MINUTES

The August 25, 2020 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. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act were met.

Minutes:
The following minutes were unanimously approved as written:

- Town Council Meeting of July 28, 2020
- Public Hearing Meeting of July 28, 2020
- Ways & Means Committee Meeting of August 11, 2020
- Pre-Budget Workshop of August 18, 2020

Financials:
Mayor Gregg reported that the total fund balance for the period ending July 31, 2020 was $5,366,404, about $369,498 more than the balance for the same period in 2019. Unrestricted revenue for July totaled $110,122. Unrestricted revenue for the year as of July 31 totaled $814,187 representing about 67% of the 2020 amended annual budget and about $154,507 less than the same period in 2019. Expenditures for July totaled $69,048 and expenditures for the year, as of July 31, totaled $482,628, representing about 40% of the 2020 amended annual budget. Expenditures for the year were about $285,517 less than the same period in 2019, due primarily to there being no expenditures for the roadway project and no capital expenditures during the period this year, compared to $67,465 in the same period in 2019, and more than $30,000 less in engineering charges compared to 2019. Excess of revenues over expenditures was $41,074 for the month of July and about $331,558 for the year as of July 31.

Town Administrator Cronin pointed out the amended budget figures have been incorporated into the July financials. He stated that Business License revenue at the end of July is $380,853, which is more than $5,000 over budget for the year. In 2021, Business License revenue is expected to be considerably less, however, because most businesses base their fees on the previous year’s income.

Citizens/Guests Presentations, Comments:
David Irwin, Mauldin & Jenkins- 2019 Town Audit – Mayor Gregg stated that, in January of this year, the Town entered into a services agreement with Mauldin & Jenkins for audit services and the firm completed the 2019 audit of the Town’s financial records in July of this year. The Mayor introduced David Irwin, the firm partner in charge of fieldwork, to give a brief audit presentation. Mr. Irwin stated that the financial statements are the responsibility of the Town’s management and councilmembers, but the external, independent auditor’s job is to issue an opinion on these statements. Mr. Irwin commented that the Town’s audit was conducted in accordance with generally accepted audit standards and governmental audit standards. He noted that Mauldin & Jenkins is issuing a clean or unmodified opinion on the Town’s report. Mr. Irwin stated that, besides being the first year his company has performed the Town’s audit, a once in a lifetime pandemic was taking place and the entire 2019 audit had to take place remotely without coming on site.

Mr. Irwin pointed out the Management Discussion and Analysis (MD&A) portion of the audit, beginning on page 4 through page 9, and encouraged Council to read this section. Activity for 2018 and 2019 is presented in the MD&A so that the activity of two years can be compared. The remainder of the audit report is divided into three sections:
(1) The Governmentwide Financial Statements, which provide a broad view of the Town’s operations with both funds, General Fund and Restricted Funds, being combined. Financial information for the Seabrook Island Utility Commission, which is a component unit of the Town, is also shown.

(2) The Fund Level Statements focus on individual parts of the government and reports the Town’s operations in more detail. The General Fund is the main fund of the Town and accounts for most of the revenue received and funds expended. Mr. Irwin pointed out that (Page 14) total revenues for the General Fund were approximately $1,500,000, an increase of about $100,000, or 7%, from the prior year. Expenditures from the General Fund were a little over $1,200,000, which is a decrease of about $40,000, or about 3%, from the prior year. Overall, 2019 was a good year for the General Fund compared with 2018. In total, the General Fund’s balance increased approximately $318,000 through the year for an ending fund balance of just under $5,000,000. Mr. Irwin stated that, for a municipality the size of Seabrook Island, this is very impressive. Besides the General Fund, the Town has a Special Revenue Fund that includes State and County Accommodations Tax and is restricted as far as expenditures.

