

TOWN OF SEABROOK ISLAND
Town Council Meeting of August 27, 2019

MINUTES

After the pledge of allegiance, Mayor Ciancio called the August 27, 2019, Town Council meeting to order at 2:30 p.m. Councilmembers Crane, Gregg and Finke, Town Clerk Allbritton and Town Administrator Cronin attended the meeting. The meeting was properly posted, and the requirements of the SC Freedom of Information Act were met.

Minutes:

The minutes for the Town Council meeting of July 23, 2019, the Public Hearing of July 23, 2019, the Town Council – Planning Workshop of August 2, 2019 and the Ways & Means Committee meeting of August 20, 2019, were all unanimously approved as written.

Financials:

As of the end of July 2019, the Town's total fund balance was \$4,996,905, almost \$43,000 more than for the same period the prior year. Unrestricted revenue for July was \$184,161 and that included the receipt of a \$125,000 grant from Charleston County for the Seabrook Island Roadway Project. For the year to date, unrestricted revenue, not including the use of fund balances, totaled \$968,694 or approximately 79% of the Town's budgeted 2019 unrestricted revenue. Expenditures for the month of July were \$80,553 and revenue for the month exceeded expenditures by \$100,628. Year to date through July, expenditures total \$768,115. On a year to date basis, unrestricted revenue, including the use of fund balances, exceeded expenditures by a little more than \$700,000.

Citizens/Guests Presentations, Comments: None

Reports of Standing Committees, Commissions, Boards:

Public Safety/Club Long Range Planning Committee – Councilman Gregg

Public Safety Committee – Councilman Gregg reported that the Public Safety Committee met on August 19, 2019. The Committee considered revisions proposed by the Seabrook Island Property Owners Association (SIPOA) to the Town's draft of the 2013 Memorandum of Understanding. A meeting with representatives of SIPOA is expected to be held on August 28 to resolve outstanding questions. The Committee also considered a report of the St. Johns Fire District investigation of the low speed vehicle (LSV) fire at a Seabrook Island Road residence on July 22. The Committee concluded that an article should be posted on Tidelines concerning the fire and noting best practices for charging LSV's. Councilman Crane had agreed to write the article. The report from the St. Johns Fire District found that, due to the extensive damage to the vehicle, the cause for the fire could not be determined. Councilman Gregg announced that Elizabeth Murphy and Frank Farfone have agreed to serve on the Public Safety Committee and biographical information for both have been provided to Council. Councilman Gregg made a motion for approval of the appointment of Elizabeth Murphy and Frank Farfone to the Public Safety Committee for a term ending with the Council election scheduled for November 5, 2019. Councilman Crane seconded the motion and the vote to approve was unanimous.

Disaster Recovery Council – As a result of the July 25 Disaster Recovery Council (DRC) report review session, assignments of responsibility and target completion dates were established for action items of training and exercise session reports. Progress towards completion and/or restatement of action items, as appropriate, will be made in preparation for planning for a January 2020 DRC training and exercise session.

Hazard Mitigation Plan Update – Councilman Gregg reported that the meeting of the Charleston County Project Impact Hazard Mitigation Plan Committee scheduled for August 20 was postponed to September 11 to allow time for submission of update information and survey responses by Committee members. It is expected that the 2019 update of the Charleston County Regional Hazard Mitigation Plan will be approved at the September 11 meeting of the Committee. With that approval, Charleston County will confirm that the Plan update information and recertification documentation for the Community Rating System has been submitted on behalf of the Town. Council will be formally notified accordingly.

Public Relations/Communications – Councilman Crane

Charleston Symphony Orchestra – Councilman Crane reported that the Town is ensuring continuing publicity for the Charleston Symphony Orchestra performance that is scheduled for September 22 at 4:00 p.m. at the Lake House. Advertising of the event is being done through the Town twitter account, the POA Tidelines Blog and weekly e-blast notices.

Special Projects/Beach Administration – John Wells – Absent

Community and Government Relations – Jeri 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 – Ron Ciancio

Atlantic Partners II Settlement Agreement – Mayor Ciancio reported that, after months of negotiation, an agreement between the Town and Atlantic Partners has been reached on the terms under which the developer will receive an encroachment permit for the proposed Senior Living Facility.

The Mayor then gave a general overview of the terms of the Settlement Agreement:

- During the construction period, access to the construction site from Seabrook Island Road is to be used only by vehicles with three or more axles. All two axle vehicles are required to use the access to the construction site from Freshfields Village.
- At the Developer's expense, a left-hand turn lane will be installed on Seabrook Island Road to be used by traffic entering the construction site from Seabrook Island Road. Certain restrictions will be put on construction of the turn lane in order to ensure safety during its construction. Construction of the Senior Living Facility will not begin until the left-hand turn lane has been completed.
- At Atlantic Partners' expense, the Town will hire a traffic consultant to:
 - Prepare a traffic impact analysis to quantify existing traffic and the incremental traffic that will result from construction of the facility and
 - Prepare a traffic control plan, based on that analysis, to mitigate the impact of construction traffic on Seabrook Island Road non-construction traffic and to ensure safe use of the bicycle path.

The Mayor then cited numerous traffic control measures that will be undertaken, in addition to such measures as the traffic consultant may identify in the traffic control plan, in order to ensure that

Seabrook Island residents are minimally affected by the construction traffic. The Town will hire a professional engineer, at Atlantic Partners' expense, to conduct pre- and post-construction analysis of the condition of Seabrook Island Road to determine if construction traffic has damaged the roadway; and, if so, Atlantic Partners and the Developer will be responsible for the cost of repair. Atlantic Partners and the Developer will post a \$150,000 bond as security. Any violation of either the Traffic Control Plan, the terms of the Settlement Agreement or any Town ordinance can result in a fine of up to \$500. The Developer and Contractor have a right to contest the fine in our Municipal Court and can appeal the decision of the Municipal Court Judge. Three violations of the same provision of the traffic control plan, the Settlement Agreement or the Town's ordinances or twelve violations of any of the foregoing, in any 12 consecutive month period, gives the Town the right to revoke the Encroachment Permit. The Developer will replace and relocate the bicycle path in front of the proposed facility and will not close the current pathway until the replacement pathway is finished. The Developer will take certain precautions to ensure safe use of the bicycle path at either end of the encroachment. Except as modified in the Agreement, the conditions imposed by the Planning Commission have been carried over.

Mayor Ciancio stated that the Settlement Agreement will be made available to the public and will be posted, with a detailed summary, on the Town website. The Planning Commission will review the Settlement Agreement at its September meeting and a public hearing will be held at the Seabrook Island Town Hall at 1:00 p.m. on September 17. An ordinance, incorporating the Settlement Agreement, will have first reading at a special council meeting following the public hearing. Second reading of the ordinance will take place on September 24 at the regularly scheduled Town Council meeting. The Agreement will be executed by each of the parties, and the Agreement will be submitted to the Court of Common Pleas for approval on a date to be determined.

Proposed Amendment to the Dog Ordinance – Mayor Ciancio stated that it seems to be the consensus of Council that no dogs should be permitted northeast of boardwalk #1 to the inlet and it seems impractical to continue with the Designated Area in its current location because of the migration of the inlet. The Mayor remarked that an ordinance is not ready for today's meeting because of the late decision to consider doing away with the Designated Area. Camp St. Christopher was not brought into the discussion until after this decision. At the current time and after discussion with the Camp, it is the opinion of Council that:

- There should be no dogs northeast of boardwalk #1.
- For the remainder of the beach, from boardwalk #1 to a point 900 feet northwest of boardwalk #9:
 - Summer (peak season) should run from April 1 to September 30.
 - Summer off-leash hours should be from 5 p.m. to 9:00 a.m.
 - Winter (off-peak season) should run from October 1 to March 31.
 - Winter off-leash hours should be from 3:00 p.m. to 9:00 a.m.
- From a point beginning 900 feet northwest of boardwalk #9 to Privateer Creek (Camp St. Christopher Camp & Conference Center area):
 - During the summer (peak season), from April 1 to September 30, dogs will always be required to be on a leash.
 - During the winter (off-peak season), dogs will be permitted off-leash from 3:00 p.m. to 9 a.m.

The Mayor then asked for comments. In response to a resident's question about what the Town hoped to accomplish by this and why a change is being considered, the Mayor explained that the Town had begun looking into this ordinance because of a petition, submitted to Town Council on behalf of 100 signatories. When Council began to investigate, it was determined that the migration of the inlet,

before a relocation, causes the inlet to drift within the Designated Area and, at that time, the area where the birds congregate (Critical Area) shrinks considerably. Council considered shifting the Designated Area towards boardwalk #1 but that would not provide enough space considering the accumulated inlet migration (160 ft. a year average). They also considered moving the Designated Area from one side of boardwalk #1 to the other side; but beach width measurements, from multiple areas of the beach, reported by Coastal Science & Engineering did not support that solution. After considering alternatives, eliminating the Designated Area seemed to be the best solution. Mayor Ciancio reminded everyone that one of the conditions of the US Fish & Wildlife for the Property Owners Association's permit to relocate the inlet is that a specific area must be designated as a no dogs allowed area.

Martha Goldstein, an island resident, said that she could not understand, if SC Fish & Wildlife has not indicated that the Town was not in compliance, why there was a rush to get an ordinance adopted since we have time before the inlet migrates again. Councilman Crane agreed. Councilmember Finke remarked that Council was trying to respond to a concern of the petitioners that the Designated Area was not large enough, and Council has spent more than six months on this issue and has heard from numerous stakeholders. Ms. Goldstein remarked that, if you put the dogs between Boardwalks #1 and #9, she would be concerned with the human/dog interaction. She suggested that, if there needs to be more of a buffer, shift the Designated Area over 100 yards and have roundtable discussions between the stakeholder groups to see if everyone can come up with a better solution. Mayor Ciancio stated that a public hearing will be held so that we can hear everyone's views. What Council has tried to do is maintain the on-leash hours during the summer when the population numbers show more people on the beach. Bob Lawrence, from Camp St. Christopher, stated that it had been his understanding that dogs had to be on leash at all times on the beach at Camp St. Christopher because the Camp is not shown on the map that is an exhibit to the ordinance. The Town Administrator added that the Camp was not shown on the map, but the ordinance says, "all other areas" and that would include the Camp. Rev. Lawrence also stated that there were kids at the Camp year-round, not just in the summer, and he was very concerned about human/dog interaction. Councilmember Finke suggested the possibility of having dogs off lead at all times in winter months from boardwalk 1 to 9 and having dogs on lead at all times in the area of the Camp. There was also a suggestion to have a summer sign with dog rules and a winter sign so that the signs would be easier to read.

Mayor Ciancio stated that, due to the migration of the inlet, Council is trying to fix something that is broken and he thought that the compromise that Council had come up with was a good one, but he also remarked that he liked some of the ideas that had come out in this discussion. Ms. Goldstein commented that the original ordinance had been effective for one year from the date of adoption and asked if the ordinance that Council is considering could be done the same way and be revisited after a year. Mayor Ciancio agreed that it could. Regardless of when the ordinance is adopted, the effective date would have a lag time in order to have appropriate signs prepared. The Mayor stated that Council would try to draft something using the input from today's meeting and a public hearing will be held on Sept. 17 at 1:00 p.m. First reading will be held at a Special Town Council meeting that will be held immediately following, although input from the public hearing might alter that plan.

Repetitive Loss Properties Resolution – Mayor Ciancio stated that Resolution 2019-19, which adopts Charleston County's Repetitive Loss Area Analysis, has been included in council packets. Seabrook Island has ten homes that have experienced two or more losses, in excess of \$1,000, as a result of flooding. Representatives of Charleston County Building Inspection Services have examined each of these properties and, in some instances, have met with the property owners to discuss what can be done to mitigate the chances of future losses. Charleston County has used that data, together with data derived from its inspection of similar properties in other areas of the County, to prepare a "Repetitive Loss Area

Analysis Report” in conjunction with the Community Rating System and Five-Year Flood Management Plan. For Seabrook Island property owners to get full Community Rating System credit on their flood insurance premiums, the Town is required to adopt the Competitive Loss Analysis Report. Resolution 2019-19 adopts the Repetitive Loss Area Analysis Report as an official Town document and recognizes that the Charleston County Building Inspection Services department as the entity charged with maintaining and periodically reporting on the progress toward revision of the plan to the Town. Councilman Gregg made a motion to adopt Resolution 2019-19. Councilmember Finke seconded the motion and the vote to approve was unanimous.

Town Administrator/Zoning Administrator – Joe Cronin

Appointment of Business License Ordinance Ad Hoc Committee – The Town Administrator noted that, at the Ways & Means meeting last week, he reported that he would like to have an Ad Hoc Business License Committee appointed to review and bring recommendations back to Council as to what changes, if any, need to be made to our business license ordinance to be more in line with the Municipal Association of SC’s Model Business License Ordinance and with other neighboring municipalities. Mayor Ciancio suggested that he thought we should wait until after the election in November to appoint this committee and Council agreed.

2959 Seabrook Island Road Permit Extension – Town Administrator Cronin stated that this permit extension is for 2959 Seabrook Island Road and the contractor is Galloway Family Homes. The Town’s Zoning Permit was issued March 16, 2018, and the Charleston County building permit was issued on May 29, 2018. The Town’s permit expires 12 months after issuance. In February, the applicant requested a 6-month extension, which will expire on September 16, 2019, and that was granted by the Town Administrator. When the Town received the Certificate of Height for this property, the structure was found to be about a foot above the applicable standard. The applicant then requested a variance, which was denied. The house had to be lifted off the foundation and brought into compliance. Chris Eller, representing the contractor, explained that the revised plans had to be brought back to the Architectural Review Committee and the Town for approval before taking them to Charleston County. The contractor asked for a two-month extension, but Council agreed to a three-month extension to ensure having enough time to complete construction. Councilman Gregg made a motion to approve a three-month extension for the permit for 2959 Seabrook Island Road, which will expire on December 16, 2019. Councilman Crane seconded the motion and the vote to approve was unanimous.

Seabrook Island Property Owners Association Sign Permit Request – Town Administrator Cronin stated that the SIPOA has applied for a permit for signs near the gate house on Seabrook Island Road as follows: an LED community message board adjacent the inbound lane; and a permanent measured speed sign with an LED message board adjacent the outbound lane. The Town Administrator explained that the Town’s ordinance does not allow an LED sign with any form of internal illumination. If the Town is going to permit the sign, the ordinance would have to be amended to permit an LED sign; and, if this LED sign is allowed, other LED signs will have to be allowed if the applicant meets the requirements. Certain criteria regarding such signs can be regulated such as size, colors, whether it can flash, distance from the road, etc., but not the message that is placed on the sign. Council agreed that the Planning Commission could prepare an ordinance allowing such types of signs but with very specific restrictions.

Beach Patrol Report – The Town Administrator cited figures from a Beach Patrol report, which ran through week 24, ending August 19. There have been 278 warnings issued, 3 citations have been written and there have been 2 calls to the Charleston County Sheriff’s Department. The number of violations relating to the leash law was 98, with 62% of those being visitors to the island. Eleven percent of the violations were in the Critical Area and the remainder in the general beach area. After Labor Day, Beach Patrol will be working weekends through the end of September.

Auditor RFP Update – The Town Administrator stated that he has completed a draft RFP for a Town auditor. He has forwarded the RFP to the Utility Commission to obtain information from them but has not gotten it back yet. He is confident that an auditor will be in place before the end of the year.

Online Mosquito Treatment Request Tool – Town Administrator Cronin reported that residents can now go to the Town website and learn about mosquito control as well as submit a treatment request. This tool is located on the website, under the heading of Services. The resident can fill in certain information, if they wish, that will allow them to opt in, by giving their email address, so that they can be notified when mosquito treatments are scheduled. If the resident fills in their address, this will tell us if most of the notifications are in a certain area or scattered about the island and the County can treat accordingly. The Town Administrator reported that we have received about 150 requests in the first couple of weeks the tool has been on the website.

Charleston Symphony Orchestra - Town Administrator Cronin stated that the Town will be hosting the Charleston Symphony Orchestra performance at the Lake House on September 22, 2019, at 4:00 p.m. The event is free, and we have a limited number of passes at the Town Hall for off-island people to attend.

Fall Shred Event – The fall shredding event will take place on Friday, October 11, from 10:00 a.m. to 1:00 p.m. This service is free of charge to the residents.

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: None

Miscellaneous Business: None

Citizens Comments:

Karen Nuttall, a resident, expressed concern about the LSV fire and what might have happened if the St. Johns Fire District had not been notified and responded so quickly. The resident was concerned that possibly the charging cord was not in compliance as to what should have been used. Councilman Gregg stated that the St. Johns Fire District report did not cite any cause and there was no mention of anything being suspect with the charging cord or misuse of an outlet at the residence. The report did indicate that there was no evidence of charring at the outlet or the cord itself. The vehicle was so extensively damaged by the fire that it was beyond their ability to tell where the fire started so they drew no conclusion as to the cause of the fire. The resident also questioned who was responsible for oversight on the LSV vehicles. Councilmember Finke remarked that this was a fair question and possibly Council should investigate if other jurisdictions do anything to regulate the companies that rent this type vehicle besides having a business license. Mayor Ciancio commented that the Property Owners Association has regulations regarding the use of this type vehicle and the specifications of these vehicles. Councilmember Finke asked the resident to give her a list of questions regarding the vehicles and Council will do some research. Councilman Gregg stated that the POA is going to review their regulations regarding the vehicles and he expects the POA to defer to the recommendations of the manufacturer. The renters would not have these recommendations and what we are trying to do is provide information to the community as to best practices for charging the vehicles. Mayor Ciancio agreed with Councilmember Finke that Council needed to research what the Town is legally and

administratively capable of doing regarding the vehicles after consulting with the Property Owners Association.

Another resident questioned the timeframe for the developer of the Senior Living Facility putting in a turn lane. The mayor responded that, the turn lane installation would begin after an ordinance is passed adopting the Settle Agreement, execution of the agreement by the Town and the other parties and approval by the court. The Town Administrator remarked that installation of the turn lane would have to go through the necessary permitting procedures.

There being no further business, the meeting was adjourned at 4:35 p.m.

Date: September 24, 2019



Town Clerk