

TOWN OF SEABROOK ISLAND

Town Council Meeting
March 22, 2022 – 2:30 PM

Town Hall, Council Chambers
2001 Seabrook Island Road
Seabrook Island, SC 29455



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

Virtual Participation: Individuals who wish to participate in the meeting via Zoom may call (843) 768-9121 or email kwatkins@townofseabrookisland.org for log-in information prior to the meeting

AGENDA

1. **Call to Order – Roll Call – Freedom of Information – Pledge of Allegiance**
2. **Minutes:**
 - Town Council Meeting February 22, 2022
 - Town Council Strategic Planning Workshop March 1, 2022
 - Town Council Work Session March 8, 2022
3. **Financials:** For the Month of February 2022
4. **Public Hearing Items:**
 - **Ord. 2022-01:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; so as to update and modify the general administrative policies and procedures of the town
 - **Ord. 2022-02:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article I, In General; so as to amend the provisions related to the use of uniform ordinance summonses; to amend the provisions related to the designation, powers and limitations of town code enforcement officers; to prohibit the giving of false information and false reports to town code enforcement officers; to prohibit the assaulting or resisting of town code enforcement officers, law enforcement officers and other officials while in the discharge of official duties; and other matters related thereto
 - **Ord. 2022-03:** An ordinance to repeal Ordinance No. 2021-12 and to adopt a temporary moratorium on the consideration of zoning map amendments (i.e. “rezonings”), annexation requests and certain subdivision approvals for a period expiring upon the adoption of a new Development Standards Ordinance (DSO) and Zoning Map or June 30, 2022, which ever shall occur first
5. **Citizens/Guests Presentations, Comments:**
6. **Reports of Standing Committees, Commissions, Boards:**
 - **Community Promotions & Engagement Committee**

- **Environment & Wildlife Committee**
- **Public Safety Committee**
- **Public Works Committee**
- **Planning Commission**
- **Board of Zoning Appeals**

7. Reports of Ad Hoc Committees:

- **Short-Term Rental Ad Hoc Committee**

8. Reports of Town Officers:

- **Mayor** – John Gregg
 - Update concerning change by Club for pool access for rental guests
 - Update concerning remote site for gate pass issuance by SIPOA
- **Town Administrator**
 - Buildings & Grounds Manager Update
 - Code Enforcement Update
 - Short-Term Rental Permit Update
 - Licensing and Permitting Software Update
 - DSO Workshop: March 29, 2022 @ 10:00 am
 - Shred Day: April 15, 2022 @ 10:00 am to 1:00 pm
- **Zoning Administrator**
- **Town Council Members**
- **Utility Commission**

9. Petitions Received, Referred or Disposed of:

10. Ordinances for Second Reading:

- **Ord. 2022-01**: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; so as to update and modify the general administrative policies and procedures of the town
- **Ord. 2022-02**: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article I, In General; so as to amend the provisions related to the use of uniform ordinance summonses; to amend the provisions related to the designation, powers and limitations of town code enforcement officers; to prohibit the giving of false information and false reports to town code enforcement officers; to prohibit the assaulting or resisting of town code enforcement officers, law enforcement officers and other officials while in the discharge of official duties; and other matters related thereto
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11. Miscellaneous Business:

- Resolution 2022-01: A resolution to adopt the Town of Seabrook Island's Strategic Priorities for 2022-23
- Resolution 2022-02 through -24: Resolutions to appoint and commission multiple code enforcement officers for the proper security and general welfare for the Town of Seabrook Island (Beach Patrol)
- Resolution 2022-25: A resolution to appoint and commission George Bevins as a Code Enforcement Officer for the proper security and general welfare for the Town of Seabrook Island
- Resolution 2022-26: A resolution to appoint and commission Michael Tiesing as a Code Enforcement Officer for the proper security and general welfare for the Town of Seabrook Island
- Resolution 2022-27: A resolution to appoint and commission Michael Williams as a Code Enforcement Officer for the proper security and general welfare for the Town of Seabrook Island
- Dolphin Education Program Agreement: Request to approve an agreement with the Lowcountry Marine Mammal Network for services related to the 2022 Seabrook Island Dolphin Education Program
- Vehicle Purchase: Request to authorize the purchase of a new pick-up truck
- Employee Cell Phone Policy: Request to adopt an Employee Cell Phone Policy

12. Public Comments:

13. Adjourn

TOWN OF SEABROOK ISLAND

Town Council Meeting

February 22, 2022

Virtual Meeting (Zoom)

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



MINUTES

1. Call to Order – Roll Call – Freedom of Information

The February 22,, 2022, Town Council Regular Meeting was conducted via 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, Councilwomen Finke and Fox, Councilmen Goldstein and Kortvelesy, Town Administrator Cronin, Zoning Administrator Newman, and Town Clerk Watkins participated in the meeting.

Mayor Gregg called the meeting to order at 2:34PM. 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.

2. **Minutes:** Town Council Meeting January 25, 2022
Town Council Work Session February 8, 2022

Councilwoman Finke moved to approve the previous meeting minutes of January 25th; Councilman Kortvelesy seconded. All voted in favor.

The previous meeting minutes of January 25, 2022 were approved.

Councilwoman Finke moved to approve the previous meeting minutes of February 8th; Councilwoman Fox seconded. All voted in favor.

The previous meeting minutes of February 8, 2022 were approved.

3. **Financials:** For the Month of January 2022

Mayor Gregg summarized the January Financials as follows:

- Total fund balance for the period ending January 31, 2022, was \$6,928,289 an amount about \$1,300,656 more than the balance as of January 31, 2021, and about \$1,768,001 more than for the same period of 2020.
- Unrestricted revenue for January totaled \$33,824, that amount representing about 2% of the 2022 annual budget and being about \$551 less than for the same period in 2021.
- Expenditures for January totaled \$84,371, that amount about 6% of the 2022 annual budget.

- Expenditures for January were about \$27,844 more compared to the same period of 2021.
- Excess of expenditures over unrestricted revenues was \$50,547 for January compared to an excess of expenditures over revenues of about \$22,151 as of January 31, 2021, reflecting the greater expenditures in the period this year as compared to the same period of 2021.

4. Citizens/Guests Presentations, Comments:

Town Clerk Watkins summarized the public comments received via email prior to the meeting.

The public comments received were as follows in the order they were received:

- Commissioner Annie Smith-Jones submitted a correction to the December 14th, 2021, Town Council meeting minutes with regards to the Seabrook Island Utility Commission (SIUC). The correction is as follows:
 - The December 14th minutes state “that the Utility Commission discussed the proposed development on Betsey Kerrison and decided to not provide service to that development”. The correction is that SIUC stated that the development is not eligible for sewer services as it is currently outside the Town of Seabrook. For clarification, SIUC may not provide sewer services unless the property belongs to the Town (annexed) or if SIUC makes a special request to Town Council to approve service to property outside the Town.
- An anonymous comment received regarding the safety issue on the walking/bike paths of Seabrook Island Road and requests to add more signage.
- Susan McLaughlin noted the Town has been doing an excellent job communicating to residents with what is going on in the Town.
- Susan McLaughlin commented that there should be other stakeholder input rather than just Town Council members during the Strategic Planning Workshop.
- Gloria Hilker commented on the information on Nextdoor and wanted some clarification on short-term rentals and timeshares.
 - Town Administrator Cronin noted he did respond to Ms. Hilker’s questions.
- Ted Flerlage submitted four emails regarding short-term rentals and asked why the Town and the Seabrook Island Property Owners Association (SIPOA) were not working together to resolve the issue.
- Douglas B. Michaels, MD commented on his concerns on sea level rise, and asked if the Town had any plans to address it.
 - Town Administrator Cronin noted he did respond to Dr. Michaels concerns and how the Town is currently addressing this issue.

A copy of all comments submitted are included with these minutes, and available upon request.

5. Reports of Standing Committees, Commissions, Boards:

- **Community Promotions & Engagement Committee**

Councilwoman Fox summarized the communications made by the Town in Tidelines and the Seabrooker, and the radio test conducted.

Councilwoman Fox summarized the Community Promotions and Engagement Committee meeting on February 17th and noted the next meeting will be on March 17th at 1:00PM.

- **Environment & Wildlife Committee**

Councilwoman Finke summarized the Environment & Wildlife Committee meeting on February 10th and noted the next meeting will be on March 10th at 1:00PM. Councilwoman Finke added the committee will meet on the second Thursday of every month at 1:00PM.

- **Public Safety Committee**

Councilman Kortvelesy summarized the Public Safety Committee meeting on February 15th.

Councilman Kortvelesy reminded Council of the upcoming Disaster Recovery Council meeting on March 10th where new members will have an introduction at 9:00am with the meeting beginning at 10:00am for all members. Councilman Kortvelesy added there will be a Disaster Recovery Scenario in early May and are planning to have a Disaster Awareness Day sometime in June possibly with the Town of Kiawah.

- **Public Works Committee**

Councilman Goldstein updated Council that an updated memo from ESP and Associates concerning proposed increased elevation of Seabrook Island Road to the County minimum is expected to be received by the end of the week and will be included on the upcoming Public Works Committee Meeting for their recommendations.

Council discussed if the Town should have meetings with those affected by the changes to the elevation of Seabrook Island Road.

- **Planning Commission**

None.

- **Board of Zoning Appeals**

None.

6. Reports of Ad Hoc Committees:

- **Short-Term Rental Ad Hoc Committee**

Councilwoman Finke updated Council Members on the meetings the committee has had with various stakeholders. Councilwomen Finke and Fox added that a written report with the committee's findings is anticipated within the next couple of months.

7. Reports of Town Officers:

- **Mayor** – John Gregg

- Expected follow-up concerning Town’s use of ARPA funds for Town projects

Mayor Gregg noted that he has asked the Town Administrator to advise Council of progress on recommendations for use of American Rescue Plan Act funds for projects the Town has been pursuing, such as improvements to Seabrook Island Road, drainage at Town Hall and the proposed garage at Town Hall.

Town Administrator Cronin reported that the review is on-going and that there will be ample time to make a final determination in compliance with ARPA.

- Correction of link for Charleston Peninsula Storm Risk Management Study

Mayor Gregg noted the link given for accessing information relating to the Charleston Peninsula Storm Risk Management Study at the February Work Session should have been:

<https://www.sac.usace.army.mil/Missions/Civil-Works/Charleston-Peninsula-Study/>

This link is also included in the February 8, 2022, meeting minutes.

- **Town Administrator**

- Discussion of DSO review process and timeline

Town Administrator Cronin informed Council that the Planning Commission approved recommending to Council that the proposed changes to the DSO and the Zoning Map be advanced, and summarized the remaining steps needed for adoption.

Council discussed when the recommended version from the Planning Commission would be available to Council, and the process should Council recommend changes.

- Discussion of the resumption of in-person meetings

Town Administrator Cronin noted that the current number of cases of COVID-19 have dropped below the average in July of 2020 and will only require masks in Town Hall if one is not vaccinated. This will be enforced on an honor system.

Town Administrator Cronin added meetings can be conducted in person and if a member does not feel comfortable meeting in person the meetings will still be accessed virtually via zoom and livestreamed on YouTube.

Council discussed resuming in person meetings starting in March, and each committee can decide if they would like to meet in person or continue to meet virtually.

- FY 2022 Beach Patrol Update

Town Administrator Cronin noted that as the Town has yet hired the Buildings & Grounds Manager, the Beach Patrol contract will still include servicing the beach trash cans, until a Buildings & Grounds Manager is hired.

- Personnel Updates:

- Buildings & Grounds Manager

Town Administrator Cronin noted the position for the Buildings & Grounds Manager will be readvertised as the finalists for the position have declined the offer for personal reasons. Town Administrator Cronin added the interim contract with the Greenery will need to be extended until the position is filled.

- Part-Time Code Enforcement Officers

Town Administrator Cronin noted Zoning Administrator Newman has been reviewing applications for the part-time code enforcement officers and the anticipated date to have an additional three to four officers will be around April 1st.

Town Administrator Cronin summarized the updates to the schedule to mirror Beach Patrol for the on and off season.

- **Zoning Administrator**

None.

- **Town Council Members**

None.

- **Utility Commission**

None.

8. Petitions Received, Referred or Disposed of:

None.

9. Ordinances for First Reading:

- **Ord. 2022-01:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; so as to update and modify the general administrative policies and procedures of the town

Town Administrator Cronin summarized the updates from the Work Session.

Councilwoman Finke moved to approve Ordinance 2022-01; Councilman Kortvelesy seconded. All voted in favor.

Ordinance 2022-01 passed first reading.

- **Ord. 2022-02:** An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article I, In General; so as to amend the provisions related to the use of uniform ordinance summonses; to amend the provisions related to the designation, powers and limitations of town code enforcement officers; to prohibit the giving of false information and false reports to town code enforcement officers; to prohibit the assaulting or resisting of town code enforcement officers, law enforcement officers and other officials while in the discharge of official duties; and other matters related thereto

Town Administrator Cronin summarized Ordinance 2022-02 which clarifies the existing language in the Town Code to mirror State Statute as it relates to code enforcement officers.

Council clarified that the language in Section 18-4 does not include Town Council members. Town Administrator Cronin noted this section is only applicable when conducting official duties and does not replace any instance that would require law enforcement (i.e., assault, harassment, etc.).

Councilwoman Finke moved to approve Ordinance 2022-02; Councilwoman Fox seconded. All voted in favor.

Ordinance 2022-02 passed first reading.

- **Ord. 2022-03:** An ordinance to repeal Ordinance No. 2021-12 and to adopt a temporary moratorium on the consideration of zoning map amendments (i.e., “rezonings”), annexation requests and certain subdivision approvals for a period expiring upon the adoption of a new Development Standards Ordinance (DSO) and Zoning Map or June 30, 2022, whichever shall occur first

Town Administrator Cronin summarized Ordinance 2022-03 which would extend the current zoning moratorium so that there is sufficient time for the final stages of the DSO public comment period and adoption.

Councilwoman Finke moved to approve Ordinance 2022-03; Councilwoman Fox seconded. All voted in favor.

Ordinance 2022-03 passed first reading.

10. Miscellaneous Business:

- Temporary Use Permit Extension: Camp St. Christopher Temporary Kitchen

Request from the St. Christopher Camp & Conference Center to extend the Temporary Use Permit for the 46' x 8.5' temporary kitchen trailer at 4552 St. Christopher Lane until May 8th, 2022.

Councilwoman Finke moved to approve the temporary use permit extension as presented; Councilman Fox seconded. All voted in favor.

The temporary use permit extension for Camp St. Christopher was approved as presented.

- Town Council Statement of Support for the Seabrook Island Birders and the Shorebird Steward Program

Councilwoman Finke summarized the history behind the Statement of Support for the Seabrook Island Birders and the Shorebird Steward Program to acknowledge research they conduct on the beach and to support their conservation efforts for Seabrook Island.

Councilwoman Finke moved to approve the Statement of Support; Councilman Kortvelesy seconded. All voted in favor.

The Statement of Support for the Seabrook Island Birders and the Shorebird Steward Program passed and was adopted.

- Community Promotions Grant

Councilwoman Fox summarized the recommended changes by the Community Promotions and Engagement Committee to the Community Promotions Grant guidelines and application.

Councilwoman Fox moved to approve the changes to the Community Promotions Grant guidelines and application per the Community Promotions and Engagement Committee recommendations; Councilman Kortvelesy seconded. All voted in favor.

The changes to the Community Promotions Grant guidelines and application passed and were adopted.

11. Public Comments:

None.

12. Adjourn

Councilwoman Finke moved to adjourn the meeting; Councilwoman Fox seconded. All voted in favor.

The meeting adjourned at 4:21 PM.

Date: February 24, 2022

Prepared by: *Katharine E. Watkins*
Town Clerk/Treasurer

TOWN OF SEABROOK ISLAND

Town Council Strategic Planning Workshop

March 1, 2022

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



MINUTES

1. Call to Order – Roll Call – Freedom of Information

Mayor Gregg called the March 1, 2022, Town Council Strategic Planning Workshop to order at 10:00AM. Councilwomen Finke and Fox, Councilmen Goldstein and Kortvelesy, Town Administrator Cronin, and Town Clerk Watkins participated in the meeting. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the Freedom of Information Act had been met.

2. Items for Discussion:

- DSO Adoption Schedule

Town Administrator Cronin summarized the next steps for adoption of the Development Standards Ordinance (DSO).

Council discussed the timeline for the adoption of the DSO and when to have Town Council Workshops, the public hearing, and when the readings of the ordinance would be.

- Strategic Priorities for 2022 – 2024

Town Council had a round table discussion with Town Administrator Cronin and Town Clerk Watkins about the Town of Seabrook Island Strategic Priorities for 2022-2024, and the objectives the town should focus on for the next two years.

There were no votes taken on the priorities. The updated objectives will be voted on during the March Town Council Meeting.

3. Adjourn

Town Council adjourned the workshop at 3:55PM.

Date: March 3, 2022

Prepared by: *Katharine E. Watkins*
Town Clerk/Treasurer

TOWN OF SEABROOK ISLAND

Town Council Work Session

March 8, 2022

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



MINUTES

1. Call to Order – Roll Call – Freedom of Information

Mayor Gregg called the March 8, 2022, Town Council Work Session to order at 1:00PM. Councilwomen Finke and Fox, Councilmen Goldstein and Kortvelesy, Town Administrator Cronin, and Town Clerk Watkins participated in the meeting. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the Freedom of Information Act had been met.

2. Mayor John Gregg

- Renewed request for “No Wake Zone” at Captain Sams Inlet

Mayor Gregg summarized the request made by Lowcountry Marine Mammal Network for DNR to reconsider an earlier request for the establishment of a “No Wake Zone” in Captain Sams Inlet.

3. Town Council Members:

- **Jeri Finke**

Councilwoman Finke updated Council on the upcoming Short-Term Rental Ad Hoc Committee meetings.

Councilwoman Finke reminded members today was International Women’s Day to celebrate the political, cultural, and social contributions of women worldwide.

- **Patricia Fox**

Councilwoman Fox summarized the recent communications from the Town and updated members that at the upcoming Community Promotions and Engagement Committee Meeting on March 17th they will begin reviewing Community Promotion Grant applications.

- **Barry Goldstein**

Councilman Goldstein summarized the Public Works Committee Meeting on March 7th and the committee’s recommendation for the Seabrook Island Road Project.

Councilman Goldstein added a meeting with Bohicket Marina, and Town Administrator Cronin will be on March 9th to discuss a potential roundabout at Adnell Bluff Blvd and Seabrook Island Road.

Council clarified the recommendation from the committee with regards to the entrances to Bohicket Marina, MUSC, Seafields, and the Seabrook Island Property Owners Association (SIPOA) with the road elevation being increased.

Council also clarified timing of improvements with regards to drainage, signage, the pedestrian path, crosswalks, etc. with the road project, and the costs associated with it.

- **Dan Kortvelesy**

Councilman Kortvelesy reminded members of the upcoming virtual Disaster Recovery Council Committee meeting on March 10th and that the Public Safety Committee will meet on April 19th.

4. **Town Administrator Joe Cronin**

- Action Items for March 22, 2022, Meeting:
 - Ordinance 2022-01: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; so as to update and modify the general administrative policies and procedures of the town

Town Administrator Cronin summarized Ordinance 2022-01 that will be up for second reading.

- Ordinance 2022-02: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 18, Offenses and Miscellaneous Provisions; Article I, In General; so as to amend the provisions related to the use of uniform ordinance summonses; to amend the provisions related to the designation, powers and limitations of town code enforcement officers; to prohibit the giving of false information and false reports to town code enforcement officers; to prohibit the assaulting or resisting of town code enforcement officers, law enforcement officers and other officials while in the discharge of official duties; and other matters related thereto

Town Administrator Cronin summarized Ordinance 2022-02 that will be up for second reading.

