

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

MINUTES

The July 14, 2020 Ways & Means Committee meeting was conducted as a video conference using Zoom and was simultaneously made available to the public via YouTube live stream and by conference call, all in keeping with practices adopted to address the ongoing coronavirus pandemic. Mayor Gregg, Councilmembers Crane, Finke, Fox and Goldstein, Town Clerk Allbritton and Town Administrator Cronin participated in the meeting. Mayor Gregg confirmed with the Town Clerk that the meeting had been advertised to meet the requirements of the SC Freedom of Information Act.

Mayor John Gregg:

- Charleston County Face Covering Ordinance – Mayor Gregg reported that, on July 2, Charleston County Council adopted an ordinance requiring the wearing of face coverings inside business establishments and any Charleston County Government buildings within the unincorporated areas of Charleston County and imposed provisions for enforcement. Mayor Gregg stated that the Town’s Emergency Ordinance 2020-03, requiring use of face coverings remains in effect and its enforcement is not affected by Charleston County’s ordinance. As of July 11, Governor McMaster affirmed his unwillingness to issue a mandate ordering the use of face coverings throughout the State and expressed his view that such mandates were better done by local governments to address local circumstances.
- Email Received in Support of Defunding Charleston County Sheriffs’ Office – Mayor Gregg commented that he had forwarded members of Council email from individuals expressing support for defunding the Charleston County Sheriffs’ Office. Mayor Gregg stated that he had no intention of expressing support for calls to defund the Charleston County Sheriffs’ Office in view of the Town’s reliance on them to provide law enforcement as deemed needed by the Town.
- Enforcement of Regulation of Gatherings within the Town – Mayor Gregg explained that, at the June Town Council meeting, Council had discussed complaints arising from a celebratory gathering in violation of the Town’s prohibition for gatherings of more than ten people. It was also reported that the Seabrook Island Property Owners Association (“SIPOA”) had issued a bonfire permit to someone who participated in that gathering. Questions were raised at that meeting whether the Town’s Code Enforcement presence on the beach is sufficient and whether the Town should prohibit issuance of bonfire permits by SIPOA. Councilwoman Finke volunteered to follow up with SIPOA as to their experience with bonfire permits during the pandemic. Councilwoman Finke contacted Heather Paton, Executive Director, and was told that SIPOA had started issuing bonfire permits again on June 1 and the permits now have a statement saying that the permitted bonfires are limited to gatherings of 10 people or less. Councilwoman Finke also learned that, so far, 125 permits have been issued. Councilwoman Finke said that she has received several complaints about incidents where groups have gathered on the beach again after the Beach Patrol has left the beach and several of them did involve bonfires but she does not have dates of the incidents.

The Mayor reported that there had been another group on the beach using a grill. Beach Patrol had dispersed them into smaller groups, and they desisted using the grill. Councilwoman Finke stated that the same group reassembled the same night after Beach Patrol left and were back the next night and a summons was issued by Beach Patrol. The Town Administrator stated that he had asked Ed Rooney, one of the Town's part-time Code Enforcement Officers, to patrol on the beach occasionally during the early evening hours after Beach Patrol leaves and, if possible, to work a few additional hours, up to 20 hours per week. The consensus of Council was that the permits for bonfires should continue but it was suggested that, if SIPOA should find that someone was violating the terms of their permit, perhaps they could revoke the permit. It was also suggested that, if the Town knew of a problem with gatherings that involved a bonfire, possibly SIPOA could be asked to not issue a permit to that individual in the future. In view of having a Code Enforcement Officer visit the beach occasionally in the evenings, it was suggested that Beach Patrol expand their presence on the beach during major holiday weekends. The Town Administrator added that the Town would be putting out an RFP soon for Beach Patrol for 2021 and that could be considered in the next contract. The Mayor added that the Sheriff's Department can also be requested to help.

