

Town of Seabrook Island
Ways and Means Committee Meeting
June 18, 2019
2:30 P.M.

After the pledge of allegiance, Mayor Ciancio called the meeting to order. Council members Gregg, Crane, Finke and Wells, Town Clerk Allbritton and Town Administrator Cronin attended the meeting. Mayor Ciancio led the pledge of allegiance, and confirmed that the requirements of the Freedom of Information Act had been met.

Mayor Ciancio introduced Gary Fansler representing the Seabrook Island Turtle Patrol. Mr. Fansler was asked to provide the organization's view on the proposal to amend the Town's beach ordinance as set forth in the petition previously submitted to Council. Mr. Fansler said that, if the "Designated Area" remained in the same location, he had no problem with the suggested amendments as set forth in the petition as the dogs tended to play closer to the water and away from the area where the turtles would nest. He expressed concern that, if the "Designated Area" would be relocated as he understood had been suggested, he would have concern as southwest of Boardwalk #1 the beach is narrower and the change would bring the dogs closer to where the nests are located. He stated that the organization had no concern over deleting the month of October as one of the so-called "peak" months. In response to a question from Council, Mr. Fansler stated that most turtle activity takes place from May 1st to the first part of October. A resident attending the meeting noted that he had done some research, and dogs are not identified as a predator to the loggerhead turtle.

The Mayor noted that, in response to a citizen's request to verify the location of the boundaries of the "Designated Area", the Town Administrator and the Town's code enforcement office made measurements on the beach and determined that, if the Designated Area location were marked as specified in the ordinance, a significant portion of the Designated Area would overlap the Critical Area for the Wintering Piping Plover. He noted that, inasmuch as Council is looking at amending the beach ordinance, we would leave the designated area markers at their current location until

such time as the ordinance is amended. If it turns out that Council decides not to amend the ordinance, it will address the location question.

The Mayor noted that bond counsel had redrafted the proposed bond ordinance, as discussed at the May Ways & Means Committee meeting, and that copies of the revised draft were included in the materials provided to Council for this meeting. In particular, he noted that:

- The assessed value of all taxable property within the Town limits for tax year 2018 is approximately \$75,098,850 which means that we have authority to issue \$6,007,908 of general obligation bond indebtedness;
- As proposed, the ordinance allows the Town to issue either general obligation bonds or bond anticipation notes (“BANs”) in the principal amount of \$4,500,000, an increase of \$500,000 over the existing bond ordinance;
- Interest rate of the debt will be determined at the time of issuance thereof;
- The maturity date of the bonds is not to exceed five (5) years and the maturity of the BANs is not to exceed one (1) year; and
- The ordinance establishes a committee consisting of the Mayor, and one other councilmember to be chosen by the Mayor with the authority to determine:
 - The principal amount of the debt, maturity dates and principal payment dates of the bonds or BANs;
 - The interest rates and the interest payment dates of the bonds or BANs;
 - The redemption provisions, if any;
 - The date and time of sale; and
 - Whether the BANs or general obligation bonds are to be sold in public or private sale.

The Mayor specifically noted that the full faith and credit of the Town are irrevocably pledged for the payment of principal of and interest on the bonds. If the general obligation bonds are issued, the Town will be obligated to levy a tax on all taxable property within the municipal limits of the Town sufficient to pay the principal and interest on the bonds at their maturity.

The Mayor reported that the ordinance as proposed is intended to replace the authorization for Ordinance 2016-07 and not be additive thereto. The prior ordinance shall be repealed only after the passage of such time as may be necessary to comply with the initiative and referendum provisions contained in the South Carolina Code. He reminded Council that bond counsel had advised that, within sixty (60) days following the passage of this ordinance, a petition signed by at least fifteen percent (15%) of the registered voters of the Town may be filed with the Town Clerk requesting that this ordinance be repealed. Accordingly, the existing ordinance will not be deemed repealed for sixty (60) days after passage of this ordinance to be sure the Town has the ability to issue bonds or BANs under one of the two ordinances during hurricane season.

The Mayor reported on the status of the settlement agreement with the parties who had filed suit over their application for an encroachment permit in connection with the proposed senior living facility. He said that two issues remained open. One is the Town's limitation on elapsed time between arrival of trucks using the encroachment and the second deals with the conditions under which the Town could revoke the encroachment permit. The Mayor noted that the duration of elapsed time had been specifically agreed in the memorandum of understanding ("Settlement MOU") the parties had entered into last January. The Settlement MOU also contemplated that there would be circumstances under which the easement could be revoked and that specifics thereof were to be agreed by the parties.

