

**TOWN OF SEABROOK ISLAND
WAYS AND MEANS COMMITTEE MEETING
November 10, 2020, at 1:00 p.m.**

MINUTES

The November 10, 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:

- **Update of Ordinance to Adopt Charleston County Flood Damage Prevention and Protection** – Mayor Gregg reminded Council that Ordinance 2020-12, which was approved for first reading at the October Town Council meeting, was intended to adopt Charleston County’s Ordinance for Flood Damage Prevention and Protection by reference. The Town has been informed that Ordinance 2020-12 must refer to the Charleston County Ordinance by number and have the date of adoption. Appropriate revisions have been prepared to allow amendment and approval of the ordinance for second reading at the November Town Council meeting.
- **Public Comments Regarding the Proposed Short-Term Rental Regulation (Ordinance 2020-14)** – The Mayor asked Council to take note of the public comments that have been received concerning the Town’s proposed regulation of short-term rentals. Some comments express a concern that there was insufficient public notice of the proposed ordinance prior to first reading. The Town Administrator has sought advice from the Town Attorney concerning the Town’s current process for receiving and consideration of public comments, which are now restricted to written comments due to the State of Emergency and suspension of in-person attendance of the public at Council meetings. The Town Administrator also forwarded additional comments to the Town Attorney earlier today. Although the ordinance is scheduled to be on the agenda for second reading at the November Town Council meeting on November 17, the Mayor suggested it might be necessary to put off second reading, beyond the November meeting, due to the high number of comments that have been received and the short time Council will have to consider the comments and the advice of the Town Attorney. The Mayor asked for comments from Council.

Councilwoman Finke stated that she thinks the Ordinance should be on the agenda for November 17; and, at that point, a motion could be made to defer to the December meeting or beyond. Since the intent was that the business license and the short-term rental permit were to be obtained at the same time, if deferred, that schedule might not be possible. Councilwoman Finke added that she did not want anyone to think that the committee had not conferred with legal counsel or done legal research prior to this but the questions that have now been referred to the Town Attorney have arisen because of comments and concerns that

have just arisen. Councilman Goldstein added that, since this is such a major change for people who own rental property, it is prudent that we take the time to make sure we get it right. Mayor Gregg added that he did not think he has been able to give all the comments that have come in his full attention. He feels that there are concerns that need to be given further consideration but does not object to the ordinance being on the November Town Council agenda. He added that he does not feel that he will be ready to approve it for second reading by that time since there is so little time to get advice from Counsel and look into concerns that have been raised.

The Town Administrator commented that business licenses are due, without a penalty, by January 31, but beginning in 2022, business licenses will be uniform in the State and will be due by April 30. He stated that Council could consider a temporary amendment to the business license ordinance and have business licenses due as late as April 30. Town Administrator Cronin added that a change to the date the business license would be due would have to be done by ordinance and he would prefer to have it on the agenda at the November 17 Town Council meeting, if possible. Councilwoman Finke added that there are a lot of rentals in March and April and it might be better not to wait that many months to adopt a short-term rental ordinance.

Mayor Gregg stated that many of the concerns to Ordinance 2020-14 are repetitious and it might be a good idea to come up with a FAQ sheet rather than trying to address each comment. Councilwoman Finke agreed and volunteered to draft the FAQ sheet. Mayor Gregg added that all public comments will not be read in a meeting but there will be some sort of tabulation of the comments, as the Town Administrator has done previously, possibly on a spreadsheet, so that Council can determine the emphasis of the comments.

- **Update of Discussion with Seabrook Island Property Owners Association Regarding Construction Challenges (Revised FIRM)** – The Mayor reported that the Town Administrator had a meeting with representatives from the Seabrook Island Property Owners Association concerning the impact of the revised FEMA Flood Insurance Rate Maps (FIRM) on building designs that comply with the Town’s building height limitation for residences. In consequence of that meeting, the Town Administrator has prepared a proposed amendment, Ordinance 2020-18, of relevant provisions of the Town’s Development Standards Ordinance to modify the reference height for building height limit and allow a grace period for reliance on the current FIRM base flood elevation for permits approved within the first six months following the effective date (January 29, 2021) of the revised flood maps.

