

TOWN OF SEABROOK ISLAND

Ways and Means Committee Meeting Agenda

September 14, 2021 – 1:00PM



Virtual Meeting (Zoom)

[Watch Live Stream \(YouTube\)](#)

Participate in the Meeting: Individuals who wish to participate in the meeting via Zoom may access the meeting as follows:

- [Instructions for Joining & Participating in the Virtual Meeting](#)
- **To join by computer, tablet or mobile device:**
<https://us02web.zoom.us/j/86455122523?pwd=VkdSbTE0M05kbTlUUCydlAxeKgrdz09>
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 864 5512 2523 **Passcode:** 116419

AGENDA

1. **Call to Order – Pledge of Allegiance – Roll Call – Freedom of Information**
2. **Mayor John Gregg**
 - Discussion of resident requests for “referendum” and additional regulation of short-term rentals
 - Discussion of recent request for annexation by Town of Kiawah Island (Andell West)
 - Inquiry concerning beach fishing and enhanced monitoring by beach patrol
 - Discussion of resumption of video conference meetings indefinitely in response to current surge of “cases” in South Carolina and elsewhere
 - Confirmation of entry of Town into land lease for debris site
3. **Town Council Members:**
 - **Jeri Finke**
 - **Patricia Fox**
 - Discussion of restructuring of Town Committees
 - **Barry Goldstein**
4. **Town Administrator Joe Cronin**
 - **Action Items for September 28, 2021 Meeting**
 - Second Reading Items
 - Ordinance 2021-10: 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 147-01-00-062, containing approximately .037+/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.
 - First Reading Items

- Ordinance 2021-11: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 32, Waterways and Beaches; Article II, Beachfront Management; Division 2, Restrictions; Section 32-42, Vehicle Use; so as to amend the requirements relating to the operation of motor vehicles on the beaches of Seabrook Island.
- Ordinance 2021-12: An ordinance adopting a temporary moratorium on the consideration of zoning map amendments (i.e., “rezoning’s”), annexation requests, and certain subdivision approvals for a period not to exceed one hundred and eighty (180) days.
- Ordinance 2021-13: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article V, Financial Administration; Division 2, Purchasing Requirements; so as to amend the policies and procedures related to the procurement of goods and services by the town.
- **Items for Information/Discussion**
 - Discussion of the Open Carry with Training Act (S.C. Act 66, 2001)
 - Signage Update

5. Adjourn

CURRENT ORDINANCE

Elected Bodies

Town Council *(Sec. 2-21 et seq)*
Utility Commission *(Sec. 30-52 et seq)*

Appointed Bodies (Mandatory)

Accommodations Tax Advisory Committee *(Sec. 26-20 et seq)*
Board of Zoning Appeals *(Sec. 20-92 et seq, DSO Sec. 19.30/40)*
Planning Commission *(Sec. 20-43 et seq; DSO Sec. 19.20/50)*

Standing Committees (Discretionary)

Ways & Means Committee *(Sec. 2-111(1))*
Government Relations Committee *(Sec. 2-111(2))*
Community Relations Committee *(Sec. 2-111(3))*
Communications/Planning & Development Committee *(Sec. 2-111(4))*

Public Safety Committee *(Sec. 2-111(5))*

PROPOSED ORDINANCE

Elected Bodies

No Change Town Council *(Sec. 2-21 et seq)*
No Change Utility Commission *(Sec. 30-52 et seq)*

Appointed Bodies (Mandatory)

No Change Accommodations Tax Advisory Committee *(Sec. 26-20 et seq)*
No Change Board of Zoning Appeals *(Sec. 20-92 et seq, DSO Sec. 19.30/40)*
No Change Planning Commission *(Sec. 20-43 et seq; DSO Sec. 19.20/50)*

Standing Advisory Committees (Discretionary)

~~ELIMINATE~~ Ways & Means Committee *(ELIMINATED) ***
~~ELIMINATE~~ Government Relations Committee *(ELIMINATED)*
~~ELIMINATE~~ Community Relations Committee *(ELIMINATED)*
~~ELIMINATE~~ Communications/Planning & Development Committee *(ELIMINATED)*
NEW Community Promotions Committee *(NEW Sec. 2-111(A))*
NEW Environment & Wildlife Committee *(NEW Sec. 2-111(B))*
NEW Public Safety Committee *(NEW Sec. 2-111(C))*
AMENDED Public Works Committee *(AMENDED Sec. 2-111(D))*

*** Recommend eliminating the Ways & Means Committee and replacing it with a monthly Town Council Work Session (two weeks before the regular Town Council meeting) or adding a second monthly Town Council Meeting.*

Recommendations for TOSI Committees

TOSI Boards, Commissions and Committees

The list below contains currently functioning groups that are either required by State Law or Town Ordinance. They are **NOT** part of this conversation.

