

# TOWN OF SEABROOK ISLAND

## Town Council Meeting

September 26, 2023 – 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](mailto: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. **Approval of Minutes:**
  - Town Council Regular Meeting Minutes – August 22, 2023
  - Town Council Work Session Meeting Minutes – September 12, 2023
3. **Presentations:** *There are no presentations.*
4. **Public Hearing Items:**
  - Ord. 2023-08: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27+/- acres at 2125 Royal Pine Dr, from the Moderate Single Family (R-SF2) District to the Conservation (CP) District.
  - Ord. 2023-09: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-06-00-062, containing approximately 0.27+/- acres at 2156 Royal Pine Dr, from the Moderate Single Family (R-SF2) District to the Conservation (CP) District.
  - Ord. 2023-10: An ordinance relating to the recovery of collection costs as part of delinquent debts collected pursuant to the setoff debt collection act.
5. **Citizens Comments:** *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 3 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.*
6. **Reports of Town Boards, Commissions, and Committees:**
  - **Advisory Committees**
    - Community Promotions and Engagement Committee

- Environment and Wildlife Committee
- Public Safety Committee
- Public Works Committee
- **Special Committees**
- **Ad Hoc Committees**
- **Board of Zoning Appeals**
- **Planning Commission**
- **State Accommodations Tax Advisory Committee**
- **Utility Commission**

**7. Reports Town Officers:**

- **Mayor**
  - Comment Concerning Mayor’s Recommended Budget memorandum
  - Update from meeting with Representatives of SIPOA and Club
  - Update for Charleston Regional Hazard Mitigation Plan
  - Reminder of October meeting of Community Promotions and Engagement Committee
  - Reminder of October meeting of SIPOA Long Range Planning Committee
- **Town Administrator**
  - FY 2024 Budget Update
  - Beach Patrol Update / Off-Peak Leash Rules Effective October 1st
  - Update on Draft Nuisance Ordinance
- **Assistant Town Administrator**
  - Report of Financials for the Month of August 2023
- **Town Attorney**
- **Zoning Administrator**
  - Code Enforcement Summary
- **Communications & Events Manager**

**8. Ordinances for Second Reading:**

- Ord. 2023-10: An ordinance relating to the recovery of collection costs as part of delinquent debts collected pursuant to the Setoff Debt Collection Act

**9. Ordinances for First Reading:**

- Ord. 2023-08: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27+/- acres at 2125 Royal Pine Dr, from the Moderate Single Family (R-SF2) District to the Conservation (CP) District.
- Ord. 2023-09: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for Charleston County Tax Map Number 147-06-00-062, containing approximately 0.27+/- acres at 2156 Royal Pine Dr, from the Moderate Single Family (R-SF2) District to the Conservation (CP) District.
- Ord. 2023-11: An ordinance authorizing the issuance and sale of a not to exceed \$5,500,000 General Obligation Bond, Aeries 2023, or such other appropriate series designation, of the Town of Seabrook Island, South Carolina or one or more notes issued

in anticipation thereof to pay the costs of repairs, replacements and debris removal arising from a major or catastrophic storm event of natural disaster and the cost of issuance of such bond or notes; fixing the form and details of the bond; authorizing the Mayor and Town Administrator, or either of them acting alone, to prescribe certain details relating to the bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto

**10. Other Action Items**

- Res. 2023-29: A resolution to authorize the Municipal Association of South Carolina to act as a claimant agency for the collection of debt on behalf of the Town of Seabrook Island in accordance with the Setoff Debt Collection Act
- Res. 2023-30: A resolution of the Town of Seabrook Island adopting the amended 2023-24 Charleston Regional Hazard Mitigation and Program for Public Information Plan
- An agreement with the Municipal Association of South Carolina to Act as Claimant Agency in accordance with the Setoff Debt Collection Act

**11. Items for Information or Discussion: *There are no Items for Information or Discussion***

**12. Citizen Comments: *Any citizen may speak pertaining to any town matter, except personnel matters. Each speaker shall be limited to 3 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.***

**13. Executive Session:**

- **Discussion of Personnel Matter (S.C. Code Sec. 30-4-70 (a)(1))**  
*Please Note: Town Council may take action on Executive Session Items listed on the agenda when they come back into Public Session.*

**14. Council Comments**

**15. Adjournment**

# TOWN OF SEABROOK ISLAND

Town Council Meeting

August 22, 2023 – 2:30 PM



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

## AGENDA

### 1. Call to Order – Roll Call – Freedom of Information – Pledge of Allegiance

Mayor Gregg called the August 22, 2023, Town Council Regular Meeting to order at 2:30PM. Councilwoman Finke, Councilmen Goldstein and Kortvelesy, Town Administrator Joe Cronin, Zoning Administrator Newman, Communications & Events Manager Robin Ochoa (virtual), and, Administrator Newman, and Assistant Town Administrator Katharine Watkins participated in the meeting. The Assistant Town Administrator confirmed the requirements of the SC Freedom of Information Act have been satisfied.

### 2. Approval of Minutes:

- Town Council Regular Meeting Minutes – July 25, 2023
- Town Council Work Session Meeting Minutes – August 8, 2023
- Town Council Budget Workshop Minutes – August 11, 2023

Councilwoman Finke moved to approve the previous meeting minutes of July 25<sup>th</sup>; Councilman Kortvelesy seconded. All voted in favor.

The previous meeting minutes of July 25<sup>th</sup> were approved.

Councilwoman Finke moved to approve the previous meeting minutes of August 8<sup>th</sup>; Councilman Kortvelesy seconded. All voted in favor.

The previous meeting minutes of August 8<sup>th</sup> were approved.

Councilwoman Finke moved to approve the previous meeting minutes of August 11<sup>th</sup>; Councilman Kortvelesy seconded. All voted in favor.

The previous meeting minutes of August 11<sup>th</sup> were approved.

### 3. Presentations:

None.

### 4. Public Hearing Items:

- Ord. 2023-06: An ordinance annexing Charleston County Tax Map Number 204-00-00-010 containing approximately 17.75 +/- acres at 4484 Betsy Kerrison Parkway.
- Ord. 2023-07: An ordinance adopting a Mixed-Use Concept Plan and Development Conditions for the Andell Mixed Use project.

Mayor Gregg noted that the applicant withdrew their request for annexation and did not open the public hearing.

**5. Citizens Comments:**

Mayor Gregg noted that in lieu of the application being withdrawn, those who have signed up to speak during the public hearing if they wish to speak during the first citizen comments.

Steven Pugh, no address given, inquired about the withdrawal of the request for annexation.

Rich Thomas, Betsy Kerrison Parkway, commented against the withdrawn annexation request.

Mary Jo Manning, no address given, inquired about the status of the rezoning, and commented on the rezoning request made in the withdrawn application.

Ava Kleinman, no address given, commented on the withdrawn annexation request, and inquired about the process for the rezoning request.

Lydia McDonald, no address given, commented against withdrawn annexation request.

**6. Reports of Town Boards, Commissions, and Committees:**

- **Advisory Committees**

- Community Promotions and Engagement Committee

Mayor Gregg summarized the recent Community Promotions and Engagement Committee meeting held on August 17<sup>th</sup>, 2023.

- Environment and Wildlife Committee

Councilwoman Finke noted there was no Environment and Wildlife Committee meeting for August.

- Public Safety Committee

Councilman Kortvelesy summarized the recent Public Safety Committee meeting held on August 15<sup>th</sup>.

Discussions were had with members of the audience.

- Public Works Committee

Councilman Goldstein updated the council on the status of Seabrook Island Road project.

Discussions were had with members of the audience.

- **Special Committees**

None.

- **Ad Hoc Committees**

Councilwoman Finke updated the council on the status of the proposed short-term rental changes.

- **Board of Zoning Appeals**

None.

- **Planning Commission**

None.

- **State Accommodations Tax Advisory Committee**

None.

- **Utility Commission**

Commissioner Smith-Jones summarized the meeting of August 16<sup>th</sup> and the financials and operations for the month of July.

Discussions were had with members of the audience.

## **7. Reports Town Officers:**

- **Mayor**

- Update from Informal Meeting with Representatives of SIPOA and Club

Mayor Gregg updated the council of a meeting had with representatives of the Seabrook Island Property Owners Association (SIPOA) and the Seabrook Island Club (SIC).

- Update for Charleston Regional Hazard Mitigation Planning Committee

Mayor Gregg updated the council on the status of the Charleston Regional Hazard Mitigation Plan.

- **Town Administrator**

- Construction Update for Seafields Senior Living Facility (Kiawah Island)

Town Administrator Cronin updated the council on the status of the Seafields Senior Living Facility on Kiawah Island.

Town Administrator Cronin updated the council on the status of MUSC in relation to potentially relocating the site for their facility.

Discussions were had with members of council and of the audience.

- Update on Andell West Rezoning Request (Charleston County)

Town Administrator Cronin updated the council on the status of Andell West in Charleston County.

Discussions were had with members of the audience.

- **Assistant Town Administrator**

- Report of Financials for the Month of July 2023

Assistant Town Administrator Watkins noted the financials were not submitted and will report on these financials when we have received them.

- **Town Attorney**

None.

- **Zoning Administrator**

- Code Enforcement Summary

Zoning Administrator Newman summarized the code enforcement summary since the previous Council meeting.

- **Communications & Events Manager**

None.

**8. Ordinances for Second Reading:**

None.

**9. Ordinances for First Reading:**

- Ord. 2023-06: An ordinance annexing Charleston County Tax Map Number 204-00-00-010 containing approximately 17.75 +/- acres at 4484 Betsy Kerrison Parkway.
- Ord. 2023-07: An ordinance adopting a Mixed-Use Concept Plan and Development Conditions for the Andell Mixed Use project.

Councilwoman Finke moved to postponed Ord. 2023-06 and 2023-07 indefinitely; Councilman Kortvelesy seconded.

Discussions were had with members of the council and members of the audience.

Town Administrator Cronin stated the following: "If there is another application at any point in the future it will be a new application and will require new ordinances."

Using the original motion, a vote was taken; all voted in favor.

**Ord. 2023-06 and 2023-07 were postponed indefinitely.**

- Ord. 2023-10: An ordinance relating to the recovery of collection costs as part of delinquent debts collected pursuant to the setoff debt collection act.

Councilwoman Finke moved to approve Ord. 2023-10; Councilman Kortvelesy seconded. All voted in favor.

**Ord. 2023-10 passed first reading.**

## **10. Other Action Items**

- Vehicle on Beach Request for the Seabrook Island Natural History Group (SINHG) on Monday September 25<sup>th</sup> and Wednesday October 11<sup>th</sup>

Councilwoman Finke moved to approve the vehicle on the beach request; Councilman Kortvelesy seconded. All voted in favor.

**The request for the Seabrook Island Natural History Group (SINHG) on Monday September 25<sup>th</sup> and Wednesday October 11<sup>th</sup> was approved.**

- Board of Zoning Appeals Appointment: Appointment to the Board of Zoning Appeals for the vacant term ending 2025.

Councilwoman Finke nominated Chuck Cross to the Board of Zoning Appeals; Councilman Goldstein seconded. All voted in favor.

**Chuck Cross was appointed to the Board of Zoning Appeals to fulfill the unexpired term.**

*Correction note: the unexpired term of John Fox expires in December 2025 not December 2024 as stated in the meeting.*

A discussion was had when the applications for the proposed applicants were received, and the Asst. Town Administrator Watkins and Town Administrator clarified the process for volunteers.

## **11. Items for Information or Discussion:**



None.

**12. Citizen Comments:**

Rich Thomas, 4463 Betsy Kerrison Pkwy, commented on items brought up during the meeting related to development in the area.

**13. Council Comments**

None.

**14. Adjournment**

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

The meeting adjourned at 4:23PM.

Date: August 22<sup>nd</sup>, 2023

Prepared by: *Katharine E. Watkins*  
Assistant Town Administrator

*Note: These minutes are not verbatim minutes. To listen to the meeting, please use the following link:*  
<https://www.youtube.com/@townofseabrookisland5287/streams>

# TOWN OF SEABROOK ISLAND

Town Council – Work Session  
September 12, 2023 – 1:00PM



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

## MINUTES

### Call to Order – Roll Call – Freedom of Information

Mayor Gregg called the September 12, 2023, Town Council Work Session to order at 1:00PM. Councilwoman Finke, Councilmen Goldstein and Kortvelesy, Town Administrator Joe Cronin, Zoning Administrator Tyler Newman, and Assistant Town Administrator Katharine Watkins participated in the meeting. The Assistant Town Administrator confirmed that notice of the meeting was posted, and the requirements of the Freedom of Information Act had been met.

#### Mayor John Gregg

- Resignation of Joanne Fagan from the Accommodations Tax Advisory Committee

Mayor Gregg noted that Ms. Fagan resigned from the Accommodations Tax Advisory Committee.

- Charleston County Hazard Mitigation Plan (notice & adoption)

Mayor Gregg updated the council on the status of the Charleston County Hazard Mitigation Plan with relations for the Town of Seabrook Island.

- Report from Seabrook Island Property Owners Association (SIPOA) Long Range Planning Committee meeting of September 12

Mayor Gregg summarized the SIPOA long range planning meeting of September 12.

- Confirmation of SCDHEC approval of Town debris site (SIC Equestrian Center Pasture)

Mayor Gregg updated the council on the confirmation of the SCDHEC approval of the town debris site at the Seabrook Island Club (SIC) Equestrian Center Pasture.

- Notice of planned attendance at SJFD Strategic Planning Meeting September 18

Mayor Gregg noted to the council that he will be attending the SJFD Strategic Planning Meeting on September 18.

Discussions were had with the council.

- Community Promotions and Engagement Committee Meeting on October 19

Mayor Gregg noted the upcoming Community Promotions and Engagement Committee meeting will be held on October 19.

#### **Town Council Members:**

- **Jeri Finke**

Councilwoman Finke noted the Environment and Wildlife Committee will meet on September 14<sup>th</sup>.