(3) The Footnotes disclose the Town’s accounting methods as well as provide an expanded explanation of the operational and financial results. There were no significant changes to this year compared to prior years. Mayor Gregg noted that there was extensive discussion concerning deferred inflows and outflows and an adjustment that was made apparently because of an oversight in prior years reporting that resulted in a need to make an adjustment and it is also indicated that the Town is undertaking to insure that will not be repeated. The Mayor asked if there were any adverse consequence to the Town that arises from what was an apparent oversight in the reporting. Mr. Irwin replied there was not. He stated that, in accordance with GASB 68, the Town is required to record its allocated portion of its Net Pension Liability. The liability, along with the related deferred outflows (assets) of resources and deferred inflows (liabilities) of resources are obtained directly from the South Carolina Public Employees Benefit Authority. The prior auditor recorded the net pension liability but not the related deferred outflows and inflows of resources. Deferred outflows (i.e. prepaid asset) totaled $82,542 and deferred inflows (i.e. liability) totaled $9,160, so the net effect was an increase to the Town’s beginning net position of $73,882. Therefore, the prior period adjustment improved the Town’s beginning net position, increasing from $5,726,043 to $5,799,425.

Town Administrator Cronin commented that this audit began later than we had originally intended because of the pandemic but we appreciate the audit being finished in a timely manner so that we have it before starting our budget process for 2021.

**Reports of Standing Committees, Commissions, Boards:**

**Public Safety Committee – Skip Crane**
Councilman Crane, Chairman of the Committee, reported that the Public Safety Committee met Monday, August 10, by teleconference. Committee members reviewed developments with the pandemic and noted that efforts are being made to ensure people are aware of the seriousness of the situation. The Committee discussed the Town’s response to Tropical Storm Isaias. Councilman Crane reported that updates to the Comprehensive Emergency Plan are a little later than usual due to the pandemic and extended negotiations with eGroup for the continuing services of Scott Cave, the Town’s emergency preparedness and response consultant. The Committee also discussed various scenarios that should be considered for the next emergency exercise. The Public Safety Committee expressed their interest in having Disaster Awareness Day in 2021 should conditions, at the time, allow such events.

**Public Relations/Communications – Pat Fox**
Councilwoman Fox reported that she and Max Willis had conducted a ham radio test on August 19 at the Town Hall and discovered there is a problem with the cable running into the Conference Room that needs to be repaired.

Mayor Gregg stated that he had learned at a BCD Council of Governments meeting that statistics show many people are not returning their census forms and municipalities were encouraged to attempt to get their
residents to return these forms. The Mayor asked Councilwoman Fox to see if Tidelines could publish reminders about returning the census forms. The Mayor noted that population statistics are used in many instances to determine what the distribution of revenues to jurisdictions would be.

**Special Projects/Beach Administration** – Barry Goldstein
Councilman Goldstein reported that he had written an article about the effects of second-generation anticoagulant rodenticides (SGA’s) on the bobcat population that will be published this month in *The Seabrooker*. He also suggested that the Town proceed with sending letters to pesticide companies that are licensed to work on Seabook Island asking them not to use SGA’s. Town Administrator Cronin added that he had brought this issue up when he participated in the Municipal Association of South Carolina (MASC) Regional Advocacy meeting last week. A representative from MASC contacted Clemson for additional information and will also be contacting Senator Campsen. The Town Administrator asked MASC if there would be any problem if the Town asked pesticide companies that do business on Seabook Island to sign a pledge to commit to not using SGA’s on Seabook Island and then put a list of the companies that sign the pledge on the Town website. MASC forwarded the question to their staff attorney to get an opinion. Their attorney advised that a list on the website should not be an issue if the Town provided the list for informational purposes and did not recommend, for or against, any companies. MASC also recommended that the Town provide instructions for how other companies could be included on the list. In view of the information obtained from MASC, the Town Administrator recommended including the pledge, along with the letter, that is being mailed to pesticide companies.

**Beach Administration/Community and Government Relations** – Councilwoman Finke
Councilwoman Finke commented that she had heard from other residents that some of the trash cans on the beach are not attached to their posts. Town Administrator Cronin commented that Beach Patrol had removed them from the beach, before Tropical Storm Isaias, and had put them back but he would ask Tom, the Code Enforcement Officer who put them out originally, to check.

Councilwoman Finke reported that, regarding the court case on seismic testing, the Judge issued an order on August 20 to National Marine Fishery Service to produce documents within 10 days that should be part of the administrative record. She stated that the permits that are being challenged will run out at the end of the year; and, with the presidential election in November, she was not sure how the lawsuit would be affected.