- ATAX Advisory Committee (required by State Law)
- Board of Zoning Appeals (required by State Law)
- Planning Commission (required by State Law)
- Public Safety Committee (required by Town Ordinance)
- Utility Commission (required by Town Ordinance)

Current TOSI Committees

These are the Committees that are under our consideration. It appears that the committees in our Code are not the ones that are on our Agenda.

Here is what is in Article 3, Section 2-111

The town shall have the following standing committees:

- (1) **Town Council Ways and Means Committee**, consisting of all members of the council plus the mayor.
- (2) **Town of Seabrook Island Government Relations Committee**, consisting of one councilmember, plus at-large members to be determined by the assigned councilmember and approved by the town council.
- (3) **Town of Seabrook Island Community Relations Committee**, consisting of one councilmember, plus at-large members to be determined by the assigned councilmember and approved by the town council.
- (4) **Town of Seabrook Island Communications/Planning and Development Committee**, consisting of one councilmember, plus at-large members to be determined by the assigned councilmember and approved by the town council.
- (5) **Town of Seabrook Island Public Safety Committee**, consisting of one councilmember, plus additional at-large members to be determined by the assigned councilmember and approved by the town council.

[Link](#) to Code

Here's what appear on our Agenda

- **Public Safety** – Barry Goldstein
- **Public Relations/Communications** – Pat Fox
- **Special Projects** – Barry Goldstein
- **Beach Administration and Community & Government Relations** – Jeri Finke
- **Ways & Means** – John Gregg

Process

To research what other coastal communities in South Carolina are doing, I looked at Beaufort, Edisto Beach, Folly Beach, Hilton Head, Isle of Palms, Kiawah, Mt. Pleasant, Pawleys Island, Sullivan's Island, and Surfside Beach. *See separate Research document.*

After reviewing the committee structure of these other communities, I recognized the need for a few formal standing committees that will hopefully be relevant into the future. Some positive aspects of formal committees are that they could provide more continuity, more community involvement/engagement and can possibly be a source of new council members.

To begin the process of creating formal committees, I meet with Joe and we drew up the following list of functions to get us thinking about what we might need:

- Public Safety (already have this committee)
- Administration and Finance
- Environment – Beach & Wildlife
- Community Relations - Town, SIPOA, Club, Camp St, Christopher, Marina, COVAR, other?
- Government Affairs - County, State and Federal
- Community Services
- Community Promotions
- Communications and Public Relations
- Public Works

Recommendations

After reviewing our needs, we came up with the following three committees that could meet monthly, bi monthly or quarterly. If you add the existing **Public Safety Committee**, there would be one for each council person.

- **Environmental Committee** – for beach and wildlife
 - Made up of at least one council member, plus at-large members may include, but not be limited to, representatives from Birders, Turtle Patrol, Dolphin Education, SeaDogs, etc.
- **Public Works Committee** - for roads, drainage and if possible help the Utility Commission
 - Made up of at least one council member, plus at-large members may include, but not be limited to, representatives with engineering and legal backgrounds
 - Responsibilities would include that a designated member act as the liaison with the following groups:
 - CHATS (Charleston Area Transportation Study)
 - RTMA (Rural Transportation Management Authority)
 - CARTA (Charleston Area Regional Transportation Authority)

- **Community Relations**

- Made up of at least one council member, plus at-large members may include, but not be limited to, representatives from Town, SIPOA, SI Club, Camp St, Christopher, Marina, COVAR and maybe representatives from one or more community groups.
- Responsibilities would include that a designated member act as the liaison with the following groups:
 - BCDCOG.(Berkeley-Charleston-Dorchester Council of Governments)
 - SIPOA
 - SI Club
- Subcommittee (see below):
 - Community Promotions as appointed by the mayor
- Tasks (see below) would include:
 - Communications'/Public Relations
 - Community Promotions.

We decided that the following **tasks** don't necessarily require a formal committee.

- **Communications/Public Relations** – this person or subcommittee will work with all the committees to make sure information is getting out to the public
- **Government Affairs** – this could be one person or subcommittee under the Community Relations who tracks state and federal legislation State and Federal Governments
- **Community Promotions** – This is an Ad Hoc committee that meets once a year to award grants and could be a subcommittee under Community Relations.

You'll notice that we eliminated the Ways and Means Committee since it is a misnomer.

We think it would be better to have:

Town Council Work Session (two weeks before the Council Meeting)

or

A second **Town Council Meeting** every month. This would allow council to vote on issues twice a month

(refer to separate Research document to see what other towns are doing)

If council decides to create these formal committees; we think it will be important to include the following information for each committee:

- Power and Duties
- Membership
- Meeting Schedule

Other things to Consider as we look at Chapter 2 of the Code:

- Article III, Division 2-76 **Order of Business** – Should this be changed or reordered? [Link](#) to Code
- Change Zoning Administrator to Town/Zoning Administrator similar to Clerk/Treasurer and include **Town Administrator job duties**.
See separate Research document.

