

**TOWN OF SEABROOK ISLAND
WAYS AND MEANS COMMITTEE MEETING
October 13, 2020, at 1:00 p.m.**

MINUTES

The October 13, 2020 Ways and Means Committee 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 Clerk Allbritton and Town Administrator Cronin participated in the meeting. Mayor Gregg confirmed with the Town Clerk that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act were met.

Mayor John Gregg:

- **Proposed Ordinance to Amend Terms of Office for Mayor and Council and Related Matters**- Mayor Gregg reminded Council that, at the September Ways & Means Committee meeting, he had asked the Town Administrator to prepare an ordinance that would change the term limits of Mayor and Council, from two years to four years, and the time at which the officials are sworn in. Mayor Gregg then asked councilmembers for their comments on the draft ordinance. Councilwoman Finke stated that she does not support changing the term limits as it would be difficult to get residents to run but does support changing the timing of the officials being sworn in. Councilman Crane stated that he does not think the term limits should be changed but would vote in favor if the majority thought it was the right thing to do. Councilwoman Fox spoke in favor of changing the term limits and changing the timing of officials being sworn in until after the first of the year. Councilman Goldstein commented that changing to four year term limits is a good idea but is unsure if this would affect the number of people who would be interested in running for office and he spoke in support of changing the date officials are sworn in. Councilwoman Finke pointed out that moving the swearing in until after the first of the year would give time for training, especially in the emergency preparedness area, and should relieve some of Council's concerns.

Mayor Gregg asked Council to review the ordinance further and provide comments to the Town Administrator and other members. The Mayor added that it was his objective to have an ordinance ready for first reading at the October Town Council meeting.

- **Revision/Replacement of Emergency Ordinance 2020-05** – Mayor Gregg commented that the Town's Emergency Ordinance 2020-05 will expire on October 25. Due to the ongoing pandemic and continued spread of COVID-19, he stated that he thought it was appropriate for Council to extend provisions of the Emergency Ordinance. Since the October Town Council meeting will be held after the date of expiration of the ordinance, Council will be required to take up this matter on or before October 25. Mayor Gregg asked each councilmember to comment about any revisions of the ordinance they thought were necessary. Councilman Crane had no suggested changes. Councilwoman Finke suggested adding language that would clear up whether a mask was necessary if a group of people were

outside and could not practice social distancing. Councilwoman Fox would like for Section 2 (b) (4), which requires face coverings on boardwalks, to be eliminated, especially during cooler months. Councilman Goldstein suggested no revisions for the replacement. Mayor Gregg commented that the Emergency Ordinance should include consideration of the Governor's Emergency Order #2020-63 that pertains to restaurants and bars and any other Executive Orders that might take place before adoption of the Town's Emergency Ordinance. He also added that he agreed with deleting the requirement of face coverings on boardwalks in the winter months.

Town Administrator Cronin added that the Town has not received a response from the South Carolina Attorney General's office for an advisory opinion as to whether the Town could require face coverings when residents are voting or standing in line to vote. A decision also needs to be made as to whether the ban on Temporary Use Permits is to remain in effect. There is a pending Temporary Use Permit for the Kiawah-Seabrook Exchange Club to hold a 5K and Half Marathon. The Town Administrator stated that the Seabrook Island Property Owners Association does not see it as a risk because, by the time runners get to the security gate, they will not be near each other. The Town Administrator added that congregating before and after the race might pose a risk.

The Town Administrator proposed converting a Budget Workshop to a Special Town Council meeting so that Council could address the Emergency Ordinance as well as the 2021 budget. Mayor Gregg suggested using the October 22 Budget Workshop as a Special Town Council meeting beginning at 1:00 p.m. Town Administrator Cronin added that the Exchange Club representatives could be encouraged to take part in the meeting so that a decision could be made as to whether the Temporary Use Permit for the event would be approved. Mayor Gregg agreed they should take part in the meeting so that Council's concerns regarding the large gathering of individuals could be addressed. Councilwoman Fox added that the Town Administrator might be able to obtain and distribute, in advance of that meeting, a list of precautions the Exchange Club intend to take if allowed to hold the event.

