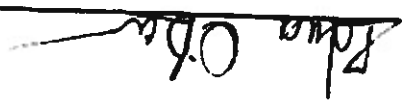
BE IT ENACTED, this the 13th day of Nov., as witness our hands and seals, in Council done, at Estill, South Carolina.

Mayor

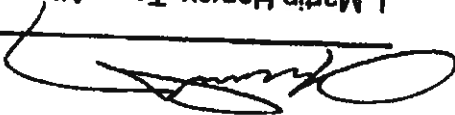


ATTEST:

Town Clerk



APPROVED AS TO FORM:



J. Martin Harvey, Town Attorney

EXHIBIT A

All incidents will be billed using "hourly" rate per apparatus. Elapsed time is from Alarm to Last Equipment Clear or In Quarters or In Service, whichever is later, and rounded up to the nearest hour. There will be additional itemization for materials consumed and any special procedure costs that you provide. (Note: We will substitute the flat rate for the hourly rate for any incident that does not meet the minimum flat rate requirements. Additional line itemizations i.e. Consumable Materials/damaged equipment costs will not be affected by the hourly rate or flat rate determinations). All hourly rates include the personnel to man the apparatus, as does the flat rate.

Heavy Apparatus - \$305 per hour (includes engines, aerials, rescues, air/light units, etc.)

Light Apparatus - \$225 per hour (includes brush units, support vehicles, etc.)

Command Staff Vehicles - \$195 per hour (Battalion buggies, EMS Supervisors, etc.)

Additional Procedural and Materials/Equipment Line Itemization:

Extrication (without use of hydraulic tools) -\$835

Extrication (with use of hydraulic tools) - \$2,015

Extrication with the use of hydraulic tools and with Landing Zone

Landing Zone command and control (with extrication use of hydraulics) - \$2335

Landing zone command and control (with extrication services w/o hydraulics) - \$1025

Landing zone command and control (without extrication services) \$900

Light Tower - \$47 per hour (Operation of Light tower and generator to provide scene lighting).

Consumable Materials/Damaged Equipment - at replacement cost / (adheres to average costing which may be updated periodically per market increases. A current rate sheet must be supplied)

FLAT RATES: (minimum if combined hourly rates per apparatus do not meet minimum rates below)

Level 1/MVA FLAT RATE - \$535.00

Scene safety & Hazard control including hazard assessment & securing including containment of hazard Materials (i.e. hazardous material spills such as gasoline/diesel fuel, motor oil, coolant or antifreeze) which may be flammable, dangerous to the environment, or cause other hazards such as slippery

ORDINANCE 2019-12

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)
TOWN OF ESTILL)
AN ORDINANCE TO AMEND THE TOWN OF)
ESTILL ZONING ORDINANCE SO AS TO)
CHANGE THE TABLE OF ALLOWED USES TO)
PERMIT MOBILE HOMES IN AREAS ZONED GR

In accordance with the authority conferred by the South Carolina Code of Laws, 1976, Title

6, Chapter 7, as amended, and for the continued purpose of promoting the health, safety, and general

welfare of the citizens of the Town of Estill; Town Council recognizes that a significant number of

town citizens cannot afford to buy and live in site-built homes; further recognizes that a majority of

the dwellings in the area of town zoned "GR" contains mobile or manufactured homes; Council finds

that it is more advantageous to the Town to allow mobile homes in an area of the Town zoned "GR"

because it will promote an increase in the town's population, thereby increasing water and sewer

customers, the Mayor and Council do hereby ordain the following amendment to the Zoning and

Development Standards Ordinance, as amended by ordinance adopted on December 5, 2012, and

related sections not otherwise included in the Zoning and Development Standards Ordinance.

Section 1. Article 2, Section 2.2, (Page 8) Table 1, Residential Uses, 3.4 Manufacturing

Housing, General Residential Zoning District (GR) is amended so as to allow Manufacturing

Housing as an allowed use.

Section 2. Severability.

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall be remain valid and in full force and effect.

Section 3. Conflict.

All other provisions of the Municipal Code and uncodified ordinances or parts thereof inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or

conflict.

Section 4. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

INTRODUCED THE 26th DAY OF NOVEMBER, 2019.

FIRST READING: NOVEMBER 26, 2019.

SECOND READING: DECEMBER 04, 2019.

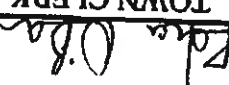
PASSED THIS 04TH DAY OF DECEMBER, 2019.

AYES:

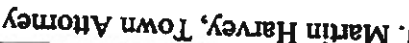
NAYS:

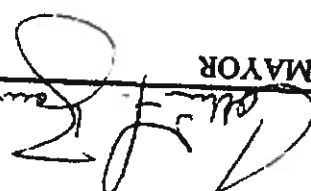
ABSENT:

NOT VOTING:

ATTEST: 
TOWN CLERK
(SEAL)

APPROVED AS TO FORM:


J. Martin Harvey, Town Attorney


MAYOR