Here is what was used in the job description when the Town advertised for Joe's position several years ago.

Responsibility of Town Administrator

The Town Administrator supervises all functions of the Town; and reviewing the work of subordinates for completeness, effectiveness and accuracy. The Town Administrator reports directly to the Mayor. Responsibilities of the Town Administrator include:

- (1) Budget preparation;
- (2) Instructing, assigning, reviewing and planning the work of others;
- (3) Discharge of human resource function, including evaluation of employee performance, and management of compensation and benefits;
- (4) Administration of contracts with the Town's vendors;
- (5) Discharge of responsibilities as Operations Official under the Town's Comprehensive Emergency Plan;
- (6) Management of the Town's insurance function;
- (7) Management of code enforcement and the Town's permitting and licensing function
- (8) Attending MASC meetings as necessary to keep current on changes in areas of assigned responsibilities; and
- (9) Responding to issues and questions from residents and property owners.

Research Committees – Meetings - Administrator

Seabrook Island

Form of government: Mayor-Council

Population: 1,714

Full-Time Employees: 4 soon to be 5

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Beaufort

<http://www.cityofbeaufort.org/>

Form of government: Council-Manager

Population: 12,361

Full-Time Employees: 182

Committees

- Building Boards of Appeals
- Cultural District Advisory Board
- Design Review Board
- Historic District Review Board
- Metropolitan Planning Commission
- Park & Tree Advisory Commission
- Southside Park Task Force
- Tourism Development Advisory Committee
- Zoning Board of Appeals
- Elections Commission

Meetings

Council Meetings twice a month. Has a Council Work session right before regular meeting

<http://www.cityofbeaufort.org/calendar.aspx?CID=14&Keywords=&startDate=&enddate=>

City Manager

https://library.municode.com/sc/beaufort/codes/code_of_ordinances?nodeId=CO_PT1GOAD_CH4OFDE

Edisto Beach

<https://www.townofedistobeach.com/>

Form of government: Council

Population: 414

Full-Time Employees: 41

Boards, Commissions and Committees

ATAX Board

Planning Commission

TIDE Committee

Water and Sewer Committee

Zoning Board of Appeals

Ad Hoc Committees

Beachfront Management Committee

Scott Creek Committee

Meetings

Council Meeting and Work Session – each once a month work session is on Tuesday followed in 2 days by the Council Meeting on Thursday

<https://www.townofedistobeach.com/town-hall-calendar>

Town Administrator

https://library.municode.com/sc/edisto_beach/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTIIIIFEM_DIV2AD

Committees are NOT defined in the Code

https://library.municode.com/sc/edisto_beach/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTIINGE_S2-3APPRTBOCOCO

Folly Beach

<https://www.cityoffollybeach.com/>

Form of government: Mayor-Council

Population: 2,617

Full-Time Employees: 54

Boards, Commissions, Committees

- [Accommodations Tax Advisory Board](#)
- [Board of Zoning Appeals](#)
- [Community Promotions Committee](#)
- [Construction and Fire Board of Adjustments and Appeals](#)
- [Design Review Board](#)
- [Election Commission](#)
- [Parks and Recreation Board](#)
- [Planning Commission](#)
- [Tourism and Visitor Promotion Committee](#)
- [Utility Advisory Board](#)

Meetings

Work Session ½ hour before regular Council meeting

<https://www.cityoffollybeach.com/calendar/>

Administrator

https://codelibrary.amlegal.com/codes/follybeach/latest/follyb_sc/0-0-0-295

§ 32.03 CITY ADMINISTRATOR.

The Office of City Administrator is hereby created. The powers and duties shall be set as per S.C. Code § 5-9-30, (<https://www.scstatehouse.gov/code/t05c009.php>) which lists the specific powers of the Mayor so as to authorize the administrative officer to perform the duties of Administrator, as specified by the Mayor, and in accordance with the laws of the state.

('95 Code, § 1-4-3)

Hilton Head

<https://www.hiltonheadislandsc.gov/>

Form of government: Council-Manager

Population: 37,099

Full-Time Employees: 251

Committees

Defined in Code

https://library.municode.com/sc/hilton_head_island/codes/code_of_ordinances?nodeId=TIT2GEGOAD_CH5MECORUPR_S2-5-60COCO

The town council shall have standing committees to assist in the efficient operation of the town council, namely the finance and administrative committee, community services and public safety committee, and public planning committee.

Town Council Standing Committees <https://www.hiltonheadislandsc.gov/council/>

Finance & Administrative Committee

Community Services & Public Safety Committee

Public Planning Committee

Meetings

<https://www.hiltonheadislandsc.gov/government/mtgcalendar/index.cfm>

Regular Council Meeting – twice a month

Town Manager

https://library.municode.com/sc/hilton_head_island/codes/code_of_ordinances?nodeId=TIT2GEGOAD_CH9TOMA_S2-9-50CONOINAPRE

Sec. 2-9-10. - Creation of office.

