

Town of Seabrook Island
Ways and Means Committee Meeting
May 21, 2019
2:30 P.M.

After the pledge of allegiance, Mayor Ciancio called the meeting to order. The Mayor confirmed that the agenda for the meeting had been properly posted and the requirements of the South Carolina Freedom of Information Act otherwise complied with. Council members Gregg, Crane and Finke and Town Administrator Cronin attended the meeting.

Mayor Ciancio noted that several months ago a petition, that had been signed by approximately 100 residents, had been submitted to Council. The petition requested several changes relating to the dates and times dogs would be permitted to be off lead on the beach. Council heard from U.S. Fish & Wildlife at the April Ways and Means Committee meeting and will hear from other groups over the next several months. The Mayor stated that Nancy Brown and Ed Konrad, who represent the Seabrook Island Birders, would give a presentation but, since Council is expecting a conference call from the Town's bond attorney at 3:30 p.m., discussion would be limited to approximately 15 minutes and any comments and questions would be directed to Council. The Mayor introduced Nancy Brown, who began the presentation by explaining that the Seabrook Island Birders have been organized about 4 years and have grown to about 250 members. She added that the motto for the group is "to Watch, to Learn and to Protect". The group provides brochures to interested parties, as well as renters, to educate people about shorebirds and their habitat. Ms. Brown introduced Ed Konrad, a 12-year resident of Seabrook Island. Mr. Konrad gave a presentation concerning shorebirds, particularly piping plovers and red knots, and their presence on Seabrook Island. Mr. Konrad stressed the importance of educating people about shorebirds that frequent Seabrook Island's beach because the population of most shorebirds is declining. He indicated that having the designated area and the critical habitat area side by side is a problem and said that the Seabrook Island Birders would suggest moving the designated area somewhere between boardwalks 3 and 8. He also indicated the need for a buffer between the two areas. The group feels that the balance between the current six-month periods of unrestricted off-lead hours and restricted off-lead hours should be maintained but suggested adding April to the summer months, since it is the most critical month of the year for the shorebirds, and moving October to the winter months and that would still maintain the six- month balance.

Mayor Ciancio stated that Council had received cost estimates, prepared by G. Robert George & Associates, for raising Seabrook Island Road and indicating the portions of Seabrook Island Road from the security gate to the traffic circle that are below the minimum center line elevation requirements specified by Charleston County. The County's requirement is 6.5 feet above mean sea level. Two estimates are included in the paperwork. One estimate is to raise Seabrook Island Road from the crosswalk to the traffic circle to meet minimum County standards and that estimate is slightly more than \$1,000,000. The second estimate is to raise the entire length of the road to the height of the traffic circle, which is 7 feet above mean sea level, and that estimate is closer to \$2,000,000. The estimates do not include the cost to repair or replace landscaping. Mayor Ciancio commented that to do either of the alternatives is a significant amount of money. Anything done to raise the roadway would have to be coordinated with the work that ESP is doing concerning the ponding issue and the development of the senior living facility. It would also not be wise to do anything to the roadway that would affect the Property Owners Association and other stakeholders adversely. The Mayor stated that the purpose of getting these quotes was to begin a dialogue and asked Council how they thought the Town should start

the dialogue. Councilwoman Finke wondered if someone should approach Ron Mitchum, Director of the BDC Council of Governments, to see if there would be any County money to help with the project. Council also agreed that it would be necessary to get the Property Owners Association involved as it would not help to raise the road if flooding were still occurring at the gatehouse and emergency vehicles could not get to the residents.

Mayor Ciancio commented that he had been approached by John Reynolds about issuing a proclamation honoring Mary Whyte, a local artist who had lived on Seabrook Island previously. Council did not have a problem with issuing the proclamation.

Mayor Ciancio briefed Council on a meeting, held by Charleston County, on one of the three segments of its Bees Ferry Road to Betsy Kerrison Parkway project that is called the Main Road Corridor Project. Charleston County's top priority is Segment A, which extends from Bees Ferry Road to the Chisholm Road/River Road intersection. At the meeting held at St. Johns High School recently, the County had a series of posters demonstrating the various alternatives for that segment. Five of the presentations were forms of a cloverleaf configuration and a flyover at Main Road and Highway 17. Two of the presentations were significantly different in that they had bridges over the marsh. Mayor Ciancio reported that the County will decide by fall of 2020 as to the preferred alternative and complete construction of the chosen alternative by 2025.