- Ordinance 2022-03: An ordinance to repeal Ordinance No. 2021-12 and to adopt a temporary moratorium on the consideration of zoning map amendments (ie. “rezonings”), annexation requests and certain subdivision approvals for a period expiring upon the adoption of a new Development Standards Ordinance (DSO) and Zoning Map or June 30, 2022, which ever shall occur first

Town Administrator Cronin summarized Ordinance 2022-03 that will be up for second reading.

- Resolution 2022-01: A resolution to adopt the Town of Seabrook Island's Strategic Priorities for 2022-23

Town Administrator Cronin summarized Resolution 2022-01 based on the Strategic Planning Workshop to approve the priorities discussed during that workshop.

- Resolution 2022-02 through -24: Resolutions to appoint and commission multiple code enforcement officers for the proper security and general welfare for the Town of Seabrook Island (Beach Patrol)

Town Administrator Cronin summarized Resolutions 2022-02 through 24 to appoint and commission Barrier Island Services as the beach patrol officers for 2022.

- Buildings & Grounds Manager Update

Town Administrator Cronin updated Council on the Building & Grounds Manger interviews noting his expectation that an offer of employment will be made by next week.

- Business License Renewal Information

Town Administrator Cronin notified members the finalized business license renewal letters should be mailed out within the next couple of weeks which includes updated instructions. Town Administrator Cronin added there will be instructions on how to use the State Portal except for the Town's special business classes (9.1 and 9.2).

- Code Enforcement Update

Town Administrator Cronin informed members that next week Zoning Administrator Tyler Newman will begin to conduct interviews with potential part time code enforcement officers.

- DSO Adoption Timeline

Town Administrator notified Council on the upcoming schedule for the adoption of the DSO (Development Standards Ordinance) as follows:

- Town Council DSO Workshop on Tuesday March 29th at 10:00AM
- Discussion at the Town Council Work Session on Tuesday April 12th at 1:00PM
- First Reading of the DSO & Zoning Map at the Town Council Meeting on April 26th at 2:30 PM
- Public Hearing prior to second reading
- Second Reading of the DSO & Zoning Map at the Town Council Meeting on May 24th at 2:30PM.

- Employee Cell Phone Options

Town Administrator Cronin recommended to Council with the increased number of personnel, especially part time code enforcement officers, that the Town offer a cell phone allowance or reimbursement to employees for their cell phones. He added we would need to update the personnel handbook with a policy on this reimbursement.

Council discussed the challenges to get service on certain areas of Seabrook Island and that need to ensure the employee has an adequate plan to get service on Seabrook, possible the reimbursement policy for an employee to switch to a different plan, eligibility for reimbursement, and the maintenance of the phones.

- Vehicle Purchase Request

Town Administrator Cronin recommended to Council to purchase a third vehicle from the vehicle replacement fund to prepare for the increase in personnel using these vehicles.

Council discussed the type of vehicle to purchase, and the costs associated with it.

- Updates to the Town of Seabrook Island Employee Handbook

Town Administrator Cronin recommended to Council it has been a couple of years since the employee handbook was updated, and that it was time to update these policies.

Council clarified if a labor attorney would review the changes to the handbook prior to adoption.

5. Executive Session

- Discussion of Personnel Matter (Municipal Judge)

Councilwoman Finke moved to go into Executive Session; Councilman Kortvelesy seconded. All voted in favor.

Council moved into Executive Session at 1:54PM.

Councilwoman Finke moved to adjourn Executive Session; Councilman Kortvelesy seconded.

Council adjourned Executive Session at 2:13PM.

Mayor Gregg moved that the Town authorize and make provision for payment of an amount that would be required as a result of the incorrect treatment of the Municipal Judge as a contract employee so that the Judge will have the benefit of all years of service to the Town, and that payment to be made from the contingency fund; Councilwoman Finke seconded. All voted in favor.

The payment to purchase the service credit for the Municipal Judge was approved.

6. Adjourn

Councilwoman Finke moved to adjourn the meeting; Councilwoman Fox seconded. All voted in favor.

The meeting adjourned at 2:15PM.

Date: March 9, 2022

Prepared by: *Katharine E. Watkins*
Town Clerk/Treasurer

Town of Seabrook Island

Compiled Financial Statements And Supporting Schedules

**For the Month and Two Months Ended
February 28, 2022**

**DUFFY & BASHA, CPAs
631 ST. ANDREWS BLVD.
CHARLESTON SC 29407**

Accountant's Compilation Report

Town of Seabrook Island
Seabrook Island, South Carolina

Management is responsible for the accompanying financial statements of the Town of Seabrook Island, which comprise the balance sheet – modified cash basis as of February 28, 2022, and the related statement of revenue and expenditures – modified cash basis for the month and two months then ended, and the accompanying supporting schedules, in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit substantially all the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures and the statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Company's financial position, results of operations, and cash flows. Accordingly, the financial statements are not designed for those who are not informed about such matters.

Duffy & Basha, LLC

Duffy & Basha, CPAs
Charleston, South Carolina
March 18, 2022

Town of Seabrook Island
Balance Sheet - Primary Government
Modified Cash Basis

February 28, 2022

Assets

Current Assets	
Operating Checking Account	\$ 779,859.93
Municipal Court Checking Account	18,843.10
Petty Cash	200.00
Prepaid Expenses	1,678.88
Other Receivables	14.62
Due from State	(2,431.81)
Due from County	2,431.81
Total Current Assets	800,596.53
Other Assets	
Investments	6,081,816.19
Total Assets	\$ 6,882,412.72

Liabilities and Net Assets

Liabilities	
Current Liabilities	
Accounts Payable	\$ 10,454.94
Other Accrued Liabilities	8,550.00
Total Liabilities	19,004.94
Net Assets	
Restricted Fund Balances	
Accommodations Tax	339,879.45
Charleston County Accommodations Tax	39,874.43
Alcohol Tax	35,285.38
American Rescue Plan Act (ARPA)	450,834.08
Total Restricted Fund Balances	865,873.34
Designated Fund Balances	
Emergency	2,120,639.30
Road & Drainage	578,642.22
Town Facilities	250,000.00
Vehicle Replacement	64,000.00
Total Designated Fund Balances	3,013,281.52
General Fund	
Total Fund Balances	2,984,252.92
Total Fund Balances	6,863,407.78
Total Liabilities and Net Assets	\$ 6,882,412.72

Town of Seabrook Island
Statement of Revenues and Expenditures
Modified Cash Basis

For the Month and Two Months Ended February 28, 2022

	Current Year			% of Annual Budget	Prior Year-to- Date
	Current Month	Year to Date	Annual Budget		
Revenues					
Accommodations Tax - General Use	-	-	41,750.00	-	-
Business Licenses	14,725.96	36,328.91	450,000.00	8.1%	96,101.38
Business Licenses - MASC	-	-	240,000.00	-	-
Franchise Fees - BEC	-	-	165,000.00	-	-
Franchise Fees - ATT U-verse	-	-	5,000.00	-	-
Franchise Fees - Comcast	-	-	55,000.00	-	-
Contractual Reimbursements	-	1,175.00	10,000.00	11.8%	-
Court Fines	722.50	2,291.25	7,500.00	30.6%	-
Local Option Sales Tax - County	-	-	280,000.00	-	27,816.28
Aid to Subdivisions - State	-	-	41,670.00	-	-
Planning & Zoning Fees	8,560.00	17,210.00	160,000.00	10.8%	5,190.00
Building Permit Fees - County	-	-	18,000.00	-	2,088.93
Interest - Investment Pool	663.98	1,342.76	7,500.00	17.9%	1,169.20
Interest - Checking Account	5.50	10.93	25.00	43.7%	5.25
Credit Card Convenience Fees	140.59	250.40	750.00	33.4%	-
Facility Rentals	-	-	100.00	-	-
Grant Funding	-	-	25,000.00	-	-
Miscellaneous Income	-	33.42	500.00	6.7%	2.05
Sale of Assets	300.00	300.00	500.00	60.0%	-
Grant Funding	-	-	25,000.00	-	-
Total Revenues	<u>25,118.53</u>	<u>58,942.67</u>	<u>1,533,295.00</u>	<u>3.8%</u>	<u>132,373.09</u>

Town of Seabrook Island
Statement of Revenues and Expenditures
Modified Cash Basis

For the Month and Two Months Ended February 28, 2022

	Current Year			% of Annual Budget	Prior Year-to- Date
	Current Month	Year to Date	Annual Budget		
Expenditures					
Salaries	32,978.51	66,601.10	517,588.00	12.9%	53,954.00
Employer Social Security and Medicare	2,505.31	5,026.29	39,924.00	12.6%	4,185.21
Health and Dental Insurance	2,552.98	9,252.70	38,462.00	24.1%	4,316.03
Retirement	9,141.67	26,772.62	78,259.00	34.2%	8,539.35
Pre-Employment Expenses	-	-	1,800.00	-	-
Insurance - Tort Liability	-	-	12,000.00	-	-
Insurance - Fidelity Bond	-	764.00	750.00	101.9%	764.00
Insurance - Equipment	-	-	13,250.00	-	-
Insurance - Worker's Compensation	-	-	3,000.00	-	-
Insurance - Auto Liability	-	-	2,500.00	-	-
Professional Services - Audit	-	-	16,000.00	-	-
Professional Services - Accounting	182.94	389.22	14,000.00	2.8%	787.68
Professional Services - Engineering	2,639.01	2,687.76	15,000.00	17.9%	2,470.00
Professional Services - Legal	-	-	30,000.00	-	-
Professional Services - Other	-	760.00	43,000.00	1.8%	2,362.50
Roadway Maintenance	897.08	1,513.99	25,000.00	6.1%	-
Equipment Maintenance	-	260.00	39,000.00	0.7%	-
Beach Maintenance	-	-	4,000.00	-	2,715.00
Vehicle Maintenance	-	-	2,000.00	-	-
Travel and Training	-	600.00	15,000.00	4.0%	275.00
Community Promotions	-	-	7,500.00	-	-
Office Supplies	493.54	941.11	13,800.00	6.8%	608.87
Postage	-	-	4,750.00	-	1,376.22
Planning and Zoning	-	-	500.00	-	-
Printing	1,739.64	1,800.63	9,000.00	20.0%	1,837.48
Utilities	2,223.87	2,223.87	26,750.00	8.3%	2,522.78
Uniforms	-	-	4,050.00	-	-
Capital Expenditures	3.26	9.78	175,000.00	0.0%	-
Furniture and Equipment	165.67	165.67	20,000.00	0.8%	-
Telecommunication	759.86	1,374.78	24,000.00	5.7%	1,546.46
Emergency Telecommunication	1,596.00	1,596.00	7,500.00	21.3%	798.00
Council/Committee Expenditure	-	-	1,500.00	-	-
Memberships, Dues and Subscriptions	981.86	11,817.09	21,650.00	54.6%	11,262.96
Website	-	-	700.00	-	-
Equipment Rentals	995.90	995.90	9,000.00	11.1%	1,336.45
Advertising	1,600.00	1,600.00	12,200.00	13.1%	1,739.40
Contingency	-	77.14	30,000.00	0.3%	-
Bank Charges	158.21	281.59	1,950.00	14.4%	471.52
Contracted Services - IT	3,226.71	7,291.44	41,500.00	17.6%	2,456.54
Contracted Services - Landscaping	7,280.57	10,275.57	6,500.00	158.1%	4,706.00
Contracted Services - Other	1,170.00	2,516.74	30,200.00	8.3%	1,715.00
Court Expenditures	3,175.27	3,175.27	8,750.00	36.3%	700.00
Emergency Preparedness	1,393.29	1,461.95	32,000.00	4.6%	5,790.66
Special Events	-	-	9,500.00	-	-
Total Expenditures	<u>77,861.15</u>	<u>162,232.21</u>	<u>1,408,833.00</u>	<u>11.5%</u>	<u>119,237.11</u>
Excess of Revenues Over (Under) Expenditures	<u>\$ (52,742.62)</u>	<u>(103,289.54)</u>	<u>124,462.00</u>	<u>-83.0%</u>	<u>13,135.98</u>

Town of Seabrook Island
Statement of Revenues and Expenditures
Modified Cash Basis

For the Month and Two Months Ended February 28, 2022

	Current Year			% of Annual Budget	Prior Year-to-Date
	Current Month	Year to Date	Annual Budget		
Receipts to Be Used toward Restricted Fund Balances					
State Accomodations Tax					
Advertising & Promotion	\$ -	-	100,500.00	-	-
Tourism	-	-	217,750.00	-	-
Interest Income	37.94	76.51	250.00	30.6%	44.71
Total State Accomodation Tax	<u>37.94</u>	<u>76.51</u>	<u>318,500.00</u>		<u>44.71</u>
County Accomodations Tax - Charleston					
Receipts	-	-	45,000.00	-	-
Interest Income	4.45	8.52	-	-	1.63
Total County Accomodations Tax - Charleston	<u>4.45</u>	<u>8.52</u>	<u>45,000.00</u>		<u>1.63</u>
Alcohol Tax					
Receipts	-	-	3,000.00	-	-
Interest Income	3.94	7.94	20.00	39.7%	7.01
Total Alcohol Tax	<u>3.94</u>	<u>7.94</u>	<u>3,020.00</u>		<u>7.01</u>
ARPA					
Receipts	-	-	464,239.00	-	-
Interest Income	50.32	101.48	-	-	-
Total ARPA	<u>50.32</u>	<u>101.48</u>	<u>464,239.00</u>		<u>-</u>
Total Restricted Fund Receipts	<u>\$ 96.65</u>	<u>194.45</u>	<u>830,759.00</u>	<u>0.0%</u>	<u>53.35</u>
Expenditures Used toward Restricted Fund Balances					
State Accomodations Tax - Advertising and Promotion	-	-	100,500.00	-	-
State Accomodations Tax - Tourism	-	-	215,000.00	-	-
County A-Tax Expenditure	-	-	45,000.00	-	-
Alcohol Tax Expense	-	-	10,000.00	-	-
ARPA Expenses	-	-	464,239.00	-	-
Total Used toward Restricted Funds	<u>\$ -</u>	<u>-</u>	<u>834,739.00</u>	<u>-</u>	<u>-</u>
Receipts to Be Used toward Designated Fund Balances					
Emergency Fund					
Total Emergency Fund	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Designated Fund Receipts	<u>\$ -</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures Used toward Designated Fund Balances					
Emergency Fund	-	-	-	-	-
Capital Expenditures - Road and Drainage	12,235.00	15,715.00	150,000.00	10.5%	-
Capital Expenditures - Town Facilities	-	-	60,000.00	-	-
Total Used toward Designated Funds	<u>\$ 12,235.00</u>	<u>15,715.00</u>	<u>210,000.00</u>	<u>7.5%</u>	<u>-</u>

Supporting Schedules

**TOWN OF SEABROOK ISLAND
 ACCOMODATIONS TAX
 FYE 12/31/2022**

DATE	DUE FROM STATE	GENERAL 5%	ADVERT 30%	TOURISM 65%	TOTAL
TOTALS 12/31/2021	73,636.27	-	-	339,802.94	339,802.94
AUDITORS' ADJUSTMENT				-	-
ADJUSTED BEGINNING BALANCE	73,636.27	-	-	339,802.94	339,802.94
Jan-22 Interest Income		-	-	38.57	38.57
TOTALS 1/31/2022	73,636.27	-	-	339,841.51	339,841.51
Feb-22 Received from County	(73,636.27)	-	-	-	-
Interest Income				37.94	37.94
TOTALS 2/28/2022	-	-	-	339,879.45	339,879.45

**TOWN OF SEABROOK ISLAND
 CHARLESTON COUNTY ACCOMODATIONS TAX
 FYE 12/31/2022**

DATE		DUE FROM COUNTY	REVENUES	EXPENDITURES	TOTAL
	TOTALS 12/31/2021	-		-	39,865.91
	ADJUSTMENT TO ESTIMATE		-		-
	ADJUSTED BEGINNING BALANCE	-	-	-	39,865.91
Jan-22	Interest Income	-	4.07	-	4.07
	TOTALS 1/31/2022	-	4.07	-	39,869.98
Feb-22	Interest Income	-	4.45	-	4.45
	TOTALS 2/28/2022	-	8.52	-	39,874.43

**TOWN OF SEABROOK ISLAND
 MISCELLANEOUS RESTRICTED FUNDS
 FYE 12/31/2022**

DATE	Alcohol Tax	American Rescue Plan Act (ARPA)
TOTALS 12/31/2021	35,277.44	450,732.60
AUDITORS' ADJUSTMENT	-	-
ADJUSTED BEGINNING BALANCE	<u>35,277.44</u>	<u>450,732.60</u>
Jan-22 Interest Income	4.00	51.16
TOTALS 1/31/2022	<u>35,281.44</u>	<u>450,783.76</u>
Feb-22 Interest Income	3.94	50.32
TOTALS 2/28/2022	<u>35,285.38</u>	<u>450,834.08</u>

**TOWN OF SEABROOK ISLAND
 MISCELLANEOUS DESIGNATED FUNDS
 FYE 12/31/2022**

DATE	Emergency	Road and Drainage	Town Facilities	Vehicle Replacement Fund
TOTALS 12/31/2021	2,120,639.30	594,357.22	250,000.00	64,000.00
AUDITORS' ADJUSTMENT	-	-		
ADJUSTED BEGINNING BALANCE	<u>2,120,639.30</u>	<u>594,357.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Jan-22 Ck# 7331 - ESP Associates, Inc.	-	(3,480.00)	-	-
TOTALS 1/31/2022	<u>2,120,639.30</u>	<u>590,877.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Feb-22 Ck# 7363 - ESP Associates, Inc.	-	(1,485.00)	-	-
Ck# 7364 - ESP Associates, Inc.		(10,750.00)		
TOTALS 2/28/2022	<u>2,120,639.30</u>	<u>578,642.22</u>	<u>250,000.00</u>	<u>64,000.00</u>

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2022-01

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; SO AS TO UPDATE AND MODIFY THE GENERAL ADMINISTRATIVE POLICIES AND PROCEDURES OF THE TOWN

WHEREAS, Chapter 2 of the Town Code for the Town of Seabrook Island (the "Town Code") contains various general provisions for the administration of the town, including: form of government; personnel policies; composition, qualifications and organization of town council; meeting procedures, committees and ordinances; officers and departments of the town; financial administration; and emergency preparedness; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the Town Code so as to bring the requirements of Chapter 2 into conformity with updated provisions of state law, current operational procedures and best practices; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on March 22, 2022; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the Town Code to achieve the objectives referenced 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, S.C.:**

SECTION 1. Amending Chapter 2 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; is hereby amended to read as follows:

Chapter 2 - ADMINISTRATION

ARTICLE I. IN GENERAL

Sec. 2-101. Form of government.

The mayor-council form of government, as provided for in S.C. Code 1976 Secs. 5-9-10 through 5-9-40 is hereby adopted for the Town of Seabrook Island, pursuant to S.C. Code 1976 Secs. 5-1-10 et seq.

Sec. 2-102. Personnel policies and procedures adopted.

In order to establish general personnel policies and procedures for the town and its employees, the "Town of Seabrook Island Employee Handbook," dated November 27, 2018, is hereby adopted

and incorporated by reference as if fully set forth in this section. The Employee Handbook may be updated from time to time by resolution of town council, upon recommendation by the mayor.

Sec. 2-103. Corporate limits.

The corporate limits of the town shall be those now and hereafter specified by law, along with any alterations which may be made from time to time as provided for by law. A map and a description of the corporate limits shall be maintained in the office of the town clerk/treasurer.

Sec. 2-104. Town seal.

The town shall maintain and keep at town hall an official town seal bearing "Town of Seabrook Island, S.C." which shall be used to authenticate all ordinances, resolutions and minutes.

Secs. 2-105—2-200. [Reserved]

ARTICLE II. MAYOR AND COUNCIL

Sec. 2-201. Composition and qualifications.