Pursuant to the provisions of the South Carolina Code, the office of *town* manager is hereby created.

(Ord. No. 83-5, 9-26-83)

Isle of Palms

<https://www.iop.net/>

Form of government: Council

Population: 4,133

Full-Time Employees: 92

Committees

https://library.municode.com/sc/isle_of_palms/codes/code_of_ordinances?nodeId=COOR_TIT1GOAD_CH3PRCOORUSCO_ARTBSTCO

City Council

Ways and Means Committee. (All members of Council)

Public Safety

Public Works

Real Property

Recreation

Personnel

Meetings

Council once a month

Ways & Means is just finance

<https://www.iop.net/calendar>

City Administrator

Kiawah

<https://www.kiawahisland.org/>

Form of government: Mayor-Council

Population: 1,626

Full-Time Employees: 19

Committees

https://library.municode.com/sc/kiawah_island/codes/code_of_ordinances?nodemd=COOR_ART2GEGOAD

Sec. 2-401. - Ways and Means committee.

(a) As soon as practicable after the councilmembers have been sworn in and have taken their seats, a ways and means committee, consisting of at least two members of council and the mayor, shall be appointed.

(b) The mayor shall designate the chairperson of the ways and means committee.

(c) Unless otherwise directed by council, the ways and means committee shall have oversight responsibility over matters pertaining to the following general subjects: budget and finance, revenue, audits, business licenses, accommodations tax, contracts and procurement.

(Code 1993, § 2-401; Ord. No. 2009-03, § 2, 2-3-2009)

Sec. 2-402. - Committees of council.

The mayor and council may establish other standing committees of council as deemed necessary. The mayor and council shall also establish rules concerning these committees.

Communications Workgroup

The Communications Workgroup works with Town Staff to help maintain and improve the quality of Town publications and communications

Meetings

<https://www.kiawahisland.org/meetings-minutes/>

Meetings - Town Council once a month

Ways and Means is dedicated to Financial – see above

Town Administrator

Administrator and flowchart

<https://www.kiawahisland.org/wp-content/uploads/2016/10/Organization-Review-Chart-Only.pdf>

No description but does have this in Chapter 2/Article 2

CHAPTER 5. - OFFICES AND DEPARTMENTS

Sec. 2-501. - Establishment of offices and departments.

The council may create and establish town offices, departments, agencies, boards and commissions and prescribe their duties and functions. The council may hire an *administrator* to assist it.

Mt. Pleasant

<http://www.tompsc.com/>

Form of government: Council

Population: 67,843

Full-Time Employees: 600

Committees

https://codelibrary.amlegal.com/codes/mtpleasantsc/latest/mpleasant_sc/0-0-0-112345

Boards and Commission members are appointed and serve at the pleasure of Town Council. View any of the following boards and commissions to learn about the members, meetings, and responsibilities.

- [Board of Zoning Appeals](#)
- [Commercial Design Review Board](#)
- [Construction Board of Adjustments](#)
- [Historical Commission](#)
- [Historic District Preservation Commission](#)
- [Planning Commission](#)
- [Accommodations Tax Advisory Committee](#)
- [Cultural, Arts and Pride Commission](#)

Meetings

<http://www.tompsc.com/calendar.aspx?CID=14,23,35,38,42,44,33.&Keywords=&startdate=&enddate=&#previousToCurrentMonth>

Town Council Meets once a month

Town Administrator

https://codelibrary.amlegal.com/codes/mtpleasantsc/latest/mpleasant_sc/0-0-0-112246#JD_31.031

Pawleys Island (Includes Litchfield Beach)

<https://www.townofpawleysisland.com/>

Form of government: Mayor-Council

Population: 103

Full-Time Employees: 6

Committees

Accommodations Tax Committee

Planning Commission

Zoning Board of Appeals

Events Committee

Meetings

Council Meets once a month

<https://www.townofpawleysisland.com/events/>

Administrator

https://library.municode.com/sc/pawleys_island/codes/code_of_ordinances?nodeId=PTICOR_CH2AD_ARTIIIOFEM

Sullivan's Island

<https://sullivansisland.sc.gov/>

Form of government: Council

Population: 1,791

Full-Time Employees: 40

Code is a large PDF file -

<https://sullivansisland.sc.gov/sites/default/files/Documents/Town%20Codes%20%26%20Ordinances/Sec2%20amended%2001192016.pdf>

Committees

A majority of the Town Council at each annual meeting shall appoint all standing committees of Council.

The Chairman of each committee shall be selected by a majority of Council. The standing committees of Council shall be as follows. (Except for the Finance Committee, each committee shall consist of three members of Council.):

Finance (all members of Council), to whom shall be referred all matters connected with Town finances, taxes and licenses. Additionally, this committee shall prepare and submit an annual operating budget and capital improvement program to Council for its consideration and approval.

