

Town of Seabrook Island  
Ways and Means Committee Meeting  
August 20, 2019  
2:30 P.M.

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

Charlie Barrineau of the Municipal Association of South Carolina formally presented the Town with the 2019 Municipal Achievement Award for the Dolphin Education Program. Mayor Ciancio accepted the award on behalf of the community and gave special recognition to the efforts of Councilman Wells, Lauren Rust of the Low Country Marine Mammal Association and the many community volunteers.

Mayor Ciancio noted that he had hoped any discussion on the amendment of the dog ordinance would take place only after the beach population survey was completed, but the schedule of other matters made that impossible. He stated that the purpose of today's discussion would be to see if consensus could be reached on the parameters of an amendment and suggested that he would start by listing facts relevant to the issue, such as:

- The description of the beach designated as a critical habitat for the piping plover;
- The condition in the POA Army Corp of Engineers Permit which closes the beach to dogs 0.5 miles north of the last beach access;
- Maintenance of our beach is dependent on Captain Sams Inlet which has been relocated to its original 1963 position in 1983, 1996 and 2015;
- The distance between the inlet and boardwalk #1 will shrink as the inlet migrates southwestward. According to Coastal Science & Engineering, the minimum distance before relocation is about 2500 feet and the maximum distance after relocation is 5400 feet;
- The inlet was physically inside of both the Designated Area and the area described in the POA permit when the distance between boardwalk #1 and the inlet is 2500 feet;

- Our count shows that the beach population begins to significantly pick up in April. On a daily basis, the beach population picks up around 10:00 am and significant population continues to 6:00 pm; and
- Based on materials from the Cornell Laboratory of Ornithology, it appears that shorebirds are on our beach on a year around basis.

The Mayor then said that Council had three issues to resolve: what to do about the Designated Area, the identification of peak and non-peak season and the specification of on and off leash hours. He detailed a number of alternatives for the Designated Area including, leaving it in place, eliminating the 300 yards buffer, flipping the Designated Area and buffer to the other side of boardwalk #1 and eliminating both entirely. As to a peak period, the Mayor said that rather than eliminate May and September, as petitioners had requested, he would have the peak season start April 1 and continue through September 30. He stated that this period was consistent with the beach population survey reported by the Town's beach patrol and with a significant number of the 23 other beach communities whose dog rules he had reviewed.

As to on leash hours during the peak season, the Mayor stated he would recommend 9:00 am – 6:00 pm based on the population survey. He recommended on leash hours from 10:00 am to 4:00 pm in the non-peak or winter season. He also expressed intent to hold a public hearing before second reading of the ordinance. He then asked for comments from Council.

Councilwoman Finke said that she preferred the option of having everything left from boardwalk #1 be a no-dog area. She would have the summer or peak season run from April 1 to September 30<sup>and</sup> have summer on leash hours run from 9:00 am to 6:00 pm and winter hours from 10:00 am – 4:00 pm. Councilmen Crane and Gregg indicated that they were in general agreement with what Councilwoman Finke had described. Councilwoman Finke suggested she would be comfortable with winter on leash hours between 9:00 am and 3:00 pm. Councilman Wells said he thought that Council should ban horses on the beach left of boardwalk #1. There was no support for that suggestion.

Subsequent discussion led to the conclusion that there was benefit of having peak and nonpeak season “on leash” hours start at the same time. It was agreed that 10:00 am would be an appropriate start time. Mayor Ciancio indicated that he had reached out to St. Christopher Camp and Conference Center for its views on any suggested change. The Mayor said that he would try to have an ordinance for Council's review by the next regular council meeting (August 27).

The Mayor reported that, in January, the Town entered a Memorandum of Understanding with Atlantic Partners and Big Rock to grant Atlantic an encroachment permit for construction access to the proposed senior living facility off Seabrook Island Road. Since then, the parties to the MOU have been attempting to memorialize their understandings in a Settlement Agreement. Terms of that agreement have now been agreed upon, and the Mayor gave a general overview of those terms. The Mayor then said that the next steps in the process would include: (1) putting the Settlement Agreement and a brief summary on the Town's website for public review, (2) a public hearing to be held at town hall at 1:00 pm on Tuesday September 17<sup>th</sup>, (3) first reading of an ordinance incorporating the Settlement Agreement at a special council meeting to be held at 2:30 on Tuesday September 17<sup>th</sup>, (4) submission of the Settlement Agreement to the Charleston County Court of Common Pleas at a date yet to be determined, and (5) execution of the Agreement by the parties.

