

TOWN OF SEABROOK ISLAND
Town Council Meeting of May 26, 2020

MINUTES

After the pledge of allegiance, Mayor Gregg called the May 26, 2020, Town Council meeting to order at 2:30 p.m. Councilmembers Crane, Finke, Fox and Goldstein, Town Administrator Cronin and Town Clerk Allbritton attended the meeting. The Town Clerk confirmed that the meeting was properly posted, and the requirements of the SC Freedom of Information Act were met. Because of COVID-19 requirements, individuals could dial in and listen by phone or watch live video on the Town's YouTube page.

Minutes:

The following minutes were unanimously approved as written:

- Ways & Means Committee Meeting Minutes of March 10, 2020
- Town Council Emergency Meeting Minutes of March 12, 2020
- Town Council Emergency Meeting Minutes of March 24, 2020
- Town Council Emergency Meeting Minutes of April 1, 2020
- Town Council Emergency Meeting Minutes of April 22, 2020
- Ways & Means Committee Minutes of May 12, 2020

Financials:

Because of Town Council meeting cancellations in March and April, Mayor Gregg reported on the February, March and April financials. He reported that the total fund balance for the period ending February 29, 2020 was \$5,081,813; a total of \$5,199,833 for the period ending March 31, 2020 and \$5,220,762 for the period ending April 30, 2020. Total unrestricted revenue for February was \$41,651; the total was \$186,304 for March and \$117,539 for April. Unrestricted revenue for the year, as of April 30, was \$394,213 or about 29.6% of the 2020 annual budget. Expenditures for February totaled \$91,005; a total of \$72,078 for March and \$60,889 for April. Expenditures for the year as of April 30, totaled \$266,133, or 19.1% of the 2020 annual budget. The excess of revenues over expenditures was \$56,649 for the month of April and \$120,080 for the year through the month of April.

Citizens/Guests Presentations, Comments:

Town Administrator Cronin reported that he had received two comments relating to items on the agenda:

- A resident, Carmine Degennaro, had two requests. One pertained to limiting the speed for any type bicycle on any path in the Town's jurisdiction to a speed equal to, but not exceeding, the width of the path. The comment suggested painting the speed limit on the pathway to avoid using signs. The second comment, indicated that there were 3-4 blind spots on the pathway between the security gate and Freshfields and he asked if vegetation could be cut back and possibly use mirrors at blind spots to let individuals know that someone was coming in the opposite direction. Mr. Degennaro mentioned that there had been an unreported incident near Freshfields. Councilman Crane stated that he would address the pathway in his report later in the meeting.
- Another comment was received from David Thompson regarding the crosswalk near Seabrook Island Road and Landfall Way. After reviewing various options, he questioned why any of the options were being considered. He asked if there had been any accidents or issues related to the crosswalk. Mr. Thompson stated that he felt, unless there is appropriate enforcement, restriping, adding signage, etc. will not make any difference to drivers that already disregard existing traffic rules and he questioned why the Town would spend \$6,000 to \$25,000 for something that would make no difference. He stated that it seems those funds would be better invested elsewhere, like enforcement of our current traffic rules on Seabrook Island Road.

Reports of Standing Committees, Commissions, Boards:

Public Safety Committee – Councilman Crane reported that, due to the restrictions resulting from the Coronavirus, there have been no meetings of the Public Safety Committee since March 9.

The Disaster Recovery Council (DRC) held a virtual meeting on May 7, with 21 participants, to review the Town's response to the pandemic and steps for reopening. The purpose was, in part, to identify changes and/or updates to the Town's Comprehensive Emergency Plan (CEP) Pandemic Response Plan. Scott Cave, the Town's consultant, prepared a summary of the meeting and it has been distributed to Council for review. The Public Safety Committee will take up issues and recommendations in that report at their June meeting.

In response to one of the public comments, Councilman Crane reported that some sections along the pathway that runs in front of Town Hall to Freshfields Village are being reviewed for safety reasons to see if any steps should be taken to lessen the possibility of accidents. Video and pictures have been taken and will be reviewed by the Public Safety Committee at their next meeting. Town Administrator Cronin stated that the Town would be limited to trimming whatever grows over the pathway as the Town's easement is the width of the pathway. If anything is done outside the easement, the Town would have to obtain permission from the appropriate property owner. He also commented that the SC Uniform Traffic Code regulates any type of vehicular traffic, including bicycles; and, if the Town were to adopt some type of speed limit on the pathway, he thinks this would have to be enforced by the Sheriff's Department. Previously, the Sheriff's Department has refused to enforce a Town ordinance unless the County also has the same ordinance. Mayor Gregg asked the Town Administrator to verify with the Town Attorney that the Sheriff's Department would have to enforce the speed limit on the pathway. Town Administrator Cronin stated that a comment had come in on the Town's YouTube page suggesting painting signage on the asphalt to warn about blocked views on the pathway. This option can be considered when improvements to safety on the pathway are being reviewed.