The municipal council of the town shall be composed of a mayor and four council members who shall be qualified electors of the town. A majority of the town council shall constitute a quorum for the purpose of conducting town business.

Sec. 2-202. Election and terms of office.

- (A) *Mayor.* The mayor shall be elected to a two-year term of office.
- (B) *Town council members.* Town council members shall be elected to a two-year term of office.

Sec. 2-203. Oath of office.

The mayor and town council members, before entering upon the duties of their respective offices, shall take the following oath of office:

"I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State and of the United States.

As Mayor (or Council Member) of the Town of Seabrook Island, I will equally, fairly, and impartially, to the best of my ability, and skill, exercise the trust reposed in me, and will use my best endeavor to preserve the peace and carry into effect according to law the purposes for which I have been elected. So help me God."

Sec. 2-204. Town council.

- (A) *In general.* Except as otherwise provided by law, all powers of the town and the determination of all matters of policy shall be vested in the town council, and the town council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the town by law. Each member of town council, including the mayor, shall have one vote.
- (B) *Powers.* Consistent with the powers, duties, and responsibilities conferred by state law, the town council shall have the power to:
- (1) Establish municipal departments, offices, and agencies;
 - (2) Investigate any department of the town government and any office or agency thereof;
 - (3) Prescribe the functions of all departments, offices, and agencies; provided, however, no function assigned by law to a particular department, office, or agency may be discontinued or assigned to any other agency;
 - (4) Establish fines and penalties for the violation of municipal ordinances and regulations not exceeding five hundred dollars or imprisonment not exceeding thirty days, or both;
 - (5) Adopt an annual budget, pursuant to public notice;
 - (6) Levy and collect taxes on real and personal property, make assessments, and establish uniform service charges;
 - (7) Levy a business license tax on gross income;
 - (8) Grant, renew, or extend franchises for the use of public streets and beaches;
 - (9) Authorize the borrowing of money and pledge the full faith and credit of the town;
 - (10) Purchase, lease, sell, or otherwise acquire or dispose of real and personal property;
 - (11) Provide public services including, but not limited to, police protection, recreation, public works, lifeguard, and other safety related services;
 - (12) Appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the town;
 - (13) Guide development in accordance with existing and future needs and promote the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare through the adoption of local zoning and land development regulations;
 - (14) Provide for the abatement of public nuisances;

- (15) Elect a mayor pro tempore;
- (16) Employ an administrator to assist the mayor in the discharge of his or her duties;
- (17) Appoint the town clerk/treasurer, town attorney, and municipal judge;
- (18) Appoint members to the Accommodations Tax Advisory Committee, Board of Zoning Appeals, Planning Commission, and all advisory and special committees of the town; and
- (19) Enact, amend, or repeal any regulation, resolution, or ordinance which appears to be necessary and proper for the security, general welfare, and convenience of the town, or for preserving health, peace, order, and good government within it, and which is not inconsistent with the Constitution and general law of the state.

Sec. 2-205. Mayor.

- (A) *In general.* The mayor shall be the chief administrative officer of the town. The mayor shall be responsible to the town council for the administration of all affairs for which he or she is charged and shall have the powers and duties as prescribed by law.
- (B) *Powers.* As authorized by statute, the mayor is empowered to:
 - (1) Appoint and, when deemed necessary for the good of the town, suspend or remove employees and appointive administrative officers, except as otherwise provided by law. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
 - (2) Direct and supervise the administration of all departments, offices, and agencies of the town, except as otherwise provided by law;
 - (3) Preside at town council meetings and vote as other council members;
 - (4) Act to ensure that all laws and ordinances of the town, subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual operating budget and capital program to the town council for review and adoption;
 - (6) Submit to the town council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
 - (7) Make such other reports as the town council may require concerning the operations of municipal departments, offices, and agencies subject to his or her direction and supervision;

- (8) Appoint the chairperson of all advisory committees of the town;
 - (9) Establish and appoint all ad hoc committees of the town council; and
 - (10) Perform such other duties as may be prescribed by law under the mayor-council form of government.
- (C) *Miscellaneous powers.* The mayor is authorized to negotiate and enter into agreements, subject to ratification by the town council, with other jurisdictions for the initiation and/or continuance of public services for the town.

(D) *Emergency powers.*

(1) *Authority.*

- a. *Declaration.* The mayor may, upon the happening, or probable happening, of any one or more of the following events, declare a state of emergency to exist within the town's corporate limits:
 - a. The occurrence of civil unrest or rioting, to include the formation of any unruly mob;
 - b. The existence of a state of war, whether declared or not, or of any insurrection;
 - c. The occurrence of any tornado, hurricane, cyclone, major fire, earthquake, flood, tsunami or any other force of nature that disrupts or threatens to disrupt the normal activities of the community;
 - d. The occurrence of acts of arson, terrorism, or similar activities that unduly alarm and/or threaten the public;
 - e. The occurrence of an accident or incident which materially and adversely disrupts the normal operation of the town or the ability of its residents to conduct a routine way of life;
 - f. The occurrence of a pandemic or other public health emergency; and
 - g. Any other threatening event designated as an emergency by town council.
- b. *Proclamation.* The state of emergency shall be declared by a proclamation signed by the mayor and posted on the official town bulletin board located at Seabrook Island Town Hall and shall be effective immediately upon posting. The proclamation shall be in substantially the following language:

"It has been determined that (here state the event giving rise to the emergency) has occurred (or is likely to occur) within the corporate limits of

the Town of Seabrook Island, South Carolina, and that accordingly, a state of emergency does in fact exist. Therefore, I hereby proclaim a state of emergency and invoke the emergency provisions of Section 2-205 of the Town Code."

- (2) *Vested extraordinary powers.* In the event a state of emergency is declared by the mayor under the provisions of this section, the mayor shall become vested with the following extraordinary powers, which may be exercised at his or her discretion:
- a. To establish a curfew within the town's corporate limits;
 - b. To prohibit the sale of:
 - 1. Gasoline, explosives, dynamic and/or any other type of inflammable or explosive materials;
 - 2. Firearms; or
 - 3. Any other materials or supplies, or any component parts thereof, which could be readily utilized as weapons;
 - c. To disperse unlawful assemblies or congregations of people;
 - d. To suspend the issuance of permits;
 - e. To order the evacuation of the town;
 - f. To designate off-limit areas;
 - g. To commandeer boats and vehicles;
 - h. To restrict trade and commercial activities;
 - i. To make emergency purchases pursuant to Sec. 2-625(C)(3);
 - j. To request the assistance of the military and/or law enforcement forces of federal, state, and/or other local agencies; and
 - k. To take such action as appears necessary in his or her judgment to protect life and property and maintain peace and good order within the town.
- (3) *Issuance of orders.* Any orders issued by the mayor under his or her extraordinary powers during a declared state of emergency shall be effective immediately, or at such other time as the mayor shall specifically designate, with the posting of the orders upon the official town bulletin board located at Seabrook Island Town Hall, or upon verbal communications by the mayor directly to the person whom the order is intended to affect.

(4) *Ending emergency.* The state of emergency shall legally end when the mayor determines that the peace and good order of the town are no longer threatened and declares this in a proclamation which shall be posted upon the official town bulletin board located at Seabrook Island Town Hall, or upon a majority vote of town council, whichever occurs first.

(5) *Penalty.* Anyone violating any provision of this section, or any orders issued by the mayor under this section, shall, upon conviction, be punished pursuant to the general penalty provisions contained within Sec. 1-7 of the Town Code.

Sec. 2-206. Mayor pro tempore.

(A) *Election.* After any general election, the town council shall, at the first regular meeting of the newly constituted council, elect from its membership a mayor pro tempore to serve for a term of not more than two years.

(B) *Duties.* The mayor pro tempore shall act as mayor during the absence or disability of the mayor. If a vacancy occurs in the office of mayor, the mayor pro tempore shall serve as acting mayor until a successor is elected.

(C) *Temporary absence of mayor pro tempore.* In the event of the sickness or temporary absence of the mayor pro tempore, while acting as mayor, the town council shall elect from its membership a temporary presiding officer.

(D) *Vacancy.* If a vacancy occurs in the office of mayor pro tempore, the town council shall elect from its membership a new mayor pro tempore.

Sec. 2-207. Compensation and expenses.

(A) *Salary.* The mayor and members of town council may receive an annual salary, the amount of which shall be fixed by ordinance.

(B) *Procedure for establishing or increasing salaries.* Any ordinance establishing or increasing the salaries of the mayor and members of town council shall not become effective until the commencement date of the terms of two or more members elected at the next general election following adoption of the ordinance, at which time it will become effective for all members regardless of whether they were elected in such election.

(C) *Expense reimbursement.* The mayor and town council members may be reimbursed for any actual expenses incurred and documented in the performance of their official duties. An expense form detailing each expenditure shall be submitted to the town clerk/treasurer in a timely manner with receipts attached. The use of personal vehicles for official town business shall be reimbursed at the prevailing standard mileage rate, as published by the Internal Revenue Service. The mayor and members of town council may not receive reimbursement for alcohol or for expenses incurred by their spouses or dependents.

Secs. 2-208—2-300. [Reserved]

ARTICLE III. MEETINGS AND PROCEDURES

DIVISION 1. TOWN COUNCIL

Sec. 2-301. Regular meetings.

- (A) *Meeting schedule.* The town council's regular meeting shall be held on the fourth Tuesday of each month. In months when the fourth Tuesday falls during the same week as the observance of a town holiday, the regular meeting may be held on an alternate date during the same month, provided the change is approved by a majority of town council. Unless rescheduled in accordance with subsection (B), all regular meetings shall be called to order at 2:30 p.m. At the beginning of each year, the town council shall give written public notice of the dates, times, and locations of all regular meetings for that calendar year.
- (B) *Rescheduled meetings.* If it is anticipated that a quorum will not be achieved for any regular meeting scheduled in accordance with subsection (A), the mayor or a majority of town council members shall reschedule the meeting to take place on an alternate date and/or time during the same month as the regular meeting. Written public notice of any rescheduled meeting shall be provided as soon as practicable, but no less than 24 hours prior to the start of the meeting.
- (C) *Open to the public.* All town council meetings shall be open to the public.

Sec. 2-302. Other meetings.

Other town council meetings including, without limitation, special called meetings, emergency meetings, joint meetings, workshops, and work sessions, may be held at any time on the call of the mayor or a majority of town council members. The town clerk/treasurer shall provide notice of all meetings, as provided in Sec. 2-305.

Sec. 2-303. Duty to attend meetings.

Except for instances where there is good and reasonable cause for their attendance to be excused, it shall be the duty of the mayor and town council members to attend all town council meetings.

Sec. 2-304. Presiding officer; clerk; parliamentarian.

- (A) *Presiding officer.* The mayor shall serve as the presiding officer of all town council meetings. Questions of order shall be decided by the mayor without debate, subject to appeal to the full council. It shall be the responsibility of the mayor to preserve order at all times.
- (B) *Clerk.* The town clerk/treasurer shall serve as the clerk of council.
- (C) *Parliamentarian.* The town attorney shall act as the parliamentarian.

Sec. 2-305. Notice of meetings.

- (A) *Notice to the media.* The town clerk/treasurer shall provide notice to the media of the date, time, location, and subject of all town council meetings. All meeting minutes shall reflect that the media was so notified.
- (B) *Notice to the public.* The town clerk/treasurer shall provide notice to the public of all town council meetings by posting the date, time, location, and agenda for each meeting on the official town bulletin board located at Seabrook Island Town Hall and on the town website at least 24 hours prior to the start each meeting.
- (C) *Exceptions.* The requirements of this section shall not apply to emergency meetings of town council.

Sec. 2-306. Agenda; order of business.

(A) *Agenda required.*

- (1) *Regular meetings.* The town clerk/treasurer shall publish an agenda for all regular town council meetings as soon as practical, but no less than 24 hours prior to the start of the meeting. The agenda shall list all items to be considered by the town council in accordance with the order of business provided in subsection (B). The agenda may not be amended within 24 hours of the meeting, except as provided in subsection (C).
- (2) *Special meetings.* The town clerk/treasurer shall publish an agenda for all other town council meetings as soon as practical, but no less than 24 hours prior to the start of the meeting. The agenda may not be amended within 24 hours of the meeting, except as provided in subsection (C).
- (3) *Amendments to agenda.* Once a meeting agenda has been posted, no items may be added to the agenda without an additional 24 hours' notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it may only be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the town council that an emergency or an exigent circumstance exists if the item is not added to the agenda.

(B) *Order of business.*

- (1) *Regular meetings.* The order of proceedings for all regular town council meeting shall be as follows:

- a. *Call to order/roll call/pledge of allegiance.* The mayor shall call the meeting to order at the appointed time and determine whether a quorum is present. The mayor, or an individual designated by the mayor, may begin the meeting by leading the assembly in reciting the Pledge of Allegiance.
- b. *Executive session.* The town council may enter executive session pursuant to the provisions of Sec. 2-312.
- c. *Approval of minutes.* The town council shall review and approve any unapproved minutes from its previous meeting(s). The town clerk/treasurer shall read the minutes upon request by any two or more town council members.
- d. *Presentations.* Persons or groups wishing to make a formal presentation to the town council shall submit a written request to the town clerk/treasurer no later than one week prior to the meeting date. Upon approval by the mayor, the town clerk/treasurer shall add the presentation to the town council agenda. Each presentation shall be limited to ten minutes. There shall be no more than three presentations during any regular meeting.
- e. *Public hearing items.* The mayor shall announce the opening of the public hearing. The mayor shall then read the title of the first public hearing item listed on the agenda and open the floor for public comment on that item. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for public comments on each public hearing item. Preference shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting. Upon conclusion of the public hearing, the mayor shall close the public hearing. If there is more than one public hearing item listed on the agenda, the mayor shall repeat these steps for each public hearing item.
- f. *Citizen comments.* During the first citizen comment period, any citizen may speak pertaining to any item listed on the meeting agenda which does not require a public hearing. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for citizen comments. Preference shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting.
- g. *Reports of town boards, commissions and committees.* The town council shall receive reports, if any, from town boards, commissions, and committees in the following order:
 - 1. Advisory committees established pursuant to Sec. 2-401;
 - 2. Special committee established pursuant to Sec. 2-402;
 - 3. Ad hoc committee established pursuant to Sec. 2-403;

4. Board of Zoning Appeals;
 5. Planning Commission;
 6. State Accommodations Tax Advisory Committee; and
 7. Utility Commission.
- h. *Reports of town officers.* The town council shall receive reports, if any, from town officers in the following order:
1. Mayor;
 2. Town administrator;
 3. Town clerk/treasurer;
 4. Town attorney; and
 5. Zoning administrator.
- i. *Ordinances for second reading.* The town council shall review and take action upon all ordinances which are listed on the agenda for second reading consideration. All ordinances must be in the form as specified in Sec. 2-342.
- j. *Ordinances for first reading.* The town council shall review and take action upon all ordinances which are listed on the agenda for first reading consideration. All ordinances must be in the form as specified in Sec. 2-342.
- k. *Other action items.* The town council shall review and take action upon all resolutions and other action items which are listed on the agenda for consideration.
- l. *Items for information or discussion.* The town council may receive, review, and discuss, but not take action upon, any other town matter placed on the agenda by the mayor, a member of town council, or the town administrator.
- m. *Citizen comments.* During the second citizen comment period, any citizen may speak pertaining to any town matter, except personnel matters. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for citizen comments. Preference shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting.
- n. *Council comments.* The mayor and members of town council may provide comments or ask questions on any town matter.

o. *Adjournment.* Upon conclusion of all town council business, the mayor shall call for a motion to adjourn the meeting.

(2) *Other meetings.* The order of proceedings for all other town council meetings including, without limitation, special called meetings, emergency meetings, joint meetings, workshops, and work sessions, shall be as provided on the published on the agenda for that meeting. No items may be added to the published agenda without 24 hours' notice.

(3) *Suspending or altering order of proceedings.* The order of proceedings described herein may be suspended or altered by unanimous consent of the town council members present.

Sec. 2-307. Minutes.

(A) *Preparation.* The town clerk/treasurer shall attend all town council meetings and keep minutes of the proceedings.

(B) *Approval.* Meeting minutes shall be approved at the next regular meeting of the town council. Minutes do not constitute the official record of a meeting until approved by town council.

(C) *Public record.* Upon approval by the town council, all meeting minutes shall be maintained on file in the office of the town clerk/treasurer as a permanent public record. Meeting minutes shall be made available for public review in accordance with the requirements of the South Carolina Freedom of Information Act.

Sec. 2-308. Quorum.

(A) *Determination of quorum.* Immediately at the hour appointed for the town council meeting, the mayor shall take the chair and call the meeting to order. He or she shall then direct the town clerk/treasurer to call the roll. If a quorum is present either in person or by means of electronic equipment, as provided in Sec. 2-314, the mayor shall proceed with the town council business as prescribed by the agenda. If a quorum of the town council fails to appear within 15 minutes after the appointed start time, no member shall be required to attend longer, unless he or she chooses to do so.

(B) *Conflicts of interest.* A member present but disqualified from voting on a question by state law due to a conflict of interest shall be counted for purposes of a quorum as long as he or she remains present.

Sec. 2-309. Rules of order.

(A) *In general.* Except as otherwise required by state law or the Town Code, all proceedings shall be governed by Robert's Rules of Order, Newly Revised Edition.

(B) *Addressing town council.* A member who desires to speak shall respectfully address the mayor and shall not commence to speak until recognized. When two or more members

request to speak at the same time, the mayor shall determine the order in which each member is recognized. Town council members shall conduct themselves with decorum, shall refrain from personalities, and shall avoid any disrespect to other members of town council or the public. Every member while speaking shall confine himself or herself to the subject under debate.

- (C) *Interruption.* Unless a member who has the floor yields for that purpose, no member shall interrupt another while speaking, except to submit a parliamentary inquiry or to make a point of order.
- (D) *Length and number of times a member may speak.* No member shall speak for more than ten minutes continuously on any one question. No member shall speak a second time on the same question until every member who desires to speak shall have had an opportunity to speak. No member shall speak more than twice on the same question.
- (E) *Decisions of the chair; appeals.* All questions of order shall be decided by the mayor without debate. In the event of an appeal of the mayor's decision, the mayor shall refer the question to the full council, and the final decision shall be determined by majority vote.
- (F) *Parliamentary inquiry.* Any member may make a parliamentary inquiry of the mayor at any time during the meeting.
- (G) *Points of order.* Any member may make a point of order without a second at any time. The mayor may speak to points of order in preference to other members and shall decide all such questions, subject to appeal to the full council by motion duly seconded. No other business shall be in order until the question on the appeal has been decided.
- (H) *Suspending or altering rules.* Any of the rules mentioned herein may be suspended or altered by unanimous consent of the town council members present.

Sec. 2-310. Motions.

- (A) *Form of motion.* A motion may be made by any member, either orally or in writing. An oral motion shall be reduced to writing upon request of any member of town council. A motion shall not be placed before the town council for a vote unless and until it has been duly seconded by another member.
- (B) *Decision on motions.* Every motion, when offered and seconded, shall be decided by a vote of town council unless the motion is withdrawn by its maker or superseded by an approved substitute motion.
- (C) *Reconsideration.* A motion to reconsider must be made by a member who voted with the prevailing side. A motion to reconsider must be made during the same meeting or at the next succeeding meeting.

Sec. 2-311. Voting.

