

TOWN OF SEABROOK ISLAND
Town Council Meeting
June 22, 2021, at 2:30 p.m.

MINUTES

The June 22, 2021, Town Council 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 Finke, Fox and Goldstein, Town Administrator Cronin and Town Clerk Allbritton participated in the meeting. Mayor Gregg called the meeting to order, and the Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act had been met.

Minutes:

The minutes of the Town Council Emergency Meeting of May 13, 2021, the Town Council meeting of May 25, 2021, the Public Hearing of May 25, 2021, the Town Council Special Called Meeting of June 8, 2021, and the Ways & Means Committee meeting of June 8, 2021, were unanimously approved as written.

Financials:

Mayor Gregg reported that the total fund balance for the period ending May 31, 2021, was \$5,950,542 about \$729,686 more than the fund balance as of May 31, 2020. Unrestricted revenue for May totaled \$121,373 and unrestricted revenue for the year totaled \$615,048, representing about 46% of the 2021 annual budget, and was about \$121,920 more than for the same period in 2020. Expenditures for May totaled \$58,377 and expenditures for the year totaled \$294,436, representing about 23% of the 2021 annual budget. Expenditures for the year were about \$9,773 less compared to the same period in 2020. Excess of revenues over expenditures was \$62,996 for the month of May and the excess of revenues over expenditures for the year was \$294,436 compared to an excess of revenues over expenditures of \$162,744 as of May 31, 2020. Year to date figures for 2021, reflect significantly greater revenue when compared to the same period in 2020.

Citizens/Guests Presentations, Comments:

The Town Clerk reported on comments that were received in advance of the meeting.

- Jay Tannon, 3703 Bonita Court, suggested that the Town ban high decibel and fossil fuel powered leaf blowers and weed trimmers and perhaps help cover costs of replacement equipment or provide some incentive for the Seabrook Island Club and lawn services to convert to 21st century equipment.
- Diane Harvey commented that she had been on the beach at 6:45 a.m., on June 16, and there was an e-bike on the beach. She suggested that the Town should publish something on Tidelines or put signs at each boardwalk banning e-bikes from the beach.
- Barbara Montagu-Pollock, 3150 Privateer Creek, commented on her concern that e-bikes were being ridden on the beach at great speeds. She suggested putting signs at each boardwalk indicating that they, and other motorized vehicles, are not permitted on the beach.
- Cheryl Wilson expressed concern over people fishing on the north beach. She indicated that, a few days ago, a man was using eight fishing rods and stands and was throwing bait into the water around where people were swimming. Considering the shark bite incident

and the size of a shark that was caught recently, she suggested that the fisherman should have been on the Edisto side.

- Paul D. McLaughlin, 3061 Baywood Drive, gave statistics suggesting that the number of rentals on Seabrook Island continues to grow and he stated that Seabrook Island roads, facilities, infrastructure, etc., in its present form, cannot continue to serve these numbers for very long. Mr. McLaughlin had written a memo suggesting the formation of a task force that would hold hearings, do research to determine a sustainable number of rental units. He suggested a moratorium on new rental permits be adopted that coincides with the work of the task force. Mayor Gregg stated that Council had received the memo referred to in Mr. McLaughlin's comments.

Reports of Standing Committees, Commissions, Boards:

Public Relations/Communications – Pat Fox

Councilwoman Fox reported that Seabrook Island radio operators participated in a successful radio test on June 16 at 1:00 p.m. at the Town Hall. She also reported that the following have been published on Tidelines between June 8 and June 22:

- The TOSI Clips for the June 8 Ways & Means Committee meeting
- A post regarding the shark bite incident on Seabrook Island
- Three posts from the Seabrook Island Utility Commission about fire hydrant testing
- Notice of the June Public Hearing and Town Council meeting

Councilwoman Fox added that a revised schedule for Town Hall articles to be published in the Seabrooker should be sent to Council on Wednesday.

Public Safety/Special Projects/Beach Administration – Barry Goldstein

Since Councilman Goldstein was on vacation, Mayor Gregg acted as chairman and reported on the June 14 Public Safety meeting. The Committee considered and recommended approval of the 2021 updates of the Town's Comprehensive Emergency Plan (CEP) by Council. The Town Administrator has prepared a resolution that will be adopted approving the updates. Town Administrator Cronin commented in the Public Safety meeting that the upcoming Disaster Recovery Council exercise, which will be held on July 23, will be based on a high impact, Category 4 or greater, hurricane event. The focus of the exercise will be post landfall. The Town Administrator confirmed that a Request for Proposal for debris monitoring services had been issued. Mr. Farfone expressed concern regarding traffic back-ups on Seabrook Island Road resulting from delays at the Property Owners Association security gate. Members of the Committee discussed suggestions to reduce delays at the gate. The next meeting of the Public Safety Committee is scheduled for July 12, 2021, at 10:00 a.m.

