

TOWN OF SEABROOK ISLAND
Town Council Meeting of February 25, 2020

MINUTES

After the pledge of allegiance, Mayor Gregg called the February 25, 2020, Town Council meeting to order at 2:30 p.m. Councilmembers Crane, Finke, Fox and Goldstein, Town Administrator Cronin and Town Clerk Allbritton attended the meeting. The Town Clerk confirmed that the meeting was properly posted, and the requirements of the SC Freedom of Information Act were met.

Mayor Gregg informed Council and guests of the recent passing of former Mayor Frank McNulty (Seabrook Island Mayor from 2005-2009) and former Seabrook Island Utility Commissioner Jim Bannwart (Commissioner from 2011-2018 and served as Chairman from 2016-2018).

Minutes:

The Town Council Minutes of January 28, 2020, and the Ways & Means Committee Minutes of February 11, 2020, were unanimously approved as written.

Financials: Mayor Gregg reported that the total fund balance for the period ending January 31, 2020, was \$5,160,287.56, about \$230,143.79 more than the balance for the same period in 2019 and about \$505,862.99 more than for the same period in 2018. Unrestricted revenue for January totaled \$70,978.64 and represented about 5.3% of the 2020 annual budget. Expenditures for January totaled \$52,164.86 and represented about 3.7% of the 2020 annual budget. Excess of revenues over expenditures was \$18,813.78 for the month, about \$64,172 less compared to the same period in 2019 due to significantly reduced business license revenue as compared to the same period in 2019.

Town Administrator Cronin pointed out that Page 1 of the January 2020 financials looks different from previous years. With the adoption of the Town's 2020 annual budget, certain fund balances have been broken out. The Restricted Fund Balances (State Accommodations Tax, County Accommodations Tax and Alcohol) are all listed under the Liabilities and Net Assets section of the Balance Sheet. Also, the newly established Designated Fund Balances (Emergency, Road & Drainage, Town Facilities and Vehicle Replacement Funds) are listed as well as the General Fund Balance.

Citizens/Guests Presentations, Comments: None

Reports of Standing Committees, Commissions, Boards:

Public Safety/Club Long Range Planning Committee – Councilman Crane

Public Safety Committee – Councilman Crane reported that the Public Safety Committee met on Monday, February 10, 2020. Art Jones was welcomed as a new member of the Committee. At the February meeting, Town Administrator Cronin gave a presentation of the new website content for Emergency Preparedness. He will take recommendations into consideration and show the Committee alternatives at the next meeting.

The Committee reviewed the status of issues and action items from the January 2020 DRC exercise. The report was distributed to the DRC members for their review and comment. The Committee reviewed the assignments and status of the four major items identified in that report. Input for changes and additions to the Comprehensive Emergency Plan continues to be collected. An update sheet has also distributed to councilmembers for their review.

The Committee reviewed plans for a coordinated DRC activity with Kiawah Island. Disaster Awareness Day will be held on June 11 at the Kiawah Conference Center and will be jointly sponsored by the Town and Kiawah Island. The first planning meeting is at the Seabrook Island Town Hall on March 5.

Town representatives met recently with representatives of the Charleston County Sheriff's office and the Charleston County Emergency Management Division to review overall emergency preparedness and

response operations, particularly to confirm the process for allowing residents to return to Seabrook Island after an evacuation order has been rescinded. It was confirmed that, even if the Governor has lifted an evacuation order but it is not safe for residents to return to Seabrook island, Charleston County will maintain their traffic access control points until it is safe to return.

Councilman Crane reported that Charleston County Emergency Management Division will hold a tri-county disaster exercise on May 27 based on an earthquake scenario and Seabrook island has been invited to participate.