**Ways & Means** – John Gregg
The Mayor reported that the following topics were discussed at the July Ways & Means Committee meeting:

- **Flood Insurance Rate Maps** – Mayor Gregg reported that the Town has received notice from Federal Emergency Management Agency (FEMA) of finalization of the revised Flood Insurance Rate Maps (FIRM). The maps, which will replace the FIRM from 2004, were first proposed in 2016 and will become effective January 29, 2021.
- **Town’s Response to Tropical Storm Isaias** – The Mayor reported that the Town participated in conference calls, pertaining to Tropical Storm Isaias, with the Charleston County Emergency Management Department beginning on July 31. The Town convened videoconference meetings of the Town’s Disaster Recovery Council and issued six Public Information Statements to keep residents informed.
- **Public Safety Committee** – Councilman Crane reported that the Public Safety Committee had discussed the Town’s response to Tropical Storm Isaias and organized information for updating the Comprehensive Emergency Plan. The Committee also established a preliminary schedule for emergency preparedness activities for 2021.
- **Development Standards Ordinance (DSO) Advisory Group** – Councilman Crane reported that the DSO Advisory Group continued its review of the initial draft of the proposed revision of the Town’s DSO. Once review of the initial draft is complete, the DSO Advisory Group will consider an updated proposed revision.
• **Short-Term Rental Ad Hoc Committee** – Councilwoman Finke advised Council that the Short-Term Rental Ad Hoc Committee does not recommend the Town get involved with regulation of parking issues, as those issues should be worked out between the Seabrook Island Property Owners Association and the regimes; but, if the Town were to develop regulations relating to occupancy for short-term rentals, it might help with parking concerns. The Committee will meet with the Town Administrator before developing text for regulating occupancy.

• **Bobcat Poisonings (Second Generation Anticoagulant Rodenticide)** – Councilman Goldstein reported that he had obtained material from Jim Jordan, Kiawah’s Wildlife Biologist, that will be useful to the Town to help educate residents about the problems associated with pesticide companies using second generation anticoagulant rodenticides (SGA’s) to control rodents. Councilman Goldstein will prepare articles for Tidelines and *The Seabrooker* to educate residents and will also include information about alternatives to SGA’s that can be used. The Mayor agreed to sign a letter, which will be sent to pest control companies that operate on Seabrook Island, encouraging them not to use SGA’s within the Town.

• **Emergency Ordinance 2020-03** – Town Administrator Cronin noted that the Town’s Emergency Ordinance 2020-03 would expire on August 30. It was decided that an extension or replacement would be on the August Town Council agenda. In response to comments by Councilman Goldstein, the Mayor indicated that a provision for mandating the use of face coverings on the boardwalks would be considered for inclusion in the ordinance.

• **Accommodations Tax Grant Applications** – The Town Administrator noted that the Accommodations Tax Advisory Committee will meet on August 27 to consider applications for the use of 2021 Accommodations Tax funds. Applications are to be submitted to the Town Clerk by 4:00 p.m. on Thursday, August 20.

• **Street Renaming Request (Procedural Matters)** – Town Administrator Cronin reported that he had received a request from a resident to rename a street within the Town. Under State statute, the Planning Commission has the authority to rename a street, but the Town’s ordinances do not establish a procedure to be followed. This item will be on the agenda for the August Planning Commission meeting.

• **Text Amendments of DSO Affecting Regulations of Signs** – The Town Administrator reviewed a text amendment for the DSO that would allow for internally illuminated message signs within the Town. The proposed amendment to the DSO establishes criteria for characteristics of such signs and allowable locations, the latter being narrowly defined to prevent proliferation of such signs within the Town. The ordinance will be on the agenda for the August Planning Commission meeting and, if approved, will be on the August Town Council agenda for first reading.

**Planning Commission** – No Report

**Board of Zoning Appeals** – No Report

**Reports of Ad Hoc Committees:**

**Development Standards Ordinance Advisory Group** – Councilman Crane, Chairman, reported that two virtual meetings of the DSO Advisory Group were held in August. To date, the Group has reviewed 18 Articles for updating the Town’s current DSO and Town Council has forwarded two specific policy decisions to the Group. In September, DSO Advisory Group meetings will be held at 2:00 p.m. on September 17 and September 29.

