

TOWN OF SEABROOK ISLAND
Town Council Meeting
March 23, 2021, at 2:30 p.m.

MINUTES

The March 23, 2021 Town Council 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 Administrator Cronin and Town Clerk Allbritton participated in the meeting. Mayor Gregg called the meeting to order. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act had been met.

Minutes:

The minutes of the Town Council meeting of February 23, 2021, the Ways & Means Committee meeting of March 9, 2021 and the Town Council Special Called meeting of March 12, 2021 were unanimously approved as written.

Financials:

Mayor Gregg reported that the total fund balance for the period ending February 28, 2021 was \$5,662,904 about \$581,090 more than the balance as of February 29, 2020. Unrestricted revenue for February totaled \$99,551 and unrestricted revenue for the year totaled \$133,245, representing about 10% of the 2021 annual budget, and about \$42,215 more than for February 2020. Expenditures for February totaled \$62,710 and expenditures for the year totaled \$119,237, representing about 8.4% of the 2021 annual budget. Expenditures for the year were about \$23,928 less compared to the same period in 2020. Excess of revenues over expenditures was \$36,840 for the month of February and the excess of revenues over expenditures for the year was \$14,008 compared to an excess of expenditures over revenues of \$52,135 as of February 29, 2020. Year to date figures for 2021, reflect greater revenue and decreased expenditures as compared to 2020.

Citizens/Guests Presentations, Comments:

The Town Clerk reported on comments that were received in advance of the meeting:

- Martha Goldstein, on behalf of the SEADOGS Board of Directors, March 23 – “We understand that the Town is in the process of implementing a new leash law ordinance that would cover the entire Town. Our Board is in favor of this new ordinance. At this time, the SEADOG’s Board of Directors would also like to suggest that the Town Council consider implementing a dog registration requirement for all dogs, both residing on, and visiting Seabrook Island. We feel that this would be beneficial for both owners and their dogs. SEADOGS would also like to offer our assistance to the Town in developing and/or implementing such a program.”
- Cathy Patterson, 4064 Bridle Trail Drive, March 22 – “The buffer zone around the Village at Seabrook was deeded to SIPOA in 2005. Most of this buffer zone abuts horse trails that, per SIPOA, are maintained by the Club/Equestrian Center. There is a part, on Bridle Trail Drive, that is a buffer zone with a drainage and general utility easement; and, per SIPOA, the Club/Equestrian Center is responsible for its maintenance. It is not part of the bridle trails but abuts the rear of the horse fields and private homes. Right now, there are some dead trees and heavy vine growth which is affecting the health of the trees. It is not maintained or cut back or any dead trees removed. Village owner’s property abuts this buffer zone, and they want the vines and dead trees removed. SIPOA told the owners to get approval from the Equestrian Center. Since there are specific Town ordinances, Article 10.30, about buffering of incompatible land uses, between multi-family and commercial, plus a lot more, does SIPOA, the Equestrian Center or Village owners need Town approval to take down dead trees, vines and vegetation in the buffer zones? Are there any guidelines as to what maintenance in a buffer zone is required? Will there be any changes in buffer zones in the revised DSO? Town Administrator Cronin had emailed an answer to Ms. Patterson on March 23 stating that a permit would not be needed from the Town to remove a tree that is dead, dying or

creates a hazard to public safety and no Town permit would be needed to clear overgrown brush, vines, etc. As far as maintenance, he quoted Sec. 14-20 of the Town Code which states that no property within the Town shall be used or allowed to deteriorate so as to create a public nuisance. He further explained that, unless the condition represents a bona fide public safety hazard, there is no maintenance requirement under the Town Code. Ms. Patterson stated that she had received the Town Administrator's reply but wanted to obtain an opinion from Council.