Public Relations/Communications – Pat Fox – No Report

Special Projects/Beach Administration – Councilman Goldstein stated that Council had received two proposals from ESP Associates. One is a proposal (\$22,500) that relates to Seabrook Island Road in which ESP will evaluate multiple pavement elevation scenarios and model potential flooding mitigation based on multiple storm events. The other is a proposal (\$13,500) to evaluate the bike paths, inbound and outbound, along Seabrook Island Road and evaluate potential items to mitigate flooding along the outbound path and determine if the inbound path is code compliant and, if not, provide an opinion of probably cost to bring it into compliance, abandon or remove it from service. Councilman Crane made a motion to approve accepting the proposal from ESP Associates to evaluate the elevation of Seabrook Island Road. Councilwoman Finke seconded the motion. The Town Administrator verified with Council that the funding source for both contracts would be the Road and Drainage Fund. The vote to approve the motion was unanimous. Councilman Crane made a motion to approve accepting the proposal from ESP Associates that relates to the bike/pedestrian paths. Councilwoman Finke seconded the motion. Councilwoman Finke commented that this work is not associated with the emergency repairs that are currently being done to the outbound pathway. The vote to approve the motion was unanimous.

Beach Administration/Community and Government Relations – Councilwoman Finke

Update on Dolphin Education Program – Councilwoman Finke reported that she and Councilman Goldstein had met with Lauren Rust, Lowcountry Marine Mammal Network, to talk about implementing the third year of the Dolphin Education Program. An orientation and training meeting for volunteers has been scheduled for Tuesday, May 5, at the Oyster Catcher Community Center from 10:00 a.m. to noon. The meeting will be advertised in Tidelines.

Ways & Means – John Gregg

The Mayor reported that the following topics were discussed at the February Ways & Means Committee meeting:

- **Closing of Bike Path** – The Mayor reported that the outbound bike/pedestrian path had been closed on February 6 and work began on emergency repairs on February 19. Weather permitting, the work should take about three weeks. The work on the portion of the path from the Marina crosswalk to Freshfields Village will be completed first.
- **Follow-up Inquiry from SIPOA Safety & Security Committee** – The Safety & Security Committee has asked the Town to consider installing some type of “reduce speed ahead” sign near the Landfall Way crosswalk to slow traffic down before the change in speed limit to 15 mph. Town Administrator Cronin will consult with a traffic engineer concerning the appropriate sign and its placement.
- **Engineering Proposals for the Elevation of Seabrook Island Road and the Improvements to the bicycle/pedestrian paths** – The Mayor stated that two proposals from ESP Associates were discussed at the Ways & Means Committee meeting and Councilman Goldstein addressed the proposals earlier in the Town Council meeting and obtained motions to approve entering into the agreements with ESP.
- **Electric Pedal-Assist Bicycles** – Mayor Gregg stated that the Town Administrator reported that the SIPOA Board had approved the use of pedal-assist bicycles on SIPOA roads. He noted that, currently, the Town’s ordinance would not allow the use of these vehicles on the bicycle/pedestrian paths and proposed to draft an amendment to the Town’s ordinance.
- **Business License Reform Bill H4431** – Town Administrator Cronin reported that a State legislative committee had recently held hearings on pending legislation for reform of business licensing. He

indicated that Chambers of Commerce from Charleston, Columbia and Greenville had issued a letter expressing support for standardization of business licensing administrative practices and opposition to changing the basis for fee calculation from gross revenue to net revenue.

Planning Commission – No Report

Board of Zoning Appeals – No Report

Reports of Ad Hoc Committees:

Development Standards Ordinance Advisory Group – Councilman Crane, Chairman, reported that the Group will have meetings on Wednesday, February 26, and Thursday, February 27.

Reports of Town Officers:

Mayor –

- **Ad Hoc Committee for Potential Short-Term Regulation by the Town** – Mayor Gregg stated that he had asked Councilwomen Finke and Fox to head up an ad hoc committee to focus on potential regulation of short-term rentals. The initial focus of this effort is to complement regulation by SIPOA, with an emphasis on occupancy and vehicle parking. After looking over the report that Councilwoman Finke distributed at the Ways and Means meeting, councilmembers were asked to give suggestions, within two weeks, for potential regulation by the Town and the way such regulation could be enforced. The committee will identify stakeholder groups and solicit input from those groups. Once the potential regulation by the Town has been better defined, it is expected there will be broader community input that would include public hearings.
- **Update Concerning Charleston County Hazard Mitigation Plan** – The Mayor reported that he had attended the February 19 meeting of the Charleston County Project Impact Hazard Mitigation Plan Committee. That Committee has oversight for updating the Charleston County Regional Hazard Mitigation Plan which includes a component adopted by the Town as its Hazard Mitigation Plan. The Committee discussed use of HAZUS modeling, available from FEMA, and efforts to use existing GIS data to improve localized projections of potential storm impacts. The 2020 update should reflect enhanced resilience strategies with associated action items to improve interjurisdictional coordination. Their next meeting will be held in April.
- **Inquiry Regarding Potential Funding from the Town for Sea Island Water Wellness Mission** – Mayor Gregg stated that he had been approached about potential funding by the Town for the Sea Island Water Wellness Mission. The Town has budgeted \$5,000 in the 2020 budget for a line item, Community Promotions, that will address requests for funding by the Town. Once criteria for these requests are established, Council will be able to consider requests as they are received.
- **Town's Request for Public Assistance (Hurricane Dorian)** – The Mayor reported that FEMA has approved funding for Emergency Protective Measures, under the Town's Request for Public Assistance, for costs incurred as a result of Hurricane Dorian. The total amount approved is \$45,725.17 and FEMA's share (75%) is \$34,293.88. Once payment is received, the Town will reimburse the Seabrook Island Utility Commission for their share of the incurred costs. The South Carolina Legislature has not yet approved the State's (25%) share of disaster costs.

Town Administrator/Zoning Administrator – Joe Cronin

- **Bike Path Update** – The Town Administrator reported that, in January, the Mayor authorized an emergency procurement process to solicit bids for repairs to the outbound bike path between Town Hall and Freshfields Village. The Town was in the process of soliciting bids when an individual tripped and fell on the bike path on February 5 and was taken by ambulance to the hospital for evaluation. The decision was made to close the bike path on February 6, pending repairs. The Town has awarded the contract, in the amount of \$65,406, to Charleston Green. Most of the damage to the bike path, approximately 20% of its length, was made by tree roots. As the contractor tears up a section of the pathway, Sunburst Landscaping will prune the tree roots. It will take about three weeks for demolition and reconstruction, weather permitting. The work will begin on the section between the Marina crosswalk and Freshfields Village so that people can use the inbound bike path and cross over at the entrance to the Marina and proceed to Freshfields Village.

- **Beach Management Plan Update** – Town Administrator Cronin reported that the Town received a letter dated February 13, 2020, from DHEC confirming that OCRM and DHEC had reviewed and approved the Town’s updated Beach Management Plan.
- **Beach Signage Update** – The Town Administrator reported that four buoys, along with additional signage, delineating the restricted area where no pets are allowed, have been installed at Boardwalk #1. Another buoy has been installed near the area of Pelican Watch and Camp St. Christopher, delineating the onlead area, and a buoy has been installed at Privateer Point, with additional signage, to notify people that come in by kayak that it is an onlead area. Additional signage will be designed for the end of each boardwalk for beach rules.
- **H4431 Update (State Business License Tax Reform Act)** – The Town Administrator stated that the pending changes to business license fees could have been catastrophic to the Town’s revenue but the Town has received word from the SC Municipal Association that the House Labor, Commerce and Industry Committee met recently and recommended amendments to the bill. Some of the provisions of H4431 that were changed and, if adopted, would take place on January 1, 2021, are:
 - There would be a standardized due date for business license renewals.
 - A standardized business license application would be used.
 - A standard class schedule, that could have subclasses, would be used.
 - The business license fee would be based on gross revenue, not net revenue.
 - An online renewal payment portal, which would be handled by the SC Revenue and Fiscal Affairs Office, would be available but payments could also be made to the municipality.
 - The appeal process would be standardized across all jurisdictions.

The bill must still go before the full House, and it is uncertain what will happen. The Town Administrator commented that the SC Municipal Association been pushing standardization and the bill is heading in that direction.

