

TOWN OF SEABROOK ISLAND
Town Council Meeting of January 28, 2020

MINUTES

After the pledge of allegiance, Mayor Gregg called the January 28, 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.

Minutes:

The Town Council Minutes of December 17, 2019, the Public Hearing Minutes of December 17, 2019, and the Ways & Means Committee Minutes of January 14, 2020, were unanimously approved as written.

Financials: Mayor Gregg reported that the total fund balance for the period ending December 31, 2019, was \$5,155,452.57, about \$326,628 more than the balance for the same period in 2018 and about \$462,537 more than for the same period in 2017. Unrestricted revenue for December totaled \$298,433.13 and unrestricted revenue for the year, excluding use of transfers from the 2018 year-end general fund balance, was \$1,566,534.48, representing about 81% of the 2019 annual budget. Expenditures for December totaled \$150,170.42 and expenditures for the year totaled \$1,234,569.60 representing about 64% of the 2019 annual budget. Excess of revenues over expenditures was \$148,262.71 for the month. When transfers from the 2018 year-end general fund balances are excluded, year to date excess of revenues over expenditure was about \$331,965 compared to \$164,274 for the same period in 2018. The increased excess reflects lower total expenditures associated with the roadway improvement project during 2019, which were well below the 2019 budgeted amount.

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, January 13, 2020. The Chair reported that Mayor Gregg had approached Art Jones as a potential member of the Committee and that he had accepted. Mr. Jones is expected to join the Committee at their February meeting. Content for the website for Emergency Preparedness was reviewed with the Town Administrator and updates will be made accordingly. The Committee also reviewed the after-action report of the Disaster Recovery Council (DRC) exercise that was conducted on January 6, which was prepared by Scott Cave, the Town's consultant, and action items were noted and assigned. Both the DRC and Public Safety Committee will follow up on each action item. Mr. Cave has suggested that the Town explore scenarios other than hurricanes for future exercises so that other sections of the Comprehensive Emergency Plan will be developed to the same maturity level as the hurricane plan. The next meeting of the Public Safety Committee will be Monday, February 10.

Mayor Gregg commented that he had met with Tommy Webster, from Phillips & Jordan, with whom the Town has a standby debris removal contract, and Mr. Webster had asked the Mayor to consider having a joint hurricane exercise with Kiawah Island.

Public Relations/Communications – Pat Fox – No Report

Special Projects/Beach Administration – Councilman Goldstein reported that, in order to better understand and help Council decide about work that should be done to the roadway, he has scheduled a meeting with ESP regarding their recommended drainage projects for the area around the Town Hall.

Beach Administration/Community and Government Relations – Councilwoman Finke

Seabrook Island Birders Group/Shorebird Steward Program – Councilwoman Finke stated that, at the January Ways and Means Committee meeting, Council discussed the plan the Seabrook Island Birders (SIB) have developed for the Shorebird Steward Program. SIB presented Town Council with a very detailed plan, which is modeled after the Town's Dolphin Education Program and Kiawah's Shorebird Steward Program. Because there is an on-beach component, Council had agreed to officially endorse this program. Councilwoman Finke commended SIB for the time and thought they had put into developing this program in coordination with the Department of Natural Resources, the National Audubon Society and U.S. Fish & Wildlife Service. Councilwoman Finke stated that she had written a two-paragraph position statement endorsing the Program. This statement includes wording that the Group has agreed to abide by the Town's ordinances and to coordinate activities, including temporary signage, with the Town Administrator. She pointed out a slight change in the statement that was made after it was given out to Council previously and then made a motion that the position statement in support of the Seabrook Island Birders, establishing a Shorebird Steward Program, be adopted by Council. Councilman Crane seconded the motion and the vote to approve was unanimous.

Short-Term Rental Regulations – Councilwoman Finke remarked that this was not a good time to approach the Seabrook Island Property Owners Association Planning Committee pertaining to their progress with efforts regarding short-term rental regulations because the Committee was in the process of changing their chairman.

Ways & Means – See Mayor's Report

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 Development Standards Ordinance Advisory Group met on January 15 and 16. The Group was scheduled to cover Article 10 and Articles 12-15 but only Article 10 (Conditional Uses) and Article 12 (Landscaping and Buffering) were completed. The Advisory Group tabled the Articles regarding short-term rentals and time-share units in favor of having Town Council determine appropriate policy. The next meeting dates for the Group have been scheduled for February 26 and 27.

