

TOWN OF SEABROOK ISLAND
Town Council Meeting of July 23, 2019

MINUTES

Mayor Ciancio, who had temporarily adjourned the Public Hearing that had begun at 2:25 p.m. in order to convene the July Town Council meeting at 2:30 p.m. as advertised, asked Town Clerk Allbritton to confirm that the Town Council meeting had been properly posted and the requirements of the SC Freedom of Information Act had been met. Councilmembers Gregg, Finke and Wells, Town Clerk Allbritton and Town Administrator Cronin attended the meeting. Councilman Gregg made a motion to temporarily adjourn the Town Council meeting in order to continue the Public Hearing. Councilman Wells second the motion and the vote to approve was unanimous. At approximately 2:45 p.m., the Town Council meeting reconvened.

Minutes:

The Town Council Workshop Minutes of June 25, 2019, the Town Council Minutes of June 25, 2019, and the Ways & Means Committee Minutes of July 16, 2019, were all unanimously approved as written.

Financials: Mayor Ciancio reported that the total fund balances for the period ending June 30, 2019, was \$4,885,848 and was \$105,825 less than the same period last year. Unrestricted Revenue for June totaled \$236,768. On a year to date basis, Unrestricted Revenue amounted to \$784,533, which is about 41% of the total annual budget, and was about \$76,571 more than the same period last year, not considering the money transferred from the General Fund for the roadway drainage project. Expenditures for June totaled \$97,988, with the major expenditures being Professional Services – Engineering and Contracted Services – Landscaping. On a year to date basis through the month of June, expenditures totaled \$687,582 or about 36% of our annual budget and was about \$20,000 more than expenditures for the same period last year. For the month, unrestricted revenue exceeded expenditures by approximately \$138,788. On a year to date basis through the month of June, revenue has exceeded expenditures by about \$97,000.

Citizens/Guests Presentations, Comments: None

Reports of Standing Committees, Commissions, Boards:

Public Safety/Club Long Range Planning Committee – Councilman Gregg

Public Safety Committee – The Town’s Public Safety Committee met on July 8, 2019. Members of the Committee reviewed a proposed revision of the Town’s 2013 Memorandum of Understanding with the Seabrook Island Property Owners Association (SIPOA) in order to develop a draft to be reviewed by Town Council before being presented to SIPOA. The revision is required to conform to revised guidance from FEMA concerning reimbursement of costs for cleanup and removal of debris from private roadways to enable passage of emergency vehicles, and it will conform references to operating conditions to the current scheme. The Committee was also asked to consider debris management plans for Hilton Head Island, Dorchester County and SC Emergency Management Division in order to prepare a draft debris management plan for the Town.

Disaster Recovery Council – A session for review of the report from the Disaster Recovery Council June training and exercise sessions will be held on July 25. The session will focus on action items from that report and the report from the January training and exercise sessions.

Hazard Mitigation Plan Update – At the July 17 meeting of the Charleston County Project Impact Hazard Mitigation Plan Committee, it was determined that the formation of a committee to address countywide floodplain management issues would be postponed. The Committee reviewed items relating to the upcoming update of the Regional Hazard Mitigation Plan with a focus on elements requiring attention from participating communities. The Committee was also reminded that the Public Information Plan would be undergoing an annual update and that participating communities could provide updated information on outreach efforts they have undertaken.

Public Relations/Communications – Councilman Crane – Absent

Special Projects/Beach Administration – Councilman Wells

Dolphin Education Program – Councilman Wells reported that he, along with the Mayor and Town Administrator Cronin, had attended the SC Municipal Association’s (MASC) Annual Meeting in Greenville last week. Each year, MASC accepts award entries from member municipalities for innovative efforts in local government. Town Administrator Cronin had entered the Town’s Dolphin Education Program into the competition for the Municipal Achievement Award in the 1,001 to 5,000 population category and the Town won. Mayor Ciancio accepted the award on behalf of the Town at the awards breakfast that was held on Saturday, July 20.