Council then discussed an ordinance drafted by the Town Attorney that would prohibit the use and distribution of single-use plastic bags, plastic straws, polystyrene coolers, polystyrene food containers or polystyrene cups by any business establishment on Seabrook Island. Council recommended numerous changes and the Mayor will pass those along to the Town Attorney.

Mayor Ciancio introduced Michael Seezen, of the Columbia, South Carolina, law firm of Burr Forman McNair, who participated in the meeting by telephone. The Mayor noted that Mr. Seezen had drafted the proposed bond ordinance that had been included in the materials for this meeting. Mr. Seezen reviewed the terms of the bond ordinance which authorized the Town to issue both short term Bond Anticipation Notes and longer-term General Obligation Bonds. He noted that the Town has adopted ordinances authorizing the issuance of Bond Anticipation Notes and General Obligation Bonds twice in the past, most recently in 2016. The Mayor stated that the South Carolina constitution provides, in part, that municipalities may incur debt in an amount not to exceed 8% of the assessed valuation of all taxable properties within the municipal limits. Mr. Seezen said that the current debt limit of the Town, without the need for a referendum, is \$6,007,908. Council agreed that the ordinance should authorize the Town to issue up to \$4,500,000 solely for the purpose of paying the expense of issuance of debt, repair and restoration of Town property and debris removal following a natural disaster, such as a hurricane. At the Mayor's request, Mr. Seezen reviewed the Initiative and Referendum provisions of the state statute and noted that, if general obligation bonds are issued pursuant to the ordinance, the Town would have to levy and collect a tax sufficient in amount to pay the principal, interest and sinking fund obligations of the bond. He also noted that the ordinance appoints a committee consisting of the Mayor and one other council member, chosen by the Mayor, and authorizes that committee to determine a number of specifics with respect to the bonds including: (i) the date and time of sale, (ii) the principal amount of debt to be issued, (iii) the maturity dates of the

bonds, (iv) the interest rates and (v) in the case of bonds, whether the sale is to be made by means of either a public or private offering.

Councilman Crane reported that the Development Standards Ordinance (DSO) Advisory Committee had their orientation meeting on May 16. Councilman Crane indicated that he would give a full outline at the May Town Council meeting of what has happened so far with the DSO Advisory Committee, the meetings with Stakeholders and what steps would be followed by Paul LeBlanc as the work progresses on the comprehensive review and revision of the DSO .

Councilwoman Finke reported that there had been no further development in the federal lawsuit challenging the seismic testing authorizations. As was reported at the April Council meeting, the motion for preliminary injunction was fully briefed on March 27, with an additional motion filed on March 28 to strike the federal defendants' affidavits, which purported to provide after-the-fact rationalizations attempting to defend its decisions. Judge Gergel has not ruled on either of these motions, nor has he to date scheduled a hearing for these motions. Judge Gergel did ask the federal defendants to provide a status report on whether a federal case in Alaska relating to the President's authority to modify Outer Continental Shelf leasing withdrawals, along with a statement by the Secretary of the Interior that offshore leasing has been indefinitely shelved, has any impact on the seismic testing challenge. Councilwoman Finke said that, while there are reports currently circulating that seismic testing may be off the table (and the case may be over) based on these two occurrences, Council should be aware that the case is far from over and the possibility of seismic testing permits being issued still very much alive.

Mayor Ciancio had to leave before the meeting was over and asked Mayor Pro Tem Gregg to take over.

Mayor Pro Tem Gregg stated that the Town had first entered into a debris monitoring services contract with Rostan Solutions on September 3, 2014, for an initial term of three years that provided for two (2) two (2) year extensions. A memo pertaining to the renewal as well as the original agreement and the two-year renewal, effective September 3, 2017, that will expire September 2, 2019, is included in Council packets. The documentation provided by Rostan Solutions would be required to support a request for FEMA reimbursement in case of a hurricane that required debris removal. Mayor Pro Tem Gregg indicated that he will ask for a motion to approve renewal for the final two-year term at the May Town Council meeting. The Town will go out for bids at the expiration of this renewal period.

The scheduled hurricane training and exercise sessions for the DRC will be held on June 4 and 5. The Town will interact with Charleston County on June 5 since the County will be conducting a hurricane exercise on that day.

Mayor Pro Tem Gregg reported that Disaster Awareness Day, jointly sponsored by Kiawah, is to be held on June 14. Emergency preparedness topics will be covered in three sessions of the event program beginning at 10:00 a.m. There will be door prizes between the sessions and a grand prize drawing will be held after lunch.

