

# TOWN OF SEABROOK ISLAND

Town Council Meeting  
September 28, 2021 – 2:30 PM



Virtual Meeting (Zoom)  
[Watch Live Stream \(YouTube\)](#)

**Participate in the Meeting:** Individuals who wish to participate in the meeting via Zoom may access the meeting as follows:

- [Instructions for Joining & Participating in the Virtual Meeting](#)
- **To join by computer, tablet or mobile device:**  
<https://us02web.zoom.us/j/85222487597?pwd=NFZSTnpSd0RzWTFcNGNlbnZyaFFZz09>
- **To join by phone:** Call (646) 558-8656 *\*Please note that long distance rates may apply\**
- **Meeting ID:** 852 2248 7597    **Passcode:** 950961

**Submit a Written Comment:** Individuals who wish to submit a comment in advance of the meeting may do so in writing by 12:00 pm on the day of the meeting using one of the following options:

- **Email:** [kwatkins@townofseabrookisland.org](mailto:kwatkins@townofseabrookisland.org)
- **Mail or Hand Deliver:** 2001 Seabrook Island Road, Seabrook Island, SC 29455

## AGENDA

1. **Call to Order – Roll Call – Freedom of Information**
2. **Minutes:** Town Council Meeting August 24<sup>th</sup>, 2021  
Ways and Means Committee Meeting September 14<sup>th</sup>, 2021  
Town Council Special Meeting September 14<sup>th</sup>, 2021
3. **Financials:** For the Month of August 2021
4. **Citizens/Guests Presentations, Comments:**
5. **Reports of Standing Committees, Commissions, Boards:**
  - Public Relations/Communications
  - Public Safety & Special Projects
  - Beach Administration and Community & Government Relations
  - Ways & Means
  - Planning Commission
  - Board of Zoning Appeals
6. **Reports of Ad Hoc Committees:**
7. **Reports of Town Officers:**

- **Mayor** – John Gregg
  - Appointment of Zoning Administrator/Chief Code Enforcement Officer
  - Memorandum of Understanding with Seabrook Island Property Owners Association concerning cooperation to address recurrent traffic back-ups on Seabrook Island Road
  - Submission to Charleston County by the Towns of Kiawah and Seabrook concerning so-called Segment C of the Main Road Corridor project
  - Revised petition for annexation by the Town of Kiawah of portion of so-called Andell Tract
- **Town Administrator/Zoning Administrator**
  - Beach Patrol Update
  - FY 2022 Budget Update
  - MASC Hometown Economic Development Grant
- **Town Council Members**
- **Utility Commission**

**8. Petitions Received, Referred or Disposed of:**

**9. Ordinances for Second Reading:**

- Ordinance 2021-10: 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 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

**10. Ordinances for First Reading:**

- Ordinance 2021-11: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 32, Waterways and Beaches; Article II, Beachfront Management; Division 2, Restrictions; Section 32-42, Vehicle Use; so as to amend the requirements relating to the operation of motor vehicles on the beaches of Seabrook Island.
- Ordinance 2021-12: An ordinance adopting a temporary moratorium on the consideration of zoning map amendments (i.e., “rezoning’s”), annexation requests, and certain subdivision approvals for a period not to exceed one hundred and eighty (180) days.
- Ordinance 2021-13: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article V, Financial Administration; Division 2, Purchasing Requirements; so as to amend the policies and procedures related to the procurement of goods and services by the town.

**11. Miscellaneous Business:**

- Resolution 2021-22: A resolution prohibiting the carrying of concealable weapons on town property and while using any machinery, vehicle, or equipment owned or leased by the town
- Resolution 2021-23: A resolution directing the expenditure of unbudgeted revenues from the Charleston County Accommodations Tax Program

**12. Executive Session:**

- Discussion of Items Incidental to Proposed Contractual Arrangements (Landscaping Contract)
  - *Please Note: Town Council may take action on Executive Session Items listed on the agenda when they come back into Public Session.*

**13. Public Comments:**

**14. Adjourn**

# TOWN OF SEABROOK ISLAND

Town Council Meeting  
August 24, 2021 – 2:30 PM  
Virtual



## MINUTES

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

The August 24, 2021, Town Council Regular Meeting was conducted via Zoom, and was simultaneously made available to the public via YouTube live stream and by conference call, all in keeping with practices adopted to address the ongoing coronavirus pandemic. Mayor Gregg, Councilwomen Finke and Fox, Councilman Goldstein, Town Administrator Cronin, and Town Clerk Watkins participated in the meeting. Mayor Gregg called the meeting to order. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act had been met.