- (A) *Majority vote required.* No motion may be officially decided in the affirmative except upon the favorable vote of a majority of those voting. A town council member attending a meeting by means of telephone, audio, or video conference link may cast a vote, as provided in Sec. 2-314. If a vote is equally divided, the question shall be decided in the negative.
- (B) *Town council members required to vote; conflicts of interest.* It is the duty of the mayor and each town council member present, including those attending by means of telephone, audio, or video conference link, to vote on every question except when required to refrain from voting by state law due to a conflict of interest. Those in favor of the question shall respond by saying or indicating "aye," and those opposed to the question shall respond by saying or indicating "nay." If a member abstains from voting, the effect is the same as if he or she voted on the prevailing side.
- (C) *Form of vote.* All votes taken by the town council shall be by voice vote or roll call, at the direction of the mayor. A roll call vote may be requested by any member of town council. In the event of a roll call vote, the town clerk/treasurer shall call each member by name in alphabetical order, with the mayor voting last.
- (D) *Members prohibited from leaving the meeting.* No member of town council may leave the meeting while a vote is taking place without the permission of the mayor.
- (E) *Recording.* Each motion and the result of every vote shall be recorded in the meeting minutes.
- (F) *Opportunity for members to explain vote.* Any member may have his or her reasons for voting for or against any questions recorded in the minutes of the meeting by gaining recognition by the mayor immediately following the vote and then briefly stating his or her reasons.

Sec. 2-312. Executive session.

- (A) *In general.* By majority vote in a public meeting, town council may enter executive session to discuss any item expressly permitted by S.C. Code 1976 Sec. 30-4-70. The reason for the executive session shall be stated publicly.
- (B) *Voting in executive session prohibited.* No vote or formal action shall be taken in executive session.
- (C) *Disclosure.* When an executive session is listed on a published town council agenda, the town clerk/treasurer shall add the following disclaimer on the agenda: "Please Note: Town Council may take action on Executive Session Items listed on the agenda when they come back into Public Session."
- (D) *Minutes.* Minutes of executive sessions shall not be taken unless required by majority vote of town council. Minutes of executive sessions shall not be public records.

- (E) *Disclosure prohibited.* It shall be unlawful for a member of town council or person in attendance to disclose to another person or make public the substance of a matter discussed in executive sessions.

Sec. 2-313. Additional rules.

The town council may, from time to time, by ordinance or resolution, adopt such additional rules, not inconsistent with this article, as may be necessary or expedient for the transaction of its business.

Sec. 2-314. Remote participation and voting.

Provided a quorum is present, either in person or by means of electronic equipment, the mayor and/or any member of town council may participate in and cast votes via telephone, audio, or video conference link provided that the member attending remotely is able to both hear the meeting and what is transpiring and that his or her comments and vote may be heard by those attending and/or viewing the meeting, including members of the public. If an executive session is called, only those allowed in the executive session pursuant to state law should be able to hear and be heard by the person attending the meeting remotely. To the extent possible, any eligible person who needs to attend such meetings remotely shall notify the mayor or town administrator in advance of the meeting; provided, however, such notice shall not be required for any meeting which is advertised and held solely by means of electronic equipment (ie. "virtual" meeting).

Secs. 2-315—2-340. [Reserved]

DIVISION 2. ORDINANCES AND RESOLUTIONS

Sec. 2-341. Ordinance required.

- (A) *When required.* The town council shall act by ordinance in all matters required by law to be done by ordinance, including:
- (1) Adopting or amending an administrative code or code of ordinances;
 - (2) Establishing, altering or abolishing any municipal department, office or agency;
 - (3) Providing for an ordinance violation penalty or establishing a rule or regulation in which an ordinance violation penalty is imposed for violation;
 - (4) Appropriating funds and adopting a budget;
 - (5) Granting, renewing, extending, or amending franchises, licenses or rights in public streets or public property, and closing abandoned streets after public notice and a public hearing;
 - (6) Levying taxes, assessing property for improvements, or establishing charges for services;

- (7) Extending the corporate boundaries of the town by annexation;
 - (8) Selling, conveying, or leasing or authorizing the conveyance or lease of any lands of the town, or contracting to do so;
 - (9) Authorizing the borrowing of money or the issuance of bonds; and
 - (10) Amending or repealing any ordinance regarding the above matters.
- (B) *Other matters.* In all other matters, unless otherwise required by law, town council may act either by ordinance or resolution, written or oral, recorded in the minutes.

Sec. 2-342. Form of ordinances and resolutions.

- (A) *Form of ordinances.* Every proposed ordinance shall be introduced in writing in the form required for final adoption, which shall include:
- (1) A title briefly describing the content of the ordinance;
 - (2) A preamble, if appropriate, citing findings, reasons, or basis for the ordinance or resolution, if desired and appropriate;
 - (3) An enacting clause which shall be styled as follows: " Be it Ordained by the Mayor and Council of the Town of Seabrook Island, S.C.";
 - (4) The provisions of the ordinance including section numbers if the ordinance is to be codified or amend an existing codified ordinance;
 - (5) Citation of any ordinance repealed;
 - (6) The effective date of the ordinance;
 - (7) The approval of the town attorney as to form and the assignment of an ordinance number;
 - (8) Space for dates of readings and public hearing, if appropriate; and
 - (9) Space for the signatures of the mayor or presiding member of town council and the town clerk attesting notice, if required, and certifying enactment/adoption.
- (B) *Form of resolutions.* There shall be no standard form for resolutions. Resolutions submitted in writing may be in similar form approved by the town attorney.

Sec. 2-343. Introduction of ordinances.

An ordinance may be proposed by the mayor, any member of town council, the planning commission, the town administrator, or the head of any department of the town with the

approval of the town administrator. A proposed ordinance shall be referred to the town attorney for review and approval as to form. If requested, the town attorney shall render assistance in the preparation of required notices, if any, and in drafting ordinances. After an ordinance is in proper form, the town attorney shall send the ordinance to the town clerk/treasurer to be held for public inspection and to be placed on a regular agenda or special agenda, as appropriate. An ordinance is considered to be introduced when it appears on an agenda during a public meeting of town council and its title is read. Any member of town council may request a full reading of a proposed ordinance at its introduction and first reading.

Sec. 2-344. Enactment of ordinances.

- (A) *In general.* An ordinance must be prepared in writing and introduced in the form required for final adoption, as provided in Sec. 2-342.
- (B) *Two readings required.* No ordinance may be adopted until it has been read two times and on separate days with at least six days between each reading.
- (C) *Introduction.* The introduction and reading of any ordinance shall be by the reading of the title only unless full reading is requested by one or more members of town council.
- (D) *Public hearing.* After the introduction of an ordinance, any member of town council may request a public hearing be held on the ordinance if one is not required by law. If the request is approved by a majority of town council members present, a public hearing shall be advertised and held prior to adoption of the ordinance. The town clerk/treasurer shall advertise the public hearing notice in a newspaper of general circulation within the town at least 15 days prior to the public hearing date. A public hearing may be held on the same date as the final reading.
- (E) *Amendments.* An ordinance may be amended at first reading without limitation. An ordinance may be amended at final reading only if the original intent of the ordinance is not changed or significantly altered.
- (F) *Signatures and filing.* Upon final adoption by vote of town council, an approved ordinance shall be signed by the mayor and attested by the town clerk/treasurer. The town clerk/treasurer shall file and maintain all ordinances as permanent public records.
- (G) *Time period to act on ordinance.* If a proposed ordinance does not receive the required two readings within a twelve-month time period from the date of introduction, it shall automatically be tabled, and no further action may be taken on the proposed ordinance.

Sec. 2-345. Emergency ordinances.

To meet public emergencies affecting life, health, safety or the property of the people, town council may adopt emergency ordinances; provided, such ordinances shall not levy taxes, grant, renew or extend a franchise, or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the town council members present. An emergency ordinance is effective immediately upon its enactment without regard to any

reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.

Sec. 2-346. Introduction of resolutions.

A voice motion is considered to be the introduction of an oral resolution which requires no written record other than a notation in the meeting minutes. A resolution proposed in writing shall be introduced in the same manner as an ordinance.

Sec. 2-347. Adoption of resolutions.

Written and oral resolutions may be adopted on one reading unless a public hearing is set by a majority of town council members present. Upon request by town council, a public hearing shall be advertised and held in the same manner as described in Sec. 2-344(D).

Sec. 2-349. Codification of ordinances.

(A) *Codification of permanent ordinances required.* The town clerk/treasurer shall send all ordinances of a general and permanent nature to the publishing company to be codified in the Code of Ordinances on a quarterly basis. Copies of the Code of Ordinances shall be made available for public inspection in the office of the town clerk/treasurer on the town's website. Paper copies of the Code of Ordinances may be purchased from the town clerk/treasurer at a cost not to exceed \$25.00.

(B) *Citation by reference.* Any standard code of technical regulations, state statute or regulation, county ordinance or regulation, or rate schedule which is adopted by reference may be cited in the Code of Ordinances by reference and maintained in separate volumes.

Secs. 2-350—2-400. [Reserved]

ARTICLE IV. COMMITTEES

Sec. 2-401. Advisory committees.

(A) Community Promotions and Engagement Committee

(1) *Established; powers and duties.* The Seabrook Island Community Promotions and Engagement Committee is hereby established. The committee is charged with the following powers and duties:

- a. To assist with the creation, planning, preparation, promotion, execution and evaluation of various town-sponsored events and activities;
- b. To identify resources necessary to ensure the success of town-sponsored events and activities including, but not limited to, sponsors, vendors, suppliers, entertainment, crowd control and public safety;

- c. To review and provide recommendations to town council on the procurement and awarding of contracts for goods and services related to town events and activities;
 - d. To develop, recommend and implement strategies for engaging town residents, property owners, visitors and businesses;
 - e. To provide recommendations on overall communication strategies and methods;
 - f. To administer the town's Community Promotions Grant program; and
 - g. To perform such other duties which may be assigned or requested by town council.
- (2) *Membership.* The Community Promotions and Engagement Committee shall consist of five (5) members, one (1) of whom shall be a town council member appointed by the mayor to serve as chair of the committee. The remaining four (4) members shall be nominated by the chair and appointed by a majority vote of town council; provided, no more than two (2) town council members, including the chair, may be appointed as members of the committee. All members shall serve for a term of two (2) years, to run concurrently with the terms of the mayor and members of town council. Any member who resigns prior to the expiration of his or her term shall do so in writing to the town clerk/treasurer. Any member may be removed for cause by a majority vote of the town council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The mayor and any other town council member who is not a member of the committee may attend and participate in committee meetings in an advisory (ie. non-voting) capacity.
- (3) *Meetings; quorum; rules of order; voting.* The Community Promotions and Engagement Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.
- (4) *Public notice; public records.* Public notice shall be given for each meeting pursuant to S.C. Code 1976 Sec. 30-4-80. The town clerk/treasurer shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The town clerk/treasurer shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Community Promotions and

Engagement Committee are deemed public records and shall be made available for inspection upon request.

(B) Environment and Wildlife Committee

(1) *Established; powers and duties.* The Seabrook Island Environment and Wildlife Committee is hereby established. The committee is charged with the following powers and duties:

- a. To review and provide recommendations to town council on general matters related to the town's environment and wildlife;
- b. To periodically review and provide recommendations to town council on updates to the town's beach management ordinance;
- c. To coordinate with outside entities, community organizations and state and federal agencies on issues related to the town's environment and wildlife;
- d. To identify, develop and recommend programs and/or projects which enhance awareness, promote conservation and protect the community's environmental and wildlife resources, including programs and/or projects which may be eligible for grant funding;
- e. To monitor current and proposed legislation, regulations and litigation at the state and federal level which may impact the town's environment and wildlife;
- f. To review and provide recommendations to town council on the procurement and awarding of contracts for goods and services related to town's environment and wildlife; and
- g. To perform such other duties which may be assigned or requested by town council.

(2) *Membership.* The Environment and Wildlife Committee shall consist of five (5) members, one (1) of whom shall be a town council member appointed by the mayor to serve as chair of the committee. The remaining four (4) members shall be nominated by the chair and appointed by a majority vote of town council; provided, no more than two (2) town council members, including the chair, may be appointed as members of the committee. All members shall serve for a term of two (2) years, to run concurrently with the terms of the mayor and members of town council. Any member who resigns prior to the expiration of his or her term shall do so in writing to the town clerk/treasurer. Any member may be removed for cause by a majority vote of the town council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The mayor and any other town council member who is not a member of the committee may attend and participate in committee meetings in an advisory (ie. non-voting) capacity.

- (3) *Meetings; quorum; rules of order; voting.* The Environment and Wildlife Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.
- (4) *Public notice; public records.* Public notice shall be given for each meeting pursuant to S.C. Code 1976 Sec. 30-4-80. The town clerk/treasurer shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The town clerk/treasurer shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Environment and Wildlife Committee are deemed public records and shall be made available for inspection upon request.

(C) Public Safety Committee

- (1) *Established; powers and duties.* The Seabrook Island Public Safety Committee is hereby established. The committee is charged with the following powers and duties:
- a. To develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of all elements of the town's Comprehensive Emergency Plan;
 - b. To review and provide recommendations to town council on general matters related to public health and safety;
 - c. To identify resources necessary to ensure the safety and well-being of the public;
 - d. To coordinate with outside entities, community organizations and emergency service providers on issues related to emergency management and disaster response planning;
 - e. To coordinate with emergency service providers including, but not limited to, law enforcement, fire suppression and emergency medical services, to plan for and respond to potentially unsafe or life-threatening situations;
 - f. To review and provide recommendations to town council on the procurement and awarding of contracts for emergency-related goods and services;

- g. To undertake public relations activities to increase the public's awareness of potential hazards affecting the Seabrook Island community including, but not limited to, hurricanes, floods, tornadoes and earthquakes; and
 - h. To perform such other duties which may be assigned or requested by town council.
- (2) *Membership.* The Public Safety Committee shall consist of five (5) members, one (1) of whom shall be a town council member appointed by the mayor to serve as chair of the committee. The remaining four (4) members shall be nominated by the chair and appointed by a majority vote of town council; provided, no more than two (2) town council members, including the chair, may be appointed as members of the committee. All members shall serve for a term of two (2) years, to run concurrently with the terms of the mayor and members of town council. Any member who resigns prior to the expiration of his or her term shall do so in writing to the town clerk/treasurer. Any member may be removed for cause by a majority vote of the town council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The mayor and any other town council member who is not a member of the committee may attend and participate in committee meetings in an advisory (ie. non-voting) capacity.
- (3) *Meetings; quorum; rules of order; voting.* The Public Safety Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.
- (4) *Public notice; public records.* Public notice shall be given for each meeting pursuant to S.C. Code 1976 Sec. 30-4-80. The town clerk/treasurer shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The town clerk/treasurer shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Public Safety Committee are deemed public records and shall be made available for inspection upon request.

(D) Public Works Committee

- (1) *Established; powers and duties.* The Seabrook Island Public Works Committee is hereby established. The committee is charged with the following powers and duties:
- a. To develop, recommend, and provide oversight of an ongoing capital improvements plan for the town;

- b. To review and provide recommendations to town council on major upgrades, expansion and improvements to the town's road and drainage infrastructure;
- c. To review and provide recommendations to town council on road maintenance projects including, but not limited to, major repairs, rehabilitation, landscape and vegetation control;
- d. To review and provide recommendations to town council on pathway and greenway areas including, but not limited to, maintenance, enhancement and bike and pedestrian safety;
- e. To review and provide recommendations to town council on traffic operations including, but not limited to, signage, crosswalks, signals, traffic calming devices, lighting, and similar measures;
- f. To review and provide recommendations to town council on the construction and expansion of town buildings and other facilities, as well as major upgrades thereto;
- g. To review and provide recommendations to town council on issues related to surface water management;
- h. To review and provide recommendations to town council on major beach-related projects including, but not limited to, the installation and maintenance of erosion control devices, beach renourishment and periodic relocation of Captain Sams Inlet;
- i. To review and provide recommendations to town council on proposed plans, designs and architectural renderings, as well as overall project scopes and budgets;
- j. To coordinate with outside entities, community organizations, private developers and state and federal agencies on issues related to the town's facilities and infrastructure;
- k. To review and provide recommendations to town council on the procurement of goods and services related to town facilities and infrastructure; and
- l. To perform such other duties which may be assigned or requested by town council.

(2) *Membership.* The Public Works Committee shall consist of five (5) members, one (1) of whom shall be a town council member appointed by the mayor to serve as chair of the committee. The remaining four (4) members shall be nominated by the chair and appointed by a majority vote of town council; provided, no more than two (2) town council members, including the chair, may be appointed as members of the committee. All members shall serve for a term of two (2) years, to run concurrently

with the terms of the mayor and members of town council. Any member who resigns prior to the expiration of his or her term shall do so in writing to the town clerk/treasurer. Any member may be removed for cause by a majority vote of the town council. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. The mayor and any other town council member who is not a member of the committee may attend and participate in committee meetings in an advisory (ie. non-voting) capacity.

- (3) *Meetings; quorum; rules of order; voting.* The Public Works Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.
- (4) *Public notice; public records.* Public notice shall be given for each meeting pursuant to S.C. Code 1976 Sec. 30-4-80. The town clerk/treasurer shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The town clerk/treasurer shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Public Works Committee are deemed public records and shall be made available for inspection upon request.

Sec. 2-402. Special committees.

- (A) *Authority.* Town council shall have the authority to establish, by resolution, any special committee deemed necessary for a specific purpose and duration. A resolution establishing a special committee shall specify, at a minimum:
 - (1) The purpose, powers, and duties of the special committee;
 - (2) The number and qualifications of special committee members, as well as their method of appointment;
 - (3) The duration or deadline within which the special committee shall complete its work; and
 - (4) Any special rules, requirements, provisions, or directives, as deemed necessary by the town council.

Sec. 2-403. Ad hoc committees.

The mayor may appoint ad hoc committees made up of town council members for any proper council purpose, subject to such direction and control as the mayor may provide.

Secs. 2-404—2-500. [Reserved]

ARTICLE V. OFFICERS AND DEPARTMENTS

Sec. 2-501. Town administrator

- (A) *Office created.* Pursuant to S.C. Code 1976 Sec. 5-9-40, the office of town administrator is hereby established.
- (B) *Appointment.* The town administrator shall be recommended by the mayor and appointed by the town council.
- (C) *Term.* The town administrator shall serve at the pleasure of the mayor and town council for an indefinite term unless the appointment is made pursuant to a contract or employment agreement, in which case the contract or employment agreement shall be for a fixed term.
- (D) *Compensation.* The town administrator shall receive such compensation as the town council may determine from time to time.
- (E) *Removal.* The town administrator may be removed from office by a majority vote of town council.
- (F) *Duties.* The town administrator shall work under the supervision of the mayor and shall be responsible for the discharge of all administrative functions delegated by the mayor. The town administrator shall act as the zoning administrator when this position is not filled.

Sec. 2-502. Town clerk/treasurer.

- (A) *Office created.* Pursuant to S.C. Code 1976 Sec. 5-7-220, the office of town clerk/treasurer is hereby established.
- (B) *Appointment.* The town clerk/treasurer shall be recommended by the mayor and appointed by the town council.
- (C) *Term.* The town clerk/treasurer shall serve at the pleasure of the mayor and town council for an indefinite term unless the appointment is made pursuant to a contract or employment agreement, in which case the contract or employment agreement shall be for a fixed term.
- (D) *Compensation.* The town clerk/treasurer shall receive such compensation as the town council may determine from time to time.

(E) *Removal.* The town clerk/treasurer may be removed from office by a majority vote of town council.

(F) *Duties.* The duties of the clerk/treasurer shall include the following:

- (1) Providing notice of town council and other meetings to its members and the public;
- (2) Keeping and maintaining a record of all proceedings;
- (3) Receiving and delivering all petitions, motions, information, applications, and communications to the mayor and town council;
- (4) Preserving and making available for public inspection all papers, records, and documents of every description pertaining to the town, including, without limitation, all agendas, minutes, ordinances, resolutions, maps, contracts, agreements, deeds, bonds, insurance policies, and financial records of the town;
- (5) Issuing all notices as required by law or as directed by the mayor or town council;
- (6) Receiving and depositing all monies due or coming to the town and paying out monies as duly authorized;
- (7) Maintaining a current account of all monies, accounts, and inventories of town property, real and personal, and rendering reports thereon as directed by the mayor or town council;
- (8) Being the custodian of the town seal; and
- (9) Performing such other relevant duties and services as shall from time to time be prescribed by the mayor and/or town council.