**Regulation of Short-Term Rentals Committee** – Councilwomen Finke and Fox will be working with the Town Administrator to determine whether short-term rental regulations should be addressed in the business license ordinance or the DSO.

**Reports of Town Officers:**

**Mayor** – John Gregg

• **Finalization of Charleston County Hazard Mitigation Plan Update** – Mayor Gregg stated that the annual update of the Charleston County Regional Hazard Mitigation Plan has been completed
• Adoption of Revised Flood Insurance Rate Maps – Mayor Gregg reported that the Town has been informed of finalization of revised Flood Insurance Rate Maps (FIRM) that will become effective January 29, 2021. It will be necessary for the Town to adopt the revised FIRM to maintain eligibility to participate in the National Flood Insurance Program. Charleston County expects to complete adoption of an ordinance in October which will adopt the revised maps. In keeping with the Town’s arrangement with Charleston County for building inspection services, the Town will adopt the County’s ordinance by reference.

**Town Administrator/Zoning Administrator** – Joe Cronin

- **Beach Patrol** – The Town Administrator reported that he did not get the Beach Patrol’s monthly report in advance of the meeting but will send it to Council by email when he gets the updated information.

- **SC CARES Grant Update** – Town Administrator Cronin explained that funds had been passed down to individual states from the CARES Act and the State of South Carolina has made a portion of the funds available to local governments for COVID-19 related expenditures. The Town has submitted a request for grant funding for eligible expenditures made during the period of March through June of 2020. The request was submitted in three categories –
  - **Payroll Expenses**, which covered about 50% of the salary paid to a Code Enforcement Officer beginning in April when the Town’s first COVID related ordinance dealing with short-term rentals went into effect and continuing through June. The amount submitted was $1,725.
  - **Compliance Expenses**-
    - (a) Telework Capability Improvement, which were expenses to enable an employee to work remotely, such as a monthly technology allowance for employees, ink cartridges, mouse, Zoom Video Conference, etc. The amount submitted in this category was $1,026.73.
    - (b) Sick and Medical Leave, which provided for the Town’s cost for sick and medical leave for employees who were out with COVID-19 or, if they were out on order of a doctor, while awaiting COVID testing and the results of the test. The amount submitted was $3,503.32.
  - **Public Health Expenses** –
    - (a) Communication & Enforcement, which included rental of a message board and signage for Town Hall and beach access points. The total submitted for this category was $9,393.80.
    - (b) Public Safety Measures, which included general measures that the Town undertook to protect the safety of employees and visitors to the Town Hall, such as sanitizer, cleaning supplies, Plexiglas screen, drop box, face masks, gloves, etc. The total submitted for this category was $1,223.91.

The grand total for the Grant submitted on August 28 was $16,872.76.

- **Public comments on Ordinance 2019-09 (Beach Rules for Pets)** – The Town Administrator reported that the Public Comment Portal on the Town’s website is now open for comments on Ordinance 2019-09 (Beach Rules for Pets). The deadline for those comments is September 8th. Comments can also be emailed to the Town Clerk and mailed or dropped off at the Town Hall. The comments will be tabulated in a report for Council and the ordinance will be discussed at the Ways and Means Committee meeting on September 8. A decision will be made at the Town Council meeting on September 22 on whether to leave the ordinance as it is or to make changes.
Councilwoman Finke asked if Council could get the comments in batches so that they could be reading them before the Ways and Means Committee meeting and the Town Administrator agreed to do that.

- **Update on procedures for considering street name change requests** – Town Administrator Cronin reported that, at their last meeting, the Planning Commission discussed developing a procedure for changing a street name. An ad hoc committee was established that would include two members of the Planning Commission, with one being the chairman, and one non-member resident of the Town. The chairman has convened that committee to come up with recommendations and those will be discussed at the Planning Commission’s September meeting.