Town Councilmembers:

Skip Crane – Councilman Crane stated that the Public Safety Committee met on Monday, November 9th.

Jeri Finke – No Report

Patricia Fox – No Report

Barry Goldstein – Councilman Goldstein reported that he and the Town Administrator have a meeting with ESP and Associates next week and, hopefully, they will have a proposal soon for the pathway.

Town Administrator Cronin:

Action Items for October 27, 2020 Meeting:

Town Administrator Cronin reported that the following items will have second reading at the Town Council meeting on November 17:

- **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 a policies and procedures for the naming of new streets and the renaming of existing streets within the town. The Town previously did not have a procedure for how and when renaming requests would be considered or approved and this ordinance addresses that issue. These requests will fall under the jurisdiction of the Planning Commission.
- **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 147-03-00-119, containing approximately 0.50 +/- acres located at 3095 Baywood Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. This property has been acquired by the Greenspace Conservancy but has not yet been turned over to the Seabrook Island Property Owners Association (SIPOA). Councilman Goldstein commented that Greenspace Conservancy is applying for this zoning change because SIPOA does not want to take possession of the property (3095 Baywood Drive) until an issue with a neighboring property has been resolved but Greenspace Conservancy wanted to proceed with getting the property rezoned to reduce the property taxes.
- **Ordinance 2020-12:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 20, Planning and Development; Article II, Flood Damage Prevention; Section 20-22, County Ordinance Adopted by Reference; Administration of Article; so as to adopt the most recent version of the Charleston County Flood Damage Prevention and Protection Ordinance. Because the Town contracts with the Charleston County Building Department to serve as the Town's Floodplain Coordinator, the Town is required to adopt and enforce the County's Floodplain Ordinance. South Carolina DNR has advised that the Town's Ordinance must contain the County's ordinance number and the date adopted and the change has been made since this ordinance had first reading. In the future, if the County amends their Floodplain Ordinance, the Town would have to amend by ordinance, not resolution.
- **Ordinance 2020-13:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Article 8, Businesses and Business Regulations; Section 8-27, Proof of Insurance; so as to delete the requirement for contractors and subcontractors to submit proof of insurance as a precondition to the issuance of a business license. This ordinance deletes the requirement that contractors must provide the Town with proof of insurance before getting a Town business license. The Town Administrator added that, by requiring

proof of insurance from just one business license class, it could appear as being discriminatory and treating one type of business differently than other types of businesses.

- **Ordinance 2020-14**: An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; so as to add definitions for “Dwelling, Accessory,” “Short-Term Rental Unit,” “Vacation Club Unit,” “Vacation Time sharing Lease Plan,” “Vacation Time Sharing Ownership Plan,” and “Vacation time sharing plan;” to delete definitions for “Dwelling, Rental” and “Guesthouse;” and to modify the definition for “Family;” Article 5, Zoning District Specifications; Section 5.20, Agricultural-General (AG); Subsection 5.20.30, Conditional Uses; so as to amend the requirements for Accessory Dwelling Units and to establish Short-Term Rental Units and Vacation Club Units as allowed conditional uses in the AG zoning district; Section 5.30, Single-Family Residential District (SR); Subsection 5.30.30, Conditional Uses; so as to amend the requirements for Accessory Dwelling Units and to establish Short-Term Rental Units and Vacation Club Units as allowed conditional uses in the SR zoning district; and Section 5.40, Planned Development District (PDD); Subsection 5.40.50, PDD Conditional Uses; so as to establish Accessory Dwelling Units, Short-Term Rental Units and Vacation Club Units as allowed conditional uses within PDD zoning districts; and Article 8, General Development Requirements; Section 8.70, Restricted Uses; Subsection 8.70.30, Time Sharing; so as to amend the prohibition on Vacation Time Sharing Plans.

Councilwoman Finke commented that, although the original wording of the ordinance was not in conflict with State law, a change is being made, due to concerns, to the “Inspections” section of the ordinance that will provide for 24-hour notice for most types of inspections. The Town Administrator commented that, with random spot checks or compliance checks, there will be no reason to request access to a rental unit on two hours’ notice. If an inspector determines that a condition exists that endangers public health or safety, the inspector will provide a minimum of two hours’ notice.