Sec. 2-503. Town attorney.

- (A) *Office created.* Pursuant to S.C. Code 1976 Sec. 5-7-230, the office of town attorney is hereby established.
- (B) *Minimum qualifications.* The town attorney must be a member in good standing of the South Carolina Bar and be admitted to practice law in the state of South Carolina.
- (C) *Appointment.* After any general election, the town council shall, at the first regular meeting of the newly constituted council, appoint a town attorney.
- (D) *Term.* The town attorney shall serve for a term of two (2) years, to run concurrently with the terms of the mayor and members of town council.
- (E) *Compensation.* The town attorney shall receive such compensation as the town council may determine from time to time.

(F) *Removal.* The town attorney may be removed from office by a majority vote of town council.

(G) *Duties.* The duties of the town attorney shall include the following:

- (1) Entering appearance in all actions, cases, and special proceedings and conducting all suits in all courts in which the town is a party;
- (2) Drafting and/or reviewing the drafting of all ordinances, resolutions, agreements, and other instruments relative to the business of the town;
- (3) Providing advice and opinions on questions of law when requested to do so by the mayor, town council or town administrator;
- (4) Investigating titles;
- (5) Attending all town council meetings when notified to do so; and
- (6) Performing such other relevant duties as may be required by the mayor and town council.

Secs. 2-504—2-600. [Reserved]

ARTICLE VI. FINANCIAL ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 2-601. Fiscal year.

The town's fiscal year shall begin each year on January 1st and end each year on December 31st.

Sec. 2-602. Annual budget.

- (A) *Required.* Pursuant to Article X, Section 7(b), of the South Carolina Constitution, the town council shall prepare, adopt, and maintain an annual budget which provides for sufficient income to meet the town's estimated expenses for the fiscal year.
- (B) *Preparation.* No later than October 1st of each calendar year, the mayor shall prepare and submit to the town council a recommended budget for the upcoming fiscal year. The recommended budget shall include estimates of the needed and desired expenditures for the upcoming fiscal year as well as estimates of the revenues available to pay for them. The mayor may, in his or her discretion, recommend separate budgets for capital expenditures or other specific purposes. Upon receipt of the recommended budget, the town council shall review and, if desired, revise the recommended budget prior to its adoption.

(C) *Adoption.* The town council shall adopt an annual budget, by ordinance, prior to the beginning of each fiscal year. The town council may, in its discretion, adopt separate budgets for capital expenditures or other specific purposes. Prior to adopting the annual budget ordinance, the town council shall advertise and conduct a public hearing, pursuant to S.C. Code 1976 Sec. 6-1-80.

(D) *Administration.*

(1) *Authority; limitations.* Following adoption, the mayor shall be responsible for administration of the budget. The mayor shall have the authority to approve any reasonable unbudgeted expenditure that may exceed a particular budget line-item budget but will not cause the total annual expenditures to exceed the total amount of the annual budget. The mayor shall have the authority to transfer any sum from one budget line item to another, or from one department or division to another department or division; provided, however, any transfer between funds must be approved by the town council, and any change in the budget which would increase or decrease the total of all authorized expenditures must also be approved by town council.

(2) *Use of funds and excess funds.* Revenues obtained from any source may be used for any appropriation named in the annual budget ordinance; provided, however, this provision shall not apply to revenues which are specifically restricted by the annual budget ordinance, the Town Code, the S.C. Code 1976, or any other applicable law or regulation. Actual revenues in excess of budgeted amounts may be administered by resolution of the town council.

(E) *Amendment.* The town council may amend the annual budget from time to time. Such amendments shall be made by ordinance.

Sec. 2-603. Expenditure of funds.

(A) *Responsibility.* It shall be the duty of the town clerk/treasurer to prepare and issue all payments on behalf of the town, in accordance with approved budget allocations, procurement procedures, purchase authorizations, debt obligations, and other applicable policies and procedures. The town clerk/treasurer is also responsible for the preparation and payment of employee payroll.

(B) *Methods of expenditure.* The town clerk/treasurer shall be authorized to expend town funds or town-controlled funds, subject to the following provisions:

(1) *Payroll.* The town clerk/treasurer shall pay, or cause to be paid, all town employees for wages earned during each payroll period. Payments shall be made by direct deposit no later than the close of business on the 1st and 15th day of each month. The town clerk/treasurer shall deduct from each employee's gross pay such taxes and other withholdings as may be required by federal and state taxing authorities. The town clerk/treasurer shall also deduct from each employee's pay the employee's share of any premiums or plan contributions for insurance, retirement, and similar

plans that are elected by the employee. The town clerk/treasurer shall make such other deductions as may be required by law or court order.

- (2) *Expenditures of \$5,000.00 or less.* For expenditures of \$5,000.00 or less, excluding those specified in subparagraph (4) below, the town clerk/treasurer may issue payment by any of the following methods, subject to approval by the town administrator:
 - a. Bank draft;
 - b. Check;
 - c. Credit or debit card;
 - d. Electronic funds transfer; and
 - e. Petty cash (limited to expenditures of \$100.00 or less).
 - (3) *Expenditures greater than \$5,000.00.* For expenditures greater than \$5,000.00, the town clerk/treasurer shall issue payment by check, subject to approval by the town administrator.
 - (4) *Partial payments and installments.* Partial payments and installments made toward a contract or purchase order with a total value greater than \$5,000.00 shall be made by check, subject to approval by the town administrator.
- (C) *Signatures required.* When payment is made by check, the check shall be signed by two authorized parties. For purposes of this section, the term “authorized parties” shall include the following town officials:
- (1) Mayor;
 - (2) Town council members;
 - (3) Town clerk/treasurer; and
 - (4) Any other individual authorized by resolution of town council to sign checks on behalf of the town.

Sec. 2-604. Forms of payment.

- (A) *Responsibility.* Except as may otherwise be provided by state or federal law or regulation, the Town Code, or any other ordinance, resolution, or regulation of the town, it shall be the duty of the town clerk/treasurer to receive all fees for town licenses and permits, and all claims and accounts that may be due and payable to the town and shall deposit all monies belonging to the town in such bank(s) as the town council may direct.

(B) *Methods of payment.* The town clerk/treasurer may accept payments made by any of the following methods:

- (1) Bank draft;
- (2) Cash;
- (3) Check;
- (4) Credit or debit card;
- (5) Electronic funds transfer; and
- (6) Money order.

(C) *Agreement for services.* The town clerk/treasurer is authorized to determine the specific credit cards, bank cards, and electronic transfers that will be accepted as provided in this section and, subject to approval by the town administrator, may enter into a contract or service agreement with a bank or credit card vendor for the acceptance of credit and debit cards.

(D) *Fees and service charges.* In order to offset charges incurred by the town, the town clerk/treasurer may impose and collect the following fees:

- (1) *Convenience fee.* The town clerk/treasurer may collect a fee, not to exceed 4%, on any payment made by credit or debit card. The purpose of this fee is to recoup the actual payment processing charges incurred by the town.
- (2) *Returned check fee.* The town clerk/treasurer may collect a \$25.00 fee for any check, draft, or other written order which is returned unpaid by the financial institution upon which the check was drawn. This fee shall be in addition to any other remedy allowed by law.

Sec. 2-605. Monthly financial statements required; posting.

The town clerk/treasurer shall keep an itemized account of all receipts and disbursements and shall prepare, or cause to be prepared, statements of such accounts on a monthly basis. Monthly financial statements shall be made available to the mayor and town council no later than the fourth Monday of each month. Monthly financial reports shall also be made available for public inspection in the office of the town clerk/treasurer and by posting on the town website.

Sec. 2-606. Annual audit.

(A) *Required.* The town council shall provide for an annual independent audit of all financial records and transactions of the town and any agency funded in whole by the town. Such audit shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the town government or any of its officers.

- (B) *Public record.* Upon completion, the annual audit report shall be made available for public inspection in the office of the town clerk/treasurer and by posting on the town website.
- (C) *Filing requirement.* The town clerk/treasurer shall file copies of the annual audit report with all agencies and departments as required by law, including, without limitation, the South Carolina Revenue and Fiscal Affairs Office and South Carolina State Treasurer's Office.

Sec. 2-607. Investment policy.

(A) *Authority.*

- (1) *State delegation.* Subject to the requirements and limitations of S.C. Code 1976 Secs. 6-5-10, 6-6-30, and 11-1-60, the town council maintains the authority to invest money subject to its control and jurisdiction into certain financial instruments expressly authorized by law.
- (2) *Investment approval.* Funds which are subject to the town's control and jurisdiction shall not be invested unless the investment is authorized by town council resolution. A resolution authorizing the investment of town funds shall include, at a minimum, the amount to be invested, the investment type and description, the term of the investment, and the funding source(s) to be used to make the investment.
- (3) *Management responsibility.* Management of the town's investment programs is delegated to the town clerk/treasurer. As administrator of the town's financial program, the town clerk/treasurer is assigned full discretionary management of the town's investments and shall report all transactions directly to the mayor and town administrator in a timely manner. The town clerk/treasurer shall maintain all written agreements, wire transfer agreements, banking service contracts, and collateral/depository agreements.
- (4) *Authorization.* No person may knowingly invest town funds except as provided for in this section.

(B) *Policy objectives.* The primary objectives of the town's investment activities are, in order of priority:

- (1) *Safety.* Safety of principal is the foremost objective of the investment program. Investment of town funds shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The town shall seek to safeguard principal by a careful examination of credit risk and market risk of individual investments.
 - a. *Credit risk.* The risk of loss due to failure of an issuer of a security shall be mitigated by investing in safe institutions and by diversifying funds so that the failure of any one issuer would not unduly harm the town's principal.

- b. *Market risk.* The risk of market value fluctuations due to overall changes in the general level of interest rates shall be mitigated by limiting the weighted average maturity of the town's fund to less than five years.
- (2) *Liquidity.* The town's investment portfolio shall remain sufficiently liquid to enable the town to meet all operating expenditure requirements which might be reasonably anticipated.
 - (3) *Return on investment.* The town's investment portfolio shall be designed with the objective of attaining a benchmark rate of return throughout budgetary and economic cycles taking into consideration the town's investment risk constraints and the cash flow characteristics of the portfolio. Whenever possible, consistent with risk limitations and prudent investment principles, the town shall strive to achieve returns at the market average rate of return for each investment type.
- (C) *Ethics and conflicts of interest.* All persons involved in the investment process shall refrain from personal financial activities that could conflict with proper execution of the town's investment program, or which could impair their ability to make impartial investment decisions. All financial interests in financial institutions and/or investments that are, or could be, perceived as a conflict of interest in making impartial investment decisions shall be immediately reported to the mayor and town administrator upon recognition of occurrence.
- (D) *Authorized investments.*
- (1) From the town's perspective, special care must be taken to ensure that the list of instruments includes only those allowed by law and those that local investment managers are trained and competent to handle. No public deposit shall be made except in a qualified public depository as established by state law. The town clerk/treasurer shall not give full discretionary authority to external investment managers. The town clerk/treasurer shall not use external investment managers to purchase or sell securities or manage the town's portfolio unless specifically approved by the town council with a contract signed by the mayor and reviewed by the town attorney.
 - (2) Pursuant to S.C. Code 1976 Sec. 11-1-60, the town may invest money subject to its control and jurisdiction in the shares of any federal savings and loan association or in the shares of any building and loan association organized and existing under the laws of this state when such shares are insured by the Federal Deposit Insurance Corporation (FDIC) and also in bonds or debentures issued by any federal home loan bank or in the consolidated bonds or debentures issued by the Federal Home Loan Bank Board.
 - (3) S.C. Code 1976 Sec. 6-5-10, limits the investment vehicles available to local agencies. The town's investment policy further restricts the permitted investments to those listed below:

- a. Obligations of the United States and its agencies, the principal and interest of which is fully guaranteed by the United States, including United States Treasury Bills, Notes and Bonds or those for which the full faith and credit of the United States are pledged for payment of principal and interest. Offerings must be A-rated or better.
 - b. Federal agency or United States government sponsored securities, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States Government sponsored enterprises. Obligations in this category referred to as "federal agencies" include, but are not limited to, issues by the Government National Mortgage Association, Federal Mortgage Association, and Federal Home Loan Mortgage Corporation. Offerings must be A-rated or better.
 - c. Savings and loan associations, to the extent that the same are insured by an agency of the federal government. Offerings must be A-rated or better.
 - d. Certificates of deposit. Certificates of deposit are fixed-term investments that are required to be collateralized depending on the specific security pledged as security. The town shall deposit funds only with financial institutions that operate in the United States of America. The Federal Deposit Insurance Corporation (FDIC) must insure these institutions.
 - e. General obligations of any of the counties, political subdivisions or municipal corporations of any state of the United States of America. Offerings must be A-rated or better.
 - f. Revenue bonds of any of the counties, political subdivisions or municipal corporations of any state of the United States of America, if the statute pursuant to which such revenue bonds are issued shall declare them to be legal investments. Offerings must be A-rated or better.
 - g. Stable value money market mutual funds. These types of investments are to be used primarily as overnight or short-term sweep accounts for interest and maturities with the town's custodial agent and the town's bank accounts.
 - h. S.C. Code Sec. 6-6-30, allows for the sale of investments within the State of South Carolina Local Government Investment Pool to all political subdivisions with consent of the governing bodies. Money invested with SCLGIP is pooled with state money in order to earn the maximum rate of return possible in a manner consistent with sound investment practices.
- (E) *Collateralization*. Pursuant to S.C. Code 1976 Sec. 6-5-15, depositories have duties and responsibilities toward public monies on deposit that may differ from their duties relative to nonpublic funds. South Carolina law requires public funds to be collateralized; that is, the depository must secure its public fund accounts by maintaining with the agent of the depository securities having a market value consistent with the current state's policy. If a depository uses mortgage-backed securities as collateral for public funds, the market value of the securities must be consistent with the state's requirement. An independent

third party with whom the entity has a current custodial agreement must always hold collateral. A clearly marked evidence of ownership, or a “safekeeping receipt,” must be supplied to the town and retained in the office of the town clerk/treasurer.

(F) *Safekeeping and custody.*

- (1) *Delivery vs. payment.* All trades of marketable securities shall be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to release of the town funds.
- (2) *Safekeeping.* Securities shall be held by an independent third-party custodian selected by the town. The custodian shall provide safekeeping receipts in the town’s name and provide an annual financial report.

(G) *Diversification.*

- (1) *Purpose.* The purpose of diversification is to reduce overall portfolio risk while attaining benchmark average return. Diversification is intended to prevent over concentration in a specific maturity sector and prevent reliance on riskier instruments.
- (2) The town shall seek to diversify its investments by security type and institution. With the exception of U.S. Treasury securities and the State of South Carolina Local Government Investment Pool, no more than 50% of the town’s total investment portfolio shall be invested in a single security type, and no more than 10% of the town’s total investment portfolio shall be invested in any specific security.

(H) *Maturities.* To protect public funds from market yield losses resulting from rising interest rates, the town shall limit the maximum term of maturity. To the extent possible, the town shall attempt to match its investments with anticipated cash flow requirements. In order to maintain liquidity, no more than 70% of the portfolio shall have a maturity in excess of one year. Unless matched to specific cash flow, the town shall not directly invest in securities maturing more than five years from the date of purchase.

(I) *Internal controls.*

- (1) The Town clerk/treasurer is responsible for ensuring compliance with the town’s investment policies as well as for establishing systems of internal control to ensure that the assets of the town are protected from loss, theft, or misuse and to regulate the activities of delegated appointees.
- (2) The internal control's structure shall address the following points:
 - a. Custodial safekeeping;
 - b. Avoidance of physical delivery of securities;
 - c. Clear delegation of authority to appointees;

- d. Written confirmation of transactions for investments and wire transfers; and
- e. Assurance by the town's external auditor that the portfolio complies with applicable policies and procedures during the annual independent audit.

(J) *Performance standards.*

- (1) *Objective.* The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment constraints herein and the cash flow needs of the town.
- (2) *Market yield (benchmark).* While the investment policy is designed to provide control, the yield objective is also important. The town's investment strategy is active. The town clerk/treasurer shall identify a comparable benchmark for each type of investment within the town's investment portfolio to determine whether proper market yields are being achieved. Given the strategy, the town shall strive to achieve returns at the market-average rate of return. The market-average of return is generally defined as the average return on three-month U.S. Treasury Bills, or the South Carolina Local Government Investment Pool administered by South Carolina State Treasurer. These indices are considered benchmarks for lower risk investment transactions and comprise a minimum standard for the portfolio's rate of return. The investment program shall seek to augment returns above this threshold, consistent with authorized type, maturity, collateralization, and diversification limitations identified herein.

(K) *Reporting.*

- (1) *Quarterly and annual reporting.* The town clerk/treasurer shall provide the mayor and town council with quarterly updates on the town's overall investment performance. The town council shall annually review the town clerk/treasurer's overall administration of the town's investment program in conjunction with the annual audit.
- (2) *Audit reporting.* The town's annual audit report should contain the following information that is subject to this investment policy:
 - a. The type of investment, name of the issuer, date of maturity, par, and cost in each investment;
 - b. The weighted average maturity of the investments;
 - c. Coupon, discount, or earnings rate;
 - d. Par value, amortized book value, and market value;
 - e. Percentage of the portfolio represented by each investment category;

- f. A description of the compliance with the statement of investment policy; and
- g. Such other information which, in the opinion of the independent auditor, shall be necessary and proper to ensure compliance with current disclosure guidelines, as promulgated by the Government Standards Accounting Board (GASB).

Sec. 2-608. Fund balance policy.

(A) *Purpose.* The town council hereby enacts the following policy in an effort to ensure financial security through the maintenance of a healthy reserve fund that guides the creation, maintenance, and use of resources for financial stabilization purposes. The town's primary objective is to maintain a prudent level of financial resources to protect against service reductions and/or rate and fee increases due to temporary revenue shortfalls or unpredicted one-time expenditures. The town also seeks to maintain the highest possible credit ratings which are dependent, in part, upon the town's maintenance of a healthy fund balance.

(B) *Definitions.* For purposes of this section, the following definitions shall apply.

(1) *Fund balance.* Fund equity at the governmental fund financial reporting level is classified as "fund balance." Fund balance is reported in the governmental funds financial statements and generally represents the difference between current assets and current liabilities. Fund balance classifications represent a hierarchy based primarily on the extent to which the town is bound to honor constraints on specific purposes for which amounts in those funds can be spent. Fund balances are classified as follows:

- a. *Non-spendable fund balance.* Fund balances are classified as non-spendable when amounts cannot be spent because they are either: i) in non-spendable form, or ii) they are legally or contractually required to be maintained intact. The town includes items that are not expected to be converted to cash such as inventories and prepaid amounts.
- b. *Restricted fund balance.* Fund balances are reported as restricted when their use is restricted for specific purposes including: i) constraints on funds externally imposed by creditors, grantors, contributors, or laws or regulations of other governments, or ii) constraints imposed by law through constitutional provisions or enabling legislation.
- c. *Committed fund balance.* Fund balances are reported as committed if their use is for a specific purpose as approved by formal action of the town council (majority vote). Amounts committed cannot be used for any other purpose unless the town council removes or changes the specific use by approving such action through resolution at a town council meeting. Budget resolutions are considered a plan for specific use.
- d. *Assigned fund balance.* Fund balances are reported as assigned when constrained by the town's intent to use the funds for specific purposes that are neither

restricted nor committed. Assigned fund balance includes: i) all remaining amounts (except negative balances) reported in governmental funds, other than the General Fund, that are not classified as nonspendable, restricted, or committed, ii) amounts in the General Fund intended for a specific use identified by either the mayor or town clerk/treasurer, and iii) amounts appropriated to eliminate a projected budget deficit in the subsequent year.