Public Relations/Communications – Pat Fox

Councilwoman Fox commented that Town Administrator Cronin has been doing an excellent job with communicating the events of the last several months by using Tidelines, the website and other means. Mayor Gregg agreed that the Town Administrator had been doing an exceptional job putting out the Town's Public Information Statements to keep residents informed.

Special Projects/Beach Administration – Barry Goldstein – No Report

Beach Administration/Community and Government Relations – Councilwoman Finke

Councilwoman Finke stated that, before COVID-19, a reception and educational training session had been planned with Lauren Rust, Lowcountry Marine Mammal Network, regarding the Dolphin Education Program, but it had to be cancelled. Ms. Rust had indicated that she was going to try to get in touch with volunteers that had worked with her last year to help her keep the program going until it is possible to train other volunteers.

Ways & Means – John Gregg

The Mayor reported that the following topics from the March and May Ways & Means Committee meeting:

- **COVID-19 Response** – On March 6, 2020, the Town participating in conference calls organized by the Charleston County Emergency Management Division. Since then, the Town has participated in those conference calls through May. Numerous County organizations and agencies participate in the calls so that the calls help keep the Town informed as to the COVID-19 response in Charleston County. In emergency meetings in April, Council adopted and amended Emergency Ordinance 2020-01 imposing restrictions on local businesses and other activities within the Town, including short-term rentals. During the May Ways and Means Committee meeting, members of Council expressed their preference to allow restrictions on short-term rentals to expire on May 15. At that meeting, it was also noted that, due to the continuing social distancing requirement, the following Town events have been cancelled:
 - the Town's July fireworks
 - the earthquake scenario disaster exercise of May 27 with the Charleston County EMD
 - the Disaster Awareness Day that is jointly sponsored by Seabrook Island and Kiawah

- **Regulation of Short-Term Rentals** – In March, Council had established an *ad hoc* committee to determine if the Town should attempt to regulate short-term rentals. Through the month of May, there has been no report on activity for this committee.
- **Town’s Request for Public Assistance in Respect of Hurricane Dorian** – FEMA approved funding for cost of debris removal and the Town received a check for \$4,797.56 which is FEMA’s share (75%). The Town is unaware as to whether the State legislature will approve funding of the remaining 25%.
- **Inspection by SC DHEC of the Town’s Temporary Debris Storage & Reduction Site** – The debris storage and reduction site at the Equestrian Center was inspected on May 13 and approved for use by the Town.
- **Electric Pedal-Assist Bicycles** – Since adoption of SC Code Sec. 56-535-20 regulating electric-assist bicycles and bicycles with helper motors, Ordinance 2020-05, allowing operation of such bicycles within the Town, will not be needed. The Town Administrator has recommended that Council table this ordinance and it is on the agenda for the May Town Council meeting for action.
- **Cessation of Distribution of Charleston County Accommodations Tax Funds for the Current Year and Fiscal Year 2021** – County Councilwoman Honeycutt has notified the Town that, due to budgetary constraints, there will be no County Accommodations Tax distributions to municipalities for the remainder of Charleston County’s fiscal year 2020, July 1, 2019, through June 30, 2020, and their entire 2021 fiscal year (July 1, 2020, through June 30, 2021) . The Town had budgeted \$50,00 for this calendar year for County Accommodations Tax revenue and the money was to be used for Beach Patrol. It is expected that Council will convene for a working session soon to consider budget amendments necessitated by revenue shortfall from this as well as other sources.
- **Bicycle/Pedestrian Pathway** – Work on the Town’s pathway began on February 19. Repairs were made and the pathway reopened in April. A small section on the crosswalk to the Marina was not completed at that time but all work has now been completed.
- **Follow-up Inquiry from SIPOA Safety & Security Committee** – Due to an inquiry from the POA Safety & Security Committee, the Town Administrator consulted a traffic engineer for recommendations to improve safety at the crosswalk near Seabrook Island Road and Landfall Way. Recommended traffic calming measures are on the agenda for approval by Council at the May Town Council meeting.

Planning Commission – No Report

Board of Zoning Appeals – No Report

Reports of Ad Hoc Committees:

Development Standards Ordinance Advisory Group – Councilman Crane, Chairman, reported that the DSO Advisory Group has not met since February 28 due to restrictions related to the Coronavirus. A meeting could be held in the next few weeks. The date and format options are being discussed with the Town’s consultant, Paul LeBlanc.