2. **Minutes:** Town Council Meeting July 27<sup>th</sup>, 2021  
Ways and Means Committee Meeting August 10<sup>th</sup>, 2021  
Town Council Pre-Budget Workshop August 17<sup>th</sup>, 2021

Councilwoman Finke moved to approve the previous meeting minutes of July 27<sup>th</sup>; Councilwoman Fox seconded. All voted in favor.

The previous meeting minutes of July 27<sup>th</sup> were approved.

Councilwoman Finke moved to approve the previous meeting minutes of August 10<sup>th</sup>; Councilwoman Fox seconded. All voted in favor.

The previous meeting minutes of August 10<sup>th</sup> were approved.

Councilwoman Finked moved to approve the previous meeting minutes of August 17<sup>th</sup>; Councilwoman Fox seconded. All voted favor.

The previous meeting minutes of August 17<sup>th</sup> were approved.

3. **Financials:** For the Month of July 2021

Mayor John Gregg reviewed the financials for July as follows:

- The total fund balance for the period ending July 31, 2021, was \$6,216,503 about \$850,099 more than the balance as of July 31, 2020, and about \$1,219,598 more than for the same period of 2019.

- Unrestricted revenue for July totaled \$152,370 and unrestricted revenue for the year totaled \$1,095,171, representing about 82% of the 2021 annual budget and being about \$280,984 more than for the same period in 2020.
- Expenditures for July totaled \$94,370 and expenditures for the year totaled \$511,732, representing about 36% of the 2021 annual budget. Expenditures for the year were about \$29,104 more compared to the same period of 2020.
- Excess of revenues over expenditures was \$58,000 for the month of July and excess of revenues over expenditures for the year was \$583,440 compared to an excess of revenues over expenditures of about \$331,558 as of July 31, 2020, reflecting the significantly greater revenue in the period this year as compared to the same period of 2020.

**4. Citizens/Guests Presentations, Comments:**

Town Clerk Watkins and Town Administrator Cronin summarized the emails received from the following residents:

- John Seabrook                      Opposed to restricting areas of the beach for fishing.
- Paul McLaughlin                      Would like stricter short-term rental regulations on the Island.
- Susan McLaughlin                      Would like stricter short-term rental regulations on the Island.
- Chuck Cross                              Clarification on e-Bike usage on the beach and classification under State Law (classified as bicycle rather than motor vehicle).
- Andy Malinofsky                      Opposed to restricting areas of the beach for fishing.

Copies of these comments are included with these minutes.

**5. Reports of Standing Committees, Commissions, Boards:**

- **Public Relations/Communications**

Councilwoman Fox summarized the communications for the month of August as follows:

- There was a successful practice for the emergency radios.
- There were six items posted in Tidelines for the Town.
- There was an article in the Seabrooker from Town Hall.

- **Public Safety & Special Projects**

Councilman Goldstein summarized the Public Safety Committee meeting for the month of August for Council, and the Committee will be reviewing Scott Cave’s comments made during the Disaster Recovery Committee Emergency Preparedness drill.

- **Beach Administration and Community & Government Relations**

Councilwoman Finke summarized recent meetings with Beach Patrol on increased enforcement measures and summarized the recommendations for funding during the Community Promotion Grant Committee meeting on August 19<sup>th</sup>.

Council clarified request for additional signage by Lowcountry Marine Mammal Network and what the next steps for that application are.

- **Ways & Means**

Mayor Gregg summarized the Ways and Means Committee meeting of August 10<sup>th</sup>, 2021, and updated Council on any changes since that meeting.

- **Planning Commission**

None.

- **Board of Zoning Appeals**

None.

**6. Reports of Ad Hoc Committees:**

None.

**7. Reports of Town Officers:**

- **Mayor – John Gregg**

- Appointments to Special Committee to identify potential “projects” for the Town’s allocation under the County Greenbelt Program

Mayor Gregg reminded Council of the Town’s opportunity to designate “projects” for use of the Town’s allocation under the Charleston County Greenbelt Program and the proposal to establish a “special committee” to identify potential projects within the Town. Mayor Gregg added the committee shall consist of: Councilwoman Finke, Ray Hoover, President of the Seabrook Island Property Owners Association, Laurinda Rapp, Director of Environmental Education at St. Christopher Camp and Conference Center and Lucy Hoover, President of Seabrook Island Greenspace Conservancy.

Councilwoman Finke moved to approve the establishment of the Special Committee with the members listed by Mayor Gregg; Councilwoman Fox seconded. All voted in favor.