Reports of Town Officers:

Mayor – Mayor Gregg stated that the following items were discussed at the January Ways & Means Committee meeting:

- Members were provided correspondence received from the Seabrook Island Property Owners Association's (SIPOA) Executive Director concerning an expected recommendation of the Seabrook Island Property Owners Association (SIPOA) Environmental Committee to undertake action to eliminate "aggressive" turkeys. Councilman Crane initiated preparation of an amendment to the Town's ordinance regulating discharge of firearms to accommodate control of wildlife other than deer and that ordinance is on the Town Council agenda for first reading. There was no action taken on this by SIPOA's Board of Directors at their meeting on January 13. The Mayor stated that the Town has had no request from SIPOA to do any taking of turkeys nor, as he understands it, does SIPOA contemplate requesting the Town for permission to take any turkeys.
- Members were provided correspondence received from SIPOA's Executive Director concerning a report of a resident's observation of mistreatment of a horseshoe crab on the beach. Councilwoman Finke volunteered to investigate relevant policies and regulations by U.S. Fish and Wildlife and SC Department of Resources and other municipalities so that Council can determine the adequacy of the Town's beach ordinance regarding protection of wildlife.
- Councilman Goldstein reported that portions of the inbound and outbound bicycle/pedestrian paths along Seabrook Island Road were impassable for more than a week recently after heavy rainfall. Engineering costs for remedies for both pathways will be obtained for Council's consideration.

- Councilman Goldstein also reported that the life expectancy of our roadway's pavement is coming to an end and suggested that Council needs to decide whether to (1) pave the roadway and leave at the same grade (cost estimate of \$750,000); (2) repave with an increase in elevation to a uniform elevation of the roadway to 6.5' (cost estimate of \$1,000,000); or (3) repave with an increase in elevation to a uniform elevation of 7' (cost estimate of \$2,000,000). In view of these costs, in addition to an estimated \$1,000,000 for drainage improvements for the Town Hall site, Councilman Goldstein noted that Council should determine how they intend to fund these projects.
- Due to several complaints about defects in the pavement of the bicycle/pedestrian path on the outbound side of the road, near the Town Hall, Mayor Gregg, Councilman Crane and Town Administrator Cronin examined the path after the Ways & Means Committee meeting. It was determined that these defects were a threat to the safety of those using the pathway and the Mayor authorized procurement under the Town's ordinance for emergency procurements to obtain bids for the repairs. If the normal process were followed for procuring bids, it might be several months before work could begin.
- Councilwoman Finke inquired as to Council's willingness to undertake regulation of short-term rentals. Citizens in attendance expressed their disappointment with SIPOA's enforcement of short-term rental regulations adopted by regimes and encouraged the Town to impose regulations. Since Mayor Gregg was reluctant to move forward at this point, Councilwoman Finke volunteered to find out from the Chairman of the SIPOA Planning Committee the progress of their efforts regarding short-term rental regulations.
- Mayor Gregg stated that Councilwoman Finke volunteered to review research previously undertaken regarding "time share" arrangements and provide information to Council.
- Mayor Gregg stated that Councilwoman Finke had reported on the Seabrook Island Shorebird Steward Program, which is being initiated by the Seabrook Island Birder Group, at the Ways and Means Committee meeting. Earlier in the Town Council meeting, Councilwoman Finke reported on that item and a position statement endorsing the Program was adopted.

Mayor Gregg then covered other Town Council agenda items:

- **FEMA Funding Agreement** – A copy of a memo, relating to the Funding Agreement that is required in order for the Town to receive funds from FEMA or the State in regard to the Town's Request for Public Assistance resulting from expenses related to Hurricane Dorian, was provided to members of Council. Councilman Crane made a motion approving the Funding Agreement and authorizing the Mayor to execute the Agreement on behalf of the Town. Councilwoman Finke seconded the motion and the vote to approve was unanimous.
- **Turtle Patrol Request for Funding** – Mayor Gregg reported that a representative of the Turtle Patrol has inquired about the status of its request for funding from the Town. The Turtle Patrol representative has been informed that the Town has budgeted funds for such requests for 2020 in the "Community Promotions Program" line item. Councilwoman Finke will be working with the Town Administrator to establish criteria for evaluating requests for Town funds and the Turtle Patrol may be asked to provide additional information concerning their request.
- **Charleston Symphony Orchestra Performances** – Mayor Gregg stated that a resident had asked the former Mayor, Ron Ciancio, about the Town's willingness to fund a performance by the Charleston Symphony Orchestra (CSO) in 2020 and about the Town's interest in supporting alternating funding with the Seabrook Island Property Owners Association of annual performances by the CSO. Mayor Gregg said that he had informed the resident that the Town had not included funding in the 2020 budget for a CSO performance. Mayor Gregg introduced Roger Steel and asked if he had any comments about his inquiry. Mr. Steel, who is the coordinator between the CSO and the Town, SIPOA and the Club, indicated that the Town had the CSO perform at their 25th and 30th Town anniversary celebrations and again last fall. He encouraged the Town and SIPOA to continue these performances on a regular basis.
- **Art Jones – Appointment to the Public Safety Committee** – In response to the Mayor's call for a motion, Councilman Crane made a motion to approve the appointment of Art Jones for a full term on the Public Safety Committee that will expire in November 2021. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Town Administrator/Zoning Administrator – Joe Cronin