The Town Administrator commented that there was another bill, which deals with subdivision plats that bears watching. The bill provides that, in certain instances, plats would not have to go through municipality or county review before they are recorded if “they conform to the jurisdictional guidelines.”

- **Traffic Calming Options for Landfall Way Crosswalk** – The Town Administrator stated that he had contacted Reveer Group, the Town’s traffic consultant, and asked them to give Council options for the location of a “reduce speed ahead” sign and what should be on the sign. He also asked for their recommendations for calming traffic and improving safety in the area of the Landfall Way crosswalk.
- **Search for Administrative Assistant** – The Town Administrator reported that he had received 280 applications for the fulltime position for an administrative assistant. Interviews have begun and he hopes to have finalists in the next week or so.

Town Council Members – See Above

Utility Commission: Chairman Annie Smith-Jones reported that the net income for the Utility Commission for January was a loss of \$8,747. After adjusting for bonds principal and interest, the result was a net loss of \$2,800. Water revenue was almost \$10,000 less than budgeted, which greatly contributed to the loss. Monthly expenses were less than budgeted. The Balance Sheet continues to reflect a strong financial position. On January 31, a new fee schedule was sent out with customer billings. Most customers will not be impacted by these fees unless their water is cut off or it is a new hookup. Effective March 1, there will be a pass-through increase from St. Johns Water of \$0.11 and the new rate will be \$4.26 per 1,000 gallons of water. Mauldin & Jenkins will be on site to begin the Commission’s 2019 audit on March 9. Chairman Smith-Jones stated that the Utility Commission has a new phone service, with an auto attendant, that has an after-hours emergency option for customers and the Commission is currently looking into getting a new financial accounting system. An engineering firm is also doing a study to determine if the retention pond sides can be raised in order to increase capacity of wastewater storage.

Petitions Received, Referred or Disposed of: None

Ordinances for First Reading:

• **Ordinance 2020-03**

An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-10-00-003, containing approximately 0.51 +/- acres located at 2561 High Hammock Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. The Town Administrator commented that this is a rezoning request from the Seabrook Island Property Owners Association that would change the zoning of the property located at 2561 High Hammock Road from Single Family Residential to Agricultural-Conservation. This property has been donated to the Greenspace Conservancy and turned over to SIPOA for conservation purposes. The Planning Commission recommended unanimously at their last meeting to approve the rezoning. Councilman Crane made a motion to approve Ordinance 2020-03 for first reading. Councilwoman Finke seconded the motion. Councilwoman Finke commented that she no longer had to be recused from the vote, but Councilwoman Fox and Councilman Goldstein are board members of Greenspace Conservancy and would have to recuse themselves. The vote to approve the motion was unanimous.

• **Ordinance 2020-04**

An ordinance amending the Zoning Map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-12-00-023, containing approximately 0.74 +/- acres located at 3062 Seabrook Island Road, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. The property located at 3062 Seabrook Island Road is a Greenspace Conservancy property that has been turned over to SIPOA and the application is to allow the property to be rezoned from Single-Family Residential to Agricultural-Conservation. Councilman Crane made a motion to approve Ordinance 2020-04 for first reading. Councilwoman Finke seconded the motion. Councilwoman Fox and Councilman Goldstein recused themselves since they are on the Board of Greenspace Conservancy. The vote to approve the motion was unanimous.

• **Ordinance 2020-05**

An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 28, Traffic and Motor Vehicles; Article I, In General; so as to add a new section relating to the use of electric pedal-assist bicycles on bicycle pathways within the Town of Seabrook Island. Town Administrator Cronin explained that, since SIPOA is now allowing pedal-assist bicycles behind the security gate, the Town must change their ordinance as there was no provision for allowing motorized bicycles outside the security gate. With the adoption of this ordinance, a pedal-assist bicycle could be used any place a regular bicycle can be used. Councilman Crane made a motion to approve Ordinance 2020-05 on first reading. Councilwoman Finke seconded the motion. In answer to questions from residents at the meeting, Mayor Gregg responded that the motor is not driving the bicycle. The motor only reduces the amount of force (torque) that must be provided by the rider and the bicycle will only go as fast as the rider is pedaling. The vote to approve Ordinance 2020-05 on first reading was unanimous. The Town Administrator stated that the Public Hearing for all three ordinances that have had first reading will be held on March 24, prior to the Town Council meeting, and comments can be provided on the Town's website if a property owner cannot attend the Public Hearing.