**The special committee was approved and established.**

- Request for approval and authorization to enter into a land lease agreement and for payment of the fee under the agreement

Mayor Gregg reminded Council that at the Ways & Means Committee meeting he mentioned that a land lease had been offered to the Town for use of a parcel as a site for temporary debris storage and reduction. Members have been provided a copy of a lease agreement by which Commonwealth Foundation for Cancer Research is offering a lease for a debris site to the Town within land

identified by Charleston County Parcel Identification Number 2040000111. Mayor Gregg added cost to the Town for this lease is a one-time fee of \$5,000. This site will be simultaneously available with the site at the Seabrook Island Club's Equestrian Center (pasture nearest to Town Hall).

Councilwoman Finke moved to approve entry into the land lease and for payment of the one-time fee; Councilwoman Fox seconded. All voted in favor.

**The land lease agreement and onetime fee were approved.**

- Creation of an ad hoc committee for identifying "uses" for anticipated distributions under the ARPA Local Fiscal Recovery Fund

Mayor Gregg reminded council of the recommendation of the Town Administrator that a committee be established to identify potential uses of funding that is expected to be distributed to the Town under the American Rescue Plan Act. To date, in response to inquiries seeking participation on an *ad hoc* committee, representatives have been identified by SIPOA (Ray Hoover and Heather Paton); Bohicket Marina (Mike Shuler), St. Christopher Camp and Conference Center (Bob Lawrence) and Seabrook Island Utility Commission (Lee Vancini), and Mayor Gregg would serve as the Town's representative on this *ad hoc committee*.

Councilwoman Finke moved to approve the ad hoc committee to identify potential funding uses for the American Rescue Plan; Councilwoman Fox seconded. All voted in favor.

**The ad hoc committee was approved and established.**

- Discussion about entering into a Memorandum of Understanding with Seabrook Island Property Owners Association

Mayor Gregg summarized recent informal discussions with SIPOA, in which they have advocated for local organizations to cooperatively explore potential solutions to recurring vehicular back-ups on Seabrook Island Road. He added by that on recommendation of the Town Administrator, a proposed Memorandum of Understanding ("MOU") has been prepared for consideration by the Town and SIPOA. Members have been provided a copy of the MOU and had their attention directed to the contemplated preparation of "Statements" to be presented to consultants to solicit assistance with developing solutions.

- Notification of Council of 2021 Update of Charleston Regional Hazard Mitigation Plan

Mayor Gregg provided Council with a copy of the 2021 update of the Charleston Regional Hazard Mitigation Plan and summarized the update for Council.

- **Town Administrator/Zoning Administrator**

- Beach Patrol Update

Town Administrator Cronin summarized the beach patrol report for the month of July and compared it to the previous year.

- Short-Term Rental Permitting & Enforcement Update

Town Administrator Cronin summarized the short-term rental permits and enforcement on short term rentals for the month of August.

Council discussed the number of short-term rental permits issued and clarified that all these rentals are not rented at the same time.

- Report from the DSO Open House of August 23, 2021

Town Administrator Cronin summarized the DSO Open House for Council that happened on August 23, 2021 and added that all public comments about the DSO Open House were read at that meeting.

- **Town Council Members**

On inquiry of Councilman Goldstein, Mayor Gregg clarified why a Memorandum of Understanding is proposed at this time.

- **Utility Commission**

Commissioner Ferland summarized the Utility Commission meeting of August 18<sup>th</sup>, the July financials, and the water usage and distribution for July. The next Utility Commission Meeting will be on September 15<sup>th</sup>.

Council discussed why the water distribution was lower than previous months.

**8. Petitions Received, Referred or Disposed of:**

None.

**9. Ordinances for First Reading:**

- Ordinance 2021-10: 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 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District

Town Administrator Cronin summarized the ordinance for Council.

Councilwoman Finke moved to approve Ordinance 2021-10; Councilwoman Fox seconded. A vote was taken as follows:



Ayes: Finke, Fox, Mayor Gregg  
Recused: Goldstein

Ordinance 2021-10 passed first reading.

**10. Miscellaneous Business:**

None.

**11. Public Comments:**

None.

**12. Adjourn**

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

The meeting adjourned at 3:51PM.

Date: August 30<sup>th</sup>, 2021

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

# TOWN OF SEABROOK ISLAND

## Ways and Means Committee Meeting Minutes

September 14, 2021 Virtual



### Minutes

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

The September 14, 2021 Ways and Means Committee meeting was conducted as a video conference using Zoom and was simultaneously made available to the public via YouTube live stream and by conference call, all in keeping with practices adopted to address the ongoing coronavirus pandemic. Mayor Gregg, Councilmembers Finke, Fox, and Goldstein, Town Clerk Watkins and Town Administrator Cronin participated in the meeting. Mayor Gregg confirmed with the Town Clerk that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act were met.