- **Resolution 2020-01:** A resolution to appoint and commission Edward Rooney as a Code Enforcement Officer for the proper security and general welfare for the Town of Seabrook Island. Town Administrator Cronin reported that an additional Code Enforcement Officer, Edward Rooney, had been hired and will be used primarily for code enforcement on the beach when Island Beach Services personnel are not on the beach. Mr. Rooney began work on Friday, January 24, but has not been able to write citations until he had been officially designated and sworn in as a Code Enforcement Officer. Councilman Crane made a motion to approve Resolution 2020-01 designating Edward Rooney as a Code Enforcement Officer for the Town of Seabrook Island. Councilwoman Finke seconded the motion and the vote to approve was unanimous.
- **Approval of Lowcountry Marine Mammal Network Contract for 2020 –** Town Administrator Cronin stated that the funding for the 2020 Dolphin Education Program will be taken from State Accommodations Tax and the contract for 2020 is the same as was used in previous years. Councilman Crane made a motion to approve the contract with Lowcountry Marine Mammal Network for the 2020 Dolphin Education Program. Councilwoman Finke seconded the motion and the vote to approve was unanimous.
- **Miscellaneous Revenue** – Town Administrator Cronin stated that the Town had received two \$500 checks as a result of points that had accumulated resulting from charges to the Town’s credit card. He also reported that he had filed a claim for \$75 which is unclaimed revenue being held by the State Treasurer’s Office that belonged to the Town.

Town Council Members – See Above

Utility Commission: Lee Vancini reported that the Seabrook Island Utility Commission’s net operating income for December was \$5,256. After charges for debt service and capital projects, net cash flow was a deficit of \$194,000. For the year ending December 31, 2019, the unaudited results were a net operating income of \$233,726 and a cash flow deficit of \$103,589. Revenue for the year was in line with the budget, at an increase of 8% over the prior year. In spite of these results, the unrestricted cash position remained strong at \$2.4 million. The Commission has approved an engagement contract with an engineering firm, W. K. Dixon, to design the development of Phases 1 and 2 for the expansion required at the Wastewater Treatment Plant in anticipation of increased effluent storage during the winter months.

Petitions Received, Referred or Disposed of: None

Ordinances for First 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 the main objectives of this ordinance were:
 - 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 the property next door, there would have to be at least 15 feet between the structures.
 - Development Standards Ordinance provisions that were adopted for the Village at Seabrook would be included in the PUD.
 - The private restrictions and covenants of the development would be removed from the ordinance.
 - When the PUD conflicts with the DSO, the requirements of the PUD will prevail.

Mr. Cronin explained that a draft amendment was discussed at the Ways and Means meeting that would allow pre-existing HVAC units/stands and generator stands to be rebuilt in their existing footprint if they were permitted before they were installed. All owners of property in the Village at Seabrook will be notified that a Public Hearing will be held on this ordinance on February 25 at 2 p.m. before the Town Council meeting. Property owners can comment either on the Town website or in person. Councilman Crane made a motion to approve Ordinance 2020-01 on first 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. Town Administrator Cronin stated that a question had been raised about the possibility of firing a gun if animals, besides deer, should become a threat to public health and safety and needed to be removed but, with the Town's current ordinance, that would not be possible. Currently, only deer can be removed in a controlled hunt as part of a wildlife management program. With changes made in this ordinance, a firearm could be discharged: (1) in a controlled hunt which is undertaken as part of a duly authorized wildlife management program and (2) in a controlled hunt to remove any animal whose presence poses a threat to public health and safety. The Town Administrator stated that there is nothing currently pending but the ordinance could be changed so that, if a situation arises, threats to public safety, other than deer, could be considered. Councilman Crane made a motion to approve Ordinance 2020-02 on first reading and Councilwoman Finke seconded the motion. Since the Seabrook Island Property Owners Association's Environmental Committee did not act on the removal of aggressive turkeys at their meeting, the Mayor questioned if it was necessary for the Town to make a change at this time. Several residents spoke about their experiences with hostile turkeys. Heather Paton, Executive Director of the Seabrook Island Property Owners Association, stated that, at the current time, she feels like the best and safest way to remove the aggressive turkeys would probably be for them to be netted and removed. Councilwoman Finke stated that she feels that the ordinance should be adopted since it updates the ordinance and would give the Town options in the future if there were a threat to public safety. The vote to approve the motion was unanimous.

Ordinances for Second Reading: None

Miscellaneous Business: None

Citizens Comments:

Frank Stare asked for an update on the senior living facility and Mayor Gregg reported that the Town of Kiawah has received plans for the facility, but he did not know how long this process would take nor when construction would begin. The Mayor reminded everyone the Settlement Agreement required that the left-hand turn lane would have to be finished before construction on the facility could begin. The work on the left-hand turn lane is to be done at night and will take approximately three months. Mr. Stare also had a complaint about the dog sign at Boardwalk #1. The Town Administrator stated the current signs are temporary and he was in the process of changing the signs and buoys have been ordered. Mr. Stare asked to have on record that his house on Old Drake Drive was for sale. A comment from one person viewing the home was that "several aspects of the house I quite loved but did not like that the maintenance was visible from the front of the house". A comment from another person was that they did not like the location of the house itself being so close to the maintenance/sewer area. Mr. Stare stated that the Seabrook Island Utility Commission is affecting the sale of his house.

There being no further business, the meeting was adjourned at 4:06 p.m.



Date: February 25, 2020

Town Clerk