Ordinances for Second Reading:

- **Ordinance 2020-01:** An ordinance adopting a second amendment to the Planned Unit Development for the Village at Seabrook (formerly known as "Area Six" and the "Lake Entry

Tract”). Town Administrator Cronin explained that this ordinance was discussed at great length at the January Town Council meeting. Primarily, the request was initiated by Council, at the end of 2019, to provide more definition and consistency relating to setbacks in the Village at Seabrook. A definite side yard setback would be established, 7-1/2 feet off the property line, for lots that have not been built upon. If a house has been built on an adjacent property, there would have to be at least 15 feet between the structures. Councilman Crane made a motion to approve Ordinance 2020-01 for second reading. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

- **Ordinance 2020-02:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina, Chapter 18, Offenses and Miscellaneous Provisions; so as to authorize Town Council to permit discharge of firearms within the Town to control wildlife other than deer as part of a wildlife management program, and for the purpose of eliminating any animal whose presence poses a threat to the health or safety of any person within the Town. The Town Administrator stated that the Town’s current ordinance prohibits the discharge of firearms except under certain conditions. This amendment to the ordinance would allow Council to grant approval to allow an applicant to discharge firearms for a controlled hunt undertaken as part of a duly authorized wildlife management program. This would remove the wording “to thin the Town’s deer population.” Town Council would have to review the application in an open meeting and make sure adequate safety precautions had been put in place and, where required, a permit from DNR might be necessary and only then can Council consider approving an application on a case by case basis. The ordinance amends the term “ handgun” and allows Council to approve a controlled hunt to remove any animal that poses a threat to public health and safety. This ordinance does not preclude other means of wildlife management or animal control that do not require the use of a handgun.

In response to a question by a resident, The Town Administrator explained that any peace officer of the state, county or municipality has an exemption if they are firing a gun in the performance of their duty. A security officer employed by a property owners’ association also has an exemption and can fire a gun in performance of their duty. Currently, SIPOA does not authorize their security officers to carry a gun, nor to fire a gun; but, if that were to change in the future, there would be an exemption. These situations were covered in the original ordinance and that has not changed. Councilman Crane made a motion to approve Ordinance 2020-02 on second reading. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Miscellaneous Business: None

Citizens Comments:

Nancy Buck, Coastal Getaways, suggested that, Council might want to elaborate more in their minutes from Town meetings, instead of just saying that the Town would have restrictions on short-term rentals. Mayor Gregg explained that, when he set up the ad hoc committee to look into short-term rental regulation, he specifically mentioned the two items of interest to SIPOA, which are occupancy and vehicle parking. The Town is not interested in doing away with short-term rentals and any regulation that the Town would do would be to complement the regulation that SIPOA is already doing. Mayor Gregg added that most of the concerns that Councilwoman Finke has received about short-term rentals are things that SIPOA should be regulating, not the Town. Councilwoman Finke commented that the minutes Council just approved from the February Ways & Means meeting states – “Councilwoman Finke vehemently stated that the Town has no intention of telling property owners that they cannot rent their property.” She stated that these approved

minutes will be posted on the Town's website and please encourage everyone to read them. Another resident asked how short-term rental regulations would be enforced. To this question and several others pertaining to short-term rental regulation, Mayor Gregg stated that the Town has not determined what Council would undertake to do and that is why the ad hoc committee has been established and he has asked Council to provide their suggestions to the Committee, along with how it would be enforced. In response to a comment from a resident, Councilwoman Finke pointed out that SIPOA is working on the issue created by a short-term renter being able to call in multiple passes to the security gate.