- **Upcoming Budget Workshops** – Mayor Gregg reminded Council that they had been provided with his memorandum recommending the proposed Town budget for fiscal year 2021. Three working sessions for review and finalization of the budget have been scheduled and the first one will be held on Thursday, October 15, at 1:00 p.m.
- **Adoption of Charleston County Flood Damage Prevention and Protection Ordinance** – Mayor Gregg stated that he had previously reported that the Town had received notice that the Federal Emergency Management Administration had finalized the Flood Insurance Rate Maps (FIRM) for Charleston County. Charleston County has now notified the Town that County Council has adopted Ordinance #2124 in connection with the County's adoption of the revised FIRM. A copy of an ordinance that will amend the Seabrook Island Town Code to affect the adoption of Charleston County's Ordinance #2124 which incorporates the revised Flood Insurance Rate Maps has been distributed to Council and will be on the October Town Council agenda for first reading.

Town Councilmembers:

Skip Crane – Councilman Crane stated that the Town Administrator will bring up Ordinance 2020-08, which deals with the adoption the Comprehensive Emergency Plan, later in the meeting.

Jeri Finke –

- **Update on Seismic Testing Litigation** – Councilwoman Finke reported that, on October 6, the Judge dismissed the case that was filed in 2018, in which the Town was involved, with conditions. The two permits that had been issued for seismic testing will expire at the end of November and the National Marine & Fishery Service agreed that there was no regulatory mechanism for those permits to be extended. If somehow the permits were to be reinstated, the litigation would be reinstated and there would be a valid discovery request pending.
- **Short-Term Rental Ad Hoc Committee** – Councilwoman Finke reported that a draft ordinance pertaining to short-term rentals has been written and meetings have been set up for Friday, October 16, and Monday, October 19, with stakeholders. She stated that a policy decision from Council is needed on the following questions:
 - Short-Term Rentals in the draft ordinance is defined as a stay of 30 days or less. Does Council think it should be 30, 45 or 90 days? She asked Council to think about it and this question would also be posed to the stakeholders to get their opinions.
 - Should there be a one-time Conditional Use Permit or an annual permit? Both Kiawah and Charleston County require an annual permit.
 - How much should the fee be for the permit?

Councilwoman Finke added that the direction they chose to follow with the ordinance is not to try to regulate by the rental business license but to regulate through the Development Standards Ordinance and require a Conditional Use Permit for short-term rentals. If a property is rented, a business license would still be required but a permit to rent would also be required. The applicant would certify, under penalty of perjury, that the property meets certain requirements. Town Administrator Cronin stated that the Town's Code Enforcement Officers would not necessarily inspect annually but could do spot checks. If there was a building code issue, Charleston County could also be asked to do an inspection on behalf of the Town. He commented that penalties are included in the ordinance for giving false information and the penalties should be an incentive to give accurate information.

Councilwoman Finke commented that she would send Council a summary of the ordinance that will be used in the Committee's Zoom meetings with stakeholders. Mayor Gregg added that the revisions to the Town's fee schedule, along with the fee for the Conditional Use Permit, would need to be in place with the start of the new year. Councilwoman Finke stated that their aim is to have first reading on the short-term rental ordinance at the October Town Council meeting and second reading in November so that applying for the Conditional Use Permit could be done at the same time as applying for a 2021 business license.

Patricia Fox –

- **Committee Volunteer Application Form** – Councilwoman Fox asked if Council was still interested in having a volunteer form on the website so that residents could indicate if they were interested in being considered for an opening on a Town committee, commission or board. The consensus of Council was that they are still interested. Councilwoman Fox said there was some ambiguity in Section 2 of the Town Code and perhaps this section could also be examined and updated. Town Administrator Cronin added that a “Committee on Committees” had been set up during Mayor Ciancio’s last year in office, but other important issues came up that took priority and the committee’s work was not completed. Councilwoman Fox indicated that she would ask Councilwoman Finke to help with the task since she had prior experience with the “committee on committees”. Mayor Gregg suggested Councilwoman Fox give a report on her progress at the November Ways & Means Committee meeting.