- David Hickman, March 22 – Mr. Hickman originally thought that residents of Seabrook Island were being sworn in as code enforcement personnel but later realized that the individuals were employees of Island Beach Services, the Town's beach patrol contractor, and he withdrew his comment.
- Darryl May, March 22 – Mr. May asked if Ordinance 2021-01 affected the regulations allowing dogs to be off-leash on the beach. I sent a reply to him stating that it did not. The beach rules for dogs are found in Section 32-44 and item (d), of Ordinance 2021-01, states that the provisions of this section shall not apply on any public property subject to the provisions of Section 32-44.
- Joe Penny, 3236 Middle Dam, March 23 – “Regarding Emergency Ordinance 2021-02 and mask wearing, the findings cited from August 12, 2020, are now over 7 months old. As per DHEC dashboard from 3/20/21, 48,149 Charleston County residents over age 65 have received the vaccination. It is highly probable that the vast majority, if not all, Seabrook Island residents in that age group have received the vaccine if they choose to. I believe, Section 21, 3(b) on page 11 should be stricken as it pertains to mask wearing and instead should fall on page 13 in Section 3 Face Coverings Encouraged for all.”
- Beverly Wall, 3205 Wood Duck Place, March 22 – “Please extend Emergency Ordinance 2021-02. Face coverings and social distancing are still needed as our seasonal population increases.”

Reports of Standing Committees, Commissions, Boards:

Public Safety Committee – Skip Crane

Councilman Crane reported that the Public Safety Committee met on Monday, March 8, 2021. The Committee reviewed the summary of results from the January 27, 2021 Disaster Recovery Council exercise. The meeting summary included 11 action items. After review and discussion, there were no significant changes for improvement of the DRC's response to the earthquake scenario. A DRC exercise will be held in June 2021 using a hurricane scenario. A review has begun to update the Town's Comprehensive Emergency Plan, that should be completed by the end of April so that the revised version will be available for the June DRC exercise.

At the Public Safety meeting, the Town Administrator presented two options for a leash ordinance and he presented the Committee's preferable option to Town Council at the Ways & Means Committee meeting on March 9.

Due to Covid restrictions, the Town Administrative presented alternative ways for holding the June 2021 Disaster Awareness Day. The Committee's favored approach was to allow various vendors to set up stations outside where they could discuss issues with residents and distribute applicable information. The Town Administrator plans to contact representatives from Kiawah to determine if they are interested in participating in the event.

Councilman Crane reported that, after the Mayor met with the Charleston County Department of Public Safety/EMS, he and Councilman Goldstein had been directed to include Deputy Chief Millican on the distribution list for the Public Safety Committee's meeting agendas. Councilmen Crane and Goldstein will also be meeting with Mike Shuler, who represents the new owners of Bohicket Marina, to orient him to emergency preparedness and response activities in the Town's Comprehensive Emergency Plan as they relate to Marina operations and facilities.

The next meeting of the Public Safety Committee will be April 12, 2021.

Public Relations/Communications – Pat Fox

Councilwoman Fox reported that 12 ham radio operators participated in a successful radio test on March 21 at 8:00 p.m. She also reported that the following had been published in Tidelines recently:

- Town meeting posts
- Town's recognition of March as American Red Cross month, with a link to the proclamation
- The TOSI Clips for the Ways & Means Committee meeting

Special Projects/Beach Administration – Barry Goldstein

Councilman Goldstein reported that he and the Town Administrator have the draft report from ESP, Inc. pertaining to the roadway but they had not reviewed it yet. The report on the In and Out-Bound Paths had been distributed to Council prior to the meeting. Councilman Goldstein asked Council to review the report and be prepared with questions and discussion at the April Ways & Means Committee meeting. The report identifies sections of the Out-Bound Path that floods and gives recommended improvement options. Enhancements are also identified that could be added to the Out-Bound Path and crosswalks. For the In-Bound Path, options are given to either make it ADA compliant or for its removal. If the In-Bound Path were left with no improvements, the Town would need to consider the liability, due to its condition. Councilman Goldstein stated that the areas that flood on the Out-Bound Path need to be addressed. The question is how much money the Town wants to spend on the In-Bound Path or if they want to make improvements to the Out-Bound Path and make it the only pathway.