Beach Administration/Community and Government Relations – Jeri Finke

Councilwoman Finke stated that she had received several complaints about dogs in the restricted area and suggested beach patrol might need to start issuing more citations for owners allowing dogs to enter the critical habitat area. The Town Administrator commented that, historically, the Town has taken the approach that compliance is the Town's goal, but beach patrol has the authority to issue a citation, especially if it is a repeat offender. Beach patrol employees work for the Town, and they will respond according to whatever they are instructed to do. Councilwoman Finke questioned why beach patrol had not made the person, who was fishing with eight poles and throwing bait in the water near swimmers, move to a different area of the beach. The Town

Administrator added that beach patrol covers 3.5 to 4 miles of beach. Their telephone number is posted on the Town's website, and he encouraged people to call them if they would like to report a violation. Mayor Gregg asked Councilwoman Fox to follow up with a post on Tidelines publicizing the telephone number to reach beach patrol if they are needed. Mayor Gregg added that people, who have complaints about the beach, should follow proper channels and get their comments to the Town so that they can be distributed to all members of Council. He suggested that, if some of these violations are taking place before the beach patrol start their shift, perhaps their shifts could begin earlier. The new position of Zoning Administrator/Code Enforcement Officer will give the Town more flexibility, but that person will not be hired until after the peak beach season.

Ways & Means Committee Item Updates – John Gregg
Mayor Gregg reported on the following:

- **Beach Signage** – Mayor Gregg stated that Council had discussed a comment at the June Ways & Means meeting concerning enforcement of the Town's "beach rules" and suggested beach signage. During that discussion, no reference was made to existing signage that contains the beach rules. The Town Administrator has provided a photo of existing signage that is located at each of the Property Owners Association beach boardwalks. Signage is already at the beach and Mayor Gregg added that he believes that is sufficient.

Mayor Gregg also reported that the Town had received comments reporting that "e-bikes" (motorized bicycles) were being ridden on the beach at times prior to the presence of the Town's beach patrol and suggested the placement of beach signage that would reflect that e-bikes are prohibited. Mayor Gregg stated that the Town Code prohibits operation of any kind of motor vehicle on the beach, with limited exceptions. He also added that existing beach signs include the reminder that only Town and POA approved vehicles are allowed on the beach. Mayor Gregg asked Councilman Goldstein to prepare a short article for publication in Tidelines concerning the Town's prohibition of operation of motor vehicles on the beach, which would include e-bikes.

- **Protocols for Fourth of July Fireworks Display** – The Seabrook Island Club has confirmed that they are planning to have grill stations and beverage stations at the Independence Day fireworks event and do not contemplate requiring the wearing of face coverings but will encourage persons who have not been fully vaccinated to wear face coverings. Mayor Gregg asked Councilwoman Fox to work with the Seabrook Island Club and SIPOA to prepare an article(s) for Tidelines and the Town's channels of communication to include the Town's guidance for safe practices for the fireworks event.
- **Expiration of Emergency Ordinance 2021-03** – At a Town Council Emergency Meeting held on May 13, Council considered and approved Emergency Ordinance 2021-03 by which all requirements for wearing of face coverings within the Town were eliminated in favor of encouragement for wearing of face coverings in certain circumstances. Emergency Ordinance 2021-03 will expire July 13 and Council has scheduled a Special Called Meeting for July 8 at 10:00 a.m. to address the Emergency Ordinance.

Reports of Ad Hoc Committees:

- **Development Standards Ordinance Advisory Committee** – The Town Administrator reported that he has begun working on the new Town Zoning Map, which is the last

outstanding item for the revised DSO. Once the map is completed, the Town will move forward with finalizing the draft document, the public rollout and moving into the adoption process. The Committee may be required to meet depending on the type and volume of comments that are received during the public rollout of the DSO.