- e. *Unassigned fund balance.* Fund balances are reported as unassigned when the balances do not meet any of the above four criterion for classification. The Town reports positive unassigned fund balance in only the general fund. Negative unassigned fund balances may be reported in all governmental funds.

(C) *Appropriate level.*

(1) *Unassigned fund balance.*

- a. *Background.* In February 2009, the Governmental Accounting Standards Board (GASB) issued *GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions*. In that statement, the GASB recommended "...at a minimum, that general-purpose governments, regardless of size, maintain unrestricted fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures." In its publication entitled *Fund Balance Guidelines for the General Fund*, the Government Finance Officers Association (GFOA) further recommended that "The adequacy of unrestricted fund balance in the general fund should take into account each government's own unique circumstances. For example, governments that may be vulnerable to natural disasters, more dependent on a volatile revenue source, or potentially subject to cuts in state aid and/or federal grants may need to maintain a higher level in the unrestricted fund balance." Given the town's susceptibility to natural disasters and its limited revenue sources, the town council believes it is appropriate to establish and maintain a higher threshold for its unassigned fund balance than that recommended by GASB.
- b. *Minimum level.* The town's minimum unassigned fund balance shall be the greater of 50% of the current year's budgeted general fund operating expenditures, or \$500,000.00.
- c. *Maximum level.* The town's maximum unassigned fund balance shall be 100% of the current year's budgeted general fund operating expenditures.

- (2) *All other fund balance types.* No minimum or maximum fund balance shall be required, unless required by law.

(D) *Use of fund balance.*

- (1) *Spending prioritization.* For purposes of fund balance disbursement, unless otherwise approved by the town council, the town shall expend restricted fund balance when

an expenditure is incurred for which both restricted and unrestricted fund balance is available. Next, the town shall expend committed fund balance when an expenditure is paid for which unrestricted fund balance is available. The town would next disburse fund balance assigned for purposes of the fund before disbursing other assigned fund balance amounts. In the general fund, the town would disburse unassigned fund balance prior to disbursing fund balance assigned for financial policy reserve levels or amounts assigned to eliminate subsequent year's budget deficit.

(2) *Spending of unassigned fund balance.* The town council understands that circumstances may exist that warrant the town use funds from the unassigned fund balance on a temporary basis. The town council has established the following instances where it may elect to use these funds, even if such use decreases the fund balance below the minimum percentage established by this policy:

- a. An economic downturn which results in actual revenues being below budgeted revenues;
- b. Unexpected and unappropriated costs to service and maintain current town operations;
- c. Unexpected and non-budgeted costs related to emergencies, natural disasters, and/or litigation;
- d. Grant matching;
- e. Early retirement of debt;
- f. To cover deficits in other funds due to a shortfall in budgeted revenues; and
- g. Capital asset acquisition, construction, and improvement projects.

(E) *Replenishment.*

(1) *Plan required.* If the unassigned fund balance is depleted below the minimum policy level, the town administrator, with consultation from the town clerk/treasurer, shall develop a plan to replenish the unassigned fund balance to the minimum level. The plan must be approved by resolution of the town council and may include, as necessary, recommendations for rate and/or fee adjustments, expenditure reductions, transfers from other unrestricted funds, and the use of year-end budget surpluses. The plan should be reviewed and modified on an annual basis until the minimum policy level is achieved. Any increase in discretionary expenditures should be limited until the unassigned fund balance is restored to the minimum policy level.

(2) *Time.* The town shall endeavor to replenish the unassigned fund balance to the minimum policy level within three years of use.

(F) *Unassigned fund balance above formal policy requirement.* If, upon completion of the annual audit, the unassigned fund balance exceeds the maximum policy level, the town

council may designate or expend such excess funds for capital projects, debt reduction, emergency reserves, and other non-recurring uses deemed appropriate.

Secs. 2-609—2-620. [Reserved]

DIVISION 2. PURCHASING REQUIREMENTS

Sec. 2-621. Authority and purpose.

- (A) *State law reference.* This division is adopted pursuant to and in compliance with S.C. Code 1976 Sec. 11-35-5320, and S.C. Code Ann. Regs. 19-445.2155.
- (B) *Purpose.* The purpose of this division is to maximize the purchasing value of public funds, to provide safeguards for maintaining quality and integrity within the procurement system, and to provide for the fair and equitable treatment of all parties in the procurement process.

Sec. 2-622. Definitions.

- (A) As used in this division, the following definitions shall apply:
 - (1) “Invitation for bids” or “IFB” means a written or published solicitation issued by the procurement officer for bids to contract for the procurement or disposal of stated supplies, services, information technology, or construction, which will ordinarily result in the awarding of a contract or purchase order to the responsible bidder making the lowest responsive bid.
 - (2) “Most advantageous” means an offer, proposal, or response which has been judged by the town to be most beneficial based on the evaluation criteria contained within the RFP. In addition to cost, the evaluation criteria may include other factors, including, but not limited to:
 - a. The vendor’s qualifications to provide the goods or services;
 - b. The vendor’s approach to providing the goods or services;
 - c. The vendor’s sufficiency of financial resources;
 - d. The vendor’s ability to deliver the goods or services in a timely manner;
 - e. The vendor’s quality of workmanship;
 - f. The vendor’s character, integrity, judgment, reputation, and experience;
 - g. The vendor’s history of satisfactory performance with similar projects; and

- h. The vendor's knowledge of, and ability to comply with, associated legal or regulatory requirements.
- (3) "Procurement" means the process and procedure for buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, information technology, or construction. It also includes all functions that pertain to the obtaining of any supply, service, information technology, or construction, including the description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phases of contract administration.
- (4) "Procurement officer" means the person who is authorized by the town to administer the procurement of all supplies, services, information technology, and construction, as well as the management and disposal of surplus supplies and equipment, in accordance with the provisions of this division. The procurement officer shall act under the direction of the mayor and shall organize and execute all procurement activities for the town as set forth in this division. For purposes of this division, the town administrator is designated as the procurement officer for the town.
- (5) "Professional services" means unique, technical, and/or infrequent functions performed by an independent contractor qualified by education, experience, and/or technical ability to provide services. In most cases, these services are of a specific project nature, and are not a continuing, ongoing responsibility of the town. The services rendered are predominately intellectual in character even though the contractor may not be required to be licensed. Professional service engagements may involve partnerships, corporations, or individuals. Examples of professional services may include, but are not limited to, accountants, architects, attorneys, auditors, biologists, engineers, environmental consultants, financial advisors/planners, land use planners, management consultants, marketing and advertising services, physicians, and real estate appraisers.
- (6) "Request for proposals" or "RFP" means a written or published solicitation issued by the procurement officer for proposals to provide supplies, services, information technology, or construction which ordinarily results in the awarding of a contract to the responsible offeror whose proposal is deemed to be most advantageous to the town based on the evaluation criteria contained within the RFP.
- (7) "Request for qualifications" or "RFQ" means a written or published solicitation issued by the procurement officer for the purpose of obtaining qualification and performance data from vendors, including, but not limited to, financial capability, reputation, experience, and competency, which will ordinarily result in the subsequent issuance of an IFB or RFP to a "short list" of vendors deemed qualified by the town.
- (8) "Responsible bidder or offeror" means a vendor who is determined by the town to have the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will assure good faith performance which may be substantiated by past performance.

- (9) "Responsive bidder or offeror" means a vendor who has submitted a bid or proposal which conforms in all material aspects to the invitation for bids, request for proposals, or request for qualifications.
- (10) "Successful bidder" means the vendor whose bid or proposal has been selected as the "lowest responsible" or "most advantageous," depending on the procurement method used.
- (11) "Surplus property" means any materials, supplies, equipment, or other goods which, in the opinion of the procurement officer, have no further beneficial usefulness to the town or cannot economically be made useful to the town.
- (12) "Vendor" means a person, company, or firm who sells goods or services.

Sec. 2-623. Compliance with other laws and regulations.

- (A) *State and federal law supersedes.* Nothing in this division shall prevent any town official or employee from complying with the terms and conditions of state or federal laws and/or regulations which may be applicable, including those which may be less restrictive than the policies and procedures contained herein.
- (B) *Other requirements.* Procurement which involves the expenditure of federal assistance, contract funds, or any grants, gifts, or bequests, shall comply with such federal and state laws and authorized regulations as are mandatorily applicable, regardless of whether they are presently reflected in this division.

Sec. 2-624. Ethical procurements.

- (A) *Applicability of State Ethics Act.* The requirements of Title 8, Chapter 13 (Ethics, Government Accountability and Campaign Reform Act), of the S.C. Code 1976, shall be complied with and observed in all actions involving the procurement of goods and services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his or her office or position.
- (B) *Good faith.* Every contract or duty imposes an obligation of good faith in its negotiation, performance, or enforcement. As used in this division, the term "good faith" means honesty in fact in the conduct or transaction concerned and the observance of reasonable commercial standards of fair dealing.
- (C) *Voidability of contracts.* Any violation of this section with the knowledge, whether expressed or implied, of the vendor contracting with the town shall render the contract voidable by the town administrator or the town council.

Sec. 2-625. Procurement limitations and authorization.

- (A) *Procurement policy.* It is the town's policy to develop competition to ensure maximum purchasing value for all procurement activities. The procurement officer shall have the

discretion to use a more stringent purchasing procedure if he or she determines that doing so would better serve the town's interest. When deemed appropriate, the procurement officer may utilize the services of advisory committees and/or outside consultants to assist with the preparation of IFB's, RFP's and RFQ's; the review and evaluation of bids, proposals, and qualifications; and the review, negotiation, and awarding of contracts and purchase orders. No contract or purchase order may be subdivided to avoid the requirements of this section.

(B) *Purchasing procedures.* The procurement of goods and services shall be executed as follows:

(1) *Under \$5,000.00: Open Market.*

- a. Competitive bidding is not required.
- b. The procurement officer shall have the authority to purchase goods and services on the open market using a reasonable effort to obtain pricing at or below prevailing market rates.

(2) *\$5,000.00 to \$24,999.99: Written Quotes.*

- a. Competitive bidding shall be required. The procurement officer shall solicit written quotes from at least three vendors.
- b. If the purchase was specifically budgeted in the current fiscal year budget and the lowest responsible bid is less than or equal to the amount budgeted, the procurement officer shall have the authority to award a contract or purchase order to the successful bidder.
- c. If the purchase was not specifically budgeted in the current fiscal year budget or the lowest responsible bid exceeds the amount budgeted, the procurement officer shall obtain prior approval from the mayor, subject to the limitations contained in Sec. 2-602(D)(1), before awarding a contract or purchase order to the successful bidder.

(3) *\$25,000.00 to \$49,999.99: Informal Solicitations for Bids or Proposals.*

- a. Competitive bidding shall be required. The procurement officer shall issue a written IFB or RFP, depending on the procurement method used. The procurement officer shall solicit written bids or proposals from at least three vendors.
- b. The procurement officer shall review and evaluate all bids or proposals in a timely manner and shall recommend a successful bidder to the mayor.
- c. Subject to the limitations contained in Sec. 2-602(D)(1), the mayor shall have the authority to award a contract or purchase order to the successful bidder.

(4) *\$50,000.00 or Greater: Formal Solicitations for Bids or Proposals.*

- a. Sealed, competitive bidding shall be required.
 1. *Invitation.* The procurement officer shall issue a written IFB or RFP, depending on the procurement method used. The procurement officer may, at his or her discretion, issue a written RFQ for the purpose of identifying a “short list” of pre-qualified vendors prior to the issuance of an IFB or RFP. Bid packages shall be advertised in a newspaper of general circulation within the town, on the South Carolina Business Opportunities (SCBO) website, and on the town’s website, at least ten (10) days prior to the due date, except in cases with extraneous time constraints. Additional methods of notification may be used at the discretion of the procurement officer.
 2. *Bid package.* At a minimum, the bid package shall contain the following:
 - i. Instructions for completing and submitting a sealed bid or proposal, including the deadline for the receipt of all bids;
 - ii. A detailed description of the goods or services to be purchased;
 - iii. An explanation of the criteria to be used in the evaluation of bids and proposals;
 - iv. Whether a bid security is required and the amount of same;
 - v. The date, time and location of the bid opening; and
 - vi. Any other items or information deemed appropriate by the procurement officer.
 3. *Bid security.* When deemed necessary by the procurement officer, a bid security, not to exceed five percent (5%) of the total bid amount, shall be required. A successful bidder shall forfeit his or her bid security upon failure to enter into a contract with the town within ten (10) days after the issuance of a notice of award; provided, however, the town, in its sole discretion, may waive or reduce this forfeiture.
 4. *Submission and sealing.* Bids shall be received by the procurement officer at the designated location no later than the date and time specified in the invitation. Late bids shall not be accepted. Bids shall be securely sealed in an envelope and shall be identified on the envelope in accordance with instructions contained in the bid package.
 5. *Opening.* Bids shall be opened and read publicly at the date, time, and location specified in the bid package.

6. *Tabulation.* A tabulation of all bids received shall be available for public inspection.
 7. *Rejection of bids.* The procurement officer shall have the authority to reject all bids, or parts of bids, when the public interest will be served thereby.
 8. *Bidders in default to the town.* The procurement officer shall have the authority to reject bids from any vendor who is delinquent in the payment of taxes, license fees or other monies due to the town.
 9. *Review and recommendation of bids.* The procurement officer shall review and evaluate all bids or proposals in a timely manner and shall recommend a successful bidder to the mayor. The mayor shall review the procurement officer's recommendation and submit a final recommendation of the successful bidder to the town council.
 10. *Award.* The town council shall have the authority to award a contract or purchase order to the successful bidder.
- b. *Performance bonds.* The procurement officer shall have the authority to require a performance bond before entering into any contract. Where required, a performance bond shall be in such form and amount as the procurement officer shall find reasonably necessary to protect the best interests of the town.
 - c. *Exception for construction contracting administration.* Notwithstanding the preceding, procurements involving construction may use a construction contracting administration method which is most advantageous to the town and will result in the most timely, acceptable quality, economical, and successful completion of the construction project. Any request to use an alternate form of construction contracting administration for a particular construction project must receive prior approval by the town council.
- (C) *Exceptions.* Exceptions to bidding include the sole source, professional services, emergency procurements, purchasing cooperatives, and critical procurements as defined below.
- (1) *Sole source.* Sole source procurement is acceptable when, after a good faith review of all possible sources, it is determined by the procurement officer that there is only one viable source from which to obtain the goods or services. Sole source procurements shall be executed as follows:
 - a. For goods and services with an estimated value of less than \$50,000.00, the procurement officer shall submit a written request to the mayor outlining the justification for sole source procurement. Subject to the limitations contained in Sec. 2-602(D)(1), the mayor shall have the authority to approve the sole source procurement if he or she deems the request to be justified.

- b. For goods and services with an estimated value of \$50,000.00 or greater, the procurement officer shall submit a written request to the mayor outlining the justification for sole source procurement. If the mayor determines that the sole source procurement is justified, he or she shall submit the request to the town council for consideration. Town council shall have the authority to approve the sole source procurement.
- (2) *Professional services.* Contracts for the procurement of professional service are exempt from the provisions of this ordinance. Such contracts may be negotiated on a fee basis rather than competitive bidding. Subject to the limitations contained in Sec. 2-602(D)(1), the mayor shall have the authority to approve professional service contracts with a value of less than \$50,000.00. All other professional service contracts shall be approved by the town council.
 - (3) *Emergency procurements.* Notwithstanding the requirements of this division, the mayor may make, or authorize others to make, emergency procurements where there exists a threat to public health, welfare, or safety under emergency conditions; where normal daily operations are affected or in jeopardy; or when a critical situation exists where time does not permit for ordinary solicitation or re-solicitation.
 - (4) *Purchasing cooperatives.* In the event the town is eligible to purchase goods or services through a “term” contract or purchasing cooperative offered by the State of South Carolina or any of its agencies, Charleston County or other South Carolina Counties, the Municipal Association of South Carolina or other South Carolina municipalities, the U.S. General Services Administration, or other similar public entities, the procurement officer may purchase such goods and services under the “term” contract or purchasing cooperative without seeking competitive bids or proposals; provided, however, if the purchase was not specifically budgeted in the current fiscal year budget or the purchase price exceeds the amount budgeted, the procurement officer shall obtain prior approval from the mayor, subject to the limitations contained in Sec. 2-602(D)(1), before purchasing the goods or services.
 - (5) *Purchase and sale of real property.*
 - a. When the town desires to purchase real property for public use, the following procedures shall be followed:
 - 1. The property shall be appraised by a licensed South Carolina certified general real estate appraiser.
 - 2. The mayor, or an individual designated by the mayor, may commence contractual negotiations to purchase the property.
 - 3. Contractual negotiations may be discussed with town council in executive session, as provided for by the South Carolina Freedom of Information Act.
 - 4. Town council shall make the final determination as to whether to contract for purchase of the property.

- b. When the town desires to sell surplus real property, the following procedures shall be followed:
 1. The property shall be appraised by a licensed South Carolina certified general real estate appraiser.
 2. Contiguous property owners shall be informed of the town's intent to sell the property and shall be afforded the opportunity to negotiate a contract to purchase the property.
 3. If more than one of the contiguous property owners desires to purchase the property, the mayor, or an individual designated by the mayor, may commence contractual negotiations for the sale of the property to the contiguous property owner making the highest offer above the appraised value.
 4. If none of the contiguous property owners desire to purchase the property or a contract with a contiguous property owner is not successfully negotiated, the procurement officer shall solicit offers to purchase the property by issuing an IFB.
 5. The mayor, or an individual designated by the mayor, may commence contractual negotiations with the highest bidder.
 6. Contractual negotiations may be discussed with town council in executive session, as provided for by the South Carolina Freedom of Information Act.
 7. Town council shall make the final determination as to whether to contract for the sale of the real property.
- c. The procedures for the purchase of real property shall not apply to the acquisition of real property to be used by the town for pump stations, lift stations, pressure reducing valve sites, public streets, water lines, sanitary sewer lines, storm drainage lines, monitoring sites, mitigation sites, stormwater projects, and utility easements.

Sec. 2-626. Protest procedures and remedies.

- (A) Any prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation of a contract may protest to the procurement officer. No other person or entity shall have right of action resulting from any alleged violation of this ordinance and there is no implied right to protest or right of action for any other person or entity. Any such protest must be delivered in writing within five (5) business days of the issuance of the IFB or RFP, or within five (5) business days of the issuance of any amendment thereto if the amendment is at issue.

- (B) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract may protest to the procurement officer. Any such protest must be delivered in writing within five (5) days of the date the notice of award or intent to award is issued by the procurement officer.
- (C) A protest must set forth all specific grounds of protest in detail and explain the factual and legal basis for each issue raised.
- (D) The procurement officer may conduct any inquiries or conduct any hearings he or she deems necessary to reach his or her decision.
- (E) Within ten (10) days of receipt of the written protest, the procurement officer shall issue his or her decision in writing and send copies to all parties to the protest.
- (F) If the procurement officer finds in favor of the protestant, he or she may award the protestant its documented bid preparation costs and other damages, not to exceed a total of \$5,000.00.
- (G) Contracts shall not be stayed pending the decision of the procurement officer. The protestant's remedies set forth herein shall be the protestant's exclusive remedy, including any remedy for violation of this ordinance.
- (H) A protestant may appeal the decision of the procurement officer to the mayor by requesting a review, in writing, with the mayor within five (5) business days of the procurement officer's decision. No new issues will be considered by the mayor on appeal. The mayor may appoint a special committee to consider any such appeals. The decision of the mayor, or any special committee appointed by the mayor, shall be final.

Sec. 2-627. Open records.

The procurement officer shall keep a record of all open solicitations and bids submitted in competition thereon, and such records shall be open to public inspection in accordance with the South Carolina Freedom of Information Act.