Public Safety, to whom shall be referred all matters relating to the police and fire departments, and other matters regarding emergency preparedness.

Water and Sewer, to whom shall be referred all matters relating to the water and sewer department and systems

Administration, to whom shall be referred all matters relating to oversight of implementation of the following Town administrative functions: personnel; licensing; Town Attorney; court; rules; solicitations for Boards and Commissions; administrative infrastructure; communication and community outreach.

Land Use and Natural Resources, to whom shall be referred all matters relating to the zoning and building ordinances and their implementation, and natural resources including Town-owned land.

Public Facilities, to whom shall be referred all matters relating to construction, maintenance and improvements of streets, beach paths, and Town-owned buildings; sanitation services including trash and garbage; stormwater management; and energy and resource conservation programs.

Recreation, to whom shall be referred all matters relating to the creation, expansion or improvement of facilities and programs in the area of parks and recreation; and community wellness programs

Meetings

Town Council Meeting & Town Council Workshop – one a month, 2 weeks apart

<https://sullivansisland.sc.gov/government/meetings-and-agendas>

*****Town Administrator**

Chapter 2

Sec. 2-44. Town Administrator - Creation of Office.

The Town Council of Sullivan's Island may create the office of Town Administrator, who shall function in the Department of General Administration. The title may be assigned solely to one person or may be assigned as an additional title to a person holding another office of the Town of Sullivan's Island. (8-20-91)

Sec. 2-45. Duties of Town Administrator. The Town Administrator shall work under the Mayor and Town Council and shall perform such duties as shall be assigned to him, including, but not limited to: transmission of instructions from the Mayor and Town Council to Department heads, investigation of complaints, petitions and other matters for the Mayor and Town Council, preparation of reports, surveys and studies relating to governmental functions, problems, activities and programs for the use of the Mayor and Council and the compilation of submission of data, as directed by the Mayor and Council. The Town Administrator shall supervise the normal and usual day-to-day operational functions of the Town ---prepare, develop, and supervise the annual budget and maintain records and investments of all Town monies and accounts, including the Special Revenue Fund. (5-22-91; 8-20-91)

Surfside Beach

<https://www.surfsidebeach.org/>

Form of government: Council

Population: 3,837

Full-Time Employees: 76

Committees

- [Accommodations Tax](#)
- [Board of Zoning Appeals](#)
- [Business Committee](#)
- [Construction Board of Appeals](#)
- [Elections](#)
- [Grand Strand Water & Sewer Advisory Board](#)
- [Keep Surfside Beach Beautiful Committee](#)
- [Planning Commission](#)
- [Ralph Magliette Senior Citizen Committee](#)
- [Stormwater Committee](#)
- [Surfside Beach Historical Society](#)
- [Independent Pier Review Committee](#)

Meetings

Town Council Meets Twice a month

<https://www.surfsidebeach.org/calendar>

Administrator

https://library.municode.com/sc/surfside_beach/codes/code_of_ordinances?nodeId=VOLICOOR_CH2AD_ARTIVOFEM_DIV2TOAD



MEMORANDUM

TO: Mayor Gregg & Members of Town Council
FROM: Joseph M. Cronin, Town Administrator
SUBJECT: Rezoning Request for 2517 Pelican Perch
MEETING DATE: August 24, 2021

Council is asked to review and approve a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch. The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property, which is currently vacant, is surrounded on three sides by parcels zoned SR Single-Family Residential. A portion of the property backs up to a marsh critical area, which contributes to its value as a conservation lot.

Subject to rezoning approval, this property is intended to remain as an undeveloped “open space” lot. Uses permitted within the AGC district are limited to the following:

- (a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.
- (b) Bulkhead and erosion control devices.

A copy of the draft rezoning ordinance is attached for review.

Staff Recommendation

Staff recommends in favor of **APPROVAL** of the rezoning request.

Planning Commission Recommendation

During its meeting on August 11, 2021, the Planning Commission unanimously recommended in favor of **APPROVAL** of the rezoning request.