Town Councilmembers:

Skip Crane –

- Policy Decision from Council Regarding Signs for the DSO – Councilman Crane reported that the DSO Advisory Group would like a policy decision from Town Council about the type of signage the Town would allow along Seabrook Island Parkway, such as “For Sale” signs. SIPOA currently prohibits for sale signs within the Seabrook Island Development. Under the current DSO, there can be one sign per property and the sign can only be five square feet in area. After discussion, Mayor Gregg asked Council if they saw a need to change the ordinance as far as the portion of Seabrook Island Road that is outside the security gate. Council seemed to agree that the signs should be allowed. The Town Administrator added that there could be some additional control over where the signs could be located and how many could be placed on a property. The Town Administrator stated that either he or Councilman Crane will update the DSO Advisory Group of Council's discussion and advise the DSO Advisory Group that the consensus of Council was not to prohibit real estate signs but was in support of putting limitations regarding the number of signs allowed per property, size, location, etc. so that a proliferation of real estate signs could be avoided.
- Seabrook Island Property Owners Association Application for a Message Board – Councilman Crane stated that SIPOA's application for a message board came before Council in August or September 2019 and it had been referred to the Planning Commission. The Town Administrator stated that the Town has not allowed an LED sign or internally illuminated sign so this would be a major change and would require a policy decision by Council. The Town Administrator stated that the Planning Commission did not object to the sign but the concern was, once the signs were allowed and they were permitted, they would have to be allowed, inside or outside the security gate. He added that he and Mayor Gregg had met with the Town Attorney and discussed possible ways to allow the signs with a narrow application so that there is not a proliferation of that type of sign. The meeting with the Town Attorney was the week before Town Hall shut down for COVID-19 and the

Planning Commission has not met since that time. The Town Administrator added that the makeup of Council has changed since Council indicated they approved of the message board; and, since it is a significant change to the sign ordinance, he would like to have it on record that this Council would like to make such a change. Mayor Gregg stated that even though the previous Council indicated they would like to allow the message board signs, a text amendment to the Ordinance has not been written. He also thought that this Council should indicate if they are in favor of allowing the internally illuminated message boards. The consensus of Council was that they were in favor of approving the message board signs if there was some type of approval process so there was not a proliferation of the signs. Town Administrator Cronin commented that the signs could be treated as a Special Exception and the applicants would go before the Board of Zoning Appeals, who would have a list of criteria they would use for deciding if the request should be granted. The Board would also have a Public Hearing so anyone could speak in favor or against. The Board would review the request and criteria on a case by case basis to approve or deny. Mayor Gregg recapped and stated that Council would like the Town Administrator to develop, as described, a text amendment that would allow this type of sign, with conditions, where the final review and approval for a request for such signage would go to the Board of Zoning Appeals, who would work from criteria found in the amended ordinance.

- Report on Public Safety Committee – Councilman Crane reported that the Public Safety Committee met on Monday, July 13. The members asked Councilman Crane to encourage other entities on Seabrook Island to review what everyone should be doing to stop the spread of the virus since some people are not taking it seriously. The Mayor indicated that he would take up the topic of the Town's response to the pandemic and our efforts to enforce. He stated that the Town, Club and SIPOA should all cooperate in the effort to stop the spread of the virus. The Town has Code Enforcement officers but SIPOA has security officers who can also encourage appropriate responses to the pandemic.

Jeri Finke –

- Update on Ad Hoc Committee for Short-Term Rental Regulation – Councilwoman Finke reported she, along with Councilwoman Fox, had been appointed in February by the Mayor to this committee. She had met with Heather Paton, Executive Director of SIPOA, twice to talk about short-term rental issues. She and Councilwoman Fox had also met with Tom Pinckney, SIPOA legal counsel, and Heather Paton on March 12 and Councilwoman Fox had attended a COVAR meeting at which Nancy Buck of Coastal Getaways gave a presentation. At this point, COVID-19 hit and all work on short-term rental regulations stopped. Since there were no short-term rentals allowed for a period, no one was interested in talking about further restrictions or regulations on their rental units. Councilwoman Finke made it clear that Council is not talking about restricting a property owner from renting their property. Any regulation Council would address would likely be to help with occupancy and overnight parking issues and it would complement what SIPOA is doing. Councilwoman Finke stated that, after talking to Tom Pinckney, SIPOA Counsel, it was determined that a Memorandum of Understanding should be developed, between the Town and SIPOA, to allow for cooperation between the two entities. Councilwoman Finke said that she was drafting language for the MOU that would come to Town Council after Councilwoman Fox and Tom Pinckney look at the language in the document. Mayor Gregg recommended that the Committee should also involve COVAR in their efforts.