The Mayor then asked the Town Administrator to frame the basic policy question on which council must provide direction to its consultant to proceed with amendment of the Development Standards Ordinance. Mr. Cronin noted that Seabrook Island had been developed through a series of Planned Unit Developments (PUDs) and Planned Development Districts (PDDs), specifically including the master PUD approved by Charleston County for Seabrook Island and thereafter several additional PDDs for the Bohicket Marina, Jenkins Point Plantation, Ocean Forest, Agricultural Camp (Camp St. Christopher), the Village at Seabrook, St. Christopher Oaks and Bohicket Creek Place. While these were appropriate and worked well when these areas first were improved, they present issues when trying to restate the zoning ordinance. Since the PUDs and PDDs were adopted, additional setback and freeboard requirements were put into place. Our ordinance provides that, if there is a conflict between restrictions of the ordinance and those of the PUD or PDD, the more restrictive application governs. The Town Administrator stated that a deed restriction cannot be less restrictive than a Town ordinance. He noted that the consultant must be informed as to whether the PUDs and PDDs are to be retained or replace them with one or more traditional zoning districts. He suggested that, instead of having one single family district, we could implement single family districts covering small, medium and large residential lots, preserve the "as built" aspects of the community and eliminate a majority of the zoning nonconformities resulting from zoning regulations adopted after development occurred. The Mayor said he had no objections to the elimination of the PUDs and PDDs if what we adopt will be consistent with what the property owners of the specific areas in question had anticipated when they purchased their property. After additional discussion, the Town Administrator was instructed to tell the consultant to eliminate the PUDs and PDDs in the revised DSO.

The Mayor reported on the results of an appeal to the Board of Zoning Appeals of a decision of the Zoning Administrator regarding an interpretation of the zoning requirement for the Village at Seabrook. The Town Administrator had ruled that the setback requirement as set forth in Ordinance 2000-08 superseded the purported setback requirement contained in a plat of subdivision of the original developer which was approved by the Planning Commission in December of 2001 and later recorded in the Charleston County's Recorders Office. The Village appellant argued that the residents had relied on the plat when they purchased the property, and that she had thought it had been generally applied by the Town. The issue of concern was the provision of the applicable zoning ordinance which set no minimum side yard setback requirement, but rather stipulated that there must be a separation of 15 feet between structures. The Mayor pointed out problems which could follow if a zero setback line is applied to this area. He noted, however, that any prospective change could put a number of existing homes into noncompliance with the zoning ordinance should those homes be substantially modified in the future. The Mayor suggested a possible solution to the problem would be to amend the PUD ordinance to provide that, going forward, the minimum side setback would be either (a) seven and one-half feet or (b) fifteen feet between structures which ever would provide the greater separation between structures. He stated that he was not asking for a decision, but rather wanted Council to be aware of the issue, and that he had asked the Zoning Administrator to ponder any potential unintended consequences of the proposed amendment, and that he would formally propose the amendment at the regularly scheduled September Council meeting.

No council member had any topics for discussion.

The Town Administrator reported that the Town is one of the few South Carolina communities which have not adopted the Municipal Association of South Carolina Model Business License Ordinance. One of the major changes suggested by MASC is the use of the North American Industry Classification System (NAICS) in place of the 1930's Standard Industrial Classification System (SIC) to classify businesses by the type of activity in which they are primarily engaged. He also noted that we are one of the few communities which don't distinguish in licensing fees between businesses which are physically located within the municipal limits and those which are not. He referred to materials included in Councils' meeting materials where he had computed the impact of replacing the SIC classification system, currently used by the Town, with the NAICS system. The Mayor suggested that he would appoint an ad hoc committee at the September Council meeting to review the implications of changing to the MASC Model Business License Ordinance.

The Town Administrator had included in Councils' material the form of Request for Proposal for financial audit services he had prepared. He noted that, because audits of the Seabrook Island Utility Commission financials are included within the Town's financials for reporting purposes, he had sent the RFP to SIUC for comment. He hopes to release the RFP such that proposals will be received before the end of September to allow for timely engagement of an auditor. The Mayor noted that, while the Town did not have any concerns with respect to its current auditor, he had thought that, as a matter of good governance, it would be appropriate to replace our auditor on a periodic basis. The Mayor suggested that, if the SIUC had questions or comments on the RFP, the SIUC should contact him during the Town Administrator's vacation period.

Upon conclusion of the Town Administrator's comments, a motion to adjourn the meeting was made by Councilman Gregg, seconded by Councilman Crane and unanimously approved.

There being no further business, the meeting adjourned at 4:45 pm.



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Town Clerk

Date: August 27, 2019