Regulation of Short-Term Rentals Committee – Councilwoman Finke said that she had nothing to report at this time.

Reports of Town Officers:

Mayor –

- **MUSC Anti-Body Testing for Seabrook Island** – Some Seabrook Island residents had inquired about the possibility of the Town entering an arrangement for antibody testing with MUSC, as Kiawah had done. On May 22, members of Council participated in a video conference with representatives of MUSC, who made a brief presentation of their “Business2Business” program to provide services to employers for safe resumption of operations during the ongoing COVID-19 pandemic. It was estimated that approximately 1,400 individuals from Seabrook Island would participate and it would probably require three days to do the testing. Mayor Gregg stated that he is not confident as to how the results of the antibody testing would change what the Town has been doing in response to COVID-19. When the Mayor asked for opinions from Council, Councilman

Crane said he had nothing to add to what the Mayor had said. Councilwoman Finke said that she had asked the MUSC representatives what the benefit would be to Seabrook Island if the Town went forward with testing their residents and what was the benefit of knowing if an individual tested positive. She indicated that they did not have any good answers to the two questions. The cost, if it took three days to test the residents, would be \$15,000. The people being tested would have to have Medicare or insurance to pay for the test or the Town would be responsible for payment. With the Town in a budget crisis, Councilwoman Finke stated that she does not think the Town should spend money for this since residents, if they want, can go to an MUSC site, either downtown or to the Citadel Mall, and be tested. Councilwoman Finke also said that MUSC did not have an answer for how reliable their test was. Councilwoman Fox said she felt much the same as Councilwoman Finke in that she does not see how the testing would benefit the Town. Councilman Goldstein felt there was little benefit to the Town for the testing; but, if it was done as a convenience to the residents and there was a fee collected, it might make sense. The Mayor remarked that there did not seem to be sufficient support from Councilmembers to go forward with the MUSC program being offered and he would relay that to the MUSC representative.

- **Emergency Ordinance** – Mayor Gregg commented that later in the meeting Council will be asked to consider Emergency Ordinance 2020-02 to address restrictions adopted in response to the COVID-19 pandemic. The Town’s Emergency Ordinance 2020-01 will expire at the end of May and it is appropriate for Council to consider how it wants to go forward with restrictions that are appropriate in response to COVID-19.
- **FY2020 Budget Amendment** – The Mayor also commented that Council is contemplating having a Budget Work Session to consider budget amendments that are being undertaken because of reductions in revenue to the Town resulting from COVID-19.

Town Administrator/Zoning Administrator – Joe Cronin

- **Request to Approve Traffic Calming Options for the Intersection of Seabrook Island Road and Landfall Way** – After a request from SIPOA Safety and Security Committee, the Town Administrator asked the Town’s transportation consultant to give recommendations for options for alleviating safety concerns in the area of the crosswalk at Landfall Way and Seabrook Island Road. At the March Ways & Means Committee meeting, Council looked at four different levels with different costs associated with each. Council seemed to favor the Level 1 option which would be in the range of \$6,000 to \$12,000. This Level would include:
 - Re-Apply Crosswalk Paint
 - Add In-Road Yield Sign
 - Add Yield Paint Markings and Signs
 - Relocate 15 mph Sign (Approximately 150’ East of Town Hall Driveway)
 - Add Reduced Speed Ahead Sign (Approximately 450’ East of Town Hall)

Councilman Crane made a motion to approve the Level 1 improvements for the crosswalk. Councilwoman Finke seconded the motion. Council seemed to agree that some of the same changes should be done at the crosswalk by the Marina, such as the crosswalk paint, in-road yield sign and new paint markings and signage. Councilwoman Finke also suggested getting a price for painting something on the pathway at the “blind” corner. Councilman Crane amended his original motion to include the work to be done at the Marina Crosswalk. Councilwoman Finke seconded the motion. Councilman Crane said that he thought the Town needed more of a plan for the pathway before going ahead with painting anything on the pathway. Councilwoman Finke further amended the motion to make the Level 1 improvements for the crosswalk in the Landfall Way area and the same at the Marina Crosswalk, except for the 15 mph sign and reduced speed ahead sign, at a cost not to exceed \$15,000. Councilwoman Fox seconded the motion. The Town Administrator said that he would get estimates on the painting on the pathway at the blind corner, if possible, but he did not want to hold up the work at the crosswalks if that would cause a delay or be over the maximum amount approved. The vote to approve the motion was unanimous.