- **Barry Goldstein**

Councilman Goldstein noted the plans for the updated Town of Seabrook Island Municipal Complex are available and updated the council on the status of the bid packet to go out for bid.

Councilman Goldstein updated the council on the status of the Seabrook Island Road project.

Discussions were had with the council on these projects.

- **Dan Kortvelesy**

Councilman Kortvelesy noted the upcoming Public Safety Committee meeting will be held on September 19<sup>th</sup> and the upcoming Disaster Recovery Council meeting will be December 5<sup>th</sup>.

Discussions were had with the Council.

#### **Town Administrator Joe Cronin**

- Action Items for September 26, 2023, Meeting

- Ordinances up for Second Reading:

- Ord. 2023-08: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for the Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27 +/- acres located at 2125 Royal Pine Drive, from the Moderate Lot Single Family (R-SF2) District to the Conservation (CP) District.

Town Administrator Cronin summarized Ord. 2023-08.

- Ord. 2023-09: An ordinance amending the zoning map of the Town of Seabrook Island so as to change the zoning designation for the Charleston County Tax Map Number 147-06-00-062, containing approximately 0.317 +/- acres located at 2156 Royal Pine Drive, from the Moderate Lot Single Family (R-SF2) District to the Conservation (CP) District.

Town Administrator Cronin summarized Ord. 2023-09.

- Ord. 2023-10: An ordinance relating to the recovery of collection costs as part of delinquent debts collected pursuant to the setoff debt collection act.

Assistant Town Administrator Watkins summarized Ord. 2023-10.

Discussions were had with the council.

○ Other Action Items:

- Res. 2023-28: A resolution to authorize the Municipal Association of South Carolina to act as a claimant agency for the collection of debt on behalf of the Town of Seabrook Island in accordance with the setoff debt collection act.

Assistant Town Administrator Watkins summarized Res. 2023-28.

- An agreement with the Municipal Association of South Carolina to Act as Claimant Agency in accordance with the Setoff Debt Collection Act.

Assistant Town Administrator Watkins summarized the agreement with the Municipal Association of South Carolina.

● Items for information

- Update regarding temporary fencing on Seabrook Island Road

Town Administrator Cronin updated the council regarding the temporary fencing on Seabrook Island Road.

- Update regarding push-button crosswalk and radar

Town Administrator Cronin updated the council regarding the push-button crosswalk and radar signs along Seabrook Island Road.

- Other Items

Town Administrator Cronin noted the status of the front door replacement at Town Hall and anticipated construction will begin on September 20<sup>th</sup>. Discussions were had with the council.

Town Administrator Cronin updated the council on the status of the proposed nuisance ordinance.

**Assistant Town Administrator Katharine Watkins**

● July 2023 Financials

Assistant Town Administrator Watkins summarized the July Financials as follows:

- Total fund balance ending on July 31, 2023, was \$9,153,643 an amount about \$1,805,947 more than the balance as July 31, 2022.
- Unrestricted revenue for July totaled \$168,001 representing about 90.3% for the 2023 annual budget and being about \$33,765 more than for the same period in 2022.

- Expenditures for July totaled \$126,996 which is 48.1% of the 2023 annual budget. Expenditures for the year were about \$32,472 more compared to the same period of 2022
- Excess revenues over expenditures were \$41,005 for July compared to an excess revenues over expenditures of \$39,712 in the same period of 2022, representing an increase in revenue from this year compared to last.

Discussions were had with members of the council.

- Update regarding notice of non-renewal for MyGov subscription

Assistant Town Administrator Watkins updated the council on the notice of non-renewal for the MyGov subscription.

- Sign up to be on the Agneda Send Out List

Assistant Town Administrator Watkins summarized how residents can be added to the agenda send out list and where to find public notices.

## Adjourn

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

The meeting adjourned at 1:56pm.

Date: September 12, 2023

Prepared by: *Katharine E. Watkins*  
Asst. Town Administrator

*Note: These minutes are not verbatim minutes. To listen to the meeting, please use the following link:*  
<https://www.youtube.com/@townofseabrookisland5287/streams>



# MEMORANDUM

**TO:** Mayor Gregg & Members of Town Council  
**FROM:** Tyler Newman, Zoning Administrator  
**SUBJECT:** Rezoning Request: 2125 Royal Pine Drive  
**MEETING DATE:** September 26, 2023

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Town Council is asked to review and approve a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27 +/- acres located at 2125 Royal Pine Drive. The applicant is seeking to rezone the property from the Moderate Lot Single-Family (R-SF2) District to the Conservation (CP) District.

The property, which is currently vacant, is surrounded on two sides by parcels zoned Moderate Lot Single-Family (R-SF2). The rear of the property backs up to a lagoon, which contributes to its value as a conservation lot.

Subject to rezoning approval, this property is intended to remain as an undeveloped “open space” lot. Uses permitted within the CP district are limited to the following:

- (a) Accessory uses & structures
- (b) Bulkhead and erosion control devices
- (c) Community gardens
- (d) Open space preserves such as wetlands and wildlife habitat refuge areas
- (e) Greenways, boardwalks, and non-motorized trails/pathways
- (f) Open-air recreation uses (CONDITIONAL)
- (g) Utility substation or sub installation (CONDITIONAL)
- (h) Wireless communication antennas or towers (CONDITIONAL)

Pursuant to Development Standards Ordinance §19.3, in considering amendments to the official zoning map, the Planning Commission shall consider each of the seventeen criteria outlined in §19.3.B. Attached to this memo you will find the applicant’s narrative that addresses each of the criteria outlined in §19.3.B.

A copy of the draft rezoning ordinance is also attached for review.

**Staff Recommendation:**

Staff agrees with the applicant’s analysis of §19.3.B and recommends in favor of **APPROVAL** of the rezoning request.

**Planning Commission Recommendation:**

During its meeting on August 9, 2023, the Planning Commission unanimously recommended in favor of **APPROVAL** of Rezoning request.

Respectfully submitted,

Tyler Newman  
Zoning Administrator

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-08**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 149-06-00-016, CONTAINING APPROXIMATELY 0.27 +/- ACRES LOCATED AT 2125 ROYAL PINE DRIVE, FROM THE MODERATE LOT SINGLE-FAMILY (R-SF2) DISTRICT TO THE CONSERVATION (CP) DISTRICT.**

**WHEREAS**, on or about July 25, 2023, the Seabrook Island Property Owners Association filed Rezoning Application #90 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27 +/- acres located at 2125 Royal Pine Drive, from the Moderate Lot Single-Family (R-SF2) district to the Conservation (CP) district; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on August 9, 2023, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

**WHEREAS**, a public hearing was held on the above referenced rezoning application on September 26, 2023, as required by law;

**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. Zoning Map Amendment.** The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 149-06-00-016, containing approximately 0.27 +/- acres located at 2125 Royal Pine Drive, from the Moderate Lot Single-Family (R-SF2) district to Conservation (CP) district. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

**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 \_\_\_\_\_, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2023.

First Reading: September 26, 2023  
Public Hearing: September 26, 2023  
Second Reading: October 24, 2023

TOWN OF SEABROOK ISLAND

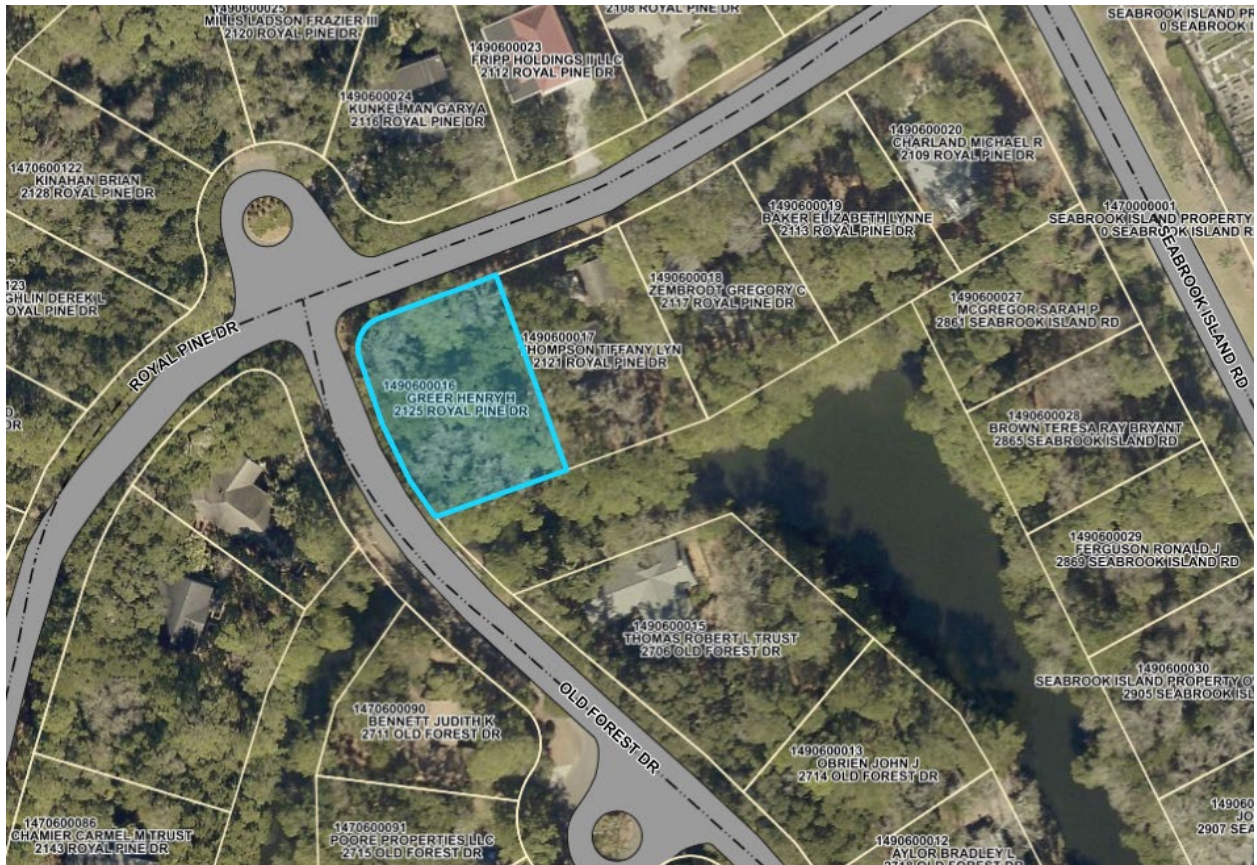
\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Katharine E. Watkins, Town Clerk