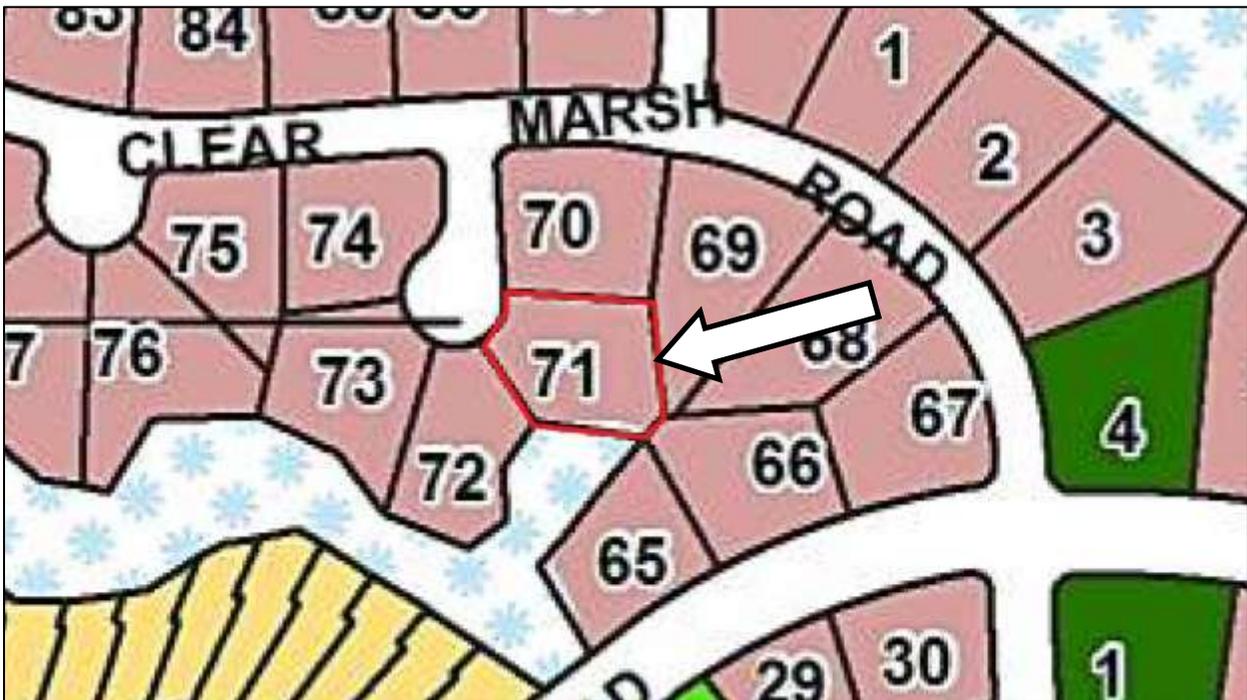
Respectfully submitted,


 Joseph M. Cronin
 Town Administrator

Aerial Image



Zoning Map



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-07

ADOPTED _____

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 147-01-00-062, CONTAINING APPROXIMATELY 0.37 +/- ACRES LOCATED AT 2517 PELICAN PERCH, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT

WHEREAS, on or about July 26, 2021, the Seabrook Island Property Owners Association filed Rezoning Application #87 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

WHEREAS, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on August 11, 2021, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

WHEREAS, a public hearing was held on the above referenced rezoning application on September 24, 2021, as required by law;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Zoning Map Amendment. The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

SECTION 2. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading: August 24, 2021
Public Hearing: September 28, 2021
Second Reading: September 28, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

EXHIBIT A

Property Map
Charleston County Tax Map Number 147-01-00-062



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-11

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 32, WATERWAYS AND BEACHES; ARTICLE II, BEACHFRONT MANAGEMENT; DIVISION 2, RESTRICTIONS; SECTION 32-42, VEHICLE USE; SO AS TO AMEND THE REQUIREMENTS RELATING TO THE OPERATION OF MOTOR VEHICLES ON THE BEACHES OF SEABROOK ISLAND

WHEREAS, in an effort to protect the health, safety and welfare of residents, visitors, wildlife, marine life and the environment, Section 32-41 et seq of the Town Code for the Town of Seabrook Island (the "Town Code") prohibits or restricts certain activities on the beaches and waterways of the Town of Seabrook Island; and

WHEREAS, Section 32-42 of the Town Code currently prohibits the driving or operating of motor vehicles, of any kind or nature, on the beaches of Seabrook Island, with certain exceptions; and

WHEREAS, the Mayor and Council of the Town of Seabrook Island desire to amend Section 32-42 so as to provide greater specificity relating to the types of vehicles which may be authorized on the beach; to create an exception for "Class 1 pedal-assist electric bicycles" which are duly permitted to operate within the Seabrook Island Development by the Seabrook Island Property Owners Association; to establish procedures for the review and approval of special vehicle use permits; and to update the general requirements regulating the use of approved vehicles on the beach; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on October 26, 2021; and

WHEREAS, the Mayor and Council have determined that it is fitting and proper to amend Section 32-42 of the Town Code to achieve the objectives described herein;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Amending Section 32-42 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 32, Waterways and Beaches; Article II, Beachfront Management; Division 2, Restrictions; Section 32-42, Vehicle Use; is hereby amended to read as follows:

Sec. 32-42. – Vehicle Use.