Town Administrator Cronin reported that first reading of the ordinance to adopt the Comprehensive Plan will take place at the June Town Council meeting and the public hearing and second reading are tentatively scheduled for the July Town Council meeting. Once changes, suggested by Town

Council have been incorporated, the Comprehensive Plan will be on the Town website and comments can be made through the website as well as the public hearing. Notification will go out at least 30 days before the public hearing.

Town Administrator Cronin reported that the Town is within the 5-year timeframe by which the Town is required by State law to update the Beach Management Plan. He has contacted Dr. Tim Kana, who assisted the Town with the last update to the Beach Management Plan, and Mr. Kana has responded that he is interested and available to assist the Town with the update. Since there was a substantial rewrite in 2014, work done to the Plan in 2019 will just be an update to the document. The Planning Commission, with the help of Tim Kana, will be responsible for preparing the update for adoption by Council. The update should be done and adopted by the end of 2019.

At the request of a councilmember, the Town Administrator provided an update on what is included in the Beach Club Pool renovation. In April, the Planning Commission reviewed and approved the architectural and site plans for a renovation project at the Beach Club. The Town Administrator reported that the most substantial improvement will be removing and reconstructing the larger pool and a bar/pavilion area that will be constructed between the two pools. Some of the lesser modifications include – refresh and upgrades to the interior of the towel building, improvements to the interior of the restroom building, modifications to the hardscape surrounding the pool facility and landscaping improvements to the area. Some of the improvements had to be scaled back because of setback issues. The driving factor in the timeframe of this project was that the Club got a reprieve when adoption of the new beachfront jurisdiction lines was postponed for several years. The beachfront jurisdiction lines run through the middle of this property and the Club would have had some severe restrictions if they were to replace the pool after the lines were adopted. The Club will now have to go through the process of getting their DHEC permits, land disturbance permits and, if necessary, any OCRM permits. Once they have these permits, it is just a formality for the Town to sign off on the zoning permit that will authorize the Club to obtain a County permit and to begin construction. The Club's timeframe is to begin demo and construction after Labor Day and have the new facility completed in time for next year's peak tourist season. Town Administrator Cronin stated that several meetings with Club representatives were held before the project was brought to the Planning Commission in order to head off problems.

The Town Administrator reminded Council that, due to the election in November, budget meetings would be starting soon. The current plan is to have a 2020 pre-budget workshop at 1:00 p.m. prior to the June 25 Town Council meeting at which items will be discussed that council would like to see included in the budget. The draft 2020 budget would go to the Mayor on July 24 for his review and then to Council on August 1. Possibly, three budget workshops will take place before first reading is held at the Town Council meeting on September 24 and the public hearing and second reading at the Town Council meeting on October 22. If this schedule is followed, the budget will be adopted before the Town election in November.

The Town Administrator reported that the Chevy Colorado has been delivered. He commented that next week, at the Town Council meeting, he would ask Council to authorize sale of the 2002 Chevy Tahoe to the highest responsive bidder. The deadline for bidding is Friday, May 24, at 2:00 p.m.

The Town Administrator stated that many of the multi-family housing units on Seabrook Island were built prior to the Town's incorporation and, hence, prior to adoption of the Development

Standards Ordinance, and it is not uncommon for existing HVAC units to encroach into the front, side, rear and marsh setback area. Some of the HVAC units were installed below the multi-family units; and, in order to meet FEMA and other building code requirements, the HVAC units, as well as the HVAC stands, must be relocated when they are replaced. In some multi-family regimes, it is possible for the front and rear setback areas to overlap and leave no possible location in which to install the HVAC equipment and stand. A variance could be requested but a variance hearing would take approximately 45 to 60 days after an application has been received. If the HVAC replacement is needed in the summer months, this would not be a practical option. Town Administrator Cronin stated that the President of the Treeloft Villas Regime had asked at one of the stakeholder meetings if the Town could amend the Town's current DSO, if an emergency situation arises, to grant some kind of administrative relief in instances where there is no lawful location for the HVAC unit and stand. Their request also asked for relief for anything that would require a variance, whether for decks, steps, etc., because of their non-compliance. Council seemed to agree that an ordinance should be written for emergency situations dealing with HVAC installations and that lowering the fee for variances to \$150 would still cover the cost of postage for the required certified letters and the cost of running the ad in the newspaper.

Mayor Pro Tem Gregg informed everyone attending that, if they would like to see the information that was displayed on posters at the Public Hearing on the Main Road Project – Segment A, they could go to the website, mainroadcorridor.com, and click on "View the Online Meeting". The public is being asked to provide comments on the alternatives for this segment of the project.

Since there was no further business, the meeting was adjourned at 5:22 p.m.

Date: June 25, 2019



Town Clerk