- **Update on the impact of new FEMA Flood Insurance Rate Maps (FIRM)** – The Town Administrator stated that FEMA has provided notification that new Flood Maps will become effective on January 29, 2021. Most of the island will see a lower base flood elevation than was required in the current maps. One of the biggest impacts, as far as zoning, will be for undeveloped lots. When a new home is built, the maximum height is based on the base flood elevation and then 2 feet is added for the County freeboard. With the current maps, if you are in an AE13 zone, you would start measuring the height of the structure at 13 feet, plus the 2 feet, or 15 feet, above mean sea level. From that point, the structure can go up 36 feet for the maximum height. If the same lot is now AE10, you would start measuring at 10 feet, plus the 2 feet, or 12 feet, and then you can go up 36 feet. If this is the case, and the houses around you have already been built while the 2004 maps were in effect, you will have a house that may look out of character with others on the same street as it will be lower. The Town Administrator commented that he had originally thought the Town could address this issue in the Development Standards Ordinance; but, with delays because of the pandemic, the adoption of the revised DSO is behind schedule and it probably will not be adopted before the new FEMA maps go into effect.

- **Discussion about 2020 Town Christmas Party** – The Town Administrator commented that he does not believe things will return to normal before the end of the year and does not believe it would be possible to have the usual Town Christmas party. He inquired whether Council would like to cancel the event or if they would be interested in doing something a little different. He pointed out that the Town could have some type of drive through event, giving out cupcakes or some treat in exchange for a toy to be donated to Toys for Tots. The Mayor said he had no objection to Council being present for the event. After discussion, the Town Administrator commented that it sounds as though Town Council would like to do something different this year and the details can be worked out later.

- **Complaints about the Area of the Bridge over Haulover Creek** – The sink hole in the area at Haulover Creek has been filled a couple of times but it appears there is some underlying issue with the structural integrity of the bridge that is causing those dips. Kiawah has also reached out to SC Department of Transportation in the past and has not gotten much of a response either. The Town Administrator reported that a meeting has been set up with Spencer Wetmore, our newly elected State Representative, at the Kiawah Town Hall on September 2. Mayor Gregg, Town Administrator Cronin, the Kiawah Mayor and Town Administrator will also attend the meeting to discuss this as well as other issues.

- **MUSC has Certificate of Need for Sea Islands Medical Center** – Town Administrator Cronin stated that he recently saw that the Certificate of Need for MUSC’s medical facility, which has been proposed for the corner of Andell Bluff Boulevard and Seabrook Island Road, has been approved.

- **State Accommodations Tax Grants** – Town Administrator Cronin stated that $61,750 will be available for Accommodations Tax Grants. The Accommodations Tax Advisory Committee will meet on Thursday, August 27, and the deadline for applications was Thursday, August 20. Seven application were received that total $128,750. Town Administrator Cronin noted that he has started working on the draft budget and he had submitted an application from the Town for $60,000 from State Accommodations Tax for Beach Patrol since that was Council’s top priority. Since we will have a new contract, he said that he has anticipated that the cost might go up slightly and has budgeted $145,000 for the total amount. Currently, he says his draft budget has $80,000 for Beach Patrol coming from the General Fund, $60,000 from State Accommodations Tax and $5,000 from
the remaining balance in County Accommodations Tax. If the Town uses $60,000 from State Accommodations Tax for Beach Patrol, that would only leave $1,700 left to fund the remaining applications.

Town Council Members – See Above

Utility Commission: No Report

Petitions Received, Referred or Disposed of: None

Emergency Ordinance:
- Emergency Ordinance 2020-05 – An Emergency Ordinance to extend requirements related to social distancing and group congregations; to modify the requirements for certain businesses; to extend the prohibition on temporary use permits; to extend the expiration date for active building permits; to extend the requirement relating to the wearing of face coverings at all business establishments within the Town; to repeal Emergency Ordinances 2020-03 and 2020-04; and other matters related thereto. The Town Administrator stated that he is recommending that Council replace the previous Emergency Ordinances 2020-03 and 2020-04 with Emergency Ordinance 2020-05 which will address the general COVID-19 requirements and the face covering provisions. Councilman Crane made a motion to approve Emergency Ordinance 2020-05 as presented to Council. Councilwoman Finke seconded the motion. Mayor Gregg asked each councilmember for questions, comments or amendments:

Councilman Crane – had no questions, comments or amendments.