Reports of Town Officers:

Mayor – John Gregg

- **Beach Incidents** – Mayor Gregg reported that the Town has received a comment from a resident that included a photo showing a shark that was caught by a person fishing from the shore on North Beach. The resident stated that the person was fishing and throwing bait into the water while people were swimming nearby. The Town’s beach patrol had no information pertaining to the incident. Mayor Gregg reminded Council that the Town Code prohibits “chumming” and provides that code enforcement officers can require that fishing be suspended if they determine that fishing makes it unsafe for other people using the beach. Councilwoman Fox commented that it is important to get the phone number for beach patrol publicized and agreed that a short article in Tidelines would be helpful. As to the statement that some offenders were giving beach patrol false names, Town Administrator Cronin stated there are only a few members of beach patrol who work on Seabrook Island and he believes, if anyone were giving them false names, beach patrol would be aware of who they were. The Town Administrator suggested the possibility of having a zero-tolerance period and word would get out if a few citations are written. Councilwoman Fox added that, in her opinion, the community would police itself if we got the phone number for beach patrol out to the public. Mayor Gregg suggested getting the phone number for beach patrol publicized, give it a little time and see what happens before moving into a zero-tolerance period.
- **Rental Trend and Infrastructure Challenges** – As noted earlier, a resident has commented about the trend of increased usage of property for short-term rentals and how an increased number of people on Seabrook Island would tax the existing infrastructure of the community – roads, parking space, amenity facilities and water/sewage utilities. The resident proposed a task force be identified from certain defined groups that would come up with a plan of action in time for the annual SIPOA and Club meetings. Mayor Gregg remarked that, if members of the community want to form a task force to investigate things that they consider to be problems in the community, they are free to do so but the Town is not going to undertake to create such a task force. Councilwoman Fox added that, at Mayor Gregg’s suggestion, she has joined the SIPOA Long Range Planning Committee, and they seem to be tackling a lot of the same issues brought up in the comment and the Committee is studying how various communities are responding to similar issues.

In recent informal discussions of officials of the Town, SIPOA and the Club, it was suggested that those organizations cooperate in engagement of consulting services in the matter of traffic back-ups on Seabrook Island Road resulting from delays at SIPOA’s security gate. It is thought that the organizations will enter a Memorandum of Understanding to clarify the responsibilities of the organizations regarding their proposed cooperation in providing information to consultant(s) to solicit suggestions to address identified problems.

Town Administrator/Zoning Administrator – Joe Cronin

- **Beach Patrol Update** – The Town Administrator reported that an incident occurred on June 6 about 8:00 p.m. in which a teenage female was injured in the water at the beach.

Beach patrol had already left the island but was dispatched back to Seabrook Island. The injured person was taken by ambulance to the hospital where she was treated for what was identified as a shark bite. It was a minor injury, and she was treated and released. Notice of the incident was placed on the website, social media and Tidelines. Town Administrator Cronin reminded everyone of steps to take to minimize the chance of an encounter with a shark. This event took place at dusk when sharks are more likely to be active. He added that you should always use caution when going into the ocean and, if something happens and you need help, always dial 911 to get the quickest response.

- **2021 Hurricane Guides** – Town Administrator Cronin stated that hurricane season has begun, and copies of the 2021 Hurricane Guide are available at the Town Hall and the SIPOA administrative office. He asked Councilwoman Fox to include a post on Tidelines about the availability of the Hurricane Guides. He also pointed out emergency preparedness information that could be accessed on the Town’s website.
- **Special Called Meeting & Public Hearing** – The Town Administrator reported that a special called Town Council meeting and Public Hearing will be held on July 8, 2021, at 10:00 a.m.
- **Short-Term Rental Permits** – Town Administrator Cronin reported that 481 short-term rental permits have been issued and some enforcement activity has been initiated. The Town has identified about 20 properties that will require some type of enforcement action for advertising to rent without obtaining a business license or short-term rental permit.

Town Council Members –

Councilwoman Finke stated that she strongly supports whatever cooperation the Town can give toward resolving the issue of the backup of traffic outside the security gate.

Utility Commission: Chair Annie Smith-Jones reported that the Utility Commission met on June 16, 2021. The Net Income for the month of May was \$34,000. Capital Expenditures for May amounted to \$64,854 and, after adjusting for Capital Expenditures and bond principal and interest, there was a net deficit of \$40,986. Net Income for the year to date through May was \$361,248 and, after adjusting for Capital Expenditures and bond principal and interest, there was a deficit of \$38,435. For the year to date through May 31, the available cash was \$2,646,693. Mauldin & Associates has successfully completed SIUC’s 2020 audit and have reported that SIUC’s financials and liquidity are very strong.

Daily average flow for effluent was 0.392 million gallons per day, with maximum daily flow of 0.457 million gallons for the month. Total effluent and deep well water pumped to Seabrook Island golf courses for irrigation was 2.69 million gallons of effluent and just over 8 million gallons of deep well water. Total effluent pumped to Oak Point Golf Course was 14.27 million gallons.

