

Town of Seabrook Island  
Ways and Means Committee Meeting  
January 16, 2018  
2:30 P.M.

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

Mayor Ciancio reminded Council that an Accommodations Tax Committee meeting would be scheduled during January or early February to review a number of items including the contract for beach patrol services and, assuming that the committee recommends approval of the contract, it would be put on the agenda for the regularly scheduled meeting in February.

Mayor Ciancio noted that Council had taken a formal position in opposition to the efforts of the Bureau of Ocean Energy Management's intention to include the Atlantic and Mid-Atlantic Planning regions in the five year National Outer Continental Shelf Oil and Gas leasing Program for 2017 – 2022. Seabrook Island, as well as most other coastal communities, went on record against the inclusion of the Atlantic Planning regions and sent formal comments to the BOEM at various stages of the process to adopt the program. He noted that, when the 2017-2022 Program was finalized in January of 2017, it specifically excluded the sale of offshore leases in the Mid-Atlantic and South Atlantic Planning Areas.

In July of 2017, the Trump administration issued a request for information and comment on a new five-year National Outer Continental Shelf Oil and Gas Leasing Program for 2019-2024, which would replace the National OCS Program for 2017-2022. At that time, pursuant to Council's authorization, additional comments were filed on behalf of the Town opposing the inclusion of the Atlantic Planning regions in the new program.

The Mayor also noted that we are now in the second stage of that multi-step 2019 – 2024 program – preparation of a Draft Proposed Plan. The Notice of Availability of the Draft Proposed Program was published in the Federal Register on Monday, January 8<sup>th</sup>. The Mayor said that, at the next council meeting, he would ask for authority to file comments in opposition to the Draft Proposed Plan as we have done in the past. The Mayor also said that he had asked council woman Finke to assist him in the preparation of those comments.

The Mayor reported that there is a second separate aspect to this issue of which Council needs to be aware. When the Obama administration approved the 2017-2022 Five Year Plan in January of 2017, it also denied a number of pending geophysical and geological (G&G) permit applications made as an application for "incidental taking" under the Marine Mammal Protection Act (MMPA) to conduct air gun seismic surveys in the Mid- and South Atlantic Planning Areas. A number of the companies that were denied permits for seismic testing in January of 2017 appealed the denial of those permits to the National Marine Fisheries Service on the assumption that the Trump Administration would react more favorably to their applications. Pursuant to that appeal, the NMFS has recently published notice in the Federal Register to issue "Incidental Harassment Authorizations (IHA's)" to allow these companies to conduct seismic testing in the Atlantic Planning Regions. Mayor Ciancio said that a number of coastal communities had participated in a conference call hosted by the South Carolina Environmental Law Project (SCELP), a public interest 501(c)(3) organization which, on the assumption that the IHA's would

be granted, has proposed litigation against the Marine Fisheries Service challenging the granting of IHAs in the waters off South Carolina for seismic air gun testing on the basis that the statutory requirements for the issuance of the IHA's would not have been met. SCELPA asked that coastal communities participate as named plaintiffs in the proposed litigation. It stressed that participating communities would not be obligated to pay any legal fees or costs. Councilwoman Finke said that she thought a number of participants on the call, including Charleston, Beaufort and Isle of Palms, would participate in the litigation. The Mayor asked for Council's views on whether the Town should participate in the litigation. The sense of Council was that the Town should participate.

The Mayor suggested that he would like to appoint an ad hoc committee consisting of Council members Gregg and Crane and Town Administrator Cronin to undertake a detailed review of the Town's employment policies to make sure that (a) the policies are consistent with current employment law and that (b) in terms of benefits such as sick leave and vacation days, it is consistent with the benefits being offered by comparable South Carolina communities. He asked that the committee furnish Council with a draft of its revisions by the end of May of this year. The Mayor also reported that the Town Administrator had, at his request, completed a survey of the number of official holidays taken by neighboring communities. He asked that the results of that survey be included in the updated employee practices manual.