Beach Administration/Community and Government Relations – Jeri Finke

Community Promotion Grants – Councilwoman Finke reported that information and the application for Community Promotion Grants could be found on the Town website and applications received are scheduled to be reviewed on April 21. Councilwoman Fox added that a post, regarding the Grants, is scheduled to be published on Tidelines soon. Town Administrator Cronin stated that he has received three Grant applications – the Seabrook Island Bird Group, the Seabrook Island Village – Neighbors Helping Neighbors and Green Space Conservancy.

Ways & Means Committee Item Updates – John Gregg

Mayor Gregg reported on the following:

- On March 11, the Town was notified that the applicant for the **rezoning request for 4455 Betsy Kerrison Parkway** (putt-putt development) had requested deferral of consideration of the application at the April 13 County Council meeting. The Charleston County Planning Commission had previously denied the rezoning request at their March 8 meeting.
- Charleston County has announced a **vaccination clinic** to be held on **March 25 at Baxter-Patrick James Island Public Library** for second doses of Moderna vaccine from 9:00 a.m. to 12:00 p.m. and sole dose of Johnson & Johnson vaccine from 1:00 p.m. to 4:00 p.m.
- Council approved the **Temporary Use Permit application of the Sea Islands Chamber of Commerce** for an **Art Walk** that will be held on April 3, from 10:00 a.m. to 7:00 p.m. at the NV Realty Office building parking lot. Applications for Temporary Use Permits by Bohicket Marina for the Dolphin Slam and Invitational Billfish Tournament were deemed withdrawn since Marina owners had announced that both events have been cancelled.

Reports of Ad Hoc Committees:

Development Standards Ordinance Advisory Committee – Councilman Crane reported that a draft of the DSO, that included changes/additions pertaining to the building height issue, has been delivered to the Committee. The next meeting has not been scheduled.

Reports of Town Officers:

Mayor – John Gregg

- **Proposed Outreach to New Owners of the Marina** – Mayor Gregg reported that it had been suggested, in an informal discussion, that the Town and Property Owners Association arrange an introductory meeting with the new owners of the Marina to build goodwill, but no date has been set for a meeting.

Town Administrator/Zoning Administrator – Joe Cronin

- **Beach Patrol Contract Update** – The Town Administrator reported that he had sent the Notice of Award of the beach patrol contract to Island Beach Services on March 22 and expects to have the signed contract back from them within a day or so. He will hold an orientation meeting for Island Beach Services employees soon and their code enforcement personnel will be sworn in. Trash cans should be installed on the beach prior to the beach patrol beginning on April 1. Peak season rules for leash requirements for pets on the beach will also begin on April 1. The Town Administrator asked Councilwoman Fox to run something on Tidelines about the change in leash requirements.
- **Short-Term Rental Permit Update** – Town Administrator Cronin reported that 182 short-term rental permits have been issued and about 43 are pending. If the short-term business license and permit applications are at the Town Hall by March 31, they will not be considered late.
- **2021 PGA Tournament Update** – PGA representatives had originally planned to cap spectators at the 2021 PGA Tournament at 10,000, but the Town Administrator learned at a recent meeting that they now plan to increase the number of spectators due to the Governor lifting restrictions on the size of gatherings and special events. A firm number for the Tournament was not available at that time. Practice rounds for the Tournament will be held May 17 through May 19, 2021. The Tournament will begin on May 20-23, with May 24 being a possible weather make-up day. The Town Administrator reported that robust Covid protocols will be in place:
 - Masks will be worn on shuttles.
 - Advanced air filtration will be used on shuttles.
 - All venues will be open-air.
 - A bubble will be available for players, caddies and staff.
 - There will be no bleachers.
 - Masks will be worn on the grounds unless people are eating and drinking and
 - There will be no advanced merchandise sales beforehand.

The Kiawah Island Community Association will be restricting contractor traffic to Kiawah during the week of the Tournament. The Seabrook Island Property Owners Association has been contacted to see if they would do the same, but representatives of the PGA have not received a response from them.

- **American Rescue Plan Act Update** – Town Administrator Cronin reported that the American Rescue Plan Act is the recent stimulus bill signed by President Biden. The Town Administrator stated that he had participated in a Web Forum, held by the National League of Cities that gave an overview of the legislation. The Act is a direct aid program, authorized by Congress, in which all cities and counties will receive aid from the federal government. The aid is based on population and is protected from State and County interference. The funds will go from the federal government to the State and the State will make the distributions. Cities and Counties will each get \$65.1 billion. Of that amount, 30% will go to cities with less than 50,000 residents, based on population. Small city grants cannot be more than 75% of the most recent pre-pandemic year's budget. Cities will receive 50% of the funds shortly after enactment and the other 50% within 12 months of the first distribution. The money must be spent on eligible expenditures by December 31, 2024. There are no application requirements to receive funds but there will be reporting requirements. The Town Administrator expects the Town to receive about \$700,000 based on initial estimates given to the National League of Cities. The Town Administrator mentioned the possibility of establishing an ad hoc committee to establish needs assessment criteria and to work on a plan for how the Town would use the funds.
- **Independence Day Fireworks Update** – Town Administrator Cronin reported that he had contacted Caleb Elledge, General Manager of the Seabrook Island Club, and they feel the Club facilities could accommodate the July fireworks celebration but some modifications from previous events might be needed. The Town Administrator added that he had posted an inquiry on the City and County Manager's listserve and found that most replies indicated that municipalities are now planning traditional community events and activities with enhanced Covid protocols. The Town Administrator recommended that the Town cautiously move forward with plans for the July

fireworks display. He added that the display could be livestreamed for people who did not want to attend in person. The contractor has set April 15 as the date when they would have to know if the Town would like to move forward with the July fireworks. When the Mayor polled Council to determine if they would vote to cancel or move forward cautiously, two members voted to cancel and three members voted to move forward cautiously. Mayor Gregg instructed the Town Administrator not to cancel the fireworks display yet.

Town Council Members – See Above

Utility Commission: Chair Annie Smith-Jones reported that the Utility Commission met on March 15, 2021. The financials showed the net income for February was \$57,732. The capital expenditures for the month were \$87,568 and, after adjusting for debt service and capital expenditures, February showed a net deficit of \$18,758. On a year-to-date basis, the net income was \$124,802 and, after adjusting for debt service and capital expenditures, there was a deficit of \$18,716. Available cash as of February 28, was \$2,801,917. During February, the daily average flow for sewer was .4 M gallons per day. Daily average flow for water was 13,131,000 gallons for the month.

Ms. Smith-Jones stated that she would like to be on the agenda for the April Town Council meeting to provide Council with information that would support approval to secure financing needed for SIUC to proceed with the holding pond expansion project. Final bids have been opened for installing the backup generators and were higher than anticipated. The Chair stated that she and the Mayor had met with St. Johns Fire District regarding their overdue fees.

Following a discussion pertaining to sewer impact fees, which have not been raised since the early 2000's, the Commission approved a \$2,500 increase. The next meeting of the Utility Commission is scheduled for April 12. The Town Administrator added that two of the approved expenditures for the American Rescue Act funds are water/sewer and broadband infrastructure. Mayor Gregg suggested that the Utility Commission furnish material, supporting SIUC's effort to secure financing for their holding pond expansion project, to Council before the April Ways & Means Committee meeting that will be held on April 13.

Petitions Received, Referred or Disposed of: None

Ordinances for Second Reading: None

Ordinances for First Reading:

- **Ordinance 2021-01:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article II, Offenses Against Public Safety; so as to add a new section requiring the restraint of domestic household animals/pets upon public property or upon the property of another. Councilwoman Finke made a motion to approve Ordinance 2021-01 as presented and Councilwoman Fox seconded the motion. Town Administrator Cronin explained that this ordinance will appear in Chapter 18 of the Town Code and will create a new section, Sec. 18-26 Restraint of domestic household animals/pets. As cited in item (d), this ordinance will not affect the beach rules for pets. The Property Owners Association currently has a requirement behind the security gate that requires pets to be on a leash when they are outdoors; but, with adoption of this ordinance, violations would become a municipal offense. Mayor Gregg was concerned that item (b) is framed as a presumption; and, after polling Council, it was decided that the Town Administrator would amend item (b), before second reading, to recite a definition rather than a presumption. The vote to approve the ordinance for first reading was unanimous.

Emergency Ordinances:

- **Emergency Ordinance 2021-02:** An Emergency Ordinance to modify and extend the requirements relating to the wearing of face coverings at all business establishments within the town; to modify the requirements for certain businesses; to extend requirements related to social distancing and group congregations; to extend emergency provisions related to town meetings; to extend the prohibition modify the requirements for the issuance of temporary use permits; to extend the expiration date for active building permits; and other matters related thereto. Councilwoman Finke moved to approve Emergency Ordinance 2021-02 and Councilwoman Fox seconded the motion. Councilwoman Finke stated that she would like to propose an amendment to remove the conflict in Section 2(b) (1) and (2) and Section 4(a)(2) and would keep in place the requirement for wearing a mask if you are in a business and employees and customers are having face to face interaction.

It was recommended that Section 4(a)(2) read as follows:

“(2) Pursuant to Section 2(b) of this Ordinance and subject to any applicable exceptions set forth in Section 2(c) of this Ordinance, Restaurants shall require that all Customers, patrons, employees, suppliers, vendors, and other visitors wear Face Coverings, as defined in Section 2(a)(3) of this Ordinance, while inside any portion of the Restaurant that is open to the public or that is open to Customers; while engaged in face-to-face interactions with Customers anywhere on the premises of the Restaurant, including outdoor areas; and, while waiting in line to enter a Restaurant.”

Councilwoman Finke moved for the adoption of the amendment to Emergency Ordinance 2021-02 and Councilman Goldstein seconded the motion. Councilwoman Finke reminded everyone that, even if the vaccine keeps individuals from getting seriously sick and out of the hospital, the vaccine does not keep individuals from getting the virus or spreading it. The only way not to do that is by wearing a mask. Restaurants should be treated like other businesses. She explained that patrons sitting at a table and actively eating and drinking would not be expected to have on a mask. The vote for approval of the proposed amendment to Emergency Ordinance 2021-02 as presented and discussed was unanimous.

The Town Administrator added that two most significant changes, where masks are no longer mandatory but are encouraged, are sharing a vehicle, boat, golf cart, or other mode of transportation which is provided by a Business Establishment for use on the premises of the Business Establishment when separation of at least six feet between individuals cannot be maintained and on the POA Boardwalks.

Mayor Gregg pointed out two changes that should be made:

- Section 6(a) – there should be a period after “otherwise”, delete “and” and start a new sentence.
- Section 13 – the date given at the end of the sentence should be May 23, 2021.

When Mayor Gregg called for a vote to approve Emergency Ordinance 2021-02 with the amendment and the two corrections, the vote to approve was unanimous.

Miscellaneous Business:

- Resolutions 2021-01 through 2021-18: Resolutions to appoint and commission the following individuals as Code Enforcement Officers for the proper security and general welfare for the Town of Seabrook Island (Beach Patrol): Alexander Huss, Alexander Wall, Andrew Mappus, Charles Cross, Craig Bachman, Grace Christoph, Ian Butler, Jacob Peller, Jacob Frederick, Jason Mueller, Malek Varner, Maxwell Kastenholz, Maxwell Wilson, Michael Sosnowski, Nicholas Larson, Peter Chaconas, Robert Edgerton, and Susannah Trammell. Councilwoman Finke made a motion to approve Resolutions 2021-01 through 2021-18 appointing and commissioning 18 employees from Island Beach Services as Code Enforcement Officers for the Town of Seabrook Island, contingent on the execution of the contract between the Town and Island Beach Services for the 2021 beach patrol season. Councilwoman Fox seconded the motion and the vote to approve was unanimous.

Citizens Comments:

Cathy Patterson, a resident of the Village at Seabrook, suggested that Council might want to survey residents to get their opinion before deciding about the removal of the in-bound pathway.

With there being no further business, the meeting was adjourned at 5:02 p.m.

Date: April 27, 2021



Town Clerk