- **Resolutions 2020-14 through 2020-16** – Town Administrator Cronin explained that these Resolutions would appoint and commission Charles Cross, Jacob Frederick and Robbie McDowell, who are members of the Beach Patrol, as Code Enforcement Officers for the Town for the

remainder of beach patrol season. Councilman Crane made a motion to approve the Resolutions for the appointment of the three additional individuals from the Beach Patrol as Code Enforcement Officers for the Town. Councilwoman Finke seconded the motion and the vote to approve the motion was unanimous.

- **Beach Patrol Update** – The Town Administrator commented that the Beach Patrol has been active for about 8 weeks. They have issued 161 warnings, mostly for leash, glass and dune violations. They have not issued any ordinance summons yet but have had one call to the Sheriff's Department. He also commented that the Sheriff's Department deputies were on the beach during Memorial Day weekend, supplementing the Beach Patrol, from Saturday through Monday, May 23-25, 2020. The Beach Patrol have also been emptying the trash cans the Town installed on the beach. Beach Patrol season is currently in its second phase with four individuals and two vehicles on the beach from 8 a.m. to 8 p.m. with overlapping shifts. A comment was received on the website about the signs on the beach, but the Town Administrator stated that the sign is in the right location, but it might need to be turned slightly. The Town Administrator reported that he has some new COVID-19 signs to put at the boardwalks reminding everyone about social distancing and not being in groups of 10 or more people. Councilwoman Finke asked if he could put some of the signs at the security gate as well.
- **Status of Upcoming Public Hearings (June 23, 2020)** – The Town Administrator stated that first reading was held at the February Town Council meeting on two rezoning ordinances – 2561 High Hammock Road and 3062 Seabrook Island Road. The Public Hearing was advertised as being held prior to the March Town Council meeting but all March and April Town meetings were cancelled due to COVID-19. These Public Hearings have been advertised for June 23, just prior to the Town Council meeting, and comments can be made on the website, emailed to the Town Administrator, brought by the Town Hall or sent by mail. Any comments will be read and entered into the record.
- **Cancellation of Events and Activities due to COVID-19** – The Town Administrator reported that Disaster Awareness Day, Fourth of July Fireworks Celebration and Kick It at Bohicket for 2020 have been cancelled.
- **Budgetary Impact of COVID-19 Pandemic & Request for Budget Workshop** – The Town Administrator stated that he would like for Council to meet in the next week or so for a workshop to look at the specifics on income sources that might be affected by the Pandemic and ways that the Town can mitigate the lost revenue by deferring or cancelling certain expenditures in the 2020 budget. The Town Administrator estimates that the Town's General Fund Budget will be impacted by approximately \$133,500 (10% reduction in the General Fund). The following decreases are also expected in the Town's Restricted Revenue Accounts:
 - A decrease of approximately 40% for State Accommodations Tax due to having a six-week period with no check-ins or rentals on Seabrook Island.
 - No County Accommodation Tax will be received by the Town during 2020 nor the first half of 2021. The Town had budgeted \$50,000 for Beach Patrol from County Accommodations Tax in 2020.
 - A decrease of \$2,000 (40%) in Alcohol Tax is expected because two restaurants at Bohicket Marina have gone out of business.

In total, the Town Administrator estimates that the Town is looking at a budgetary impact of just over \$250,000 for the remainder of 2020. The Town has already collected most of their business licenses revenue for 2020 but business license income will be impacted in 2021 because most businesses pay on the previous year's income.

Town Council Members – See Above

Utility Commission: Chairperson Annie Smith-Jones reported that net income for the month of April was a loss of \$16,324. Revenue from Impact/Connection fees saw an increase; however, no irrigation was billed during the month. Annual Availability Fees and Hydrant Fes were billed in April. Expenses were up approximately \$36,000 from budget including \$13,000 for sewer repair. After adjusting for Bond Principal

and Interest and Capital Expenditures of \$9,950, April showed a net loss of \$20,856. On a year to date basis, there is a surplus of \$31,450 over budget. The Balance Sheet shows available Cash totals \$2,609,642. The audit for the Seabrook Island Utility Commission is on schedule.

Wastewater plant performance complied with all permit parameters. Wastewater flows for the month averaged 422,000 gallons per day, with the average of the past 12 months of 390,000 gallons per day. SIUC delivered 20,291,604 gallons of water for the month compared to 16,267,434 gallons for the same period last year.

W.K. Dickson submitted a contract for services for the Emergency Generators FEMA Grant. SIUC is in negotiation to get the pricing to come in line with FEMA grant funding for engineering. The Edmunds GovTech contract for the new financial/utility software application has been signed by SIUC's Chairperson, Annie Smith-Jones.