To answer a question from a resident about H4431, the Business License Reform Act Bill, Mayor Gregg explained that he was pleased with the changes to the bill, which includes basing the business license on gross income rather than net income. The Mayor stated that he felt the bill would not have much impact on the Town's business license income if this version of the bill passed. Town Administrator Cronin added that the Town could no longer base their business licenses on the calendar year, but renewals would be due in April. Since the Town has surplus funds, changing the due date of business licenses from the first of the calendar year would not affect Seabrook Island but it might affect some small towns.

There being no further business, the meeting was adjourned at 4:45 p.m.

Date: June 23, 2020



Town Clerk

**TOWN OF SEABROOK ISLAND, SC
PUBLIC HEARING**

February 25, 2020

Mayor Gregg called the Public Hearing to order at 2:00 p.m. Councilmembers Crane, Finke, Fox and Goldstein, Town Administrator Cronin and Town Clerk Allbritton also attended the meeting.

The Public Hearing was held to hear comments on the following ordinances:

- **Ordinance 2020-01**
An ordinance adopting a second amendment to the Planned Unit Development for the Village at Seabrook (formerly known as “Area Six” and the “Lake Entry Tract”)
- **Ordinance 2020-02**
An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article II, Offenses Against Public Safety; Section 18-23, Discharging Firearms; so as to authorize Town Council to permit discharge of firearms within the Town to control wildlife other than deer as part of a wildlife management program, and for the purpose of eliminating any animal whose presence poses a threat to the health or safety of any person within the Town

Primarily, Ordinance 2020-01 was written to give more definition and guidance to setbacks in the Village at Seabrook. Mayor Gregg stated the points contained in the ordinance that would affect setbacks. In addition, he stated that the Association’s covenants and restrictions will be removed from the PUD ordinance; the single-family detached units in the Village at Seabrook will only be subject to review by the SIPOA Architectural Review Board before apply for a permit; and, in case of a conflict, the PUD ordinance will be the controlling authority over the Town Code or Development Standards Ordinance.

Mayor Gregg read the description of Ordinance 2020-02 and asked for public comments on either ordinance.

In response to a question about the process the Seabrook Island Property Owners Association (SIPOA) follows in order to be able to thin the deer herd, the Mayor stated that Ordinance 2020-02 would not change the process currently followed by SIPOA when they apply to the Town for an exception to the ordinance to thin the deer herd.. Ordinance 2020-02 states that an exception can be granted for a controlled hunt which is undertaken as part of a duly authorized wildlife management program. As amended, the ordinance does not limit the controlled hunt to culling the deer. In response to other questions, the Mayor stated that this ordinance came about after residents began complaining to SIPOA about aggressive turkeys and Council began looking at the ordinance to see what could be done if it became necessary to address any other type animal that might be considered a threat to public safety. Council is amending this ordinance because they view it as unduly narrow; but, at this time, SIPOA has no plan to discharge firearms to control the turkey population nor does Council have any reason to think they might at any time

in the future. Councilwoman Finke stated that Council is not approving, with this ordinance, anyone discharging a firearm to shoot any animal. Council would still have to approve any discharge of firearms on a case by case basis. When an application is made to discharge firearms, the item would be on the Town Council agenda for a public meeting and anyone would be able to attend the meeting to give their comments or, if unable to attend, they could comment on the Town's website.

Town Administrator Cronin stated that one of the comments that came through the Town website asked why turkeys had to be shot and why other means of removal could not be used. He responded that this ordinance does not say that you must remove an animal by using a firearm or any other means. This ordinance only tells you how and when Council can issue an exemption to discharge a firearm. When Council issues an exemption to discharge a firearm, it would be done in an open session in which the public could give comments.

Councilwoman Finke also stated that, when the Town incorporated, their ordinances were taken from other small communities. When a situation arises such as this and Council decides an ordinance can be improved upon, Town Administrator Cronin is able to update ordinances as needed and that is pretty much what has happened with Ordinance 2020-02.

Town Administrator Cronin remarked that no one had mentioned Ordinance 2020-01 but that he had received four public comments on the website. All four of those comments were in favor of the ordinance. There were six comments on the website relating to Ordinance 2020-02. Five were opposed and one was unsure.

The meeting was adjourned at 2:30 p.m.

Date: June 23, 2020



Town Clerk