Community and Government Relations - Councilmember Finke – No Report

Ways & Means – No Report

Planning Commission – No Report

Board of Zoning Appeals – No Report

Reports of Ad Hoc Committees:

Accommodations Tax Advisory – No Report

Reports of Town Officers:

Mayor-

Petition to Amend the Beach Ordinance – For the record, Mayor Ciancio stated that several months ago Council had received a petition signed by approximately 100 residents requesting that Council amend the Town’s beach ordinance insofar as it relates to dogs on the beach. The petitioners are requesting that the ordinance be revised:

- To eliminate the months of May, September and October from peak or summer months;
- To have the peak or summer months off-leash hours start at 9:30 a.m. rather than 10:00 a.m.; and
- To have the non-peak or winter months off-leash hours start at 4:00 p.m. rather than 5:00 p.m.

Council has received input on this issue from various sources, including representatives of the US Fish & Wildlife Service, representatives of the Seabrook Island Birders and Turtle Patrol groups, representatives of the Seadogs and the Petitioners. US Fish & Wildlife Service and the Seabrook Island Birders have both requested that the so-called “Designated Area” – the area where dogs are currently allowed off leash for a greater period of time – be moved farther away from the area designated by US Fish & Wildlife as a “Critical Area” for the wintering piping plover.

Mayor Ciancio stated that Council has not decided as to what, if anything, it will change in the ordinance. He also stated that, before a final decision is made to amend the beach ordinance in any way, whether in response to the Petitioner’s request or otherwise, a public hearing will be held as well as posting any proposed changes on the Town’s website to obtain comments from the public.

Status of Encroachment Permit for the Senior Living Facility – Mayor Ciancio remarked that, in July 2018, Atlantic Partners II, LLC, requested an Encroachment Permit to provide access for a proposed senior living facility planned to be constructed on property within the jurisdictional limits of the Town of Kiawah Island, just this side of the traffic circle. In October, the Seabrook Island Planning Commission granted the Encroachment Permit, subject to a number of conditions, and Atlantic Partners II appealed to the Charleston County Court of Common Pleas.

In January 2019, following court mandated mediation, the parties entered into a Memorandum of Understanding setting forth the conditions, in general terms, under which the permit would be granted. Since that time, the Town has been engaged in discussions with the property owner, the developer and their construction company, Balfour Beatty, over the terms of a Settlement Agreement. The Mayor commented that, at this point, he believes the parties are now close to concluding those negotiations. Since we are subject to the terms of a confidentiality agreement, details of the agreement cannot be shared. The final agreement will have to be approved by both the Court of Common Pleas and Town Council. The Mayor

stated that, once concluded, not only will Town Council hold a Public Hearing but he intends to post a synopsis of the 15 page single-spaced agreement on the Town's website for the public to review.

Donation in Memory of Terry Ahearn – Mayor Ciancio stated that The Citadel is having a fundraising initiative to name an English classroom, at the new Capers Hall at The Citadel, in memory of Terry Ahearn. Their goal for this effort is \$50,000. Terry Ahearn was a former resident of Seabrook Island, who served on the Seabrook Island Property Owners Board of Directors and served as both Vice President and President. He also was elected to Town Council in 2009 and served as Mayor from 2013-2015. Mayor Ciancio remarked that he thought it appropriate for the Town to participate in this fundraising effort by contributing \$1,000. Councilman Gregg moved to approve the contribution of \$1,000 toward having a classroom at The Citadel named in Terry Ahearn's honor. Councilman Wells seconded the motion and the vote to approve was unanimous. Councilmember Finke suggested that information regarding the fundraising initiative and the Town's donation be posted on the Town's website since other residents might wish to make personal contributions.

Town Administrator/Zoning Administrator- Joe Cronin

Temporary Use Permit Request: Alan Fleming Tennis Tournament (October 2-6, 2019) – Town Administrator Cronin reported that the Temporary Use Permit is for the annual Alan Fleming Tennis Tournament that will be held at the Racquet Club from October 2 through October 6. The permit will allow a 20' X 30' tent for shade, temporary seating and 3 banner flags to be used for advertising purposes. The Planning Commission reviewed this request at their July 10, 2019, meeting and recommended approval of the request with two conditions:

- For public safety and emergency access purposes, no vehicles may be parked within the right of way of any public or private street, and sufficient space shall be provided at all access points to ensure access for emergency vehicles.
- No signs or banners related to the event shall be placed in a location that obstructs the view of motorists or pedestrians.