(a) Motor vehicles of any type or kind shall not be driven or operated on the beaches of Seabrook Island, except for those expressly authorized below:

(1) Vehicles operated by an official or employee of any municipal, county, state or federal agency, department or unit;

- (2) Vehicles operated by an official or employee of any bona fide public safety agency, including, but not limited to, law enforcement, code enforcement, fire suppression and emergency medical services;
- (3) Vehicles operated by an official or employee of any contractor, agency or entity providing goods or services on the beach under contract with or at the request of the town;
- (4) Vehicles operated by an official or employee of the following community organizations which are necessary for the performance of maintenance services, the provision of security services and/or the transportation of personnel and equipment on behalf of the organization:
 - a. Seabrook Island Property Owners Association
 - b. Seabrook Island Club;
 - c. Seabrook Island Turtle Patrol;
 - d. Seabrook Island Utility Commission;
 - e. St. Christopher Camp and Conference Center;
- (5) Small open motorized vehicles and medical devices may be operated by, or for the benefit of, individuals who have a physical or mental disability which i) is recognized by state or federal law, and ii) which would otherwise preclude their use and enjoyment of the beach;
- (6) Class 1 pedal-assist electric bicycles which are duly permitted by the Seabrook Island Property Owners Association for use within the Seabrook Island Development and which display a valid SIPOA decal while operating on the beach. For the purposes of this section, “class 1 pedal-assist electric bicycles” shall have the same meaning as “electric-assist bicycles” and “bicycles with helper motors,” as defined in Sec. 56-1-10 of the South Carolina Code of Laws; and
- (7) Any other vehicles deemed essential by the town and duly operating under one of the following types of special vehicle use permits:
 - a. Standard vehicle use permits. Standard vehicle use permit requests shall be submitted to the town administrator in writing no less than thirty (30) days prior to the date upon which the applicant seeks to use a vehicle on the beach. Permit requests shall be forwarded by the town administrator to the town council for consideration at the next available town council meeting. If the town council determines that the use of a vehicle is essential to the applicant’s intended purpose, then it may approve the issuance of a permit by resolution. In approving a permit, the town council may attach such reasonable conditions as it deems necessary to protect public health and safety.

b. Emergency permits. Emergency vehicle use permit requests shall be made to the town administrator, either verbally or in writing, as soon as practicable. If the town administrator determines that the use of a vehicle is necessary to mitigate an immediate threat to public health and safety, he or she may authorize a permit, either verbally or in writing. In approving a permit, the town administrator may attach such reasonable conditions as he or she deems necessary to protect public health and safety.

(b) Except in cases of an emergency, vehicles which are authorized to be driven or operated on the beach pursuant to this section shall comply with the following requirements at all times:

- (1) Vehicles shall be operated in such a manner so as not to endanger or unreasonably disturb beachgoers, wildlife or marine life, and designated critical habitat areas, including shorebird and turtle nesting areas;
- (2) Vehicles shall not exceed a speed of ten (10) miles per hour when operating on the beach;
- (3) Vehicles shall be operated on the wet sand; vehicles may not operate on dry sand except to gain access to the wet sand;
- (4) Vehicles shall not be driven onto or within any dune or vegetated area;
- (5) Vehicles shall enter the beach only from authorized access points; and
- (6) All vehicles operating on the beach, excluding those specified in in subsections (a)(5) and (a)(6), shall be equipped with four-wheel drive.

~~(a) The driving or operation of any motor vehicle, of any kind or nature, on the beach is prohibited, except as provided in subsections (1) through (6) of this section:~~

- ~~(1) Emergency vehicles;~~
- ~~(2) Town and other government vehicles;~~
- ~~(3) Seabrook Island Property Owners Association (SIPOA) security or maintenance vehicles;~~
- ~~(4) Small open motorized vehicles designed to transport handicapped individuals operated by or for the benefit of individuals who have physical handicaps (A) which are recognized by state or federal law, and (B) which would otherwise preclude their use and enjoyment of the beach;~~
- ~~(5) Vehicles used by authorized members of the Seabrook Island Turtle Patrol;~~

~~(6) Seabrook Island Club maintenance vehicles;~~

~~(7) St. Christopher Camp and Conference Center vehicles used to transport watercraft and for maintenance purposes; and~~

~~(8) Other vehicles deemed essential by the town, operating pursuant to a duly granted permit from the town.~~

~~(b) Vehicles using the beach shall be operated in such a manner so as not to endanger beachgoers or wildlife. The maximum permissible speed limit on the beach shall be ten miles per hour. Vehicles shall be operated on the wet sand and not operated on dry sand or the upper beach other than to gain access to the wet sand. Vehicles shall not travel onto or otherwise disturb nesting, designated critical habitat areas, wildlife or marine life.~~

~~(c) All authorized vehicles traveling through primary frontal dune areas to the beach shall be restricted to the SIPOA vehicular beach access. St. Christopher Camp and Conference Center has consented to the use of its private vehicular beach access by authorized personnel in emergency situations. A second vehicular beach access for use by authorized personnel in emergency situations is located at the north end of the Pelican Watch Villa property.~~

SECTION 2. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SECTION 3. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date.

This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2020.