Governor Henry McMaster has rescinded his request to refrain from the utility company's service cutoffs. SIUC is addressing 36 past due accounts.

Petitions Received, Referred or Disposed of: None

Emergency Ordinances:

- **Emergency Ordinance 2020-02:** An Emergency Ordinance to extend requirements related to social distancing and group congregations; to modify the requirements for certain businesses; to extend the prohibition on temporary use permits; to extend the expiration date for active building permits; and other matters related thereto. Town Administrator Cronin stated that, under State law, the Town's previous Emergency Ordinance that was adopted April 1st would expire on the 61st day following adoption; and, if a new ordinance has not been adopted, all provisions of the ordinance would expire on May 31st. Emergency Ordinance 2020-02, which has been distributed to Council, is intended to replace Emergency Ordinance 2020-01. The various sections of Ordinance 2020-02 provide:
 - Section 1 adopts, rescinds or modifies the provisions of the Mayor's Executive Orders due to Executive Orders issued by the Governor.
 - Section 2 deals with resumption of indoor dining by restaurants based on the Governor's Executive Order 2020-34 and references guidelines for their reopening.
 - Section 3 deals with modification of non-essential business closures. Certain entertainment venues and facilities and spectator sports shall not be open to the public but any businesses, not identified in this section, can reopen but have restrictions as far as number of customers allowed and other guidelines.
 - Section 4 deals with short-term rentals and states that restrictions on rentals and check-ins within the Town expired on May 15, 2020 and are no longer in force.
 - Section 5 deals with provisions related to Town meetings. Town meetings will be held but conducted to maintain social distancing by those participating and without in person attendance of members of the public. It also amends Section 2-92 of the Town Code so that a member can participate remotely and cast votes as long as they can hear the meeting and that his/her comments and vote can be heard by those attending the meeting.
 - Section 6 deals with Temporary Use Permits. Any Temporary Use Permits taking place between May 26 and June 26, 2020 are repealed. The Town Administrator can issue Temporary Use Permits between these dates if he determines that the event can be held with adherence to social distancing and without congregation of large groups in order to minimize the risk of the spread of COVID-19 within the Town in consequence of such events.
 - Section 7 deals with the extension of the expiration of existing Building Permits. The time limit of any active building permit that was in effect as of March 1, 2020, or that was obtained between March 1, 2020 and July 26, 2020, shall be automatically extended for a

period of six months. An additional six-month extension can also be granted by the Zoning Administrator.

- Section 8 allows Code Enforcement Officers to enforce this ordinance and, in some cases, to cooperate with law enforcement officers to enforce this ordinance and any Executive Order issued by the Governor.
- Section 9 states that the ordinance does not create any individual rights, privileges or benefits.
- Section 10 contains a standard severability clause.
- Section 11 states that Emergency Ordinance 2020-01 is repealed in its entirety and deals with conflicts in other ordinances or parts of ordinances.
- Section 12 states that the ordinance will expire on the 61st day following the day it is adopted.

Councilman Crane made a motion to approve Emergency Ordinance 2020-02 as presented and discussed. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Ordinances for First Reading: None

Ordinances for Second Reading:

- **Ordinance 2020-05**

An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 28, Traffic and Motor Vehicles; Article I, In General; so as to add a new section relating to the use of electric pedal-assist bicycles on bicycle pathways within the Town of Seabrook Island. The Town Administrator explained that this ordinance had first reading at the February Town Council meeting and, since that time, the State legislature has adopted legislation that provides that bicyclists operating bicycles with electric helper motors are subject to all statutory provisions as provided to bicyclists. This legislation makes the Town's ordinance unnecessary and the Town Administrator recommended tabling consideration of this ordinance. Councilman Crane made a motion for approval of tabling consideration of Ordinance 2020-05. Councilwoman Finke seconded the motion and the vote to approve was unanimous.

Miscellaneous Business: None

Citizens Comments:

The Town Administrator stated that two comments were received before the meeting that were not about agenda items. One just asked if there had been any progress made regarding short-term rental restrictions and Councilwoman Finke had reported that the ad hoc committee had no report. The other comment concerned signage for the off-leash area on the beach and that had been mentioned earlier in the meeting. The individual also asked when the ordinance would be up for revision and the Town Administrator explained that a section of the previous ordinance stated that Council would review after one year. The current ordinance was adopted in September and Council will soon have to determine how they would like to handle the review and decide if they are pleased with the ordinance or if they would like to make changes.

There being no further business, the meeting was adjourned at 5:00 p.m.



Town Clerk

Date: June 23, 2020