Mayor Ciancio made a motion to approve the Temporary Use Permit Request for the Alan Fleming Tennis Tournament as presented to Council. Councilman Wells seconded the motion and the vote to approve was unanimous.

Beach Patrol Update – Town Administrator Cronin distributed a handout, derived from information received from the Beach Patrol, showing hourly counts of people on the beach. The two charts run from March 9, when the Beach Patrol started, through July 15. No data has been provided so far for July 3 and 4. One chart shows the average number of people on the beach by the hour for all the months, March 9 through July 15, combined. This chart shows people on the beach at 8 a.m. but the numbers are more than double from 10 a.m. to 11 a.m. The numbers continue to increase until they peak around 2 to 3 p.m. and then the numbers begin to drop. The other chart contains information that is based on the hour of the day and is broken out into months. The Town Administrator commented that the number of people on the beach during the months of March through July differ drastically. The peak, breaking the numbers down by month, is still around the 1 p.m. to 3 p.m. period. The numbers pick up after 10 a.m. and drop off beginning at 5 p.m. Since the Beach Patrol only worked weekends in March, the data for that month may appear higher than it should.

Town Hall and Pathway Maintenance Update – The Town Administrator reported that money was budgeted in the 2019 budget for several improvements to Town Hall. A vendor has been selected for a new front door for the building and we should be moving forward with the replacement in the next few weeks. Estimates have also been obtained for work to be done on the parking lot. Town Administrator Cronin commented that, according to a deed restriction on the Town Hall property, any exterior modifications must be approved by the entity that donated the property to the Town; and, in this case, it would be their successor in interest. These maintenance items will be sent for their approval before the work begins. ESP Associates is currently looking into drainage problems on the Town Hall property and all maintenance items being considered will be brought to their attention to make sure they do not conflict with any of their recommended drainage improvements.

1126 Ocean Forest Drive – Town Administrator Cronin reported that the Certificate of Occupancy for 1126 Ocean Forest Drive was issued on Monday, July 22.

Buoys for the Beach – The Town Administrator reported that the buoys that mark the beginning and ending of the designated off-lead dog area have been installed and the signs have been moved further up in front of the dunes so that they are more visible.

Town Council Members – See Above

Utility Commission – No Report

Petitions Received, Referred or Disposed of: None

Ordinances for First Reading: None

Ordinances for Second Reading:

- **Ordinance No. 2019-04:** 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 147-02-00-036, containing approximately 0.95 +/- acres located at 2820 Dove Nest, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. Mayor Ciancio explained that this property has been purchased by the Greenspace Conservancy and donated to the Seabrook Island Property Owners Association to be preserved as greenspace. As Councilwoman Finke noted at the last meeting, this is a canopy lot in the proximity of the Lake House and is the sixth lot purchased in this area over the years by the Greenspace Conservancy. Councilman Gregg made a motion to adopt Ordinance 2019-04, as presented to Council, on second reading. Councilman Wells seconded the motion and the vote to approve was unanimous.
- **Ordinance No. 2019-05:** An ordinance amending the Development Standards Ordinance of the Town of Seabrook Island, South Carolina; to delete Section 7.60.20.50 (Exceptions to Setbacks) in its entirety; to amend Section 7.60.80 (Encroachments) so as to allow heating, ventilation and air conditioning (HVAC) equipment and associated HVAC stands to encroach into a required setback under certain conditions; and to amend Section 21.50 (Fee Schedule) so as to reduce the application fee for Variances from \$350.00 to \$150.00. Town Administrator Cronin explained that Ordinance No. 2019-05 would delete Sec. 7.60.20.50 and would amend Sec. 7.60.80 by adding Sec. 7.60.80.40. Mayor Ciancio noted that this ordinance proposes to amend the Development Standards Ordinance (DSO) in a number of respects, including a revision of the encroachment provisions for the replacement of HVAC equipment and stands. Councilman Gregg made a motion to approve Ordinance 2019-05, in the form as presented to Council, on second reading. Councilman Wells seconded the motion and the vote to approve was unanimous.
- **Ordinance No. 2019-06:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 20, Planning and Development; Article IV, Comprehensive Plan; Section 20-70, Adopted; so as to adopt a ten-year update to the Town's Comprehensive Plan. Mayor Ciancio commented that this ordinance will formally adopt the required ten-year update to the Town's Comprehensive Plan. By statute, the Town's Planning Commission has a duty to engage in a continuous planning program for the growth and development of the Town. Each of the elements of the Plan must be re-evaluated every five years and the Plan and each of its nine elements must be updated at least every ten years. With considerable assistance from Charleston County's Planning staff, the Planning Commission has prepared and recommended for adoption the Town's Comprehensive Plan in the form as presented to Council. Mayor Ciancio thanked the Planning Commission members for the time and effort put into the preparation of this document. Councilman