Due to numerous concerns, Mayor Gregg also recommended looking into a “Public Complaint” and how it might arise, and Councilwoman Finke agreed to address this on her FAQ sheet.

- **Ordinance 2020-15**: An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 21, Fees; so as to amend the fee schedule for various application and service fees. Town Administrator Cronin stated several comments the Town received concerning Ordinance 2020-14 expressed the view that the proposed fee amount for the Short-Term Rental Permit was excessive.
- **Ordinance 2020-16**: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; so as to amend the term of office for the Mayor and members of Town Council; so as to amend the general powers of the Mayor and Town Council; so as to amend the emergency powers of the Mayor; so as to clarify the role of the Mayor Pro Tempore; and other matters related thereto; and Chapter 12, Elections; so as to amend the commencement date for the terms of office for the Mayor and members of Town Council. This ordinance changes the commencement date of a new Council’s term, from three days after the election, to the first Tuesday after the first Monday in January following the election.

Town Administrator Cronin reported that the following items will have first reading at the Town Council meeting on November 17, 2020:

- **Ordinance 2020-17**: 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 149-06-00-010, containing approximately 0.25 +/- acres located at 2726 Old Forest Drive, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District. This property has been obtained by Greenspace Conservancy, has been transferred to SIPOA and an application has been filed to rezone the property from SR Single-Family Residential District to AGC Agricultural-Conservation District.
- **Ordinance 2020-18**: An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 2, Definitions and Interpretation of Terms; Section 2.10, Definitions; so as to add definitions for “base flood elevation (BFE),” “Design Flood Elevation (DFE),” and “Freeboard,” and to amend the definitions for “Building Height” and “Flood Hazard District”; and Article 7, Lot and Building Requirements; Section 7.90, Height Limitations; so as to amend the maximum height requirement for structures within the town. Town Administrator Cronin stated that, when the new FEMA flood maps become effective, most property owners will have a lower base flood elevation. One of the main issues caused by the new flood maps is how the height of the structure is measured. Due to the effect of the new flood maps, this ordinance has been written so that, from January 29, 2021, until July 31, 2021, as long as the flood elevation requirements now are higher than they will be under the new flood maps, for the purpose of determining building height, it can be measured from the design flood elevation required by the flood maps currently in effect. If the base flood elevation is going up, structures can be built according to the new flood maps. The Town is in the process of rewriting the Development Standards Ordinance (DSO) and there should be a permanent solution in the DSO when it is completed, which is expected to be before July 31, 2021.
- **Ordinance 2020-19**: An ordinance to adopt a budget for the Town of Seabrook Island, South Carolina, for the Fiscal Year beginning January 1, 2021, and ending December 31, 2021. Town Administrator Cronin stated that Council should have a copy of the draft 2021 budget. He is still working on items that are primarily related to cell phone and data service and items that will be affected by whether Ordinance 2020-14 is adopted and effective at the beginning of 2021.

Items for Information/Discussion

- **Update on Annual Town Christmas Party** – Town Administrator Cronin reported that he has been working with Suzanne Strehle to come up with an alternate plan for the Town’s annual Christmas party. It is anticipated that this year the event will be an evening drive-through where residents can bring a contribution for Toys for Tots, if they wish, and they will be given a treat of some kind. The Town Administrator stated that he would like to bring in a lighting contractor to make Town Hall look more festive than usual. And the quote for the lighting and decorations is a little over \$6,000. The Town Administrator has gotten a quote from an electrical contractor for running power to other areas of the Town Hall property.

This would be an enhancement that could be used year-round and not just in December. The quote for running electrical around the sides of the parking lot and in the front of the building would be around \$6,500. If the electrical were run into the median and along the driveway, it would add about \$4,000 to bore under the pavement. After discussion, Council agreed to spend approximately \$6,500 for electrical work and Mayor Gregg will sign off on the contract for the event contractor for the Christmas display.

There being no further business, the meeting was adjourned at 3:20 p.m.

Date: December 15, 2020



Town Clerk