

TOWN OF SEABROOK ISLAND

Town Council Meeting
March 28, 2023



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AGENDA

1. Call to Order – Roll Call – Freedom of Information – Pledge of Allegiance

Mayor Gregg called the March 28, 2023, Town Council Regular Meeting to order at 2:30PM. Councilwomen Finke and Fox, Councilmen Goldstein and Kortvelesy, Town Administrator Cronin, Zoning Administrator Newman, Communications & Events Manager Ochoa, and Town Clerk Watkins participated in the meeting. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the Freedom of Information Act had been met.

2. Approval of Minutes:

- Town Council Regular Meeting Minutes – February 28, 2023
- Town Council Work Session Meeting Minutes – March 14, 2023

Councilwoman Finke moved to approve the previous meeting minutes of February 28; Councilwoman Fox seconded. All voted in favor.

The previous meeting minutes of February 28th were approved.

Councilwoman Finke moved to approve the previous meeting minutes of March 14; Councilwoman Fox seconded. All voted in favor.

The previous meeting minutes of March 14th were approved.

3. Presentations:

None.

4. Public Hearing Items:

- Ord. 2022-08: An ordinance to grant to Berkeley Electric Cooperative, Inc., the non-exclusive right, power, and authority to erect and to install, maintain, and operate in, over, under, and upon the streets, alleys and public places of the Town of Seabrook Island, its electric lines, poles, wires, guys, push braces, and appurtenant electric distribution facilities, whether used to render service to the town or not, together with any necessary right of access thereto, for such period as the same are needed by the Cooperative to render electric service to its customers in the Town of Seabrook Island,

South Carolina; ; also to set the amount of the franchise fee to be paid by Berkeley Electric Cooperative, Inc., to the Town of Seabrook Island, South Carolina

- Ordinance 2023-01: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for Charleston County tax map number 149-06-00-003, containing approximately 0.25 +/- acres located at 2754 old forest drive, from the moderate lot single-family (R-SF2) district to the conservation (CP) district.
- Ordinance 2023-02: An ordinance (“FRANCHISE ORDINANCE” or “AGREEMENT”) to grant to Dominion Energy South Carolina, INC. its successors and assigns, the limited non-exclusive right, power, and authority to erect and install, maintain, and operate on, along, across, in over, above, upon and under the streets, alleys and other public places of the Town: (1) electric lines, poles, wires, guys, push braces, transformers and appurtenant facilities and (2) communication lines and facilities for use by the company or any designee under the terms set forth in this agreement, together with any necessary right of access thereto, for such period as the same is needed by the company to render service to its customers in the Town of Seabrook Island, South Carolina from those facilities; to set the amount of franchise fee to be paid by Dominion Energy South Carolina, INC. to the Town; If so required, to levy franchise fees on third parties selling electricity using the company’s electric systems; to allow for the establishment of a fund and underground Utility Districts for electric non-standard service; be it ordained by the Mayor and Council of Seabrook Island in Town Council assembled.

Paul McLaughlin, Baywood Drive, asked for clarification for the various franchise agreements between Berkeley Electric Cooperative and Dominion Energy. Mayor Gregg clarified the rationale for the need for both franchise agreements for both electric service providers.

Mayor Gregg closed the public hearing at 2:39PM.

5. Citizens Comments:

Town Clerk Watkins listed the individuals who submitted public comments prior to the meeting.

A copy of the comments is available with these minutes and upon request.

6. Reports of Town Boards, Commissions, and Committees:

- **Advisory Committees**
 - Community Promotions and Engagement Committee

Councilwoman Fox summarized the previous Community Promotions & Engagement Committee meeting on March 16th.

Councilwoman Fox noted that the Community Promotions Grant Process there is some confusion from applicants requesting these grants and might need to have another grant avenue available.

Councilwoman Fox noted the next Community Promotions and Engagement Committee meeting will be held on April 20th.

- Environment and Wildlife Committee

Councilwoman Finke summarized the March 9th Environment & Wildlife Committee, and the next meeting will be on April 13th.

A discussion was had on the potential WHSRN recognition designation would not have regulations along with it, just a network.

- Public Safety Committee

Councilman Kortvelesy noted in lieu of a Public Safety Committee meeting there was a Disaster Recovery Council (DRC) meeting and summarized the DRC meeting.

Councilman Kortvelesy noted the upcoming Disaster Awareness Day is tentatively on June 1st at the Island House.

- Public Works Committee

Councilman Goldstein updated Council on the status of repaving Seabrook Island Road and the status of the Town Hall Annex & Garage.

- **Special Committees**

None.

- **Ad Hoc Committees**

- Short-Term Rental Ad Hoc Committee

Councilwomen Finke and Fox presented the Short-Term Rental Ad Hoc Committee Report update since the original report in 2022.

The council clarified whether the report will be used to update the Short-Term Rental Ordinance and the timeline on when the proposed ordinance will be presented to Council.

The council inquired when the renewals for short-term rentals are due and when that data can be available. Town Administrator Cronin updated Council on the renewal process for the license year 2023-24.

- **Board of Zoning Appeals**

None.