The Mayor reported on the proposal to have the Town recognize the contributions Mary Whyte has made both to the Town of Seabrook Island and the low country in general. He stated it was not clear whether the proponents of that effort

wanted that recognition to occur at the June council meeting. He also asked for comments on the draft recognition statement.

Councilman Crane had no report.

Councilwoman Finke reported on Council's review of the plastic ban ordinance. She stated that she, the Mayor and Councilman Gregg had met and made substantial changes to the previously submitted draft. Those changes had been submitted to the Town attorney for review and, depending upon the ability of the attorney to turn the draft around, the ordinance would be provided to Council for review in advance of the next regularly scheduled Town Council meeting.

Councilman Gregg stated that the Public Safety Committee was undertaking a review of the Memorandum of Understanding between the Seabrook Island Property Owners Association (SIPOA) and the Town which sets forth the responsibilities of the two entities following a natural disaster. The review will take into account both the new FEMA guidance as to when it will reimburse municipalities for debris clean up in private gated communities following a natural disaster and the change in emergency operating status processes and procedures. He noted that the MOU requires SIPOA to acknowledge the threat to the gate if the Town participates in payment for debris removal behind the gate. Councilman Wells questioned whether the proceeds of the bond proceeds could be used behind the gate. The Mayor responded by saying that, in his view, the bond proceeds would only be used for that purpose in the event SIPOA did not have sufficient funds to respond to the emergency.

Town Administrator Cronin reported on the incident on the Seabrook Island beach which resulted in a 911 call to Charleston County and the dispatch of first responders to an incorrect location on Kiawah Island. Mr. Cronin read an email to the director of Charleston County 911 Consolidated Dispatch requesting a meeting with the Mayor to understand why the mistake occurred and to ensure that corrective measures have been taken. Mr. Cronin responded to questions from Councilwoman Finke.

Mr. Cronin then supplemented the Mayor's prior comments on the exact location of the "Designated Area" in the beach ordinance and reported on a boat which had been

abandoned on the beach in violation of the Town's ordinance. He stated that, after consultation with both the Mayor and Town Attorney, he instructed Beach Patrol to notice the boat owner that, unless the boat is promptly removed, citations would be issued and daily fines levied and that, as of June 18, the boat had been removed.

The Town Administrator reported on the participation in Disaster Awareness Day, which was hosted by the Town on Friday, June 14th. He stated that between one hundred forty (140) and one hundred fifty (150) people had shown up – the majority of which were Seabrook Island residents. He also noted that the first budget workshop would be held at 1:00 PM prior to the date of the next regularly scheduled Town Council meeting. He asked that Council be prepared to identify their priorities in spending for next year.

Mr. Cronin then reviewed three (3) ordinances which would be on the agenda for the next Town Council meeting. The first would amend the Town's zoning ordinance so as to change the zoning for 2820 Dove Nest from SR Single-Family Residential to AGC Agricultural Conservation District. He noted that this was a property donated to the Greenspace Conservancy which, in turn, transferred the property to SIPOA. The second ordinance would amend the Town's Development Standards Ordinance so as to amend the conditions upon which heating, ventilation and air conditioning equipment (HVAC) and supporting stands may encroach into a required setback and which would reduce a variance application fee from three hundred fifty dollars (\$350) to one hundred fifty dollars (\$150). Mr. Cronin noted that the third ordinance would adopt the ten (10) year update of the Town's Comprehensive Plan. He stated that the revised Comprehensive Plan would be posted to the Town's website and that notice of its proposed adoption would be published in the Post & Courier. A public hearing on all three ordinances has been scheduled for July 23, 2019.

The Mayor asked for a moment to review Council's thoughts on the petition to amend the leash ordinance. The Mayor expressed his view that Council should take action on the petition before new council members are elected and suggested that the goal be to have final presentations at the July Ways & Means Committee meeting, a public hearing in August and a first reading in September.

Upon conclusion of the Mayor's comments, a motion to adjourn the meeting was made by Councilman Wells, seconded by Councilman Crane and unanimously approved.

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



Town Clerk

Date: June 25, 2019