Sec. 2-628. Disposal of surplus property.

- (A) *Authority.* The procurement officer shall be responsible for management and disposal of all surplus property, excluding real property. The authority to sell, lease or dispose of real property rests solely with town council.
- (B) *Disposal procedures.* The procurement officer may dispose of surplus property as follows:
 - (1) Items with an estimated value of less than \$500.00 may be sold on the open market without formal advertisement or competitive procedures. Such items may also be donated to local not-for-profit organizations which provide charitable services within community.

- (2) Items with an estimated value of \$500.00 or more shall be sold using one or more of the following competitive methods: in-house auction, outside auction, formal or informal bidding process, online auction services, broker services, or similar competitive methods recommended by the procurement officer and approved by the mayor.

Secs. 2-629—2-700. [Reserved]

ARTICLE VII. EMERGENCY PREPAREDNESS

Sec. 2-701. Comprehensive Emergency Plan.

- (A) *Adopted.* The "Town of Seabrook Island Comprehensive Emergency Plan," dated September 1, 2020, is hereby adopted and incorporated by reference as if fully set forth in this section. Such plan shall be used to guide the town's preparation for, response to, and recovery from those emergency situations outlined therein. The plan may be updated from time to time by resolution of town council, upon recommendation by the Public Safety Committee.
- (B) *Mayoral authority.* The mayor is herewith empowered to implement and staff the Town of Seabrook Island Comprehensive Emergency Plan, pursuant to the powers set forth therein and in Sec. 2-205(D). The individuals assigned responsibilities under the plan are herewith empowered to exercise their specified duties and responsibilities under the terms and conditions set forth therein; provided that the mayor shall submit for town council approval all nonbudgeted expense items necessary for the implementation of the plan.

Secs. 2-702—2-800. [Reserved]

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 _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

First Reading: February 22, 2022
Public Hearing: March 22, 2022
Second Reading: March 22, 2022

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2022-02

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 18, OFFENSES AND MISCELLANEOUS PROVISIONS; ARTICLE I, IN GENERAL; SO AS TO AMEND THE PROVISIONS RELATED TO THE USE OF UNIFORM ORDINANCE SUMMONSES; TO AMEND THE PROVISIONS RELATED TO THE DESIGNATION, POWERS AND LIMITATIONS OF TOWN CODE ENFORCEMENT OFFICERS; TO PROHIBIT THE GIVING OF FALSE INFORMATION AND FALSE REPORTS TO TOWN CODE ENFORCEMENT OFFICERS; TO PROHIBIT THE ASSAULTING OR RESISTING OF TOWN CODE ENFORCEMENT OFFICERS, LAW ENFORCEMENT OFFICERS AND OTHER OFFICIALS WHILE IN THE DISCHARGE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 18, Article I, of the Town Code for the Town of Seabrook Island (the "Town Code") contains various general provisions related to the enforcement of town ordinances, including the required use of a uniform ordinance summonses and the appointment, powers and duties of town code enforcement officers and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend Chapter 18, Article I, of the Town Code so as to amend the provisions related to the use of uniform ordinances summonses; to amend the provisions related to the designation, powers and limitations of town code enforcement officers; to prohibit the giving of false information and false reports to town code enforcement officers; to prohibit the assaulting or resisting of town code enforcement officers, law enforcement officers and other officials while in the discharge of official duties; and other matters related thereto; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on March 22, 2022; and

WHEREAS, the Mayor and Council believe it is fitting and proper to amend the Town Code to achieve the objectives referenced 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, S.C.:**

SECTION 1. Amending Chapter 2 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 18-1. Municipal-Uniform ordinance summonses.

(a) Authority; jurisdiction. Any person or entity violating any provision of ~~this the Town~~ Code, or any ~~code ordinance~~ adopted pursuant thereto, within the town's corporate limits may be issued a uniform ordinance summonses.

~~(a)~~(b) Jurisdiction. The issuance of a uniform ordinance summons shall vest jurisdiction in the municipal court or a designated magistrate's ~~presiding over the municipal court, as applicable,~~ to hear and dispose of the charge for which the uniform ordinance summons was issued and served.

~~(c)~~ Issuance—bond. ~~The A~~ uniform ordinance summons may be issued by any ~~town law enforcement officer or any other town employee person or official~~ designated by the town council as or appointed as a town code enforcement officers, pursuant to the provisions of Sec. 18-2.

~~(d)~~ Bond. ~~The magistrate shall prescribe the~~ bond amount for violations shall be prescribed by the municipal judge or the magistrate so appointed to perform that function. ~~Town law enforcement or~~ code enforcement officers are prohibited from accepting bonds. Bonds are to be posted in the manner prescribed in the uniform ordinance summons.

~~(b)~~(e) Limitations. ~~The A~~ uniform ordinance summons shall not be used to perform a custodial arrest, to regulate the use of motor vehicles on public highways, or to enforce any other offense or violation for which a uniform traffic ticket must be used, pursuant to S.C. Code 1976 Sec. 5-7-10.

~~(c)~~(f) Exception. ~~This chapter does not apply to any ordinance that regulates the use of motor vehicles on the public roads.~~ Form. The form set forth in Exhibit A to the ordinance from which this section is derived is hereby adopted as the "Town of Seabrook Island's Uniform Ordinance Summons."

Sec. 18-2. Same—Form.

~~The form attached as "Exhibit A" to Ordinance No. 1993-02, as amended from time to time, is hereby codified in this chapter and adopted as the "Town of Seabrook Island's Uniform Ordinance Summons."~~

Sec. 18-32. Town C code enforcement officers designated.

(a) Designation of ex officio code enforcement officers. For purposes of this section, ~~the town's zoning administrator and the town administrator are~~ the town administrator and zoning administrator are hereby designated, ex officio, as town code enforcement officers.

(b) Appointment of additional code enforcement officers. ~~Furthermore, t~~he mayor, with the concurrence of the town council, may appoint and commission such other as many town code enforcement officers as is may be necessary for the proper security, general welfare and convenience of the town. ~~All code enforcement officers shall have the power and authority set forth in S.C. Code 1976, § 5-7-32.~~

(c) Powers and duties. Town code enforcement officers shall be vested with the powers and duties set forth in S.C. Code 1976 Sec. 5-7-32. Town code enforcement officers shall have the authority to exercise their powers on all public and private property within the town.

(d) Limitations. No town code enforcement officer commissioned pursuant to the provisions of this section may perform a custodial arrest.

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Sec. 18-3. Prohibited activities.

(a) False complaints; false information. It is unlawful for any person to knowingly make a false complaint or provide false information to any town code enforcement officer concerning the alleged commission of any offense or violation by another.

(b) Misrepresentation of identity; failure to cooperate. It is unlawful for any person to:

(1) Misrepresent his or her identity to a town code enforcement officer;

(2) Fail to provide necessary information or to otherwise cooperate with a town code enforcement officer in the discharge of his or her official duties; and

(3) Fail to accept a uniform ordinance summons issued by a town code enforcement officer.

(c) Penalties. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Sec. 18-4. Assaulting or resisting code enforcement or law enforcement officer.

No person shall assault, resist, hinder, oppose, molest, or interfere with any town code enforcement officer or employee of the town, of any department or board of the town, or of any law enforcement officer in the discharge of official duties.

Secs. 18-45—18-22. [Reserved]

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 _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

First Reading: February 22, 2022
Public Hearing: March 22, 2022
Second Reading: March 22, 2022

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

Exhibit A

Town of Seabrook Island's Uniform Ordinance Summons



TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2022-03

ADOPTED _____

AN ORDINANCE TO REPEAL ORDINANCE NO. 2021-12 AND TO ADOPT A TEMPORARY MORATORIUM ON THE CONSIDERATION OF ZONING MAP AMENDMENTS (IE. "REZONINGS"), ANNEXATION REQUESTS AND CERTAIN SUBDIVISION APPROVALS FOR A PERIOD EXPIRING UPON THE ADOPTION OF A NEW DEVELOPMENT STANDARDS ORDINANCE (DSO) AND ZONING MAP OR JUNE 30, 2022, WHICH EVER SHALL OCCUR FIRST

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, on October 26, 2021, the Mayor and Council of the Town of Seabrook Island adopted a moratorium by ordinance (Ordinance No. 2021-12) so as to temporarily suspend certain development activities for a period not to exceed one hundred and eighty (180) days; and

WHEREAS, in anticipation that the new DSO and Zoning Map will not be adopted until after April 24, 2022, the Mayor and Council of the Town of Seabrook Island desire to repeal Ordinance No. 2021-12 and to replace it with a new moratorium which will expire upon the adoption of the new DSO and Zoning Map or June 30, 2022, which ever shall occur first; 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. Repealing Ordinance No. 2021-12.

Ordinance No. 2021-12, which was adopted by the Mayor and Council for the Town of Seabrook Island on October 26, 2021, is hereby repealed in its entirety.

SECTION 2. 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 3. 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) Upon adoption by the Mayor and Council of the new DSO and Zoning Map; or
- (2) June 30, 2022.

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

SECTION 4. 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 herein, and no individual or body having review authority shall consider or approve such requests while the moratorium remains in effect.

SECTION 5. Town Action Plan.

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

- (A) 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.
- (B) The Mayor and Council shall consider, amend (if necessary) and adopt the new DSO and Zoning Map by ordinance.

SECTION 6. 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 7. 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 _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

First Reading: February 22, 2022
Public Hearing: March 22, 2022
Second Reading: March 22, 2022

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

SECOND READING VERSION

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2022-03

ADOPTED _____

AN ORDINANCE TO REPEAL ORDINANCE NO. 2021-12 AND TO ADOPT A TEMPORARY MORATORIUM ON THE CONSIDERATION OF ZONING MAP AMENDMENTS (IE. “REZONINGS”), ANNEXATION REQUESTS AND CERTAIN SUBDIVISION APPROVALS FOR A PERIOD EXPIRING UPON THE ~~ADOPTION-EFFECTIVE DATE~~ OF A NEW DEVELOPMENT STANDARDS ORDINANCE (DSO) AND ZONING MAP OR JUNE 30, 2022, WHICH EVER SHALL OCCUR FIRST

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 and in effect 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, on October 26, 2021, the Mayor and Council of the Town of Seabrook Island adopted a moratorium by ordinance (Ordinance No. 2021-12) so as to temporarily suspend certain development activities for a period not to exceed one hundred and eighty (180) days; and

WHEREAS, in anticipation that the new DSO and Zoning Map will not be adopted until after April 24, 2022, the Mayor and Council of the Town of Seabrook Island desire to repeal Ordinance No. 2021-12 and to replace it with a new moratorium which will expire upon the adoption-effective date of an ordinance adopting the new DSO and Zoning Map or June 30, 2022, which ever shall occur first; 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 ~~_____~~; March 22, 2022;

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. Repealing Ordinance No. 2021-12.

Ordinance No. 2021-12, which was adopted by the Mayor and Council for the Town of Seabrook Island on October 26, 2021, is hereby repealed in its entirety.

SECTION 2. 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 3. 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) Upon ~~adoption by the Mayor and Council~~ the effective date of an ordinance adopting the new DSO and Zoning Map; or

(2) June 30, 2022.

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

SECTION 4. 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 herein, and no individual or body having review authority shall consider or approve such requests while the moratorium remains in effect.

SECTION 5. Town Action Plan.

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

(A) 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.

(B) The Mayor and Council shall consider, amend (if necessary) and adopt the new DSO and Zoning Map by ordinance.

SECTION 6. 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 7. 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 _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

First Reading: February 22, 2022
Public Hearing: March 22, 2022
Second Reading: March 22, 2022

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-01

ADOPTED MARCH 22, 2022

**A RESOLUTION TO ADOPT THE TOWN OF SEABROOK ISLAND'S
STRATEGIC PRIORITIES FOR 2022-23**

WHEREAS, the Mayor and Council of the Town of Seabrook Island recognize the value of prioritizing its strategic goals and objectives in order to articulate a shared vision for future actions to be taken by Council, and to ensure the most efficient and effective use of limited public resources; and

WHEREAS, on March 1, 2022, the Mayor and Council of the Town of Seabrook Island held a strategic planning workshop to identify and rank the town's strategic priorities for 2022-23; and

WHEREAS, the Mayor and Council of the Town of Seabrook Island believe it is fitting and proper to formalize the results of this workshop by adopting and publishing its Strategic Priorities for 2022-23;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council for the Town of Seabrook Island hereby adopts the "Strategic Priorities for 2022-23," attached hereto as Exhibit A and incorporated by reference as if set forth fully herein;

BE IT FURTHER RESOLVED, that the items contained within the attached "Strategic Priorities for 2022-23" shall be considered as a guide for future actions which may be undertaken by the Mayor and Council in the furtherance of the town's strategic goals and objectives;

BE IT FURTHER RESOLVED, that the Town Administrator is hereby directed to post the "Strategic Priorities for 2022-23" on the town's website, to otherwise disseminate the Strategic Priorities as he deems appropriate, and to make copies of the same available to the public upon request.

SIGNED AND SEALED this 22nd day of March, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the 22nd day of March, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

EXHIBIT A

TOWN OF SEABROOK ISLAND STRATEGIC PRIORITIES FOR 2022-23

CRITICAL PRIORITIES (“MUST DO”)

- (1) **Seabrook Island Road:** Address drainage, elevation, flooding, and pavement conditions along the town-maintained portion of Seabrook Island Road between Landfall Way and Freshfields; coordinate planned improvements with neighboring property owners such as Bohicket Marina, MUSC, Seafields, SIPOA, and the Seabrook Island Club; address drainage issues along the inbound and outbound pathways adjacent to Seabrook Island Road.

Assigned To: Public Works Committee (Goldstein), Town Administrator

- (2) **Code Enforcement:** Enhance the town’s capacity to monitor and enforce ordinance violations (beach rules, business licensing, permitting, short-term rentals, etc.); expand enforcement capabilities on the beach when members of beach patrol are not present, including early mornings, evenings, and during the off-season; provide a portal or location on the town’s website where individuals may report alleged violations.

Assigned To: Public Safety Committee (Kortvelesy), Environment & Wildlife Committee (Finke), Town Administrator, Zoning Administrator/Chief Code Enforcement Officer

- (3) **Short-Term Rental Policies:** Complete a review of the town’s existing short-term rental policies; determine next steps (if any) regarding the petition to cap short-term rental units within the town; establish a procedure to govern how and when a public referendum may be placed on the ballot, consistent with statutory requirements and existing caselaw.

Assigned To: Short-Term Rental Ad Hoc Committee (Finke/Fox), Town Administrator, Town Attorney

- (4) **Garage:** Provide additional storage for vehicles and equipment at town hall; expand available office and storage space for town personnel; address drainage issues on the property surrounding town hall.

Assigned To: Public Works Committee (Goldstein), Town Administrator

SIGNIFICANT PRIORITIES (“SHOULD DO”)

- (5) **Personnel & Facility Needs Assessment:** Assess current and future staffing needs to address the town council’s priorities efficiently and effectively; determine long-term capital needs for additional office space, facilities, and major equipment purchases; evaluate options for the future expansion or replacement of town hall.

Assigned To: Public Works Committee (Goldstein), Town Administrator

- (6) **Pathway Amenities:** Enhance and upgrade the existing ten-foot shared use pathway along the

town-maintained portion of Seabrook Island Road between Landfall Way and Freshfields; incorporate amenities such as benches, crosswalk signals, lighting, signage, etc.

Assigned To: Public Safety Committee (Kortvelesy), Public Works Committee (Goldstein), Town Administrator

- (7) **Licensing & Permitting Upgrades:** Purchase and implement a new licensing and permitting software system; enable online payments; enable applicants to request and pay for business licenses, permits, and other town services online.

Assigned To: Town Administrator, Town Clerk/Treasurer, Business License Official, Zoning Administrator/Chief Code Enforcement Officer

- (8) **Beach Rules Ordinance:** Review and update the town's beach rules ordinance.

Assigned To: Environment & Wildlife Committee (Finke), Town Administrator

MODERATE PRIORITIES ("COULD DO")

- (9) **Communication Enhancement:** Continue to diversify and enhance the town's communication capabilities; consider distributing public information via regular e-blasts; improve coordination with public safety agencies

Assigned To: Community Promotions & Engagement Committee (Fox), Town Administrator

- (10) **Greenbelt Projects:** Identify and recommend projects for funding from the Charleston County Greenbelt Program.

Assigned To: Environment & Wildlife Committee (Finke), Greenbelt Committee, Town Administrator

- (11) **Building Permitting & Inspection Services:** Consider options for the provision of permitting and inspection services in the town, including: 1) remaining with Charleston County Building Inspection Services; 2) contracting with the Town of Kiawah Island; 3) bringing permitting and inspection services in-house with town personnel; and 4) bringing permitting and inspection services in-house with contracted personnel;

Assigned To: Town Administrator, Zoning Administrator/Chief Code Enforcement Officer

- (12) **Alternate Revenue Sources:** Evaluate and consider the imposition of alternate revenue sources to meet ongoing operational and capital needs, including a local accommodations tax of up to 1% on lodging and a local hospitality tax of up to 2% on the sale of prepared meals and beverages.

Assigned To: Town Administrator, Town Clerk/Treasurer

INDIVIDUAL PRIORITIES ("MAY CONSIDER")

- (13) **Plan Updates:** Develop a schedule and review process for planned updates to the town's Beach

Management Plan and Comprehensive Plan.

***Assigned To:** Mayor Gregg, Environment & Wildlife Committee (Finke), Planning Commission, Town Administrator, Zoning Administrator/Chief Code Enforcement Officer*

- (14) **Marsh, Creek & Wetlands Policy:** Consider adopting a policy to protect salt marshes, tidal creeks, and wetlands within the town (similar to the beachfront management ordinance).

***Assigned To:** Councilwoman Finke, Environment & Wildlife Committee (Finke), Planning Commission, Town Administrator, Zoning Administrator/Chief Code Enforcement Officer*

- (15) **Form of Government:** Evaluate the three forms of South Carolina municipal government and consider changing from the current Mayor-Council form to Council or Council-Manager form.

***Assigned To:** Councilwoman Fox, Town Administrator, Town Attorney*

- (16) **Conservation:** Work with the Seabrook Island Green Space Conservancy to identify and preserve conservation areas.

***Assigned To:** Councilman Kortvelesy, Environment & Wildlife Committee (Finke), Town Administrator*

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-02

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION MAXWELL ALDERMAN AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Maxwell Alderman as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Maxwell Alderman is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Maxwell Alderman is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-03

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION CRAIG BACHMAN AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Craig Bachman as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Craig Bachman is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Craig Bachman is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-04

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION IAN BUTLER AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Ian Butler as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Ian Butler is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Ian Butler is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-05

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION CHARLES CROSS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Charles Cross as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Charles Cross is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Charles Cross is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-06

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION ROBERT EDGERTON AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Robert Edgerton as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Robert Edgerton is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Robert Edgerton is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-07

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION JACOB FREDERICK AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Jacob Frederick as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Jacob Frederick is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Jacob Frederick is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-08

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION DAVIS GLASGOW AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Davis Glasgow as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Davis Glasgow is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Davis Glasgow is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-09

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION ALEXANDER HUSS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Alexander Huss as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Alexander Huss is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Alexander Huss is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-10

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION JACKSON LUCAS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Jackson Lucas as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Jackson Lucas is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Jackson Lucas is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-11

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION ANDREW MAPPUS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Andrew Mappus as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Andrew Mappus is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Andrew Mappus is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-12

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION JOSEPH MASNERI AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Joseph Masneri as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Joseph Masneri is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Joseph Masneri is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-13

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION TRAPIER MARSHALL AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Trapier Marshall as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Trapier Marshall is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Trapier Marshall is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-14

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION BRIAN MILLAR AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Brian Millar as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Brian Millar is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Brian Millar is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-15

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION JASON MUELLER AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Jason Mueller as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Jason Mueller is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Jason Mueller is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-16

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION LINDSAY O'TOOLE AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Lindsay O'Toole as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Lindsay O'Toole is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon her by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Lindsay O'Toole is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-17

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION JACOB PELLER AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Jacob Peller as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Jacob Peller is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Jacob Peller is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-18

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION SHANNON RYCHENER AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Shannon Rychener as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Shannon Rychener is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon her by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Shannon Rychener is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-19

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION MICHAEL SOSNOWSKI AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Michael Sosnowski as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Michael Sosnowski is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Michael Sosnowski is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-20

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION SUSANNAH TRAMMELL AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Susannah Trammell as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Susannah Trammell is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon her by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Susannah Trammell is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-21

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION MALEK VARNER AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Malek Varner as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Malek Varner is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Malek Varner is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-22

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION ALEXANDER WALL AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Alexander Wall as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Alexander Wall is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Alexander Wall is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-23

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION REILLY WALKER AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Reilly Walker as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Reilly Walker is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon her by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Reilly Walker is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-24

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION KELSIE-BLAKE WEEKS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Kelsie-Blake Weeks as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Kelsie-Blake Weeks is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon her by the governing body of this Town, including the enforcement of the Town's beach regulations and restrictions, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until the earlier of 1) March 31, 2023; 2) The termination of the contract between the Town of Seabrook Island and Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island; or 3) at such time as Kelsie-Blake Weeks is no longer employed by Island Beach Services, LLC, d/b/a Barrier Island Ocean Rescue, for the provision of Beach Patrol Services in the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-25

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION GEORGE BEVINS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of George Bevins as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that George Bevins is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until such time as George Bevins is no longer employed by the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-26

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION MICHAEL TIESING AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Michael Tiesing as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Michael Tiesing is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until such time as Michael Tiesing is no longer employed by the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

TOWN OF SEABROOK ISLAND

RESOLUTION NO. 2022-27

ADOPTED _____

A RESOLUTION TO APPOINT AND COMMISSION MICHAEL WILLIAMS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY AND GENERAL WELFARE FOR THE TOWN OF SEABROOK ISLAND

WHEREAS, the Seabrook Island Town Council, in the exercise of its general police power, is empowered to protect the health and safety of residents and visitors of the Town; and

WHEREAS, the Seabrook Island Town Council is further authorized by Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many Code Enforcement Officers as may be necessary for the proper security, general welfare, and convenience of the Town; and

WHEREAS, pursuant to Sec. 18-2 of the Town Code, the Mayor of Seabrook Island has recommended the appointment of Michael Williams as a Code Enforcement Officer of the Town;

NOW, THEREFORE, BE IT RESOLVED that Michael Williams is hereby appointed and commissioned as a Code Enforcement Officer of the Town of Seabrook Island for the purpose of providing for the proper security, general welfare, and convenience of the Town, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this Town, including the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 5-7-32 of the Code of Laws of South Carolina 1976, as amended.

BE IT FURTHER RESOLVED that this appointment shall remain in effect until such time as Michael Williams is no longer employed by the Town of Seabrook Island.

SIGNED AND SEALED this ____ day of _____, 2022, having been duly adopted by the Town Council for the Town of Seabrook Island on the ____ day of _____, 2022.

Signed: _____
John Gregg, Mayor

Witness: _____
Katharine E. Watkins, Town Clerk

Seabrook Island Dolphin Education Program Agreement

THIS AGREEMENT is made and entered into this ___ day of March, ~~2021~~2022 by and between Lowcountry Marine Mammal Network, ("LMMN"), a 501(c)(3) organization focused on protecting marine mammals (dolphins, whales and seals) in South Carolina, with a principal office at 1367 Clearbrook Street, North Charleston, SC 29405, and the Town of Seabrook Island, (the "Town") a South Carolina municipality, with a principal office at 2001 Seabrook Island Road, Seabrook Island, South Carolina.

WHEREAS, "Strand feeding" is a unique hunting behavior in which bottlenose dolphins (*Tursiops truncatus*) work together in small groups to herd fish towards the shore. They then use a powerful wave to push the fish onto the shore and then lunge onto the shore to grab the fish; and

WHEREAS, the Town is one of a few locations in the U.S. that dolphins are known to strand feed; and

WHEREAS, Giving the dolphins their space while strand feeding is important to ensure they are not harassed and this specialized hunting strategy is not disrupted; and

WHEREAS, The Department of Fisheries of the National Oceanic and Atmospheric Administration ("NOAA") has received reports of beach goers trying to interact with (touch, chase, or swim with) or hand feed the dolphins as they strand feed on the beaches of Seabrook Island, South Carolina in apparent violation of the Marine Mammal Protection Act (the "MMPA"); and

WHEREAS, the parties hereto wish to undertake a project called the Seabrook Island Dolphin Education Program, (hereinafter, the "Project") the purpose of which is to reduce disturbance to strand feeding dolphins and minimize violations of the MMPA, as well as better understand the local dolphin population and this feeding strategy. Components of the Project include community outreach on/near the beaches where dolphins are known to strand feed, as well as distribution of outreach materials throughout the Town. Data will be collected to help biologists better understand this unique strand feeding behavior (i.e., frequency, number of dolphins, photo documentation).

NOW THEREFORE in consideration of the foregoing premises and the mutual covenants and conditions contained herein, the parties hereto agree as follows:

1. Expected Project Outcomes; Publication of Findings: The expected results of the Project include a reduction in disturbance by beachgoers to strand feeding dolphins, an increased number of residents and visitors to the Town educated about dolphin conservation, and a better

understanding of dolphin strand feeding behavior, local bottlenose dolphin population, and MMPA violations. The Project will also allow LMMN to monitor the strand feeders to gain more insight into their behavior, and will help it understand if the behavior is increasing or decreasing among animals, identify individual strand feeders through photo-identification and determine if there is seasonality relevance to strand feeding. The information obtained as a result of the Project will allow LMMN to continue to monitor the behavior and understand the risks of human interactions. With this information, LMMN could, subject to the provisions of Section 9 hereof, publish its findings in a peer-reviewed publication and provide information content for the Town's website.

2. Project Team: LMMN will establish a project team consisting of two (2) individuals (hereinafter, the "Project Team") to be assigned to the Project. The Project Team will establish relationships with the Town to better understand the value of this behavior to the community while working together towards the conservation of a rare and unique behavior. A list of all Project Team members and their qualifications are attached hereto as Exhibit A.

3. Project Period: The Project will start once the Principal Investigator (hereinafter, the "PI") is able to recruit and train sufficient volunteers from among Seabrook Island residents. It is anticipated that the project will begin on or around April ~~1~~, ~~2021~~2022 and it will conclude on or around December 31, ~~2021~~2022 (hereinafter, the "Project Period"). LMMN will assign not less than one (1) person (hereinafter "Project Team Members") on the beach during peak times for strand feeding to observe and record dolphin behavior and engage the public about maintaining a safe viewing distance.

4. Goals of the Project: The Project goals will include the following:

- A. Increase awareness of residents of and visitors to the Town about conservation of the bottlenose dolphin population that resides in and around Capt. Sam's Inlet;
- B. Education of both local residents and visitors about dolphin strand feeding behavior. Project Team Members will provide beach goers with information about the unique behavior, laws protecting wild dolphins from illegal feeding and harassment, as well as ways to safely view the behavior and animals without disturbing them; and

- C. The Project will allow LMMN to gain information about habitat use and individual strand feeding dolphins to help understand the broader impact of habitat destruction and its effects on this population of dolphins.
5. Project Undertakings by LMMN: The Project will include the following actions and activities to be undertaken by LMMN during the Project Period:
- A. Project Team Members will identify feeding hotspots to allow the parties hereto to focus conservation efforts on those areas as well as understand the impacts on individual strand feeders if these habitats are lost or if the behavior is abandoned. Information regarding the locations of the feeding hotspots will be provided by LMMN to the Town as promptly as possible.
 - B. Beach observations will be the main focus of the Project. During these observations, Project Team Members and volunteers will collect dolphin behavior data and will have an opportunity to talk with beach goers and answer questions about strand feeding behavior and encourage responsible viewing. Observations will be conducted once weekly by the PI, while interns and volunteers will cover the remainder of the week. Observations will take place for four (4) hours each day during the Project Period. LMMN will seek to obtain volunteers among the Town's residents to conduct observations on the days Project Team Members are not anticipated to be present so the week is covered during the Project Period. LMMN will provide the Town with the name of each Seabrook Island volunteer as promptly as is reasonably practicable.
 - C. Project Team Members will educate local residents and visitors of the Town about dolphin conservation, with the goal of reducing disturbance to strand feeding dolphins. Project Team Members will inform residents and visitors that the Town is very unique because it is one of the few places where dolphins are known to strand feed and the public can easily access the area where strand feeding occurs and view this behavior, and advise beach goers of the factors which threaten these dolphins.
 - D. Project Team Members will request local businesses (e.g., hotels, shops and marinas) to help distribute outreach materials.
 - E. A primary objective of the Project is to educate beach goers about the importance of reducing human interference, both from the beach and water, during strand feeding

for fear that the dolphins will abandon this behavior on the Town's beaches. Project Team Members will be present on the beach each week day during the peak season (June-August) during the Project Period and 4 days per week including peak weekends during other parts of the year, at times in which biologists believe strand feeding is most likely to occur, two hours before to two hours after low tide. Project Team Members will ask beach goers to follow the following viewing guidelines to reduce disturbance to strand feeding dolphins:

- (A) View dolphins from a distance and get a better view using binoculars;
- (B) Give dolphins sufficient space and keep dogs away from the shore where dolphins may be present during periods of strand feeding;
- (C) Avoid loud or sudden movements near the dolphins while they are strand feeding; and
- (D) Avoid feeding or attempting to feed dolphins, as such activities are both harmful and illegal (this includes throwing fish on the shore back to dolphins while they are strand feeding).

In discharging their responsibilities under this Section 5E, Project Team Members will treat beach goers with respect and will respect the beach goers right and ability to enjoy his or her beach experience. Project Team Members will not engage beach goers who express no interest in the education effort.

- F. Project Team Members will collect data that could be used by LMMN to better understand the resident population of dolphins, the number of dolphins in the immediate area, the number of dolphins participating in stand feeding and whether and to what extent MMPA violations occur. Copies of all data and information collected by Team Members will be provided to the Town as promptly as is reasonably practicable.
- G. Project Team Members will take photographs of dorsal fin dolphin which will be used to identify individual dolphin which will then be compared to a long-standing photo-id catalogue housed at NOAA/National Ocean Service. Copies of all photographs taken by Project Team Members will be given to the Town as promptly as is reasonably practicable.

- H. During the Project Period, Project Team Members will set up dolphin conservation educational displays at local events and presentations on the Project will be given to local community groups and water enthusiasts and local community groups.
- I. Project Team Members may install interpretive signs about strand feeding only after receiving prior written permission from the Town.
- J. Project Team Members will wear tee shirts and identification tags approved by the Town at all times when they are on the Town's beaches.

6. Project Undertakings by the Town: The Town shall (A) request access for Project Team Members as required through the Seabrook Island Property Association gate, (B) assist LMMN in obtaining Seabrook Island volunteers to conduct observations and (C) arrange for introductions of Project Team Members to merchants and local community groups.

7. Compensation, Materials, and Travel Expenses; Payment: For the beach observations, data collection and volunteer coordination, as described herein, the Town shall pay to LMMN the amount of six thousand, seven hundred and seventy-two dollars (\$6,772.00) in nine (9) equal monthly installments of seven hundred fifty-two dollars and forty-four cents (\$752.44) each. Such amounts shall be due and payable upon receipt of invoice as of the last day of each month during the Project Period.

In addition, the Town shall reimburse LMMN for its reasonable and necessary travel expenses in an amount not to exceed in the aggregate one thousand nine hundred and forty-four dollars (\$1,944.00). The Town shall reimburse LMMN for such travel expenses upon presentation of invoices therefore, together with appropriately documented receipts for such expenses.

It is anticipated that LMMN will incur additional expenses for site visits, training, island events, tee shirts and educational materials in an amount not to exceed, in the aggregate, one thousand three hundred and ten dollars (\$1,314.00). The Town shall reimburse LMMN for such miscellaneous expenses upon presentation of invoices therefore, together with appropriately documented receipts for such expenses.

8. Cancellation Non-Allocation of Funds: This Agreement shall be subject to cancellation without damages or further obligation when funds are not appropriated or otherwise made available to support continued performance of this Agreement by the Town.

9. Anticipated Project Benefit; Limitation on Public Release of Information: The main anticipated benefit of the Project is the safety of both humans and dolphins on Seabrook Island. However, a collateral benefit to LMMN will be an increase of its understanding of the use of Capt. Sam's Inlet as a preferred location for strand feeding. The information LMMN will obtain from implementation of the Project will allow it to provide scientific data on how the development of Capt. Sam's Inlet could affect the dolphin's behavior. It is a condition precedent of the Town's participation in the Project and shall be an express undertaking by LMMN that any and all information obtained by LMMN, Project Team Members or volunteers, and / or LMMN's conclusions and interpretation of such information and / or recommendations based on such information must be reviewed and approved by the Town in writing prior to any public release or publication thereof or the distribution thereof to any third party including NOAA/NOS. For the avoidance of doubt, any publication or distribution of the information and data collected by LMMN, Project Team Members or volunteers by reason of their participation in the Project or publication of any analysis, study, evaluation, conclusion or recommendation based directly or indirectly on such data must be approved in writing by the Town in advance of such publication.

LMMN shall not issue any press release or other statement for public distribution identifying the Town's participation in the Project without first having obtained the prior written consent of the Town.

10. Release; Waiver; Hold Harmless and Indemnity: In consideration for allowing LMMN to undertake the Project and data collections as described herein, LMMN hereby releases, waives, discharges and covenants not to sue the Town, its elected officials, employees or agents or volunteers (hereinafter referred to as "Releasees") with respect to any and all liability, claims, demands, actions and causes of action whatsoever arising out of or related to any loss, damage, or injury, including death, that may be sustained by it, or any of its employees or agents or any property belong to it, whether caused by the negligence of the Releasees or otherwise, while participating in the Project or while in or on the way to the Town. LMMN shall ensure that each Project Team Member and

volunteer executes and delivers to the Town releases in their individual capacity. LMMN further agrees to indemnify, defend (with counsel reasonably acceptable to the Releasees) and hold harmless the Releasees and each of them from and against any loss, liability, damage or cost, including court costs and attorney's fees, that any or all of them may occur by reason of the Town's participation in the Project.

11. Contract Administration: Any questions or issues arising after the execution of this contract shall be directed to the Town Administrator of the Town.

12. Non-Assignment: Neither this Agreement nor any right or obligation hereunder may be assigned, sublet, or transferred without the prior written consent of the Town.

13. Governing Law: This Agreement and any dispute, claim or controversy relating thereto (other than issues relating to conflict of laws) shall in all respects be interpreted, construed, enforced and governed under the laws of the state of South Carolina. All disputes, claims or controversies relating to the Agreement shall be resolved in the circuit court of Charleston County, South Carolina. LMMN agrees that any act by the Town regarding this Agreement is not a waiver of the Town's immunity under the South Carolina Tort Claims Act or any other applicable laws.

14. Notice. Any notice which may be or is otherwise required to be given under this Agreement shall be given in writing and shall be delivered (i) in person, (ii) by certified mail, postage prepaid return receipt request, (iii) by commercial overnight courier that guarantees next day delivery or (iv) by e-mail, and such notices shall be addressed as follows:

If to LMMN: Lauren Rust
 Executive Director, LMMM
 1367 Clearbrook Street
 North Charleston, SC 29405
 lauren@lowcountrymarinemammalnetwork.org

If to the Town: Joseph M. Cronin, Town Administrator
Town of Seabrook Island
2001 Seabrook Island Road
Seabrook Island, SC 29455
jcronin@townofseabrookisland.org

15. **Collaborations:** It is anticipated and agreed that LMMN will collaborate with the National Oceanic Atmospheric Administration / National Ocean Service (hereinafter “NOAA/NOS”) as they have 30 years’ experience working with dolphin population and a network of volunteers that can provide additional help if needed. Their input into the Project design and dolphin biology will help steer the educational program. NOAA/NOS also holds the Bottlenose Dolphin Charleston Estuarine System Stock photo-id catalogue, which include sightings taken off of the Town’s beaches, and will be instrumental in matching individual dolphins from this study.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day, month and year first above written.

LOWCOUNTRY MARINE MAMMAL NETWORK

TOWN OF SEABROOK ISLAND

By: _____
Lauren Rust, Executive Director

By: _____
John Gregg, Mayor

Attest: _____

Attest: _____

EXHIBIT A

PROJECT TEAM MEMBERS & QUALIFICATIONS

LAUREN RUST: Lauren Rust is the executive director and founder of the Lowcountry Marine Mammal Network, a registered 501(c)3 nonprofit dedicated to increasing the community's knowledge about our local marine mammals and ways to conserve their habitats. Lauren holds a BS in Marine Biology from The College of Charleston and MS in Ecology from the University of Wales in which she focused on dolphin daily behavioral budgets. She has 15 years' experience working with several marine mammal species in a variety of settings including nonprofit and government agencies such as NOAA, NIST and The Marine Mammal Center. She has lived in Charleston for over 12 years and is well connected in the environmental community.

WAYNE MCFEE: Wayne McFee is the PI of the Coastal Marine Mammal Assessment division at the National Ocean Service in Charleston, SC. Mr. McFee has nearly 25 years of experience handling stranding events in South Carolina, and has authored or co-authored nearly 40 manuscripts in peer-reviewed journals related to dolphin life history (diet, pathology, reproduction, age, etc), contaminants, and human interaction. He is a member of numerous government sponsored working groups including the Crab Pot/Dolphin interaction working group, the Mid-Atlantic Unusual Mortality Event Population Dynamics Team, and the Southeast Regional Wildlife Impacts from Marine Debris working group. Mr. McFee received a MS degree in Biology from Northeastern University where he studied mass strandings of pilot whales on Cape Cod.

OPTION 1: Town-Provided Cell Phone & Plan

Position	Equipment	Total 24 Months		Assumptions
		Cell Plan	Total	
Town Administrator	\$381.49	\$1,190.88	\$1,572.37	iPhone 13 (\$381.49) Verizon Unlimited Plan (\$49.62/mo)
Town Clerk/Treasurer	\$381.49	\$1,190.88	\$1,572.37	
Zoning Administrator/Chief Code Officer	\$381.49	\$1,190.88	\$1,572.37	
PT Code Enforcement Officer	\$381.49	\$1,190.88	\$1,572.37	
PT Code Enforcement Officer	\$381.49	\$1,190.88	\$1,572.37	
PT Code Enforcement Officer (Seasonal)	\$381.49	\$595.44	\$976.93	
PT Code Enforcement Officer (Seasonal)	\$381.49	\$595.44	\$976.93	
Buildings & Grounds Manager	\$381.49	\$1,190.88	\$1,572.37	
Total	\$3,051.92	\$8,336.16	\$11,388.08	

OPTION 2: Employee Cell Phone Allowance

Position	Total 24 Months		Assumptions
	Employee Allowance	Total	
Town Administrator	\$1,200.00	\$1,200.00	Monthly Allowance (\$50.00)
Town Clerk/Treasurer	\$1,200.00	\$1,200.00	
Zoning Administrator/Chief Code Officer	\$1,200.00	\$1,200.00	
PT Code Enforcement Officer	\$1,200.00	\$1,200.00	
PT Code Enforcement Officer	\$1,200.00	\$1,200.00	
PT Code Enforcement Officer (Seasonal)	\$600.00	\$600.00	
PT Code Enforcement Officer (Seasonal)	\$600.00	\$600.00	
Buildings & Grounds Manager	\$1,200.00	\$1,200.00	
Total	\$8,400.00	\$8,400.00	