Barry Goldstein – No Report

Town Administrator Cronin:

Action Items for October 27, 2020 Meeting:

Town Administrator Cronin reported that the following items will have second reading at the October 27, 2020 Town Council meeting and a Public Hearing prior to the meeting. Comments are being accepted on both:

- **Ordinance 2020-08:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article VI, Emergency Preparedness; Section 2-312, Emergency Operations Plan; so as to adopt a new comprehensive emergency plan for the Town of Seabrook Island
- **Ordinance 2020-09:** 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 32-43, Wildlife and Marine Life Protection; so as to prohibit the harassment of marine mammals on the beaches of Seabrook Island and to restrict swimming in Captain Sams Inlet at times when dolphins are present or most likely to be present

The Town Administrator stated that the following two ordinances will have first reading at the October 27 Town Council meeting. Both are on the Planning Commission agenda for October 14 and it is expected that they will recommend approval to forward both to Town Council.

- **Ordinance 2020-10:** An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 16, Design and Improvement Standards; Section 16.10, Subdivision Design Standards; Subsection 16.10.50.160, Street Names; so as to amend the naming requirements for new streets; and to create a new section called Section 16.50, Street Naming Policy; so as to adopt policies and procedures for the naming of new streets and the renaming of existing streets within the town. The Planning Commission appointed an ad hoc committee to establish the process

and criteria to be followed when there is a request for renaming an existing street within the Town.

- **Ordinance 2020-11:** 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 147-3-00-119, containing approximately 0.50 +/- acres located at 3095 Baywood Drive, from the SR Single Family Residential District to the AGC Agricultural-Conservation District. This request was made by the Greenspace Conservancy. Once the property is rezoned, it will be transferred to the Seabrook Island Property Owners Association.

Items for Information/Discussion

- **Update on H. 4431 (SC Business License Tax Standardization Act)** – The Town Administrator affirmed that the General Assembly did adopt H. 4431 but the effective date has been changed to January of 2022. Over the next year, the Town’s business license ordinance, Chapter 8 in the Town Code will have to be rewritten and adopted by the Town. The Municipal Association of SC will be preparing resources for local governments to aid in the transition. Due to the Municipal Association’s hard work, most of the provisions that cities and counties had concerns about are not included in the final bill. One of the biggest changes for the Town will be that the due date for licenses will change from January 31 to April 30.
- **Fall Shredding Event (October 23 – 10:00 a.m. to 1:00 p.m.)** – The Town’s shred event will be held on Friday, October 23, as planned. It will be a drive through event and the personnel from Shred360, who will be wearing masks, will remove items that have been placed in the resident’s trunk or cargo area. Individuals are asked to stay in their cars; but, if they have any face to face interaction with the Shred360 personnel, they should be wearing a mask.
- **Potential Ordinance Amendment – DSO Fee Schedule** – The Town Administrator stated that most of the Town’s fee schedule has not changed since 1990. A draft ordinance, which is a comprehensive rewrite of the fee schedule, has been distributed to Council. Some new items are also being recommended, such the new fees associated with the short-term rental ordinance. Town Administrator Cronin recapped some of the changes/increases with Council. The ordinance will be on the Town Council agenda for October for first reading.
- **Potential Ordinance Amendment – Insurance Requirement for Contractors and Subcontractors** – Town Administrator Cronin commented that requiring a business to have insurance is not something that is in the purview of the local government. This requirement quite often slows down the process of issuing a business license and no other municipalities in the area have a similar requirement. The requirement could be classified as discriminatory if it is only required from this one class of business. If individual property owners want to make sure a contractor has insurance before signing a contract, it is certainly something that they could require but it should not be up to the Town to require it.

Mayor Gregg asked the Town Administrator what progress had been made toward sending letters out to pest exterminators about SGA’s. The Town Administrator stated that he was working with Councilwoman Fox to have a new pop out for Wildlife under the Town Services

tab and this is where the “bobcat pledge” will be housed. The Dolphin Education Program will be under Wildlife also. A letter will be sent out taking the voluntary pledge type approach asking pest control companies to voluntarily agree not use the types of chemicals which have been found to be harmful to the bobcat population. Councilman Goldstein suggested sending out letters to the pest control companies as soon as possible; and, should Council determine that it would be desirable to certify residents and Town businesses as ceasing use of SGA’s, that could follow.

There being no further business, the meeting was adjourned at 3:00 p.m.

Date: October 27, 2020



Town Clerk