Councilwoman Finke –
1. Commented that she does not want to repeal social distancing or limitation on group size. Councilwoman Finke made a motion to amend Section 6 (a) to strike the language in the draft ordinance and to replace it with language contained in the Mayor’s Executive Order 2020-01 prohibiting group congregations of more than 10 people and requiring social distancing. Councilman Crane seconded the motion. The vote to approve was unanimous.

2. Commented that she thinks the Town should require masks when standing in line to vote. The Town Administrator noted that this ordinance will expire before the election. He suggested striking voting provisions in Emergency Ordinance 2020-05 and the Town could request an opinion from the SC Attorney General as to whether masks could be required at polling places and also consult with SPOA to determine what their plans are for election day at the Lake House. Councilman Crane made a motion to strike 2 (c) (7) and Section 3 (a) (5). Councilwoman Finke seconded the motion and the vote to approve was unanimous.

3. Stated that she is still in favor of masks on boardwalks and the wash stations. Councilman Goldstein noted that science has proven that masks are effective and, since the boardwalks are not six feet wide, a mask should be required. Councilman Crane made a motion to move the provision in Section 3 (a) (4) where face coverings would be encouraged on Boardwalks 1-9, including associated wash stations, to Section 2 (b) (4) where face coverings would be required. The words “Business Establishment” will also be deleted from 2 (b). Councilwoman Finke seconded the motion. The motion carried with Councilwoman Finke, Councilmen Crane and Goldstein voting in favor of the amendment and Councilwoman Fox and Mayor Gregg voting against.

Councilwoman Fox –
1. After a question from Councilwoman Fox and discussion, Councilwoman Finke made a motion to eliminate Section 2 (c) (6) which pertains to people engaged in strenuous exercise and physical activity being exempted from wearing a mask. Councilman Goldstein seconded the motion. The motion carried with Mayor Gregg, Councilwoman Finke and Councilman Goldstein voting in favor of the amendment and Councilwoman Fox and Councilman Crane voting against.
2. Made a motion to amend Section 2 (c) (1) to change the wording from “two (2) years old or younger” to “five (5) years old or younger.” Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Councilman Goldstein – Stated that his concerns were addressed by other councilmembers.

Mayor Greg – Stated that he had no further amendments to make.

Councilman Crane made a motion to approve Emergency Ordinance 2020-05 with amendments that were approved. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Councilman Crane made a motion to seek an advisory opinion from the SC Attorney General regarding whether a municipality can require masks at a polling place. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Ordinances for First Reading:
• Ordinance 2020-07 – An ordinance amending the Development Standards Ordinance of the Town of Seabrook Island, South Carolina; Article 12, Signs; so as to create new classifications of signs to be called “Community Message Board Signs” and “Electronic Variable Message Displays”; to permit Electronic Variable Message Displays to be affixed to Community Message Board signs under certain conditions; and other matters related thereto; and Article 16; Design and Improvement Standards; Section 16.10, Subdivision Design Standards; Subsection 16.10.40, Arterial Streets; so as to modify the designation of arterial streets within the Town; and other matters related thereto. Town Administrator Cronin noted that this ordinance is related to a request by SIPOA to install a sign with a video board message display which is prohibited by the Town’s Sign Ordinance. The draft ordinance was presented to the Planning Commission at their August meeting and they voted unanimously to recommend the ordinance to Council for approval. The Town Administrator stated that, when preparing the ordinance, the objectives were:
  • to allow electronic message boards,
  • to limit a proliferation of electronic message boards by allowing them only in locations that meet specific, yet objective, criteria and
  • to make sure the signs remain consistent with the general character and quality of other signs throughout the Town

Councilman Crane made a motion for approval of Ordinance 2020-07 on first reading. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Ordinances for Second Reading: None

Miscellaneous Business: None

Citizens Comments: The only citizens comments that were received prior to the meeting pertained to Ordinance 2019-09 (Beach Rules for Pets) and those will be held until the comment period ends. The Town Administrator will then compile comments for Council.

There being no further business, the meeting was adjourned at 5:10 p.m.

Date: September 22, 2020

Faye Allbritton, Town Clerk