The Mayor stated that, within the next several weeks, he expected to receive a written report from Berkeley Electric outlining its suggestions as to what could be done on a proactive basis to minimize future power outages. The suggestions will be bifurcated into projects that BEC will undertake at its cost and projects with respect to which BEC would expect the community would pay for either in full or in part. The Mayor likewise affirmed that he and Councilman Gregg were scheduled to meet with the President of BEC within the next week.

The Mayor informed Council that he had received a proposal to renew the engagement of the Town's independent auditor through 2019. The suggested fee increase is approximately three percent (3%) for each 2018 and 2019. He noted that Glaser & Associates had been the Town's auditor for a number of years and has done a very good job. The Mayor said that, notwithstanding the auditor's performance but as a matter of good governance, he thought Council should consider a periodic change of outside auditors as the change would bring in a fresh set of eyes to the process and would avoid the potential risk of having too much familiarity between auditor and client. The downside is the learning curve that costs money.

The Mayor told Council that he had received a letter about two weeks ago from FEMA indicating that FEMA had published its first notice in the Post & Courier on January 11<sup>th</sup> concerning the appeal process relating to the adoption of the FEMA Flood Insurance Rate Map and that such notice will appear a second time on January 18<sup>th</sup>. The letter sets forth a 90 day period ending on April 18<sup>th</sup> – any property owner who believes their property rights will be affected by the proposed determinations set forth in the preliminary map may appeal to the Town or an agency designated by the Town – the sole basis for appeal being scientific or technical information that the “flood hazard determinations” – either a base flood measurement or the boundaries of the identified Special Flood Hazard Areas are scientifically or technically incorrect due to a mathematical or measurement error or changed physical condition. The appeal is made to a Scientific Resolution Panel. The Mayor said that Council needed to have representatives of Charleston County advise the Town regarding flood hazard determinations that we, as a community, need to have in place; and, in respect of adoption by the Town of the new flood map,

and when will we have to do it. The Mayor said that it was important that the Town educate residents regarding the implications of the new map and their rights to appeal.

The Mayor informed Council that he had received an inquiry from a company offering parametric hurricane and tidal surge insurance. Parametric Insurance is a type of insurance that doesn't provide indemnity on the basis of a "loss," but rather agrees to make payment upon the occurrence of a triggering event – in this case, upon attainment of a given wind speed or tidal height. It was agreed that the Mayor would ask representatives of the company to address Council.

Information on two related projects had been included in member's packets of materials:

- i. A proposal received from The Low Country Marine Mammal Network (LMMN) which would provide monitors to Seabrook Island to observe dolphin behavior and to educate residents and visitors regarding the importance of maintaining a safe distance from strand feeding dolphins. The monitors would also record incidents of interference with strand feeding which is a violation of the Marine Mammal Protection Act. The Mayor said that the cost of our participation in this program would be \$10,132; and
- i. A follow-on project to be funded by grant(s), also proposed by the Marine Mammal Network, to conduct an observational study to see if having an "educator" on the beach as described in the first proposal is effective. LMMN would provide an "observer" on the beach to monitor the actions of the educator, beach goers and dolphin to measure the effectiveness of the educational program.

The Mayor said that both projects would be put on the agenda for the next council meeting.

Councilman Crane asked for and received an explanation of the communications budget. Councilman Crane reported on the efforts of the Communications Committee and noted that the committee's efforts had resulted in a substantial increase in the number of followers of the Town's Twitter account.

Town Administrator Cronin reported on the quotations he had received for new furniture for the conference room and noted that the size of the room was a constraint on the size of the conference room table. After discussion, Councilman Gregg suggested that we did not necessarily need a credenza for the conference room and its elimination would provide room for a larger conference table.

There being no further business, the meeting adjourned at 4:25 p.m.

Date: January 23, 2018

Faye Allbritton, Town Clerk