- **Planning Commission**

None.

- **State Accommodations Tax Advisory Committee**

None.

- **Utility Commission**

Commissioner Smith-Jones summarized the Seabrook Island Utility Commission meetings held on March 15th, and the financials and operations for February.

The Council inquired when the new agency took over the contract running the utility commission and if they can give an update on how the Utility Commission is running.

The Council inquired on when the State would be reviewing the Utility Commission's application.

Paul McLaughlin inquired about water issues on Nancy Island Road.

7. Reports Town Officers:

- **Mayor**

- Update Regarding Town's Request for Public Assistance (Hurricane Ian)

Mayor Gregg updated Council on the status of the request for public assistance from Hurricane Ian.

- Notification of Agreement Ancillary to Business License Reform and Related Ordinance

Mayor Gregg summarized Ordinance 2023-03 along with the governmental agreement to continue to use the Municipal Association of South Carolina to collect business license fees on the Town's behalf.

- Update Concerning Charleston Regional Hazard Mitigation Plan

Mayor Gregg updated Council on the status of the updates to the Charleston Regional Hazard Mitigation Plan.

- Update from Recent Informal Discussion with Representatives of Club, Marina, and SIPOA

Mayor Gregg summarized a recent informal discussion had with representatives of the Club, Marina, and the Seabrook Island Property Owners Association (SIPOA).

- **Town Administrator**

- 2023-24 Business License & Short-Term Rental Permit Renewals

Town Administrator Cronin updated Council on the status of the 2023-24 Business License & Short-Term Rental Permit Renewals and the process for this year.

- 2023 Election Cost Estimate

Town Administrator Cronin noted the increase in election fees for this year as compared to the previous election in 2021.

- Beach Patrol Update

Town Administrator Cronin noted that the Beach Patrol Contract is scheduled to start on April 1st and the peak season beach rules go into effect on April 1st.

- Spring Shred Day Event

Town Administrator Cronin noted the upcoming Shred Day Event on April 14th from 10:00am to 1:00pm.

- Town Administrator Cronin updated on the proposed State Legislation in the bills and in the budget proviso regarding short-term rentals.

- **Town Clerk/Treasurer**

- Report of Financials for the Month of February 2023

Town Clerk Watkins summarized the February Financials as follows:

- Total fund balance ending on February 28, 2023, was \$8,432,700 an amount about \$1,550,287 more than the balance as of February 28, 2022.
- Unrestricted revenue for February totaled \$283,394 representing about 20.2% for the 2023 annual budget and being about \$258,276 more than for the same period in 2022.
 - Town Clerk Watkins noted the increase in revenue is due to the Berkeley Electric Franchise Fee that was collected in February and is accrued to FY2022.
 - Without this reflected in the financials, the total revenue is about \$119,870.
- Expenditures for February totaled \$147,738 which is 14.3% of the 2023 annual budget. Expenditures for the year were about \$108,033 more compared to the same period of 2022.
- Excess of expenditures over revenues, using those not reflecting the Berkeley Electric Franchise Fee, was \$27,868 for February compared to an excess expenditure over revenues of \$52,743 in the same period of 2022, representing an increase in revenue from this year compared to last.

Town Clerk Watkins updated Council Members on the status of the FY 2022 audit and noted the first disbursement of the Local ATAX disbursements from the County.

- **Town Attorney**

None.

- **Zoning Administrator**

- Code Enforcement Summary

Zoning Administrator Newman summarized the code enforcement summary since the previous Council meeting.

Zoning Administrator Newman added there will be interviews for additional code enforcement officers for the peak season.

Town Administrator Cronin noted the budget for peak season.

- **Communications & Events Manager**

- Disaster Awareness Day (June 1st: 10:00 am to 1:00 pm @ SIC Island House)

Communications & Events Manager Ochoa noted the upcoming Disaster Awareness Day will be held on June 1st from 10:00am and 1:00pm and the Seabrook Island Club Island House, and which entities will be in attendance.

- Chow Town Food Truck Rodeo Approval for Beer & Wine

Communications & Events Manager Ochoa noted feedback from last year's Chow Town Food Truck Rodeo to allow beer & wine vendors to attend this year's event, and to obtain liability insurance to cover the sale of alcohol at the event.

The council inquired about the cost for all food truck events, and whether it would be allowed to be brought in, and if there is a minimum needed to sell alcohol.

The council inquired about what the liability insurance covers.

Councilwoman Finke moved to approve to obtain the liability insurance to have beer & wine at the Chow Town Food Truck Rodeo's; Councilwoman Fox seconded. All voted in favor.

Staff were approved to obtain the liability insurance to have beer & wine at the Chow Town Food Truck Rodeo's.

8. Ordinances for Second Reading:

- Ord. 2022-08: An ordinance to grant to Berkeley Electric Cooperative, Inc., the non-exclusive right, power, and authority to erect and to install, maintain, and operate in, over, under, and upon the streets, alleys and public places of the Town of Seabrook Island, its electric lines, poles, wires, guys, push braces, and appurtenant electric distribution facilities, whether used to render service to the town or not, together with any necessary right of access thereto, for such period as the same are needed by the Cooperative to render electric service to its customers in the Town of Seabrook Island, South Carolina; ; also to set the amount of the franchise fee to be paid by Berkeley Electric Cooperative, Inc., to the Town of Seabrook Island, South Carolina

Councilwoman Finke moved to approve Ord. 2022-08; Councilwoman Fox seconded. All voted in favor.

Ord. 2022-08 passed second reading and was adopted.

- Ord. 2023-01: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for Charleston County tax map number 149-06-00-003, containing approximately 0.25 +/- acres located at 2754 Old Forest Drive, from the moderate lot single-family (R-SF2) district to the conservation (CP) district.

Councilwoman Finke moved to approve Ord. 2023-01; Councilwoman Fox seconded. All voted in favor.

Ord. 2023-01 passed second reading and was adopted.

- Ord. 2023-02: An ordinance (“FRANCHISE ORDINANCE” or “AGREEMENT”) to grant to Dominion Energy South Carolina, INC. its successors and assigns, the limited non-exclusive right, power, and authority to erect and install, maintain, and operate on, along, across, in over, above, upon and under the streets, alleys and other public places of the Town: (1) electric lines, poles, wires, guys, push braces, transformers and appurtenant facilities and (2) communication lines and facilities for use by the company or any designee under the terms set forth in this agreement, together with any necessary right of access thereto, for such period as the same is needed by the company to render service to its customers in the Town of Seabrook Island, South Carolina from those facilities; to set the amount of franchise fee to be paid by Dominion Energy South Carolina, INC. to the Town; If so required, to levy franchise fees on third parties selling electricity using the company’s electric systems; to allow for the establishment of a fund and underground Utility Districts for electric non-standard service; be it ordained by the Mayor and Council of Seabrook Island in Town Council assembled.

Councilwoman Finke moved to approve Ord. 2023-02; Councilwoman Fox seconded. All voted in favor.

Ord. 2023-02 passed second reading and was adopted.

9. Ordinances for First Reading:

- Ordinance 2023-03: An ordinance authorizing and directing the Town of Seabrook Island to enter into an intergovernmental agreement relating to South Carolina Local Revenue Services; to participate in one or more local revenue services programs; to execute and deliver one or more participant program supplements; and other matters relating thereto.

Councilwoman Finke moved to approve Ord. 2023-03; Councilwoman Fox seconded. All voted in favor.

Ord. 2023-03 passed first reading.

10. Other Action Items:

- Resolutions 2023-01 thru 2023-23: Resolutions to appoint and commission multiple code enforcement officers for the proper security and general welfare for the Town of Seabrook Island [Beach Patrol]

Councilwoman Finke moved to approve Resolutions 2023-01 thru 2023-23; Councilwoman Fox seconded. All voted in favor.

Resolutions 2023-01 through 2023-23 were approved.

- Electric Service Rights Agreement: Agreement concerning electric service rights between Berkeley Electric Cooperative, Inc., and Dominion Energy South Carolina, Inc.

Councilwoman Finke moved to approve the Electric Service Right agreement with Berkeley Electric Cooperative and Dominion Energy; Councilwoman Fox seconded. All voted in favor.

The electric service rights between Berkeley Electric Cooperative Inc. and Dominion Energy South Carolina Inc. were approved.

- Committee Appointment: Request to appoint one member to the Public Safety Committee to fill the remainder of an unexpired term

Councilman Kortvelesy nominated John Kinne to fulfill the unexpired term on the Public Safety Committee; all voted in favor.

Mr. Kinne was appointed to the Public Safety Committee.

11. Items for Information or Discussion:

None.

12. Citizen Comments:

Paul McLaughlin, 3061 Baywood Dr., commented on the Short-Term Rental Ad Hoc Committee report and on short-term rental regulations for Seabrook Island compared to the Charleston Area, and would like to present at the upcoming Town Council Meeting.

Mary Jo Manning, Deshoroau Drive (confirm address), thanked the Short-Term Rental Ad Hoc Committee and asked if some of the stakeholder meetings could include the residents as well, and would like to talk about environmental issue.

Bernie McLaughlin, 3020 Baywood Drive, recognized the hard work done by the Short-Term Rental Ad Hoc Committee and disagreed with the committee's report.

13. Executive Session

- **Discussion of Personnel Matter (S.C. Code Sec. 30-4-70(a)(1))**
 - *Please Note: Town Council may take action on Executive Session Items listed on the agenda when they come back into Public Session*

Councilwoman Finke move to adjourn into Executive Session; Councilwoman Fox seconded. All voted in favor.

Council adjourned into Executive Session at 4:51PM.

Councilwoman Finke moved to come out of Executive Session; Councilwoman Fox seconded. All voted in favor.

Council came back from Executive Session at 5:05PM.

14. Council Comments

None.

15. Adjournment

Councilwoman Finke moved to adjourn the meeting; Councilwoman Fox seconded. All voted in favor.

The meeting adjourned at 5:06PM.

Date: April 24, 2023

Prepared by: *Katharine E. Watkins*
Town Clerk/Treasurer