- Update on Johns Island Task Force July Meeting – Councilwoman Finke reported that the Johns Island Task Force had a meeting last week. The Task Force pointed out to the representatives from Seabrook Island and Kiawah that they might want to keep track of the development across from Ace Hardware, at the corner of Betsy Kerrison Parkway and River Road. She also said that 6,866 water taps have been approved for the St. Johns Water Authority, which is an 81% increase over the current number of taps. Councilwoman Finke remarked that she would like to ask the Seabrook Island Utility Commission Chairman how this increase in the number of taps will impact our water supply since Seabrook Island and Kiawah buy water from St. Johns.
- Pending Lawsuit on Offshore Drilling (Seismic Testing) – Councilwoman Finke stated that everything slowed down because of COVID-19 but the last major thing that has happened regarding the pending lawsuit was that more information had been requested from the Federal government and there has been no response. The permits that the lawsuit has challenged run out at the end of the year and the election in November could also change how NOAA and Department of Interior approach offshore drilling.

Patricia Fox – Councilwoman Fox thanked the Town Administrator for the flyer he provided to SIPOA to be handed out at the gate to visitors pertaining to COVID-19 precautions and for getting the signs put up at the crosswalks. Town Administrator Cronin commented that he is working with a sign manufacturer to get new speed limit signs and additional signage for the area of the crosswalks before that project can be completed.

Barry Goldstein – No Report

Town Administrator Cronin:

Items for Information/Discussion

- Cancellation of Spring Shred Event – The Town Administrator reported that the Town’s spring community shred event, which had been rescheduled for July 17, had been cancelled by Shred360. Currently, the fall event is still scheduled for October 23, 2020.
- Discussion of Upcoming Strategic Planning Meeting – The Strategic Planning Meeting had been moved from March and rescheduled for July 21. The Town Administrator reported that all similar meetings that were to be conducted by Charlie Barrineau of the Municipal Association of SC have cancelled due to the constraints of meeting in person. Due to difficulties of conducting this type meeting by Zoom and it being so late in the year, Council agreed that the Strategic Planning Meeting should be cancelled.
- Expiration of Emergency Ordinance 2020-02 (Scheduled for July 26, 2020) – Town Administrator Cronin stated that Emergency Ordinance 2020-02, which allows boards and commissions to meet by Zoom, suspends Temporary Use Permits through July 26, etc., will expire on July 26, 2020. If Council wants to add to or modify the ordinance, an emergency meeting would have to be scheduled. Council agreed to have a special meeting on Tuesday, July 21, at 10:00 a.m.
- Discussion of Review Process for Ordinance 2019-09 (Beach Rules for Pets) – The Town Administrator stated that, when Council adopted Ordinance 2019-09, there was a provision in the ordinance that allowed for Council to review the terms of the ordinance no later than one year from its effective date to determine if the ordinance has worked effectively and achieved the objective of balancing the interest of all users of the beach. The ordinance can then be

amended, if and to the extent, Town Council deems necessary. Council has about 60 days to complete the review. The Town Administrator stated that Council can seek public comments or, if they prefer not to discuss this during the middle of a pandemic, either amend this ordinance or put a provision in the Emergency Ordinance to suspend the review to some particular date in the future. Mayor Gregg said he would like to see a summary from the Beach Patrol Reports as well as comments received through the website. The Mayor asked the Town Administrator to work out the timing for the solicitation of comments through the website, drop off/mail or by email and tabulate those for Council by the August meeting. The Ordinance could be discussed at the September Ways & Means Committee meeting; and, if action is required, he would recommend initiating that at the September meeting.