The Utility Commission also discussed the installation of the three new generators that have been purchased in conjunction with FEMA. The bidding process for their holding pond construction is currently underway, and SIUC’s State loan application is currently being reviewed and is on schedule. The Utility Commission has reviewed a developer’s agreement for residential/commercial properties which are located behind the Town Hall. The Utility Commission also made slight modifications to Louis Berger’s management contract regarding a change in employee leave policy. The Commission will begin doing a combination Zoom and in-person meeting where the Commissioners will meet in person and have guests join by way of Zoom. Their next meeting is scheduled for July 21.

Ordinances for Second Reading:

- **Ordinance 2021-06:** Approving the Financing of the Improvement, Extension and Enlargement of the Water and Sewer System of the Town of Seabrook Island, South Carolina, through the Borrowing by the Town of not Exceeding \$3,500,000, Including Capitalized Interest, if any, from the State Water Pollution Control Revolving Loan Fund, by Agreement with the South Carolina Water Quality Revolving Fund Authority, Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Providing for an Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement between the Town and the South Carolina Water Quality Revolving Fund Authority, the Execution and Delivery of a Promissory Note from the Town to the South Carolina Water Quality Revolving Fund Authority; and other Matters Relating Thereto. Councilwoman Finke made a motion to approve Ordinance 2021-06 as presented. Councilwoman Fox seconded the motion and the vote to approve was unanimous.

Ordinances for First Reading:

- **Ordinance 2021-07:** 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 149-01-00-261, containing approximately 0.16 +/- acres located at 1817 Landfall Way, from the MF Multi-Family Residential District to the AGC Agricultural-Conservation District. Councilwoman Finke made a motion to approve Ordinance 2021-07 on first reading as presented. Councilwoman Fox seconded the motion. Councilman Goldstein recused himself due to a conflict of interest. The vote to approve, except for Councilman Goldstein, was unanimous.
- **Ordinance 2021-08:** An ordinance amending the Development Standards Ordinance for the Town of Seabrook Island, South Carolina; Article 13, Permitting Applications and Procedures; Section 13.70, Building Permits; Subsection 13.70.20, Permit Time Limits; so as to amend the time limit for completion of construction following the issuance of a building permit. Councilwoman Finke made a motion to approve Ordinance 2021-08 on first reading as presented. Councilwoman Fox seconded the motion. The Town Administrator stated that the primary purpose of this ordinance is to get the Town's ordinance in agreement with the South Carolina Building Code. Once this ordinance is adopted, when a permit is issued, it is valid for 180 days and no more than 180 days can pass between inspections. The vote to approve Ordinance 2021-08 was unanimous.
- **Ordinance 2021-09:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Division 2, Town Council; Section 2-75, Quorum; so as to allow a quorum of Town Council to be present either in person or by electronic means; and Section 2-92, Remote Voting; so as to allow remote participation and voting by members of Town Council. Councilwoman Finke made a motion to approve Ordinance 2021-09 on first reading as presented. Councilwoman Fox seconded the motion. The Town Administrator explained that the purpose of this ordinance is to allow a quorum to be established in-person or by electronic means and allows a person(s) attending remotely to participate and vote if they can be seen and heard by members of Council and by the public. The vote to approve Ordinance 2021-09 was unanimous.

Miscellaneous Business:

- **Resolution 2021-20** – A resolution adopting updates to the Town of Seabrook Island Comprehensive Emergency Plan – Mayor Gregg moved for approval of Resolution 2021-20. Mayor Gregg noted that this update comprises updated information for roles of Town officials; contact information of members of Disaster Recovery Council participating organizations; and identification of personnel of community organizations who are to be

the first to return to the Town following a disaster event (Team 1) and those persons identified to be allowed access to the Town to assist with recovery operations.

Councilwoman Finke seconded the motion and the vote to approve was unanimous.