## EXHIBIT A



**TMS #:** 149-06-00-016

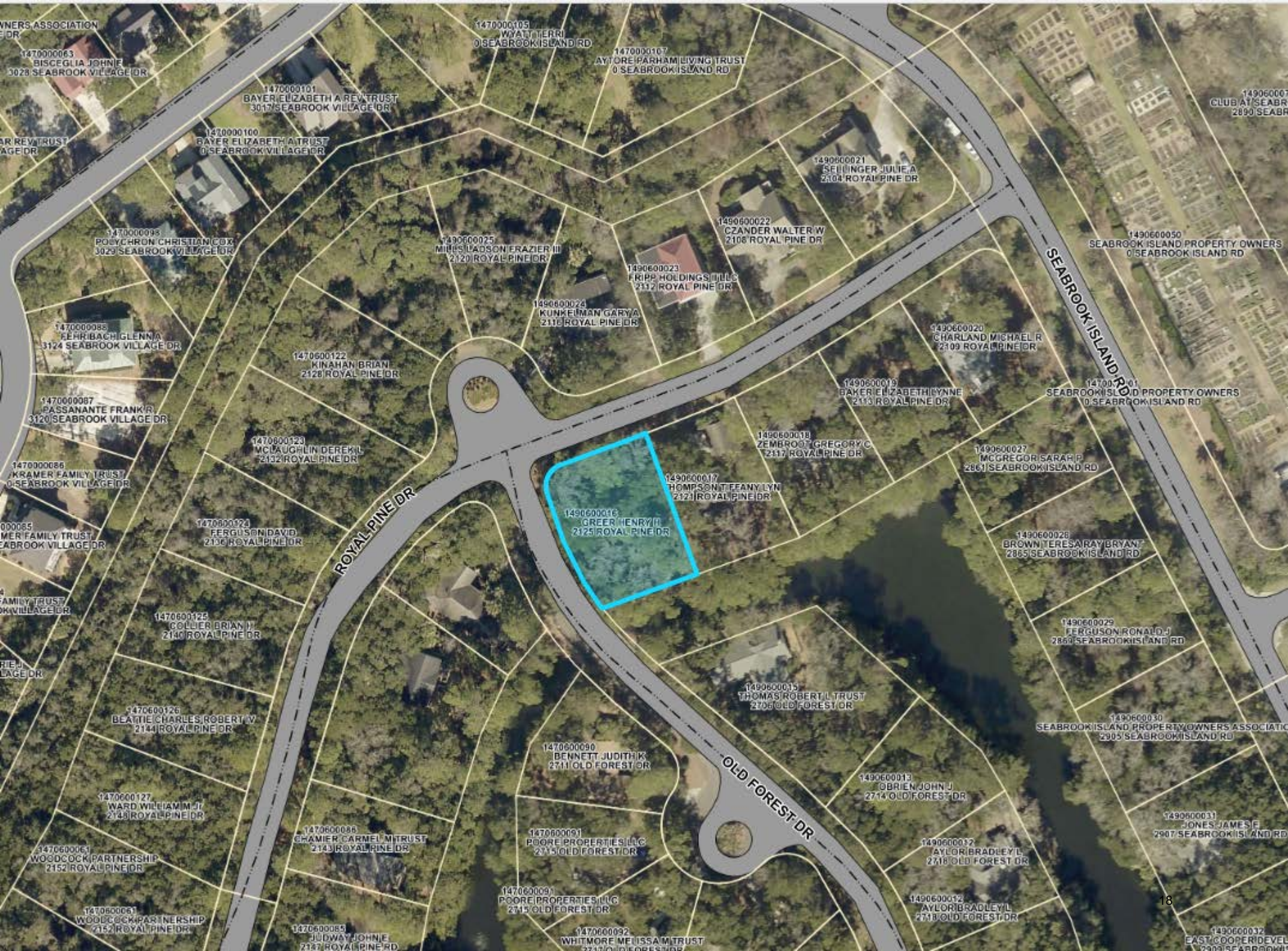
**ADDRESS:** 2125 Royal Pine Drive

**ACREAGE:** 0.27 (+/-)

**CURRENT ZONING:** Moderate Lot Single-Family (R-SF2)

**PROPOSED ZONING:** Conservation (CP)





149060016  
GREER HENRY II  
2125 ROYAL PINE DR

147000063  
BISCEGLIA JOHNIE  
3028 SEABROOK VILLAGE DR

1470000101  
BAYER ELIZABETH A REV TRUST  
3017 SEABROOK VILLAGE DR

1470000105  
WYATT TERRI  
0 SEABROOK ISLAND RD

1470000107  
AYTORE PARHAM LIVING TRUST  
0 SEABROOK ISLAND RD

1490600021  
SELLINGER JULIE A  
2104 ROYAL PINE DR

1490600022  
CZANDER WALTER W  
2108 ROYAL PINE DR

1470000098  
POLYCHRON CHRISTIAN COX  
3029 SEABROOK VILLAGE DR

1490600025  
MILLS MADSON FRAZIER III  
2120 ROYAL PINE DR

1490600023  
FRIPP HOLDINGS III LLC  
2117 ROYAL PINE DR

1490600050  
SEABROOK ISLAND PROPERTY OWNERS  
0 SEABROOK ISLAND RD

1470000088  
FEHRBACH GLENNA  
3124 SEABROOK VILLAGE DR

1490600024  
KUNKELMAN GARYA  
2110 ROYAL PINE DR

1490600020  
CHARLAND MICHAEL R  
2109 ROYAL PINE DR

1470600122  
KINAHAN BRIAN  
2128 ROYAL PINE DR

1490600019  
BAKER ELIZABETH LYNNE  
2133 ROYAL PINE DR

1470000001  
SEABROOK ISLAND PROPERTY OWNERS  
0 SEABROOK ISLAND RD

1470000087  
PASSANANTE FRANK R  
3120 SEABROOK VILLAGE DR

1470600123  
MCLAUGHLIN DEREK L  
2132 ROYAL PINE DR

1490600018  
ZEMBOOT GREGORY C  
2117 ROYAL PINE DR

1490600027  
MCGREGOR SARAH P  
2861 SEABROOK ISLAND RD

1470000086  
KRAMER FAMILY TRUST  
0 SEABROOK VILLAGE DR

1470600121  
FERGUSON DAVID  
2130 ROYAL PINE DR

1490600017  
HOMPSON T FEANY LYN  
2121 ROYAL PINE DR

1490600028  
BROWN TERESA RAY BRYAN  
2865 SEABROOK ISLAND RD

1470000085  
KRAMER FAMILY TRUST  
0 SEABROOK VILLAGE DR

1470600125  
COLLIER BRIAN H  
2140 ROYAL PINE DR

1490600029  
FERGUSON RONALD J  
2860 SEABROOK ISLAND RD

1470000084  
KRAMER FAMILY TRUST  
0 SEABROOK VILLAGE DR

1470600126  
BEATTIE CHARLES ROBERT W  
2144 ROYAL PINE DR

1490600015  
THOMAS ROBERT L TRUST  
2706 OLD FOREST DR

1490600030  
SEABROOK ISLAND PROPERTY OWNERS ASSOCIATION  
2905 SEABROOK ISLAND RD

1470000083  
KRAMER FAMILY TRUST  
0 SEABROOK VILLAGE DR

1470600090  
BENNETT JUDITH K  
2711 OLD FOREST DR

1490600013  
OBRIEN JOHN J  
2714 OLD FOREST DR

1470600127  
WARD WILLIAM JR  
2148 ROYAL PINE DR

1470600088  
GHAMIER CARMEL M TRUST  
2143 ROYAL PINE DR

1470600091  
POORE PROPERTIES LLC  
2715 OLD FOREST DR

1490600012  
AYLOR BRADLEY L  
2718 OLD FOREST DR

1470600061  
WOODCOCK PARTNERSHIP  
2152 ROYAL PINE DR

1470600091  
POORE PROPERTIES LLC  
2715 OLD FOREST DR

1490600012  
AYLOR BRADLEY L  
2718 OLD FOREST DR

1470600061  
WOODCOCK PARTNERSHIP  
2152 ROYAL PINE DR

1470600085  
JUDWAY JOHNIE  
2147 ROYAL PINE DR

1470600092  
WHITMORE MELISSA M TRUST  
2717 OLD FOREST DR





# TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road  
 Seabrook Island, SC 29455  
 (843) 768-9121

## Rezoning Application

*USE THIS FORM FOR: Requests to rezone property within the Town limits of Seabrook Island (Also known as a "Map Amendment")*

1. PROPERTY INFORMATION			
Property Address(es)	2125 Royal Pine Dr.		
Tax Map Number(s)	1490600016	Block #	40
		Lot #	43
Current Zoning	R-SF2	Proposed Zoning	Conservation (CP)
Current Use(s)	vacant lot	Proposed Use(s)	vacant lot
Is this property subject to private restrictions or covenants? (eg. SIPOA and/or Regime)			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this property subject to an OCRM critical line? (eg. Marshfront or Beachfront Lots)			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Lot Area (Acres or Ft <sup>2</sup> )	11967.41	High Ground (Acres or Ft <sup>2</sup> )	11967.41

2. APPLICANT INFORMATION	
Please provide information regarding the individual(s) who is (are) submitting the Rezoning Application.	
Applicant Name(s)	SIPOA
Applicant Address	1202 Landfall Way
Applicant Phone Number	843.768.0061
Applicant Email Address	hpaton@sipoa.org
If the Applicant(s) is (are) not the Property Owner(s), what is the Applicant(s)'s relationship to the Property Owner(s)?	


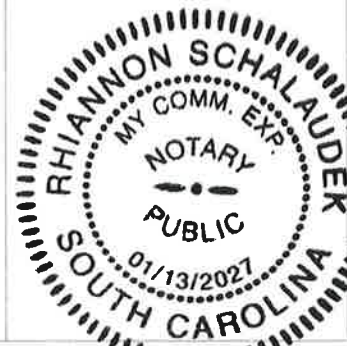
3. PROPERTY OWNER INFORMATION	
Please provide information for all Property Owner(s). The Property Owner name(s) must match those listed on the deed.	
Property Ownership Type	<input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Eleemosynary <input type="checkbox"/> HOA/Regime <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Other
Property Owner Name(s)	SIPOA
Property Owner Address	1202 Landfall Way
Property Owner Phone Number	843.768.0061
Property Owner Email Address	hpaton@sipoa.org

4. OVERVIEW OF REQUEST	
Please provide a brief overview of the rezoning request.	
Parcel donated to SIPOA by SIGSC on July 25, 2023. Change zoning from R-SF2 to CP-Conservation.	

5. CERTIFICATION	
Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge. <b>This form must be signed in the presence of the Zoning Administrator OR signatures must be notarized. (See Section 6)</b>	
Applicant Signature	<i>Seabrook Island</i> Date <b>7/25/2023</b>
Owner Signature(s)	Date
(If different from Applicant)	Date

OFFICE USE ONLY						
Date Received		Case #		Ordinance #		Adopted

**6. ACKNOWLEDGEMENT**

Zoning Administrator Signature	Date
- OR -	
Notary Certification (If not signed in the presence of the Zoning Administrator)	Notary's Official Seal
State of <u>South Carolina</u> ; County of <u>Charleston</u>  One this <u>25</u> day of <u>July</u> 20 <u>23</u> , before me personally appeared the above signers who provided satisfactory evidence of his/her/their identification to be the person whose name(s) is (are) subscribed to this instrument and he/she/they acknowledged that he/she/they have executed the foregoing instrument by his/her/their signature(s) above.  Sworn to (or affirmed) and subscribed before me this <u>25</u> day of <u>July</u> 20 <u>23</u> .   Official Signature of Notary  My commission expires: <u>01/13/2027</u>	

**7. APPLICATION MATERIALS**

Rezoning Applications must be accompanied by the following supplemental materials, as applicable. An application is not considered "complete" until all required documentation has been received by the Zoning Administrator.

**Required for ALL applications:**

- Completed and signed Rezoning Application Form (Paper Required; PDF Optional)**
  - o Please submit one completed paper application.
  - o The application form must be signed by ALL property owners. Properties which are owned by an association, corporation, partnership, trust or similar entity may be signed by an individual with the authority to sign on behalf of the entity. All signatures must be original.
  - o The form must be signed in the presence of the Zoning Administrator or signatures must be notarized.
- Application Fee (See Schedule in Section 7)**
  - o Application fees may be paid by cash, check, or money order (payable to "Town of Seabrook Island"). Credit card payments will be accepted if paid in-person at Seabrook Island Town Hall.
- A narrative that explains the reason(s) for the rezoning request, the existing zoning designation of the property, the current or most recent use, the proposed zoning designation of the property, the intended use of the property upon rezoning, and how the request meets the criteria outlined in DSO Section 19.3.B (Paper or PDF Required)**
- Property survey (Paper or PDF Required)**
- A map or description detailing the existing zoning designation and land uses of all adjacent properties. (Paper or PDF Required)**
- Deed of record (Paper or PDF Required)**
- Traffic impact analysis (if deemed applicable by the Zoning Administrator). (Paper or PDF Required)**
- Any other information deemed relevant by the Zoning Administrator. (Paper or PDF Required)**

**8. FEE SCHEDULE**

Zoning Designation for Annexed Property	Fee Amount
Conservation (CP)	No Charge
All Zoning Designations Except CP and MU	\$250.00
Mixed Use (MU)	\$1,250.00 + \$10.00 Per Acre

**Narrative regarding zone change request and Planning Commission considerations per DSO**

This property is an undeveloped single family residential parcel that was donated to the Seabrook Island Greenspace Conservancy in 2023. The property was subsequently quit-claimed to SIPOA on 07/25/23 with conservation deed restrictions. The future use of the property is as undeveloped property perpetually preserved as Greenspace. This request is to change the zoning designation to conservation.

1. **Whether the proposed rezoning is consistent with the goals, policies, and future land use recommendations of the TOWN's COMPREHENSIVE PLAN;** The request to preserve a parcel as conserved space is consistent with the plan.
2. **Whether the intended use of the property is consistent with the intent and purpose of the district to which the property is proposed to be rezoned;** There are other conserved parcels in the nearby area. (illustration attached).
3. **Whether there are, have been, or are anticipated to be (pursuant to the COMPREHENSIVE PLAN) changing conditions in the surrounding area that would make approval of the proposed rezoning appropriate;** There are no anticipated changes in area conditions.
4. **Whether the range and intensity of uses allowed in the proposed zoning district will be compatible with permitted uses and intensities in the surrounding area;** The proposed use is compatible with the surrounding area. The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
5. **Whether adequate utilities, transportation, drainage, and other public or private infrastructure exist, or can reasonably be made available, to serve the range and intensity of uses allowed in the proposed zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
6. **Whether the range and intensity of uses allowed in the proposed zoning district will exceed the structural capacity of existing soils, and whether the allowable uses can be accommodated within the proposed zoning district without the excessive use of fill;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
7. **Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of stormwater runoff, overburden existing storm drainage infrastructure, or adversely impact surface water quality, when compared to the range and intensity of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
8. **Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of vehicular and pedestrian traffic, or will adversely impact vehicular and pedestrian safety, when compared to the range and intensity of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
9. **Whether the current zoning district prohibits or unreasonably restricts all economically beneficial use of the property, provided the hardship was not self-imposed by action of the property owner,** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.

10. **Whether the proposed rezoning will encourage commercial uses in areas designated for such activities in the COMPREHENSIVE PLAN;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. There is no commercial use anticipated.
11. **Whether the proposed rezoning will encourage the preservation of conservation lands, CRITICAL AREAs, natural resource areas, and OPEN SPACES in areas designated for such activities in the COMPREHENSIVE PLAN;** Yes. The property is being rezoned to conservation and the property will be perpetually preserved as green/open space.
12. **Whether the proposed zoning district will adversely impact the enjoyment of natural and scenic features by neighboring property owners or the public at large by allowing DEVELOPMENT of a certain size, scale, bulk, height, or type that is substantially out of character with the surrounding area;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. No development will be permitted.
13. **Whether the proposed rezoning will threaten the continued presence or integrity of archaeological or historic sites or features;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. The site will remain undisturbed.
14. **Whether the range and intensity of uses allowed in the proposed zoning district will adversely impact air and water quality, natural features, sensitive lands, vegetation, or wildlife habitat, when compared to the range and intensity of uses allowed in the current zoning district;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace and has no adverse impact on air and water quality, natural features, vegetation or wildlife habitat.
15. **Whether the range and intensity of uses allowed in the proposed zoning district will place a disproportionate burden upon, or otherwise exceed the capacity of, existing community facilities, when compared to the range of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace creating no burden on facilities.
16. **Whether future DEVELOPMENT on the property, if rezoned, will be accessible to essential public services, including, but not limited to, police, fire, emergency medical services; and sanitation;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. Public services are not required.
17. Such other factors as may be deemed appropriate by the PLANNING COMMISSION or TOWN

**Assessor's Map is attached.**

All adjacent parcels are single family residential.

#2125

4/0/43



### CERTIFICATION

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN S.C. AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN.