- Review of Proposal from the Reveer Group to Evaluate Safety Conditions and Potential Modifications to the Seabrook Island Road Bike Path (\$9,630 + meeting costs) – The Town Administrator had asked Reveer Group to provide a proposal to do a review of the existing conditions of the pathway and bring back options and recommendations necessary to improve the safety of the pathway. The total cost of the proposal is \$9,630, plus an additional \$1,575 per meeting. This is a comprehensive proposal looking at all aspects of the pathway, not just looking at speed or visibility, but any safety concern. The Mayor stated there was a reference to e-bikes in the proposal and that was a problem for him. The State law has been very specific about allowing the operation of pedal-assist bicycles. There is an entire genre of electrically powered bicycles, but the pedal assist bicycles are not capable of being propelled without the effort of the rider. Their purpose is to reduce the required effort from the rider. They do not have a throttle and they do not run at any speed unless the rider is rotating the pedals. The Mayor commented that what we are trying to address is a very restricted limited type of electrically driven bicycle. It is also an extremely comprehensive proposal and Councilman Goldstein has already been addressing a drainage problem on the bike path with ESP & Associates. The Mayor commented that the scope of work on this proposal goes well beyond what he thought Council was trying to address as far as safety on the bike path. The consensus of Council was to consider this proposal, or some version of this proposal, when working on the 2021 budget.

Action Items for July 28, 2020 Meeting:

- Ordinance 2020-06: An ordinance amending the Annual Operating Budget for the Fiscal Year beginning January 1, 2020 and ending December 31, 2020 – The Town Administrator explained that this ordinance, which modifies revenue projections as a result of the COVID-19 pandemic, will have second reading at the July Town Council meeting. The Town Administrator stated that he is trying to get an estimate from ESP & Associates for raising the section of the bike path that floods when we have heavy rain so that amount can be added to the Road & Drainage Fund before second reading.

The Town Administrator has begun looking at the financial impact of the COVID-19 pandemic in 2021. The total revenue from all funds that have a revenue source (General Fund, State A-Tax, County A-Tax and Alcohol Tax Funds) in the amended budget for 2020 is projected to be \$1,288,430 and the Town Administrator projects the total for 2021 to be \$1,194,175. In 2020, Business Licenses will remain about the same as projected since most of that income had been collected before the pandemic began but business license revenue will be significantly impacted in 2021 since most businesses pay on the previous year's

revenue. State A-Tax is estimated to be slightly higher in 2021 but it is uncertain if any County A-Tax will be received in 2021. Alcohol Tax is projected to remain about the same as in 2020.

- Resolution 2020-17: A resolution authorizing the granting of a permit to America Films of Wildstar Films, Ltd. (“America Films”) to operate a motor vehicle on the beach between September 8-22, 2020 – The filming crew will be working on a documentary for a National Geographic series that will feature dolphins strand feeding on both, the Seabrook Island and Kiawah, sides of the Inlet. The Town Administrator stated that he plans to have Resolution 2020-17 on the July Town Council agenda so that Council can vote on granting the permit to allow America Films to use their vehicle on the beach to carry personnel and equipment.
- Temporary Use Permit: Bohicket Invitational Billfish Tournament (July 29-August 1) – Town Administrator Cronin stated that the Billfish Tournament was scheduled for earlier in the year but was rescheduled due to COVID-19. Under the Town’s current Emergency Ordinance, Temporary Use Permits will not be approved through July 26. If the Emergency Ordinance is renewed, the language of that Ordinance may affect the issuance of this permit. The Town Administrator read aloud a list of precautions that the Marina anticipates putting into place if the permit for the tournament is approved. The current Emergency Ordinance does have an option of authorizing a Temporary Use Permit if adequate precautions and social distancing procedures are followed. Mayor Gregg asked if the Town Administrator felt the Marina’s procedures would be adequate or, if not adequate, what could be done to make the procedures satisfactory. The Town Administrator stated that the Marina had taken a lot of time and effort to put their plan together and feels they are reasonable measures to comply with what we ask others to do as far as limiting group congregations but one concern might be the vendor booths where people would likely tend to congregate. Since the Marina is open to the public, it was suggested that the vendor booths could be roped off to the public. The consensus of Council was that, if we are trying to hold down the spread of the virus it seems that this type of activity is something we would want to prevent but that the Marina had spent a lot of time and effort to try to hold the event in the safest way possible. Councilwoman Fox questioned whether we should take up this Temporary Use Permit at the Emergency Town Council meeting on July 21 since the regular Town Council meeting would be the day before the Tournament was to begin and Council agreed. The Town Administrator will see if a representative of the Marina can participate in the meeting on July 21.

Since there was no further business, the meeting was adjourned at 3:59 p.m.

Date: July 28, 2020



Town Clerk