- **Contract with ESP Associates for Engineering Services relating to Seabrook Island Road Roadway and Drainage Improvements** – The Town Administrator stated that the roadway and drainage improvements contract with ESP Associates, Inc., was reviewed at the June Ways & Means Committee meeting. The contract was broken down into 9 parts:

- Geotechnical Engineering Services \$10,750
- SUE-Subsurface Exploration Services \$36,500
- Design Development & Construction Documents \$48,000
- Final Construction Documents \$12,000
- Technical Specifications \$5,000
- Bid Phase \$3,500
- Construction Phase \$18,000
- Storm Drainage, Roadway Close-out & Certification \$10,000
- Reimbursable Expenses \$3,500

The Town Administrator stated that the Town has more than enough money in the Road & Drainage Fund to pay for the project if Council would like to move forward with the contract. The contract does include the work to be done on the out-bound pathway as well as Seabrook Island Road. Mayor Gregg moved for approval of the letting of this contract. Councilwoman Finke seconded the motion. Town Administrator Cronin added that Councilman Goldstein might need more time to study the contract and a decision could be made at the special called meeting on July 8, if necessary. Councilman Goldstein agreed that he would like to wait until July 8.

- **Consideration of Options for the In-Bound Pedestrian Pathway-**

- Option #1: Remove and Reconstruct - \$267,300.00 (ESP)
- Option #2: Remove and Abandon - \$148,000.00 (ESP)
- Option #3a: Mill and Resurface in Place - \$62,934.00 (SBS)
- Option #3b: Targeted Repairs + Asphalt Sealcoating - \$15,000.75 (SBS)
- Option #3c: Targeted Repairs Only - \$11,700.00 (SBS)

Town Administrator Cronin stated that Option #1 and Option #2 had originated from a previous ESP report. Option #1 would remove the current in-bound pathway and reconstruct it to ADA standards and Option #2 would completely remove the in-bound pathway. Black Top Surfaces has given an estimate for Option #3c, which would involve minimal work done to targeted repairs to make the pathway safe from tripping hazards. This option was discussed at the June Ways & Means Committee meeting and Council had asked for two other estimates from the contractor. Option #3b would include the targeted repairs and an additional \$3,300 to put a sealcoat over the entire pathway. Option #3a would involve milling and resurfacing the in-bound pathway in place.

The Town Administrator added that, from research he had done, it appears that any type of maintenance done to a pathway would not require bringing the entire pathway up to ADA standards. If Option #3a is selected, the Town might want to get an opinion from the Town Attorney. Councilman Goldstein suggested deferring a decision on this item and having it on the agenda for the July 8 meeting.

- **Request to Approve Creation of New Full-Time Position of Zoning Administrator/Code Enforcement Officer** – As discussed at the Ways & Means Committee meeting, Town Administrator Cronin stated that there is not enough work to warrant a full-time Zoning Administrator for the Town; but, if zoning and code enforcement functions were combined, there would be enough demand over the course of the year to have a Zoning Administrator/Code Enforcement Officer. During peak season, there could be code enforcement coverage from 8:00 a.m. to 4:00 p.m. and additional shifts in the evening and on the weekends by part-time code enforcement support could supplement this coverage for a total of 84 hours. During off-peak months, there could be coverage from 8:00 a.m. to 4:00 p.m. with additional coverage on the weekends for a total of 52 hours. The annual cost would be just under \$140,000 for code enforcement coverage. Broken out between the full and part-time, it would be about \$80,000 for full-time and \$60,000 for part-time support. A good portion of the cost for additional code enforcement was intended to be paid for by income derived from short-term rental permits, which was estimated at \$100,000. If \$40,000 of the full-time salary was attributed to code enforcement and the \$60,000 for part-time code enforcement, the total would equal \$100,000 as expected from short-term rental permits. For 2021, the Town had budgeted about \$112,000 for additional code enforcement. The Town Administrator pointed out that, if we wanted to move forward this year, the expense would be covered. He recommended hiring someone with a September 1 or October 1 start date so the person could be trained before business license renewals begin. Councilwoman Finke made a motion to approve the proposal to create a new full-time position of Zoning Administration/Code Enforcement Officer. Councilwoman Fox seconded the motion and the vote to approve was unanimous.

Citizens Comments: Annie Smith-Jones, Chairman of Seabrook Island Utility Commission, asked if the proposals for the work on Seabrook Island Road and the In-Bound Pedestrian Pathway were put out for bid. The Town Administrator explained that the Town's ordinance allows a negotiated agreement for Professional Services rather than going through a bidding process. He added that ESP Associates, Inc., is a company that the Town has worked with for the last several years for road and drainage projects for the Town Hall, Seabrook Island Road and options for the in-bound pathway. Council had wanted additional options on the in-bound pathway; and, due to the minor size and scope of the work, an estimate was obtained from a company that had done other asphalt work for the Town. If Council chose any of the option in #3, it is expected that the Town would put the work out for bid since it would exceed the \$10,000 construction threshold.

With there being no further business, the meeting was adjourned at 4:53 p.m.

Date: July 15th, 2021



Town Clerk