### LEGEND

- RBF = REBAR (FOUND)
- OTF = OPEN TOP PIPE (FOUND)
- CTF = CUMULATIVE TOP PIPE (FOUND)
- CP = CALCULATED POINT
- ET = ELECTRIC TRANSFORMER
- WV = WATER VALVE
- SS = STOP SIGN
- CTV = CABLE TV
- TP = TELEPHONE PEDESTAL

ROYAL PINE DRIVE (50' R/W)

OLD FOREST DRIVE (50' R/W)

LOT 42

LOT 43  
11967.41 Sq. Feet  
0.27 Acres

S 73°13'36" W 60.46'

A=13.15'  
R=923.05'  
D=0°48'59"  
T=6.58'  
N 72°21'52" E  
CH=13.15'

A=31.42'  
R=20.00'  
D=90°00'00"  
T=20.00'  
S 28°08'28" W  
CH=28.28'

N 16°51'28" W 49.42'

A=60.92'  
R=195.75'  
D=1749°55"  
T=30.71'  
S 25°55'16" E  
CH=60.68'

N 73°33'22" E 85.78'

5/8" RBF (WITNESS IRON)  
IS 8.5" EAST OF PROPERTY LINE  
AND 9.24" NORTH OF ACTUAL CORNER  
S 14°22'32" E 9.24" TO ACTUAL CORNER

POND

### NOTES

1. REF.: PLAT BOOK AN, PAGE 76  
DEED BOOK 1178, PAGE 674
2. PROPERTY OWNED BY:  
SEABROOK ISLAND GREEN SPACE CONSERVANCY
3. T.M.S. NO. 149-06-00-016
4. THE ADDRESS IS: 2125 ROYAL PINE DRIVE  
SEABROOK ISLAND, SC 29455
5. LOT AREA = 11,967.41 Sq Ft (0.27 Ac)
6. THE PROPERTY APPEARS TO BE LOCATED  
IN FLOOD ZONE AE-10 AS SHOWN ON  
MAP 45019C 0785 K, DATED JAN.29,2021.
7. SEE REFERENCE PLAT FOR ALL OTHER  
GENERAL NOTES AND ANY SPECIAL NOTES.

### PLAT

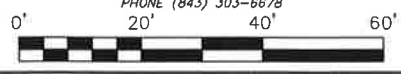
LOT 43  
BLOCK 40

THE TOWN OF SEABROOK ISLAND

DATE: JULY 6, 2023  
SCALE: 1"=20'  
CHARLESTON COUNTY  
SOUTH CAROLINA

JIM COBB L.L.C.  
LAND SURVEYING

420 PRIESTLY ST. CHARLESTON, SC 29412  
PHONE (843) 303-6678



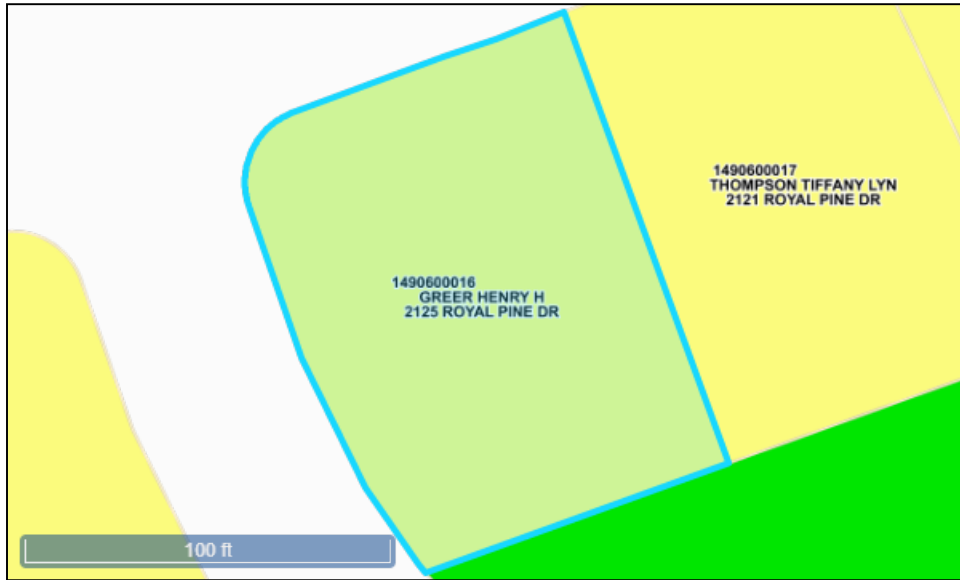
2125 Royal Pine Dr.dwg



# Town of Seabrook Island

## Property Zoning Report

26 Jul 2023



### Parcels

**Parcel ID:** 1490600016  
**Owner:** GREER HENRY H GREER LAUREL K  
**Owner Street Address:** 3630 LOGGERHEAD CT  
**Owner City State ZIP Code:** SEABROOK ISLAND, SC 29455  
**Parcel Street Address:** 2125 ROYAL PINE DR

### Zoning

Count	Zoning Code and Description	Overlapping Quantities
1.	1 R-SF2 - Residential - Single-Family (Medium Lot)	12,532.51sf (0.29acres)







## Exhibit "A"

ALL that certain lot, piece or parcel of land, together with any improvements thereon, situate, lying and being on Seabrook Island, Charleston County, South Carolina, known and designated as Lot 43, Block 40, on a plat by E. M. Seabrook, Jr., C. E. and L.S., dated September 22, 1978, recorded in the RMC Office for Charleston County in Plat Book AN at page 76.

SAID lot having the size, shape, dimensions, buttings and boundings, more or less, as are shown on said plat which is specifically incorporated herein by reference.

Said property shall be held, transferred, sold and conveyed subject to the restriction that, except as may otherwise be provided herein, its use shall be limited to use as a Green Space (as defined herein), with no construction of any kind whatsoever permitted, provided however that removal of dead trees or dead animals is permitted and maintenance and improvements in the Seabrook Island storm water drainage system is authorized. In no event shall said property be used as an area for parking vehicles; domestic animal runs; boat, vehicle, or equipment storage; or any other use inconsistent with preserving the natural environment of said property. This restriction shall run with the property and be binding on all parties having any right, title or interest in said property or any part thereof and their respective heirs, successors, and assigns.

"Green Space" is defined as that gift of land or perpetual conservation easement which cannot be subdivided, sold or otherwise disposed of under conditions which would permit its use for erection of any structure whatsoever. Land and/or a perpetual conservation easement purchased by or donated to Grantor, its predecessor, or its successors, is required to remain in its natural state (i.e. - for the protection of flora, fauna, open spaces, and scenic vistas) and may be used only as agreed to by Grantor and the donor. Either the Grantor or the Grantee may remove dead or dying trees or animals from land and/or conservation easements as part of its management responsibilities.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is located at 2125 Royal Pine Drive, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 149-06-00-016 and was transferred by **Seabrook Island Green Space Conservancy, Inc.** to **Seabrook Island Property Owners Association** on July 25, 2023.
3. Check one of the following: The deed is
  - (a) \_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c) **XX** exempt from the deed recording fee because (See Information section of affidavit): **Exemption No. 1 – CONSIDERATION PAID LESS THAN \$100.00** (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

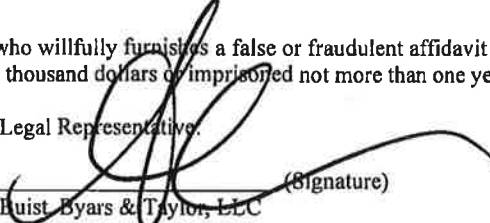
If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_ or No \_\_\_

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit.):
  - (a) \_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_.
  - (b) \_\_\_ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
  - (c) \_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_.
5. Check YES \_\_\_ or NO \_\_\_ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_.
6. The deed recording fee is computed as follows:
  - (a) Place the amount listed in item 4 above here: \_\_\_\_\_ 0.00
  - (b) Place the amount listed in item 5 above here: \_\_\_\_\_
  - (If no amount is listed, place zero here.)
  - (c) Subtract line 6(b) from Line 6(a) and place result here: \_\_\_\_\_ 0.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ \_\_\_\_\_.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Legal Representative:  
  
(Signature)  
Huist Byars & Taylor, LLC

Sworn to before me this 25<sup>th</sup>  
day of July, 2023.

Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_  


JULIA PHIPPS  
Notary Public-State of South Carolina  
My Commission Expires  
October 08, 2030



# MEMORANDUM

**TO:** Mayor Gregg & Members of Town Council  
**FROM:** Tyler Newman, Zoning Administrator  
**SUBJECT:** Rezoning Request: 2156 Royal Pine Drive  
**MEETING DATE:** September 26, 2023

---

Town Council is asked to review and approve a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 147-06-00-062, containing approximately 0.317 +/- acres located at 2156 Royal Pine Drive. The applicant is seeking to rezone the property from the Moderate Lot Single-Family (R-SF2) District to the Conservation (CP) District.

The property, which is currently vacant, is surrounded on two sides by parcels zoned Moderate Lot Single-Family (R-SF2). The rear of the property backs up to parceled out open space, which contributes to its value as a conservation lot.

Subject to rezoning approval, this property is intended to remain as an undeveloped “open space” lot. Uses permitted within the CP district are limited to the following:

- (a) Accessory uses & structures
- (b) Bulkhead and erosion control devices
- (c) Community gardens
- (d) Open space preserves such as wetlands and wildlife habitat refuge areas
- (e) Greenways, boardwalks, and non-motorized trails/pathways
- (f) Open-air recreation uses (CONDITIONAL)
- (g) Utility substation or sub installation (CONDITIONAL)
- (h) Wireless communication antennas or towers (CONDITIONAL)

Pursuant to Development Standards Ordinance §19.3, in considering amendments to the official zoning map, the Planning Commission shall consider each of the seventeen criteria outlined in §19.3.B. Attached to this memo you will find the applicant’s narrative that addresses each of the criteria outlined in §19.3.B.

A copy of the draft rezoning ordinance is also attached for review.

**Staff Recommendation:**

Staff agrees with the applicant’s analysis of §19.3.B and recommends in favor of **APPROVAL** of the rezoning request.

**Planning Commission Recommendation:**

During its meeting on August 9, 2023, the Planning Commission unanimously recommended in favor of **APPROVAL** of Rezoning request.

Respectfully submitted,

Tyler Newman  
Zoning Administrator

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-09**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF SEABROOK ISLAND SO AS TO CHANGE THE ZONING DESIGNATION FOR CHARLESTON COUNTY TAX MAP NUMBER 147-06-00-062, CONTAINING APPROXIMATELY 0.317 +/- ACRES LOCATED AT 2156 ROYAL PINE DRIVE, FROM THE MODERATE LOT SINGLE-FAMILY (R-SF2) DISTRICT TO THE CONSERVATION (CP) DISTRICT.**

**WHEREAS**, on or about July 25, 2023, the Seabrook Island Property Owners Association filed Rezoning Application #91 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-06-00-062, containing approximately 0.317 +/- acres located at 2156 Royal Pine Drive, from the Moderate Lot Single-Family (R-SF2) district to the Conservation (CP) district; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on August 9, 2023, at which time the Planning Commission made a recommendation to the Mayor and Council that the rezoning request is in the best interest of the Town of Seabrook Island and is consistent with the Town's Comprehensive Plan; and

**WHEREAS**, a public hearing was held on the above referenced rezoning application on September 26, 2023, as required by law;

**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. Zoning Map Amendment.** The Official Zoning District Map of the Town of Seabrook Island is hereby amended to change the zoning designation for Charleston County Tax Map Number 147-06-00-062, containing approximately 0.317 +/- acres located at 2156 Royal Pine Drive, from the Moderate Lot Single-Family (R-SF2) district to Conservation (CP) district. A map of the property subject to this rezoning ordinance is attached hereto as Exhibit A.

**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 \_\_\_\_\_, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2023.

First Reading: September 26, 2023  
Public Hearing: September 26, 2023  
Second Reading: October 24, 2023

TOWN OF SEABROOK ISLAND

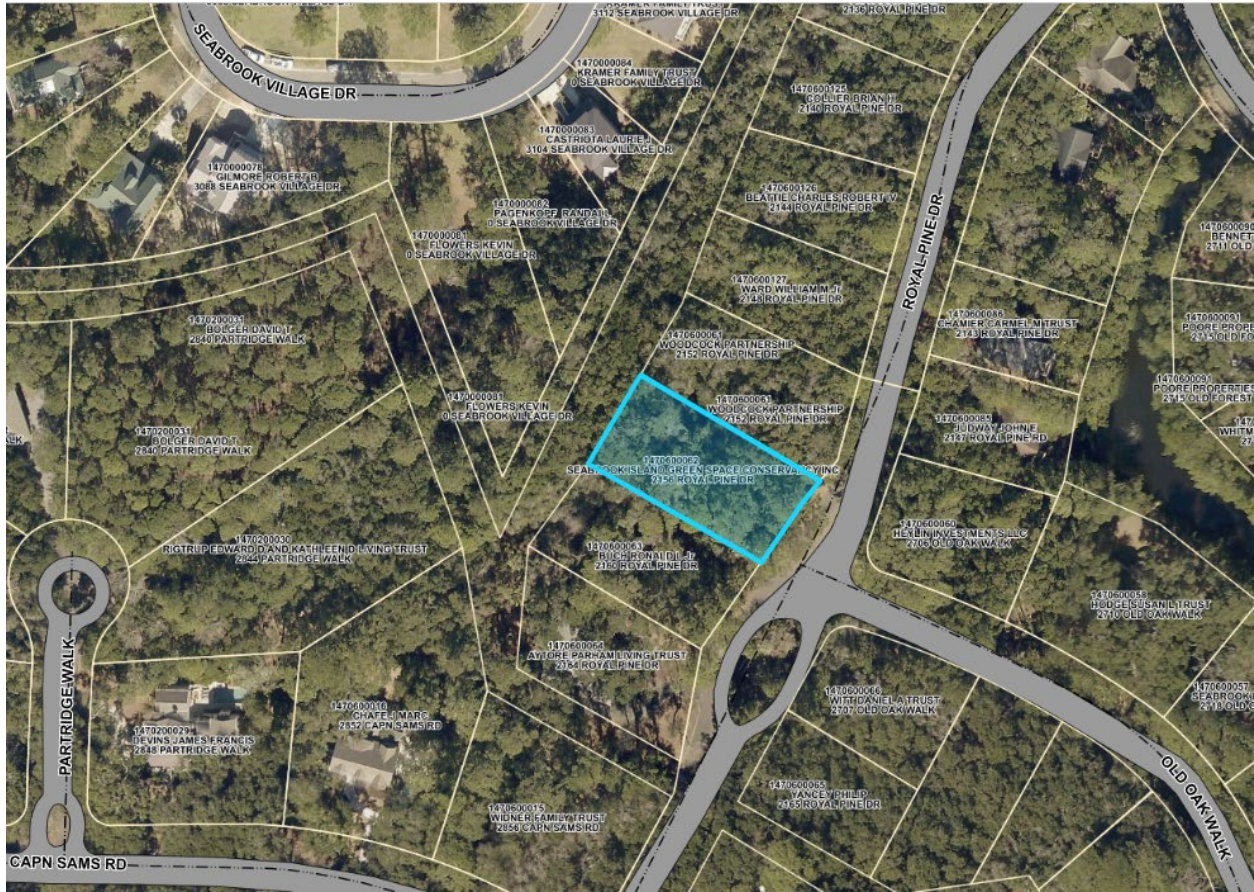
\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Katharine E. Watkins, Town Clerk



# EXHIBIT A



**TMS #:** 147-06-00-062

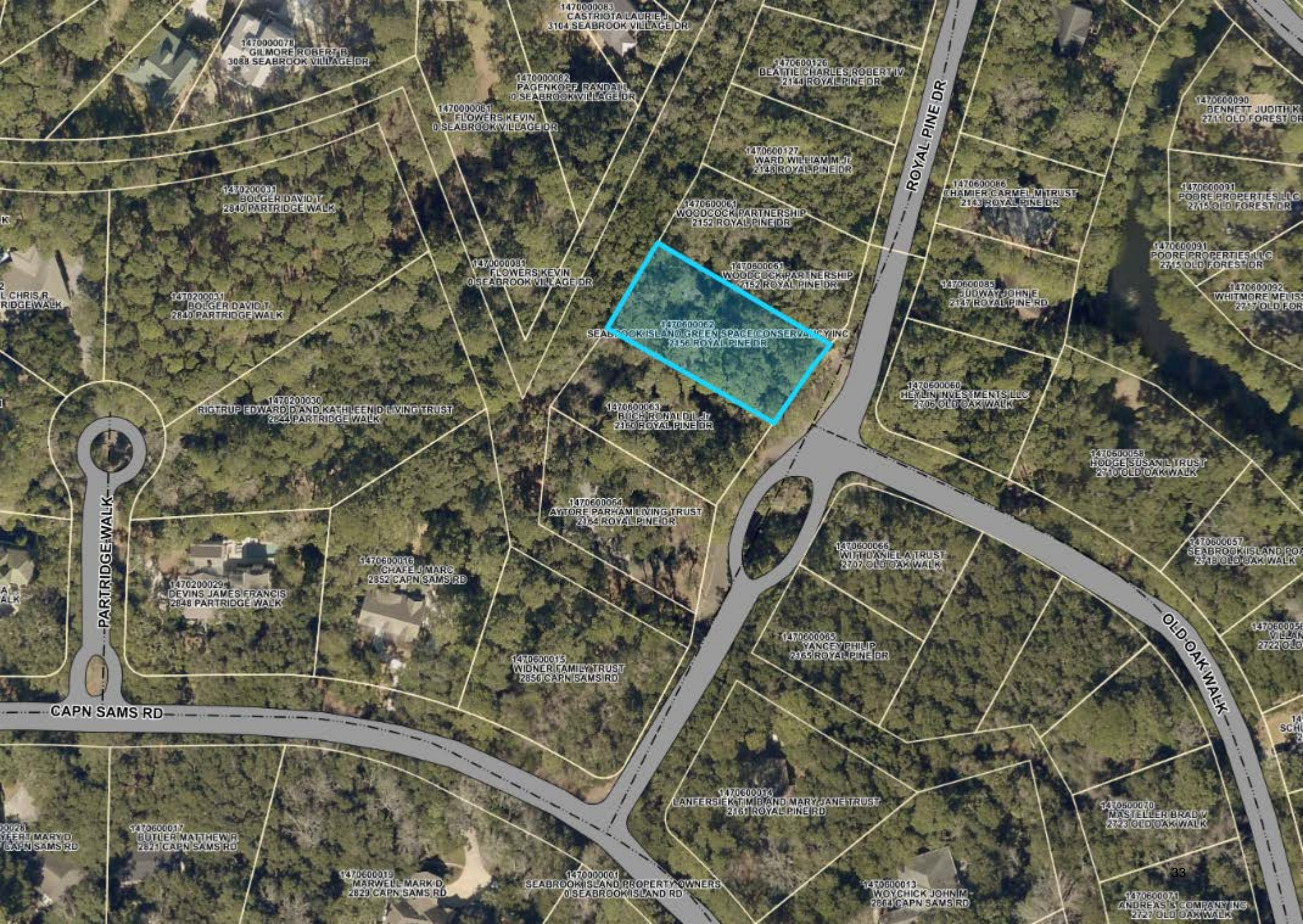
**ADDRESS:** 2156 Royal Pine Drive

**ACREAGE:** 0.317 (+/-)

**CURRENT ZONING:** Moderate Lot Single-Family (R-SF2)

**PROPOSED ZONING:** Conservation (CP)





147000083  
CASTRIGTA LAUREN J  
3104 SEABROOK VILLAGE DR

147000078  
GILMORE ROBERT B  
3088 SEABROOK VILLAGE DR

147000082  
PAGENKOFF RANDALL  
0 SEABROOK VILLAGE DR

1470600126  
BEATTIE CHARLES ROBERT IV  
2144 ROYAL PINE DR

147000081  
FLOWERS KEVIN  
0 SEABROOK VILLAGE DR

1470600127  
WARD WILLIAM JR  
2148 ROYAL PINE DR

1470600090  
BENNETT JUDITH K  
2741 OLD FOREST DR

1470200031  
BOELGER DAVID T  
2840 PARTRIDGE WALK

1470600061  
WOODCOCK PARTNERSHIP  
2152 ROYAL PINE DR

1470600086  
CHAMIER CARMEL M TRUST  
2143 ROYAL PINE DR

1470600091  
POORE PROPERTIES LLC  
2716 OLD FOREST DR

1470200031  
BOELGER DAVID T  
2840 PARTRIDGE WALK

147000081  
FLOWERS KEVIN  
0 SEABROOK VILLAGE DR

1470600061  
WOODCOCK PARTNERSHIP  
2152 ROYAL PINE DR

1470600085  
DUNAWAY JOHN E  
2147 ROYAL PINE DR

1470600091  
POORE PROPERTIES LLC  
2716 OLD FOREST DR

1470600092  
WHITMORE MELISSA  
2717 OLD FOREST DR

1470200030  
RIGTRUP EDWARD D AND KATHLEEN D LIVING TRUST  
2844 PARTRIDGE WALK

1470600063  
RUCH RONALD JR  
2160 ROYAL PINE DR

1470600060  
HEYLIN INVESTMENTS LLC  
2705 OLD OAK WALK

1470600058  
HODGE SUSAN L TRUST  
2710 OLD OAK WALK

1470600064  
AYTONE PARHAM LIVING TRUST  
2164 ROYAL PINE DR

1470600066  
WITT DANIEL A TRUST  
2707 OLD OAK WALK

1470600057  
SEABROOK ISLAND ROAD  
2719 OLD OAK WALK

1470200029  
DEVINS JAMES FRANCIS  
2848 PARTRIDGE WALK

1470600018  
CHAPE J MARC  
2852 CAPN SAMS RD

1470600056  
VILLAN  
2722 OLD OAK WALK

1470600015  
WIDNER FAMILY TRUST  
2850 CAPN SAMS RD

1470600085  
YANCEY PHILIP  
2165 ROYAL PINE DR

CAPN SAMS RD

OLD OAK WALK

1470600017  
VEERT MARY D  
2851 CAPN SAMS RD

1470600017  
BUTLER MATTHEW R  
2821 CAPN SAMS RD

1470600016  
LANFERSIEK TIM D AND MARY JANE TRUST  
2161 ROYAL PINE DR

1470600070  
MAYTELLER BRAD V  
2723 OLD OAK WALK

1470600019  
MARWELL MARK D  
2829 CAPN SAMS RD

1470000001  
SEABROOK ISLAND PROPERTY OWNERS  
0 SEABROOK ISLAND DR

1470600013  
WOYCHICK JOHN M  
2664 CAPN SAMS RD

1470600071  
ANDREAS COMPANY INC  
2727 OLD OAK WALK





# TOWN OF SEABROOK ISLAND

2001 Seabrook Island Road  
 Seabrook Island, SC 29455  
 (843) 768-9121

## Rezoning Application

*USE THIS FORM FOR: Requests to rezone property within the Town limits of Seabrook Island (Also known as a "Map Amendment")*

1. PROPERTY INFORMATION			
Property Address(es)	2156 Royal Pine Dr.		
Tax Map Number(s)	1470600062	Block #	44
		Lot #	03
Current Zoning	R-SF2	Proposed Zoning	Conservation (CP)
Current Use(s)	vacant lot	Proposed Use(s)	vacant lot
Is this property subject to private restrictions or covenants? (eg. SIPOA and/or Regime)			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is this property subject to an OCRM critical line? (eg. Marshfront or Beachfront Lots)			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Total Lot Area (Acres or Ft <sup>2</sup> )	.317 acres 13,805 sq.ft.	High Ground (Acres or Ft <sup>2</sup> )	.317 acres 13,805 sq.ft.s

2. APPLICANT INFORMATION	
Please provide information regarding the individual(s) who is (are) submitting the Rezoning Application.	
Applicant Name(s)	SIPOA
Applicant Address	1202 Landfall Way
Applicant Phone Number	843.768.0061
Applicant Email Address	hpaton@sipoa.org
If the Applicant(s) is (are) not the Property Owner(s), what is the Applicant(s)'s relationship to the Property Owner(s)?	


3. PROPERTY OWNER INFORMATION	
Please provide information for all Property Owner(s). The Property Owner name(s) must match those listed on the deed.	
Property Ownership Type	<input type="checkbox"/> Individual(s) <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Eleemosynary <input type="checkbox"/> HOA/Regime <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> Other
Property Owner Name(s)	SIPOA
Property Owner Address	1202 Landfall Way
Property Owner Phone Number	843.768.0061
Property Owner Email Address	hpaton@sipoa.org

4. OVERVIEW OF REQUEST	
Please provide a brief overview of the rezoning request.	
Parcel donated to SIPOA by SIGSC on June 26, 2023. Change zoning from R-SF2 to CP-Conservation.	

5. CERTIFICATION	
Under penalty of perjury, I (we) hereby certify that the information contained in this application, including all supplemental materials, is true and accurate to the best of my (our) knowledge. <b>This form must be signed in the presence of the Zoning Administrator OR signatures must be notarized. (See Section 6)</b>	
Applicant Signature	<i>[Signature]</i> Date <i>7/25/2023</i>
Owner Signature(s) (If different from Applicant)	Date
	Date

OFFICE USE ONLY						
Date Received		Case #		Ordinance #		Adopted

**6. ACKNOWLEDGEMENT**

Zoning Administrator Signature	Date
- OR -	
Notary Certification <i>(If not signed in the presence of the Zoning Administrator)</i>	Notary's Official Seal
State of <u>South Carolina</u> ; County of <u>Charleston</u>  One this <u>25</u> day of <u>July</u> 20 <u>23</u> , before me personally appeared the above signers who provided satisfactory evidence of his/her/their identification to be the person whose name(s) is (are) subscribed to this instrument and he/she/they acknowledged that he/she/they have executed the foregoing instrument by his/her/their signature(s) above.  Sworn to (or affirmed) and subscribed before me this <u>25</u> day of <u>July</u> 20 <u>23</u> .   Official Signature of Notary  My commission expires: <u>01/13/2027</u>	



**7. APPLICATION MATERIALS**

Rezoning Applications must be accompanied by the following supplemental materials, as applicable. An application is not considered "complete" until all required documentation has been received by the Zoning Administrator.

**Required for ALL applications:**

- Completed and signed Rezoning Application Form *(Paper Required; PDF Optional)***
  - Please submit one completed paper application.
  - The application form must be signed by ALL property owners. Properties which are owned by an association, corporation, partnership, trust or similar entity may be signed by an individual with the authority to sign on behalf of the entity. All signatures must be original.
  - The form must be signed in the presence of the Zoning Administrator or signatures must be notarized.
- Application Fee (See Schedule in Section 7)**
  - Application fees may be paid by cash, check, or money order (payable to "Town of Seabrook Island"). Credit card payments will be accepted if paid in-person at Seabrook Island Town Hall.
- A narrative that explains the reason(s) for the rezoning request, the existing zoning designation of the property, the current or most recent use, the proposed zoning designation of the property, the intended use of the property upon rezoning, and how the request meets the criteria outlined in DSO Section 19.3.B *(Paper or PDF Required)***
- Property survey *(Paper or PDF Required)***
- A map or description detailing the existing zoning designation and land uses of all adjacent properties. *(Paper or PDF Required)***
- Deed of record *(Paper or PDF Required)***
- Traffic impact analysis (if deemed applicable by the Zoning Administrator). *(Paper or PDF Required)***
- Any other information deemed relevant by the Zoning Administrator. *(Paper or PDF Required)***

**8. FEE SCHEDULE**

Zoning Designation for Annexed Property	Fee Amount
Conservation (CP)	No Charge
All Zoning Designations Except CP and MU	\$250.00
Mixed Use (MU)	\$1,250.00 + \$10.00 Per Acre

**Narrative regarding zone change request and Planning Commission considerations per DSO**

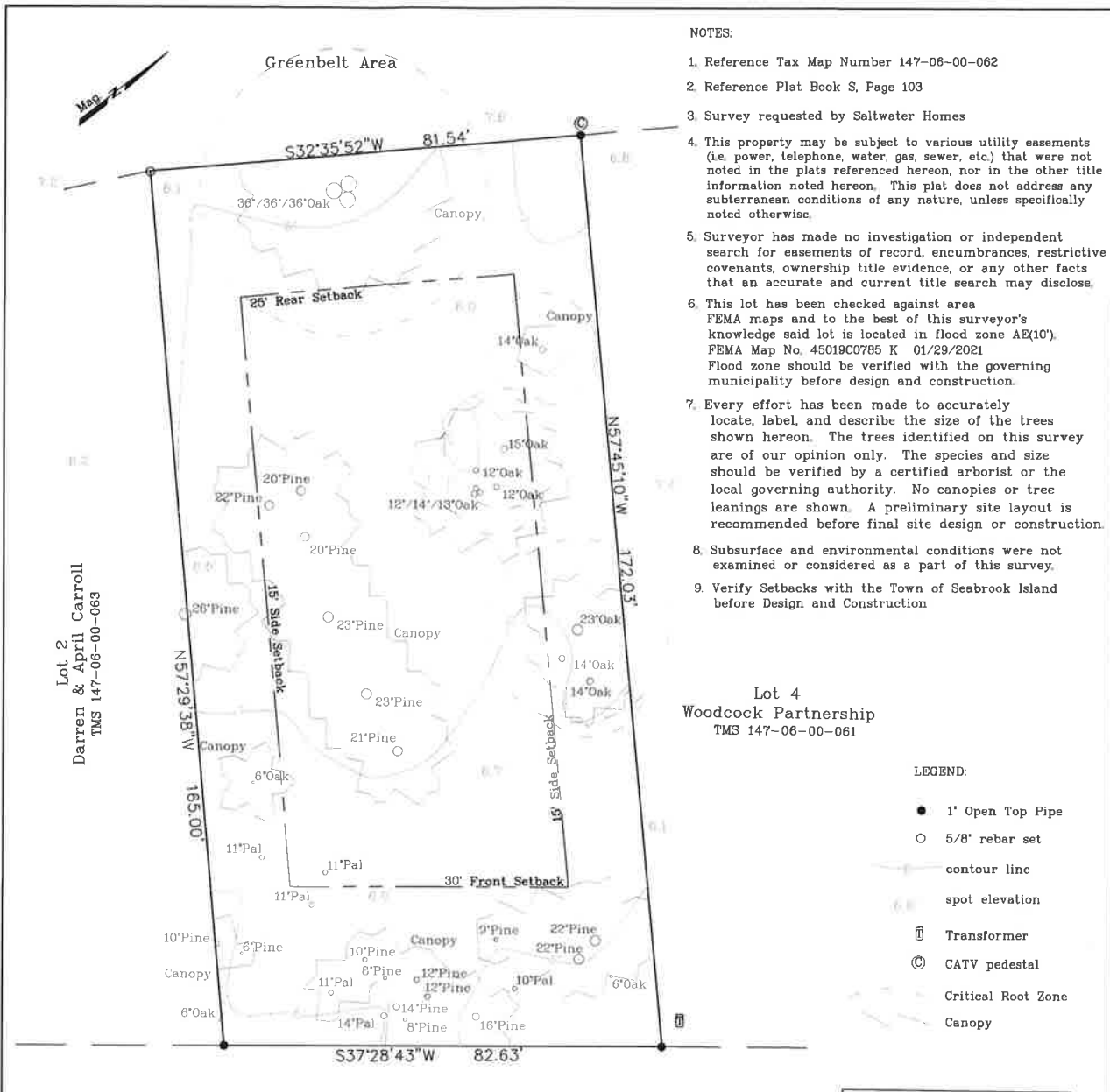
This property is an undeveloped single family residential parcel that was donated to the Seabrook Island Greenspace Conservancy in 2023. The property was subsequently quit-claimed to SIPOA on 06/26/23 with conservation deed restrictions. The future use of the property is as undeveloped property perpetually preserved as Greenspace. This request is to change the zoning designation to conservation.

1. **Whether the proposed rezoning is consistent with the goals, policies, and future land use recommendations of the TOWN's COMPREHENSIVE PLAN;** The request to preserve a parcel as conserved space is consistent with the plan.
2. **Whether the intended use of the property is consistent with the intent and purpose of the district to which the property is proposed to be rezoned;** There are other conserved parcels in the nearby area. (illustration attached).
3. **Whether there are, have been, or are anticipated to be (pursuant to the COMPREHENSIVE PLAN) changing conditions in the surrounding area that would make approval of the proposed rezoning appropriate;** There are no anticipated changes in area conditions.
4. **Whether the range and intensity of uses allowed in the proposed zoning district will be compatible with permitted uses and intensities in the surrounding area;** The proposed use is compatible with the surrounding area. The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
5. **Whether adequate utilities, transportation, drainage, and other public or private infrastructure exist, or can reasonably be made available, to serve the range and intensity of uses allowed in the proposed zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
6. **Whether the range and intensity of uses allowed in the proposed zoning district will exceed the structural capacity of existing soils, and whether the allowable uses can be accommodated within the proposed zoning district without the excessive use of fill;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
7. **Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of stormwater runoff, overburden existing storm drainage infrastructure, or adversely impact surface water quality, when compared to the range and intensity of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
8. **Whether the range and intensity of uses allowed in the proposed zoning district will substantially increase the volume of vehicular and pedestrian traffic, or will adversely impact vehicular and pedestrian safety, when compared to the range and intensity of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.
9. **Whether the current zoning district prohibits or unreasonably restricts all economically beneficial use of the property, provided the hardship was not self-imposed by action of the property owner,** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace.

10. **Whether the proposed rezoning will encourage commercial uses in areas designated for such activities in the COMPREHENSIVE PLAN;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. There is no commercial use anticipated.
11. **Whether the proposed rezoning will encourage the preservation of conservation lands, CRITICAL AREAs, natural resource areas, and OPEN SPACES in areas designated for such activities in the COMPREHENSIVE PLAN;** Yes. The property is being rezoned to conservation and the property will be perpetually preserved as green/open space.
12. **Whether the proposed zoning district will adversely impact the enjoyment of natural and scenic features by neighboring property owners or the public at large by allowing DEVELOPMENT of a certain size, scale, bulk, height, or type that is substantially out of character with the surrounding area;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. No development will be permitted.
13. **Whether the proposed rezoning will threaten the continued presence or integrity of archaeological or historic sites or features;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. The site will remain undisturbed.
14. **Whether the range and intensity of uses allowed in the proposed zoning district will adversely impact air and water quality, natural features, sensitive lands, vegetation, or wildlife habitat, when compared to the range and intensity of uses allowed in the current zoning district;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace and has no adverse impact on air and water quality, natural features, vegetation or wildlife habitat.
15. **Whether the range and intensity of uses allowed in the proposed zoning district will place a disproportionate burden upon, or otherwise exceed the capacity of, existing community facilities, when compared to the range of uses allowed in the current zoning district;** NA The property is being rezoned to conservation and the property will be perpetually preserved as greenspace creating no burden on facilities.
16. **Whether future DEVELOPMENT on the property, if rezoned, will be accessible to essential public services, including, but not limited to, police, fire, emergency medical services; and sanitation;** The property is being rezoned to conservation and the property will be perpetually preserved as greenspace. Public services are not required.
17. Such other factors as may be deemed appropriate by the PLANNING COMMISSION or TOWN

**Assessor's Map is attached.**

All adjacent parcels are single family residential.



NOTES:

1. Reference Tax Map Number 147-06-00-062
2. Reference Plat Book S, Page 103
3. Survey requested by Saltwater Homes
4. This property may be subject to various utility easements (i.e. power, telephone, water, gas, sewer, etc.) that were not noted in the plats referenced hereon, nor in the other title information noted hereon. This plat does not address any subterranean conditions of any nature, unless specifically noted otherwise.
5. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
6. This lot has been checked against area FEMA maps and to the best of this surveyor's knowledge said lot is located in flood zone AE(10). FEMA Map No. 45019C0785 K 01/29/2021 Flood zone should be verified with the governing municipality before design and construction.
7. Every effort has been made to accurately locate, label, and describe the size of the trees shown hereon. The trees identified on this survey are of our opinion only. The species and size should be verified by a certified arborist or the local governing authority. No canopies or tree leanings are shown. A preliminary site layout is recommended before final site design or construction.
8. Subsurface and environmental conditions were not examined or considered as a part of this survey.
9. Verify Setbacks with the Town of Seabrook Island before Design and Construction

Lot 4  
Woodcock Partnership  
TMS 147-06-00-061

LEGEND:

- 1' Open Top Pipe
- 5/8" rebar set
- contour line
- spot elevation
- ⊞ Transformer
- ⊙ CATV pedestal
- ▭ Critical Root Zone
- Canopy

Project Elevation Datum  
NAVD 1988

Royal Pine Drive (R/W Varies)

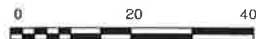
Lot Total Area  
13,805 Square Feet  
0.317 Acres

Intersection of  
Old Oak Walk

● Temporary Benchmark  
Large Magnetic Nail  
Elev.=5.7'

Tree and Topographic Survey  
Lot 3, Block 44  
2156 Royal Pine Drive  
Located  
Town of Seabrook Island  
Charleston County, South Carolina

FIELD DATE: January 12, 2021 SCALE 1"= 20'  
DRAWING DATE: February 8, 2021



I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown



2551 ASHLEY RIVER ROAD  
CHARLESTON, SC 29414  
PHONE(843)571-5191  
FAX(843)571-7447  
PalmettoLandSurveying@gmail.com

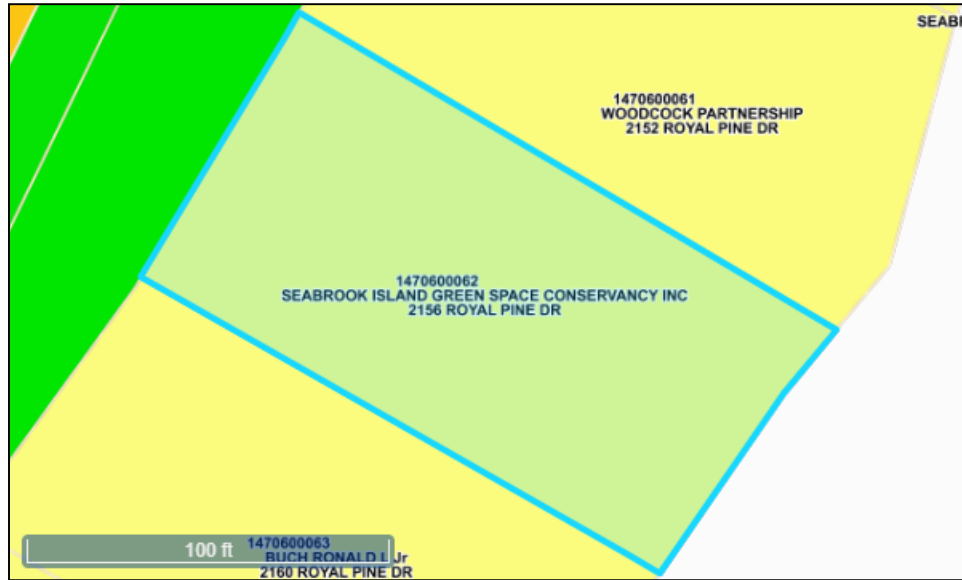


James G. Penington, P.L.S. No. 10291  
Palmetto Land Surveying, Inc.  
2551 Ashley River Road  
Charleston, S.C. 29414 571-5191

# Town of Seabrook Island

## Property Zoning Report

26 Jul 2023



### Parcels

**Parcel ID:** 1470600062  
**Owner:** SEABROOK ISLAND GREEN SPACE CONSERVANCY INC  
**Owner Street Address:** 185  
**Owner City State ZIP Code:** JOHNS ISLAND, SC 29457  
**Parcel Street Address:** 2156 ROYAL PINE DR

### Zoning

Count	Zoning Code and Description	Overlapping Quantities
1.	1 R-SF2 - Residential - Single-Family (Medium Lot)	14,019.95sf (0.32acres)

After recording, please return to:

Buist Byars & Taylor, LLC  
130 Gardeners Circle, PMB #138  
Johns Island, SC 29455  
File No. 3624.0018

STATE OF SOUTH CAROLINA     )  
  )  
COUNTY OF CHARLESTON     )                   **QUIT CLAIM DEED**  
  )                   **(Title Not Examined)**

KNOW ALL MEN BY THESE PRESENTS, that **Seabrook Island Green Space Conservancy, Inc.** ("Grantor"), for and in consideration of the sum of **FIVE AND NO/100 DOLLARS (\$5.00)**, being the true and complete consideration, to it in hand paid at and before the sealing of these presents by **Seabrook Island Property Owners Association, a South Carolina Corporation** ("Grantee"), in the State aforesaid, the receipt of which is hereby acknowledged, have, remised, released and forever quitclaimed, and by these presents do remise, release and forever quitclaim unto the said **Seabrook Island Property Owners Association** all of its interest in and to the following described property, to-wit (the "Premises" or the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN BY REFERENCE FOR LEGAL DESCRIPTION

SUBJECT to all covenants, conditions, restrictions, limitations, obligations, encumbrances, easements and rights of way of record affecting subject property.

TMS No.:                             147-06-00-062  
  
Address of Grantee:             1202 Landfall Way  
  
   Seabrook Island, SC 29455

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the Premises unto said **Seabrook Island Property Owners Association**, its successors and assigns, forever.





## Exhibit "A"

All of that certain tract of land situate, lying and being on Seabrook Island, in the County of Charleston, State of South Carolina, and being known and designated as all of Lot 3, Block 44, on a plat by E. M. Seabrook, Jr., dated May 23, 1978, recorded in Plat Book S, page 103, and as further shown on a plat by E. M. Seabrook, Jr., dated November 21, 1978, recorded in Plat Book AM, page 11, in the office of the RMC for Charleston County, S.C., which plats are by reference incorporated herein.

Said property shall be held, transferred, sold and conveyed subject to the restriction that, except as may otherwise be provided herein, its use shall be limited to use as a Green Space (as defined herein), with no construction of any kind whatsoever permitted, provided however that removal of dead trees or dead animals is permitted and maintenance and improvements in the Seabrook Island storm water drainage system is authorized. In no event shall said property be used as an area for parking vehicles; domestic animal runs; boat, vehicle, or equipment storage; or any other use inconsistent with preserving the natural environment of said property. This restriction shall run with the property and be binding on all parties having any right, title or interest in said property or any part thereof and their respective heirs, successors, and assigns.

"Green Space" is defined as that gift of land or perpetual conservation easement which cannot be subdivided, sold or otherwise disposed of under conditions which would permit its use for erection of any structure whatsoever. Land and/or a perpetual conservation easement purchased by or donated to Grantor, its predecessor, or its successors, is required to remain in its natural state (i.e. - for the protection of flora, fauna, open spaces, and scenic vistas) and may be used only as agreed to by Grantor and the donor. Either the Grantor or the Grantee may remove dead or dying trees or animals from land and/or conservation easements as part of its management responsibilities.

Said property is subject to all applicable covenants, conditions, restrictions, limitations, obligations and easements of record affecting subject property.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS**

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this Affidavit and I understand such information.
2. The property being transferred is located at 2156 Royal Pine Drive, Seabrook Island, SC 29455 bearing Charleston County Tax Map Number 147-06-00-062 and was transferred by **Seabrook Island Green Space Conservancy, Inc. to Seabrook Island Property Owners Association** on June 26, 2023.
3. Check one of the following: The deed is
  - (a) \_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
  - (c) **XX** exempt from the deed recording fee because (See Information section of affidavit): **Exemption No. 1 – CONSIDERATION PAID LESS THAN \$100.00** (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_ or No \_\_\_

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See information section of this affidavit):
  - (a) \_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$ \_\_\_\_\_
  - (b) \_\_\_ The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_
  - (c) \_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ \_\_\_\_\_
5. Check YES \_\_\_ or NO \_\_\_ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If YES, the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_.
6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here:	0.00
(b) Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	_____
(c) Subtract line 6(b) from Line 6(a) and place result here:	0.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ \_\_\_\_\_.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Legal Representative

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Legal Representative: \_\_\_\_\_  
(Signature)  
Buis, Byars & Taylor, LLC

Sworn to before me this 26th day of June, 2023.  
  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

JULIA PHIPPS  
Notary Public-State of South Carolina  
My Commission Expires  
October 08, 2030

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-10**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE RELATING TO THE RECOVERY OF COLLECTION COSTS AS PART OF DELINQUENT DEBTS COLLECTED PURSUANT TO THE SETOFF DEBT COLLECTION ACT.**

**WHEREAS**, the Town of Seabrook Island is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code Ann. § 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the Town of Seabrook Island; and

**WHEREAS**, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made;” and

**WHEREAS**, the Town of Seabrook Island has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the SC Department of Revenue pursuant to the Act; and

**WHEREAS**, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act; and

**WHEREAS**, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the Town of Seabrook Island that arises through contract, and is therefore properly considered as a part of the delinquent debt owed to the Town of Seabrook Island as that term is defined in the Act; and

**WHEREAS**, the Town of Seabrook Island also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the Town of Seabrook Island; and

**WHEREAS**, the Town of Seabrook Island may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

**NOW THEREFORE**, be it enacted by the Mayor and Council of the Town of Seabrook Island as follows:

1. The Town of Seabrook Island may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code Ann. § 12-5610 et. seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The Town of Seabrook Island hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the City/Town, which shall also be added to the delinquent debt and recovered from the debtor.

3. All Ordinances in conflict with this Ordinance are hereby repealed.

4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2023.

First Reading: August 22, 2023  
Public Hearing: September 26, 2023  
Second Reading: September 26, 2023

TOWN OF SEABROOK ISLAND

\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Katharine E. Watkins, Town Clerk

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2023-11**

**ADOPTED \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NOT TO EXCEED \$5,500,000 GENERAL OBLIGATION BOND, SERIES 2023, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA OR ONE OR MORE NOTES ISSUED IN ANTICIPATION THEREOF TO PAY THE COSTS OF REPAIRS, REPLACEMENTS AND DEBRIS REMOVAL ARISING FROM A MAJOR OR CATASTROPHIC STORM EVENT OF NATURAL DISASTER AND THE COST OF ISSUANCE OF SUCH BOND OR NOTES; FIXING THE FORM AND DETAILS OF THE BOND; AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR, OR EITHER OF THEM ACTING ALONE, TO PRESCRIBE CERTAIN DETAILS RELATING TO THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.**

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., AS FOLLOWS:

**SECTION 1.** The Town Council (the "Council") of the Town of Seabrook Island, South Carolina (the "Town"), hereby finds and determines:

- (a) The Town is an incorporated municipality located in Charleston County, South Carolina (the "County"), and as such possesses all powers granted to municipalities by the Constitution and general law of the State of South Carolina.
- (b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that general obligation debt may be incurred by the governing body of each municipality of the State of South Carolina for any public and corporate purpose in an amount not exceeding eight (8%) percent of the assessed value of all taxable property of such municipality and upon such terms and conditions as the General Assembly may prescribe. Such Article further provides that if general obligation debt is authorized by a majority vote of the qualified electors of the municipality voting in a referendum authorized by law, there shall be no conditions or restrictions limiting the incurring of such indebtedness except as specified in such Article.
- (c) Title 5, Chapter 21, Article 5, Code of Laws of South Carolina, 1976, as amended (the "Municipal Bond Act"), provides that the municipal council of any municipality may issue general obligation bonds of such municipality for any corporate purpose of such municipality to any amount not exceeding the constitutional debt limitation applicable to such municipality.
- (d) The Municipal Bond Act provides that as a condition precedent to the issuance of Bond an election be held and the result be favorable thereto. Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended (generally, the "South Carolina Code"), provides that if an election be prescribed by the provisions of the Municipal Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the Municipal

Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

- (e) The assessed value of all the taxable property in the Town for tax year 2022 (fiscal year ended June 30, 2023), the last completed assessment thereof, is approximately \$83,994,302. Eight percent of such sum is \$6,719,544.16. As of the date hereof, the Town has no outstanding bonded and general obligation indebtedness subject to the Constitutional debt limit and may presently incur \$6,719,544.16 of general obligation bonded indebtedness.
- (f) It is now in the best interest of the Town for the Council to provide for the issuance and sale of a not to exceed \$5,500,000 general obligation bond of the Town, the proceeds of which will be used: (i) to pay the costs of repairs, replacements and debris removal (including capital improvements) arising from a major or catastrophic storm event or natural disaster; and (ii) to pay costs of issuance of the Bond or, subject to Section 12 hereof, to pay at maturity or redeem prior to maturity any Notes (as defined herein) issued hereunder.

**SECTION 2.** Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, there is hereby authorized to be issued a not to exceed \$5,500,000 general obligation bond(s) of the Town (the "Bond") for the purposes listed in Section 1(f) above. The Bond shall be designated "\$5,500,000 (or such other amount as may be issued) General Obligation Bond, Series 2023 (or such other appropriate series designation) of the Town of Seabrook Island, South Carolina."

The Bond shall be issued as a fully-registered Bond; shall be dated as of the date of its delivery; shall be numbered from R-1; shall bear interest at such time as hereafter designated by the Committee (as defined herein), at such rate or rates as may be determined at the time of the sale thereof; and shall mature serially on a date not to exceed five years from the issuance date thereof, and in successive annual installments and such amounts, all as determined by the Committee.

Both the principal of and interest on the Bond shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

**SECTION 3.** The Council hereby delegates to a committee, consisting of the Mayor and one Council member chosen by the Mayor (collectively, the "Committee"), the authority to determine (a) the maturity dates, the principal payment dates and principal amounts of the Bond and how such amounts are paid; (b) the interest rates and interest payment dates of the Bond; (c) redemption provisions, if any, for the Bond; (d) the date and time of sale of the Bond; and (e) whether the Bond is sold at private or public sale.

The Council hereby delegates to the Committee the authority to determine whether to negotiate with one or more banks or financial institutions or to prepare a Notice of Sale for the Bond and receive bids on behalf of the Council from one or more potential purchasers, and to award the sale of the Bond to a single bank or financial institution or to the bidder therefor whose bid the Committee determines to be the most advantageous to the Town in accordance with the Notice of Sale for the Bond, following the receipt of one or more bids, provided in all events the net interest cost does not exceed 6% per annum. After the sale of the Bond, the Mayor and the Town Administrator, or either of them acting alone, shall submit a written report to the Council setting forth the results of the sale of the Bond.

The Bond shall be executed in the name of the Town with the manual signature of the Mayor of the Town attested by the manual signature of the Town Clerk of the Town under the seal of the Town to be impressed or affixed thereon.

**SECTION 4.** The Bond shall be in substantially in the form attached hereto as Exhibit A and incorporated herein by reference.

**SECTION 5.** If the Bond is to be sold at private sale, not less than seven (7) days prior to the delivery of the Bond, then notice of intention to sell the Bond at private sale shall be given by publication in a newspaper of general circulation in the Town pursuant to Section 9 hereof. If the Bond is to be sold at public sale, then a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina not less than seven (7) days prior to the date set for such sale.

**SECTION 6.** The full faith, credit and taxing power of the Town are hereby irrevocably pledged for the payment of the principal of and interest on the Bond as it matures, and for the creation of such sinking fund as may be necessary therefor. There shall be levied and collected annually by the Town Clerk of the Town a tax, without limit, on all taxable property in the Town sufficient to pay the principal of and interest on the Bond as it matures and to create such sinking fund as may be necessary therefor.

**SECTION 7.** Both the principal of and interest on the Bond shall be exempt from all State, county, municipal, town, and all other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

**SECTION 8.** The proceeds derived from the sale of the Bond shall be deposited in a special fund, separate and distinct from all other funds, and applied solely to the purpose for which the Bond is issued except that the premium, if any, shall be placed in the sinking fund established pursuant to the Municipal Bond Act. If any surplus remains it shall be deposited in the sinking fund to be established for the payment of the Bond.

**SECTION 9.** The Town hereby delegates to the Mayor and the Town Administrator, or either of them acting alone, the authority to publish the notice prescribed under the provisions of Title 11, Chapter 27 of the South Carolina Code, relating to the Initiative and Referendum provisions contained in Title 5, Chapter 17 of the South Carolina Code and any and all other notices required by law, including, if the Bond is to be sold by private sale, the notice of intention required by Section 11-27-40 of the South Carolina Code. If any said notice is given, the Mayor and the Town Administrator, or either of them acting alone, is authorized to prescribe the form of the notice and cause such notice to be published in a newspaper of general circulation in the Town.

**SECTION 10.** The Town hereby covenants and agrees with the holders of the Bond that, if the Bond is issued as an obligation the interest on which is excluded from gross income of the holders thereof for federal tax purposes (a "Tax Exempt Bond"), then it will not take any action which will, or fail to take any action which failure will, cause interest on the Tax Exempt Bond to become includable in the gross income of the holders of the Tax Exempt Bond for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and regulations promulgated thereunder in effect on the date of original issuance of the Tax Exempt Bond. The Town further covenants and agrees with the holders of the Tax Exempt Bond (if issued) that no use of the proceeds of the Tax Exempt Bond shall be made which, if such use had been reasonably expected on the date of issue of the Tax Exempt Bond would have caused the Tax Exempt Bond to be an "arbitrage bond," as defined in Section 148 of the



Code, and to that end the Town hereby shall:

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the Tax Exempt Bond is outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebate of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the Code.

The Mayor and the Town Administrator, or either of them acting alone, are hereby authorized and directed to adopt such written procedure related to tax-exempt debt, as may be necessary or desirable, with the advice of legal counsel.

**SECTION 11.** The obligations of the Town under this Ordinance and the pledges, covenants and agreements of the Town herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bond, and such Bond shall no longer be deemed to be outstanding hereunder when:

- (a) such Bond shall have been purchased by the Town and surrendered to the Town for cancellation or otherwise surrendered to the Town or a bank or financial institution designated by the Town to act as its escrow agent (the "Escrow Agent") and is canceled or subject to cancellation by the Town or the Escrow Agent; or
- (b) payment of the principal of and interest on such Bond either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee to be named in trust and irrevocably set aside exclusively for such payment (1) moneys sufficient to make such payment or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bond shall no longer be deemed to be outstanding hereunder, such Bond shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean cash and, to the extent permitted by Section 6-5-10 of the South Carolina Code or any other authorization relating to the investment of funds of the Town, any of the following: (1) United States Treasury Obligations – State and Local Government Series; (2) United States Treasury bills, notes, bonds or zero coupon treasury bonds all as traded on the open market; (3) direct obligations of the U.S. Treasury which have been stripped by the Treasury itself, including CATS, TIGRS and similar securities; (4) obligations of any agencies or instrumentalities which are backed by the full faith and credit of the United States of America; (5) bonds or debentures issued by any Federal Home Loan Bank or consolidated bonds or debentures issued by the Federal Home Loan Bank Board; (6) obligations of the Federal National Mortgage Association; (7) general obligations of the State or any of its political units which, at the time of purchase, carry an AAA rating from Standard & Poor’s or an Aaa rating from Moody’s Investors Service; or (8) any legally permissible combination of any of the foregoing. Government Obligations must be redeemable only at the option of the holder thereof.

**SECTION 12.** Pursuant to Title 11, Chapter 17 of the South Carolina Code (the “BAN Act”), pending the issuance of the Bond, the Council hereby authorizes the issuance of general obligation bond anticipation notes in an amount not to exceed \$5,500,000 (the “Notes”) for the purposes set forth in Section 1(f) herein and for costs of issuance of the Notes. In the event Notes are issued, (a) for the payment of principal of and interest, if necessary, on the Notes as they respectfully mature, there is hereby pledged the proceeds of the Bond and the full faith, credit and taxing power of the Town and (b) pending the issuance of the sale of the Bond, the Council may determine it to be in the best interest of the Town to refund or renew the outstanding Notes and, therefore, (1) the Council may authorize the Notes to be refunded or renewed and such authorization to be effected by a resolution of Council incorporating the terms of this Ordinance and (2) the principal amount of such refunded or renewed Notes may be increased by an amount sufficient to reflect interest owed on such refunded or renewed Notes and costs of issuance.

The Town, at its option, may also utilize any other funds available therefor for the payment of the principal of and interest on the Notes. The Council hereby delegates to the Committee the authority (1) to determine: (a) the original issue date and aggregate principal amount of the Notes; (b) the date, time and method of sale (which may be by public sale or, as permitted by the BAN Act, negotiation with one or more purchasers) of the Notes; (c) the maturity date and redemption provisions (if any) of the Notes (provided, that the maximum redemption premium may not exceed 0.5%); (d) the form of the Notes; and (e) such other details of the Notes as may be deemed advisable; (2) if sold by public sale, to prepare a Notice of Sale for the Notes, to receive bids on behalf of the Town and to award the sale of the Notes to the bidder therefor whose bid the Committee determines to be the most advantageous to the Town in accordance with the Notice of Sale for the Notes, in accordance with the terms of the Notice of Sale for the Notes; and (3) to negotiate and execute all other contracts which may be necessary or required in connection with the issuance of the Notes. Unless the context requires otherwise, the authorizations provided in the Ordinance with respect to the Bond or the issuance, sale and delivery thereof shall also apply with respect to any Notes issued in anticipation thereof.

**SECTION 13.** The Council hereby authorizes the Mayor, the Town Administrator, the Town Clerk, and the Town Attorney to execute such documents and instruments as necessary to effect the issuance of the Notes and the Bond or make modifications in any documents, including the form of the Bond attached hereto. The Council hereby retains Burr & Forman LLP as bond counsel in connection with the issuance of the Bond.

**SECTION 14.** All orders, resolutions, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bond are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

**SECTION 15.** This Ordinance shall be forthwith codified in the Code of Town Ordinances in the manner required by law.

**SECTION 16.** This Ordinance shall be effective upon passage by the Council.

**SECTION 17.** This Ordinance is intended to replace the authorization provided for in Ordinance No. 2019-07 (the "Prior Ordinance") and not be additive thereto. Upon enactment of this Ordinance and passage of such time as the Mayor and the Town Administrator (or either of them acting alone) determine, upon advice of counsel, to be necessary to comply with the Initiative and Referendum provisions contained in Title 5, Chapter 17 of the South Carolina Code, the Prior Ordinance is repealed in its entirety.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2023.

First Reading:  
Public Hearing:  
Second Reading:

TOWN OF SEABROOK ISLAND

\_\_\_\_\_  
John Gregg, Mayor

ATTEST

\_\_\_\_\_  
Katharine E. Watkins, Town Clerk

(FORM OF BOND)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
TOWN OF SEABROOK ISLAND  
GENERAL OBLIGATION BOND, SERIES 2023

R-1

\$

KNOW ALL MEN BY THESE PRESENTS, that the Town of Seabrook Island, South Carolina (the "Town"), is justly indebted and, for value received, hereby promises to \_\_\_\_\_ in \_\_\_\_\_, South Carolina, its successors or registered assigns, the principal sum of \_\_\_\_\_ (\$\_\_\_\_\_) with interest thereon at the rate of \_\_\_\_\_% per annum. This Bond is payable in \_\_\_\_\_ installments of principal and interest, commencing \_\_\_\_\_ and \_\_\_\_\_ thereafter until this Bond is paid. Both the principal of and interest on this Bond are payable at the principal office of \_\_\_\_\_ in \_\_\_\_\_, South Carolina, in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

[Redemption provisions, if any, to be included]

For the payment hereof, both principal and interest, as they respectively mature; and for the creation of a sinking fund to aid in the retirement and payment thereof the full faith, credit and taxing power of the Town are irrevocably pledged, and there shall be levied and collected, annually upon all taxable property in the Town an ad valorem tax, without limitation as to rate or amount, sufficient for such purposes.

This Bond is issued pursuant to and in accordance with the constitution of the laws of the state of South Carolina, including Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 5, Chapter 21, Article 5, Code of Laws of South Carolina, 1976 as amended; and Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended; and an Ordinance duly enacted on \_\_\_\_\_, 2023, by the Town Council of the Town for the purpose of authorizing the issuance and sale of a not to exceed \$\_\_\_\_\_ general obligation bond.

This Bond and the interest hereon are exempt from all State, county, municipal, town and all other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the Town does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection annually upon all taxable property in the Town an ad valorem tax, without limitation as to rate or amount, sufficient to pay the principal and interest on this Bond as the same shall respectively mature and to create a sinking fund to aid in the retirement and payment thereof.

IN WITNESS WHEREOF, THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the Town and attested by the manual or facsimile signature of the Town Clerk of the Town under the seal of the Town impressed, imprinted or reproduced hereon and this Bond to be dated the \_\_\_\_ day of \_\_\_\_\_, 2023.

TOWN OF SEABROOK ISLAND, SOUTH CAROLINA

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk

REGISTRATION

This Bond has been registered in the name of \_\_\_\_\_ in \_\_\_\_\_, South Carolina, on the registration books kept by the Town Clerk of the Town of Seabrook Island, South Carolina.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Clerk, Town of Seabrook Island, South Carolina

ASSIGNMENT

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within-mentioned Bond and hereby irrevocably constitutes and appoints \_\_\_\_\_, Attorney, to transfer the same on the registration books kept by the Town Clerk of the Town of Seabrook Island, South Carolina, with full power of substitution in the premises.

Town of Seabrook Island, South Carolina

By \_\_\_\_\_

Dated: \_\_\_\_\_

Witness: \_\_\_\_\_

NOTE:           The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

**TOWN OF SEABROOK ISLAND**

**RESOLUTION NO. 2023-29**

**A RESOLUTION TO AUTHORIZE THE MUNICIPAL ASSOCIATION OF SOUTH CAROLINA TO ACT AS A CLAIMANT AGENCY FOR THE COLLECTION OF DEBT ON BEHALF OF THE TOWN OF SEABROOK ISLAND IN ACCORDANCE WITH THE SETOFF DEBT COLLECTION ACT.**

**WHEREAS**, the Setoff Debt Collection Act (S.C. Code Ann. §12-56-10) allows the South Carolina Department of Revenue to render assistance in the collection of debt owed to political subdivisions of the State; and

**WHEREAS**, the Municipal Association of South Carolina will act as a claimant agency as provided by S.C. Code Ann. §12-56-10 for political subdivisions in South Carolina; and

**WHEREAS**, the Town of Seabrook Island desires to participate in the Setoff Debt Collection Program of the Municipal Association;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Seabrook Island authorizes the Mayor to enter into an agreement with the Municipal Association of South Carolina for the collection of debt owed to the Town of Seabrook Island.

**BE IT FURTHER RESOLVED**, that the Town of Seabrook Island indemnifies the Municipal Association of South Carolina to the extent permitted by law against any injuries, actions, liabilities or proceedings arising from performance under the setoff debt provisions.

**SIGNED AND SEALED** this \_\_\_\_\_ day of \_\_\_\_\_, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Signed: \_\_\_\_\_  
John Gregg, Mayor

Witness: \_\_\_\_\_  
Katharine Watkins, Asst. Town Administrator



# MEMO

## Town of Seabrook Island

To: Town Council

Date: September 22, 2023

CC: Town Administrator

Subject: Charleston Regional  
Hazard Mitigation Plan 2023

From: Mayor

Update

Members of Council are reminded that at its meeting of 28 June 2022, Town Council approved a resolution (Res. 2022 – 32) to adopt the Federal Emergency Management Administration approved 2019 edition of the Charleston Regional Hazard Mitigation Plan (“five years update”) Plan adoption is effective to maintain the Town’s eligibility for certain Federal programs in which Charleston County participates. The current annual update is another “five years” update and likewise requires adoption by the Town. A resolution for adoption of the updated plan and subsequent revisions is on the agenda for the September Council meeting (resolution draft appears in the attached Exhibit).

This memorandum is notification of members of Town Council that the update has been prepared and is available at:

<https://www.charlestoncounty.org/departments/building-inspection-services/files/2023-HMP-Draft.pdf>

The Town’s portion of the plan is contained in Section 5.16 (beginning at page 321 of the plan). This section includes updated information provided by the Town and Charleston County Building Services. The Town’s portion of the plan is contained in the Town’s Comprehensive Emergency Plan at Appendix 4.



## Exhibit (Draft Resolution)

**TOWN OF SEABROOK ISLAND**  
**Resolution No. 2023 – 30**  
**Adopted September 26, 2023**

**A RESOLUTION OF THE TOWN OF SEABROOK ISLAND ADOPTING THE AMENDED 2023-2024 CHARLESTON REGIONAL HAZARD MITIGATION AND PROGRAM FOR PUBLIC INFORMATION PLAN**

**WHEREAS** the Town of Seabrook Island (“Town”) recognizes the threat that natural hazards pose to people and property within the Town; and

**WHEREAS** the Charleston Regional Hazard Mitigation and Public Information Plan Committee has prepared a recommended *Charleston Regional Hazard Mitigation and Program for Public Information Plan*; and

**WHEREAS** the recommended *Charleston Regional Hazard Mitigation and Program for Public Information Plan* has been widely circulated for review by residents / business organizations / professional organizations of the unincorporated and incorporated areas of Charleston County, state, federal, regional, and local government agencies and has been supported by those reviewers; and;

**WHEREAS** the Town of Seabrook Island last adopted the Charleston Regional Hazard Mitigation Plan in 2019, and is required to adopt the amended version of this plan on a five-year cycle for the Town to remain eligible for certain Federal programs in which the Town participates; and

**WHEREAS** the Amended 2023-2024 Charleston Regional Hazard Mitigation and Program for Public Information Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in (local government) from the impacts of future hazards and disasters; and

**WHEREAS** adoption by the Town of Seabrook Island demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Amended 2023-2024 Charleston Regional Hazard Mitigation and Program for Public Information Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA, THAT:**

Section 1. In accordance with Town of Seabrook Island Code of Ordinances Sections 2-346 and 2-347 pertaining to adoption of resolutions, the Town adopts the Amended 2023-2024 Charleston Regional Hazard Mitigation and Program for Public Information Plan together with all required future revisions from the South Carolina Emergency Management Division and the Federal Emergency Management Agency as an official plan of the Town of Seabrook Island. While content related to the Town may require revisions to meet the plan approval requirements, changes occurring after adoption will not require the Town to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions.

Section 2. The Charleston Regional Hazard Mitigation and Public Information Plan Committee is recognized as a continuing entity charged with reviewing, maintaining in accordance with Community Rating System, Flood Mitigation Assistance, Disaster Mitigation Act and Program for Public Information requirements, and periodically reporting on the progress towards and revisions to the plan to the Charleston County Council.

**SIGNED AND SEALED** this \_\_ day of \_\_\_\_\_, 2023, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2023.

Signed: \_\_\_\_\_  
John Gregg, Mayor

Witness: \_\_\_\_\_  
Katharine E. Watkins, Town Clerk

## AGREEMENT

### To Authorize the Municipal Association of South Carolina to Act as Claimant Agency In Accordance with the Setoff Debt Collection Act

#### State of South Carolina

This agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between the Municipal Association of South Carolina and the Town of Seabrook Island.

Witnesseth: That for the consideration hereinafter set forth, the Association and the Participant agree that:

1. The Association will act as claimant agency in accordance with the Setoff Debt Collection Act (§12-56-10 et seq.).
2. The Participant will send a postage prepaid letter to each debtor at the address provided to the participant when the debt was incurred or to the debtor's last known address to inform the debtor of its intention to have the Association collect the debt owed under the Setoff Debt Collection Act. The debtor will be given thirty (30) days' notice to pay the debt or file a written protest before it is submitted to the Association. The notice to the debtor shall contain all information and be in the form required by S.C. Code Ann §12-56-62, as currently in effect or as it may be subsequently amended.
3. The Participant will establish a procedure for review of a protest in accordance with the S.C. Code Ann. §12-56-65, as currently in effect or as it may be subsequently amended.
4. The Participant will provide the Association, in a form prescribed by the Association, a certified list of claims before a designated date in December of each year.
5. The Association will compile these claims, including applicable costs and fees as charged by the Participant or by the Association, and submit them to the South Carolina Department of Revenue on or before the date required by the South Carolina Department of Revenue.
  - The South Carolina Department of Revenue will retain \$25 for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
  - The Association will retain \$25 for each successful setoff to defray its collection cost. This fee is in addition to the original debt amount and to the extent such a fee is authorized by law.
  - The Association will return all monies including any Participant cost, minus the SCDOR and MASC fee to the Participant.
6. The Participant indemnifies the Association to the extent permitted by law against any injuries, actions, liabilities or proceedings arising from performance under the S.C. Setoff Debt Collection Act, S.C. Code §12-56-10, et seq. or otherwise relating to this agreement.

7. This agreement shall remain in full force and effect until terminated by either party upon giving at least ninety (90) days' notice in writing to the other party. Any claims being processed shall remain covered by this agreement until canceled by the South Carolina Department of Revenue. The Participant shall annually certify to the Association that the Participant has complied with all requirements of the Setoff Debt Collection Act, and that the claims submitted to the Association are valid debts not subject to any pending protest or appeal.

**MUNICIPAL ASSOCIATION OF SOUTH CAROLINA**

By: \_\_\_\_\_  
*B. Todd Glover*  
Executive Director

Name of Participant: \_\_\_\_\_

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Date: \_\_\_\_\_