Gregg made a motion to approve Ordinance 2019-06, in the form as presented to Council, on second reading. Councilman Wells seconded the motion and the vote to approve was unanimous.

- **Ordinance No. 2019-07:** An ordinance authorizing the issuance and sale of a not to exceed \$4,500,000 General Obligation Bond, Series 2019, or such other appropriate series designation, of the Town of Seabrook Island South Carolina or one or more notes issued in anticipation thereof to pay the costs of repairs, replacements and debris removal arising from a major disaster and the cost of issuance of such bond or notes; fixing the form and details of the bond; authorizing the Mayor and the Town Administrator, or either of them acting alone, to prescribe certain details relating to the bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto. Mayor Ciancio stated that this ordinance authorizes the issuance and sale of \$4,500,000 in principal amount of either bonds or bond anticipation notes, the proceeds of which are to be used exclusively for (1) the cost of repair, replacement and debris removal arising from a catastrophic event such as a hurricane, (2) the cost of issuance of the notes or bonds and (3) in the case of the bonds, the payment at maturity or redemption prior to maturity of any bond anticipation notes that have been issued to pay for debris removal. The notes and bonds authorized by this ordinance are in substitution for, not additive, to the bonds previously authorized by prior bond ordinances adopted by Town Council. Because of the initiative and referendum provisions contained in Title 5, Chapter 17 of the South Carolina Code, the existing ordinance will not be deemed repealed for 60 days after passage of this ordinance to ensure that the Town has the ability to issue bonds or bond anticipation notes under one of the two ordinances during this hurricane season. Councilman Gregg made a motion to approve Ordinance 2019-07, as presented to Council, on second reading. Councilman Wells seconded the motion and the vote to approve was unanimous.
- **Ordinance No. 2019-08:** An ordinance prohibiting the distribution of single-use plastic carryout bags, plastic straws, and polystyrene coolers, cups and other food containers by any business establishment operating in the Town of Seabrook Island. Mayor Ciancio commented that this is an ordinance that prohibits the distribution of single-use carryout bags, plastic straws, polystyrene coolers, cups and other food containers by business enterprises located or doing business within the municipal limits of the Town of Seabrook Island. This ordinance does not limit their use by residents or visitors. Numerous comments were received after this ordinance was posted on the Town website and most of the comments were positive. The Mayor noted that the Town's adoption of a ban on plastics follows the adoption of similar ordinances by a number of coastal communities such as Beaufort, Bluffton, Charleston, Charleston County, Folly Beach, Hilton Head Island, Isle of Palms, James Island, Kiawah Island, Mount Pleasant, North Myrtle Beach, Port Royal, Sullivan's Island and Surfside Beach. The Mayor congratulated Councilwoman Finke, who had brought the idea to Council, and commented that he thought it was a positive effort to protect our environment. Councilman Gregg made a motion to adopt Ordinance 2019-08, as presented to Council, on second reading. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Miscellaneous Business: None

Citizens Comments:

In response to a question about the donation of the Town Hall property, the Town Administrator stated that the property was donated to the Town by East Seabrook Ltd. Partnership, whose interests had been acquired by Haulover Creek Development.

In response to a question about the timeframe on the agreement pertaining to the curb cut for the senior living facility, the Mayor responded that an agreement could be reached within the next couple of weeks and would then have to be approved by the court. The agreement would come back to Town Council for two readings. The Mayor stated there would be a public hearing and the agreement would be posted on the Town website so that those, who could not attend the public hearing, could provide comments.

There being no further business, the meeting was adjourned at 3:30 p.m.

Date: August 27, 2019



Town Clerk