First Reading: September 28, 2021
Public Hearing: October 26, 2021
Second Reading: October 26, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-12

ADOPTED _____

AN ORDINANCE ADOPTING A TEMPORARY MORATORIUM ON THE CONSIDERATION OF ZONING MAP AMENDMENTS (IE. "REZONINGS"), ANNEXATION REQUESTS AND CERTAIN SUBDIVISION APPROVALS FOR A PERIOD NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS

WHEREAS, pursuant Sec. 6-1-110 of the South Carolina Code of Laws, a municipality may enact a moratorium by ordinance after two readings which are at least one week apart; and

WHEREAS, pursuant to relevant case law, a moratorium is generally viewed as a valid exercise of a local government's police powers when: 1) the moratorium is imposed for a specific purpose; 2) the moratorium remains in effect for a limited duration; 3) the moratorium is non-discriminatory; and 4) during the term of the moratorium, the local government is actively engaged in researching and implementing amendments to its zoning and land development regulations which are relevant to the purpose of the moratorium; and

WHEREAS, the Town of Seabrook Island is currently in the process of finalizing and adopting a comprehensive update to its Development Standards Ordinance (hereafter, the "DSO") and Official Zoning District Map (hereafter, the "Zoning Map"); and

WHEREAS, the Mayor and Council of the Town of Seabrook Island have determined that it is fitting and proper to temporarily suspend consideration of Zoning Map amendments (ie. "rezonings"), annexation requests and certain subdivision approvals until the new DSO and Zoning Map are adopted so as to minimize the number of non-conforming lots which may be created following adoption of the new DSO and Zoning Map; and

WHEREAS, this moratorium is not intended to further limit or restrict the ability of a property owner to use and/or develop his or her property under the town's current zoning and land development regulations; provided, however, the property may not be rezoned, annexed or subdivided while the moratorium is in effect; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed ordinance during a duly called meeting on _____;

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

SECTION 1. Adopting a Temporary Moratorium.

(A) The Town of Seabrook Island hereby imposes a temporary moratorium on the consideration of all requests to amend the town's Zoning Map.

(B) The Town of Seabrook Island hereby imposes a temporary moratorium on the consideration of all requests to annex unincorporated property into the municipal limits of the Town of Seabrook Island.

(C) The Town of Seabrook Island hereby imposes a temporary moratorium on the consideration of all requests to subdivide property within the town, including all sketch plans, conceptual plans, preliminary plats and final plats related to the subdivision of property; provided, however, this moratorium shall not apply to the following types of subdivision requests:

(1) The subdivision of land into parcels of five (5) acres or more where no new streets are created, and no existing streets are modified;

(2) The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots conform to the current requirements of the DSO;

(3) The combination or recombination of entire lots of record where no new streets are created, and no existing streets are modified;

(4) The subdivision of land for public acquisition, either by purchase or donation, and which is intended to be used for a public purpose; and

(5) Any subdivision plat which is created and approved by judicial act.

SECTION 2. Effective Date and Duration of Moratorium Period.

(A) The provisions of this ordinance shall be effective immediately upon enactment and shall remain in effect until the earlier of the following:

(1) One hundred and eighty (180) calendar days following adoption; or

(2) Upon adoption by the Mayor and Council of the new DSO and Zoning Map.

(B) Any modification or extension of this ordinance shall be made by adoption of a subsequent ordinance by the Mayor and Council.

SECTION 3. Invocation of Pending Ordinance Doctrine.

The Mayor and Council for the Town of Seabrook Island hereby invoke the pending ordinance doctrine, as recognized under South Carolina case law and legal precedent. Effective immediately upon first reading approval of this ordinance, the Zoning Administrator shall not accept or process any new application or request which is subject to the moratorium provisions described in herein, and no individual or body having review authority shall or consider or approve such requests while the moratorium remains in effect.

SECTION 4. Town Action Plan.

During the moratorium, the Mayor and Council shall undertake the following actions:

- (A) The Zoning Administrator shall work with the town’s planning consultant (PLB Planning Group) and its DSO Advisory Committee to finalize the draft versions of the new DSO and Zoning Map.
- (B) The Planning Commission shall review the draft versions of the new DSO and Zoning Map, as recommended by staff and the DSO Advisory Committee, and shall provide recommendations to the Mayor and Council prior to adoption.
- (C) The Mayor and Council shall undertake a comprehensive effort to inform residents and property owners about the new DSO and Zoning Map and shall accept public participation and feedback on the draft documents prior to adoption. The Mayor and Council shall also hold an official public hearing prior to second reading approval of both documents.
- (D) The Mayor and Council shall consider, amend (if necessary) and adopt the new DSO and Zoning Map by ordinance.

SECTION 5. Conflicting Ordinances Suspended.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby suspended to the extent of such inconsistency.

SECTION 6. Severability.

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

SIGNED AND SEALED this ____ day of _____, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2021.

First Reading:
Public Hearing:
Second Reading:

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk