

**TOWN OF SEABROOK ISLAND  
WAYS & MEANS COMMITTEE MEETING  
January 14, 2020, at 1:00 p.m.**

**MINUTES**

After the pledge of allegiance, Mayor Gregg called the meeting to order and confirmed that the requirements of the SC Freedom of Information Act had been met. Councilmembers Crane, Finke, Fox and Goldstein, Town Clerk Allbritton and Town Administrator Cronin attended the meeting.

Mayor Gregg commented that email correspondence from the Seabrook Island Property Owners Association Executive Director concerning an expected recommendation from the POA's Environmental Committee to kill aggressive turkeys has been included in Council packets. In view of the POA's contemplating a referral to the Public Safety Committee, the Mayor asked the chairman, Skip Crane, for his comments. Councilman Crane explained that the Public Safety Committee discussed the matter briefly at their January 13 meeting and the Committee did not seem to be in favor of proceeding because there did not seem to be a specific plan as to how killing the aggressive turkeys would be carried out. Councilman Crane is to work with the Town Administrator to submit a formal response to Heather Paton, the POA Executive Director, outlining what could be done according to the Town's ordinances and determine if a revised ordinance would be necessary.

Mayor Gregg stated that an email had been included in Ways & Means packets from the Seabrook Island Property Owners Association Executive Director concerning a child beating a horseshoe crab with a stick. The Town's ordinance pertaining to mistreatment of wildlife at the beach does not include horseshoe crabs. The Mayor then asked Council for opinions as to whether the Town's ordinance should be changed to extend to other species at the beach. Several other suggestions were made, and Councilwoman Finke volunteered to research U.S. Fish & Wildlife and DNR's policies or restrictions to see if they had something that would apply in this instance. She also said she would see if any other municipalities might have some type of general statement that would apply. The Town Administrator added that, if we cannot positively identify who was involved in an act that violates DNR rules and be able to prove that the creature was living at the time, it would probably not be enforceable, whether Town ordinance or State statute.

Mayor Gregg stated that he had asked Councilman Goldstein to assume the role of liaison to the Accommodations Tax Advisory Committee and to serve as the Town's primary contact for the Dolphin Education Program. Councilman Goldstein and Councilwoman Finke had discussed the Dolphin Education Program among themselves and decided that they would both share the responsibility for that program. Mayor Gregg stressed the importance of Council and Lauren Rust, Lowcountry Marine Mammal Network, knowing who to contact if the need should arise. The Mayor commented that there had been complaints last year about volunteers for the Dolphin Education Program being too aggressive with visitors to the beach and it should be communicated to Ms. Rust that their task is to educate people about the dolphins rather than enforcement.

Mayor Gregg remarked that the Town Administrator had previously recommended that the Town review and revise the Town's Business License Ordinance so that it better aligns with the Municipal Association of South Carolina's model business license ordinance. Mayor Gregg asked that Councilwoman Finke and Councilman Goldstein participate, along with Town Administrator Cronin, in an ad hoc committee for that purpose.

Mayor Gregg stated that he has assumed the role as the Town's representative to the Berkeley-Charleston-Dorchester Council of Governments Board of Directors. Councilwoman Finke had previously attended the meetings at the request of the former Mayor. Mayor Gregg stated he would attend COG Board meetings for the immediate future, but he expects to ask Councilwoman Finke to resume her attendance as part of her responsibility for Governmental Relations in the future.

Mayor Gregg reported that, in November, Council had approved the engagement of an additional part-time code enforcement officer in order to address, among other things, enforcement of regulations regarding the presence of dogs on the beach during periods of the year when Beach Patrol is not active. A candidate for that position, Ed Rooney, has been interviewed and will be hired. Mr. Rooney will officially be made a code enforcement officer at the January Town Council meeting.

Town Administrator Cronin commented that he had received a complaint about a violation of the plastics ban by a restaurant at the Marina and he has asked Tom Strehle, the current code enforcement officer, to give the owners of the restaurant a warning and to notify them that he will be back in 5-10 days to follow up. After Council passed the plastics ban ordinance, letters pertaining to the ban had been hand-delivered to the major entities at Seabrook Island as well as the businesses at Bohicket Marina. Information is also being given out to businesses as they renew their business licenses.

Mayor Gregg stated that a bio pertaining to Art Jones had been included in the Ways & Means packets. A motion to appoint Mr. Jones to the Public Safety Committee will be on the January Town Council agenda.

### **Town Council Members:**

**Jeri Finke** – Councilwoman Finke reported that, in the lawsuit regarding seismic testing and offshore drilling, the Judge has ruled that the Department of Commerce must turn over some of their working documents that pertain to their support for issuance of these permits. The paperwork was signed on January 3 and the documents are to be turned over within 45 days.

Councilwoman Finke stated that the Seabrook Island Birders would like to start a Shorebird Steward Program that would be modeled after Seabrook Island's Dolphin Education Program. The group will not require money as they have the support of the Department of Natural Resources and Audubon, who will provide most of the equipment. Councilwoman Finke stated that she would like for the Town to officially endorse the program by resolution. Nancy Brown, who is the current chair of the Seabrook Island Birders, explained that the Seabrook Island Shorebird Steward Program plans to recruit and train volunteers to be on North Beach between

Boardwalk #1 and left towards where the shorebirds usually roost and feed, normally not more than .5 miles. Shifts will be scheduled from March through May, most likely during the 2 hours before high tide through 2 hours after high tide during the busiest beach days. Shifts, made up of 1 or 2 people and scheduled for 2 hour time periods, will be equipped with a beach cart, umbrella, a spotting scope that will be used to view the birds, brochures and a sign (possibly "Ask me about the Birds"). Nancy and her team are working on determining where the equipment used by the volunteers could be stored and on appropriate temporary signage. Mayor Gregg added that he would not have a problem with the Town showing their support for the group but they would have to work with the Town Administrator to determine if a permit was required for the sign and, if equipment was left on the beach, the Town would have to approve of the location. Councilwoman Finke said she would work on wording for an official statement of endorsement for the group.

Councilwoman Finke reported that she had gone to a Johns Island Task Force meeting recently and there was a discussion about changes the Kiawah River developer has requested from the Charleston County Planning Commission. The developer has an approved 450 room hotel but has asked the Planning Commission to let them substitute two retirement units for one hotel room, but the Planning Commission wants to keep it as a one-to-one swap. Councilwoman Finke thinks the Town should support the Planning Commission because, if there was an over-build of retirement units, it might threaten the success of the senior living facility at Freshfields. She added that it might not be a problem as the Kiawah River retirement units are all independent living, but the Town should monitor what develops.

Councilwoman Finke stated that the previous Mayor and Council felt that rental issues should be addressed by the Seabrook Island Property Owners Association; but, since there is a new Mayor and Council, she asked if there was any interest in Council addressing these issues. Town Administrator Cronin remarked that, if the Town did want to address rental issues, now would be the time to do it. Since the Development Standards Ordinance is being rewritten, the DSO Advisory Group could write the section pertaining to short-term rental requirements. Mayor Gregg expressed reluctance to proceed until the Town contacts the chairman of the SIPOA Planning Committee and finds out what they are doing and how much progress has been made. Two Town residents, who attended the meeting, spoke about their negative experiences with rental units within their regimes. One of the residents explained that their regime had adopted regulations about such things as the number of people allowed per unit, number of cars per villa, etc., but, when there were violations, gate security would not enforce regime regulations. Councilwoman Finke stated that she would contact the Property Owners Association and see if she could find out what they have done regarding rental issues.

In a somewhat related issue, Councilwoman Finke asked if Council wanted to try again to address the multiple ownership/timeshare issue. She stated that she thinks that the Town should either change their ordinance or delete it and rely on State law since the ordinance is inconsistent with State law. Councilwoman Finke volunteered to prepare a memo on the background of her research for Council and possibly address the issue again at the March Ways & Means meeting.

Councilwoman Fox reported that she had met with the Town Administrator and found out that there previously had been a "committee on committees" and wondered whether Council would

like to re-establish that committee to review the structure of committees. The Town Administrator commented that the committee started their work just before Council began working on the pets on the beach ordinance and the Settlement Agreement for the Freshfields assisted living facility. Once that work began, everything else was put aside and then the Town election was held. The Mayor remarked that Councilwoman Fox was already looking at ways of advertising openings for Town Committees and he thought she would be the appropriate person to determine if the division of responsibilities for Council should be done differently. Councilwoman Fox could also look at the way Council conducts business within its meetings versus what the ordinance calls for regarding committee structure.

Councilman Goldstein reported that sidewalks, coming onto Seabrook Island and going off, after heavy rains, were impassable for 7-10 days. He questioned whether Council would prefer to maintain both sidewalks or eventually abandon the inbound sidewalk because it has multiple areas that floods. He stated that the outbound sidewalk is much more heavily used and only has one portion that needs to be raised. The Mayor suggested getting engineering work done for both paths and Council could then decide from the cost estimates whether to keep both sidewalks operational.

Councilman Goldstein stated that the roadway's life expectancy is coming to an end and Council should decide what, if anything, will be done to the elevation of the roadway. A portion of the roadway, from the traffic circle to Lulu's, meets County standards but the remainder does not. The roadway, in the area of the traffic circle, is around 7 feet but the roadway near the gatehouse is around 5 feet 7 inches. The roadway in the area of the Freshfields assisted living facility will be improved but it will not be elevated, and it is too late to require the developer to raise that portion of the roadway. He also raised the question of whether the Town wanted to elevate the roadway if the Property Owners Association does not elevate the area around the gatehouse and other roads behind the gate on Seabrook Island. Councilman Goldstein said that he felt the Town had three options:

1. The roadway could be raised to 6-1/2 feet, which would take care of a lot of ponding on the side of the road but would still have high tide flooding and would cost around \$1,000,000.
2. The roadway could be raised to 7 feet to match the traffic circle at a cost of about \$2,000,000.
3. The roadway could be paved and left at the same grade for a cost of around \$750,000.

The Town Administrator added that ESP has also given the Town proposals to help eliminate flooding on the Town Hall property and, if that work was done, another \$800,000 to \$1,000,000 would need to be added for those projects. Councilman Goldstein then stated that the Town also needs to be thinking about how they intend to fund these projects. Charleston County has a list of roads that will be repaved, but the Town Administrator stated he did not know where the Town was on that list.

Town Administrator Cronin reported that Ed Rooney, the Town's newly hired employee, would be designated as a Code Enforcement officer at the January Town Council meeting. He may start work prior to that time but would not be able to issue citations until after that meeting.

The Town Administrator reported that beach signage is in the process of being updated. Buoys have been ordered and four will be placed at the beginning of the restricted area at Boardwalk #1, two will be at the beginning of the on-leash area near Boardwalk #9 and one near Privateer Point designating it as an on-leash area. The DNR signs near Boardwalk #1 will be replaced by Town signs since DNR no longer has these signs. The Town Administrator stated that he would also like to have an interchangeable sign at each boardwalk that could be changed seasonally.

Town Administrator Cronin stated that the Beach Patrol contract with Island Beach Services has been signed by the Mayor and the additional waste removal service has been added to the contract. The amount of the beach patrol contract, with that addition, is almost \$138,000.

The Mauldin & Jenkins audit contract has been fully executed and they will begin the Town's 2019 audit as soon as the books are closed out for 2019.

The Dolphin Education Program is continuing in 2020. The Town Administrator has contacted Lowcountry Marine Mammal Network to see if Lauren Rust is agreeable to using the same contract as in 2019.

The Town Administrator stated that he would send possible dates for the Strategic Planning Workshop to Council so that can indicate their availability. Charlie Barrineau, from the Municipal Association of SC, will lead that meeting.

The Town Administrator stated that he would meet with Councilwoman Finke about the Community Promotions funds that had been set aside in the 2020 budget and come up with some type of application and regulations for a grant type program in which the projects do not involve tourism and would not be eligible for Accommodations Tax funds.

The Town Administrator reported that he has had several complaints about the pathway, especially right past the Town Hall, and he agrees with the concerns that were raised. If improvements are made to the pathway and the cost is over \$10,000, he would have to proceed with a full bid package which would take several months. The Town's procurement ordinance states that, if the Mayor or his designee would declare that this constitutes a public safety hazard, he could get competitive bids from at least three paving contractors and that would only take a matter of weeks. The Mayor asked Councilman Crane, as chair of the Public Safety Committee, to evaluate the pathway and give Council his findings at the January Town Council meeting. Since the driveway area coming into the Town Hall also needs to be resurfaced, this could be done at the same time.

Town Administrator Cronin stated that Ordinance 2020-01, which is an ordinance adopting an amendment to the Planned Unit Development for the Village at Seabrook, will be on the January Town Council agenda for first reading. In June of 2019, the Zoning Administrator issued a written determination that the current PUD ordinance for the Village does not establish a minimum side yard setback and, instead, requires only a 15-foot separation between structures. A resident of the Village at Seabrook filed an appeal of this determination. The Board of Zoning Appeals unanimously upheld the Zoning Administrator's determination. Some setback

requirement changes, which were requested by the developer of the Village at Seabrook, had been made to the Development Standards Ordinance but never incorporated into the PUD. The Town Administrator stated that the PUD is more restrictive and should control; but, over the years, the requirements of the DSO, as amended, were applied even though it conflicts with the PUD ordinance. The original ordinance also adopted the covenants and restrictions and made them part of the PUD ordinance, which is not usually done. Ordinance 2020-01 takes out this provision and removes the Planning Commission from the review process as long as the regime and the SIPOA Architectural Committee signs off on the architecture. Most of the changes contained in this ordinance are minor clarifications or updates to bring the PUD into conformity with the DSO but there will be impacts to existing property owners. If the house next door is already built, there will have to be at least 15 feet between structures. The houses with less than a 7-1/2 feet side setback, will be non-conforming. As the ordinance is written, if a new HVAC stand, steps or generator stand needs to be replaced, it would have to meet the 7-1/2 feet setback requirement. The majority of Council seemed to feel that there should be a provision in the ordinance so that accessory type structures, such as steps, HVAC stands, generator stands, etc., could be replaced in its existing footprint as long as it was legally permitted as of the effective date of the ordinance.

There being no further business, the meeting was adjourned at 3:48 p.m.

Date: January 28, 2020



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Town Clerk