#### 2. Mayor John Gregg

- Discussion of resident requests for “referendum” and additional regulation of short-term rentals

Mayor Gregg summarized the resident comments recently received by Council and the Town Administrator advocating for additional regulation of short-term rentals, in particular seeking enactment of zoning changes to effect maximum limits on the number of properties for which short-term rental permits can be issued. Mayor Gregg added that while the Town’s Ordinance 2020-14 has been in effect since January 1, 2021, the period for timely application for permits did not end until March 31. From then, it is not feasible to gauge the impact the new ordinance may have on alleged growth of short-term rentals. Mayor Gregg also added that resident comments reflect dissatisfaction with circumstances of short-term rentals that are not the subject of the Town’s regulation.

Council discussed other outlets to gather data from all property owners rather than just residents, previous regulations on short term rentals prior to the updated ordinance, how the current data given does not give an accurate representation of what normally happens, and the resources needed to enforce the complaints made by the residents that the Town does not have. They also discussed asking SIPOA to conduct a survey of all property owners regarding short term rentals.

Council also discussed the most recent meeting of the Property Owners Association Long-Range Planning Committee their consideration of short-term rentals.

- Discussion of recent request for annexation by Town of Kiawah Island (Andell West)

Mayor Gregg summarized the correspondence he received from the Mayor of Kiawah on September 3 announcing a petition seeking annexation by the Town of Kiawah Island of an area within the so-called “Andell Tract” (parcel behind FreshFields Village). The requested annexation contemplates proposed development comprising commercial and residential uses.

Mayor Gregg added that he and the Chair of the Utility Commission have received inquiries about whether Seabrook Island Utility Commission (“SIUC”) has an existing obligation to provide sewage service for the development. Mayor Gregg commented in respect of the 1990 Sewer Utility Agreement and added the obligation to provide sewage service is subject to a variety of conditions and options including the obligation of the owner of the parcel to construct a Sewer Collection System that is approved for operation by South Carolina Department of Health and Environmental Control.

Council clarified the 1990 Sewer Utility Agreement, and the effect of developments subject to that agreement on the maximum flow for sewer service established by that agreement. Council also discussed how the SIUC should start to review their current facilities to ensure that they can provide service based on the agreement.

- Inquiry concerning beach fishing and enhanced monitoring by beach patrol

Mayor Gregg summarized previous meeting discussion regarding enhanced beach monitoring with regards to fishing, and since the meeting of the Town Administrator and Councilwoman Finke with the beach patrol provider representative there have been no additional complaints about fishing on the beach.

Council discussed the timeframe for this and suggested to continue enhanced enforcement of fishing with regards to swimmers. Council also discussed correspondence from the representative of the Marine Mammal Network expressing concerns with fishing at Captain Sams Inlet disturbing the dolphins while strand feeding. It was noted that restriction of fishing at low tide in that area may be appropriate.

- Discussion of resumption of video conference meetings indefinitely in response to current surge of “cases” in South Carolina and elsewhere

Mayor Gregg proposed in view of the recent dramatic increase in positive cases of Covid-19 in South Carolina, all Council meetings be conducted as video conferences until such time as spread of infection has been significantly curtailed within the State.

Council discussed that the chairs of the Town boards and committees could decide whether they would conduct their meetings in person or virtually.

- Confirmation of entry of Town into land lease for debris site

Mayor Gregg notified Council that the Town entered the proposed land lease with Commonwealth Foundation for Cancer Research for a site for temporary storage and reduction of debris. The site consists of an unspecified area of no less than ten acres within the parcel identified by Charleston County Parcel ID 2040000111.

### 3. Town Council Members:

- **Jeri Finke**

Councilwoman Finke notified Council that the Greenbelt Committee should be meeting prior to the next Council meeting and will have an initial report then.

- **Patricia Fox**

- Discussion of restructuring of Town Committees

Councilwoman Fox summarized the proposed restructure of the Town Committees based on her research of other beach communities along the East Coast.

Council discussed potentially having a Town Council Workshop or Work Session instead of the Ways and Means Committee but would like to have it be informal rather than a full Town Council Regular meeting.

During discussion, Mayor Gregg moved to recess the Ways and Means Committee meeting to begin the special called Town Council Meeting. All voted in favor.

The meeting recessed at 1:59PM.

The meeting resumed at 2:01PM.

Council also discussed adding language in the Town Code to specify what the Town Administrator duties, and the timeline to have a draft ordinance prepared to make these changes.

- **Barry Goldstein**

Councilman Goldstein notified Council that the Public Safety Commission did not have a quorum at the last meeting and has tabled their agenda until next month.

Councilman Goldstein commented on the PGA cut through, he suggested in the future the Town should consider taking funds upfront and fixing the cut through rather than having the company do it as it could be fixed more quickly and efficiently.

Councilman Goldstein also commented on the temporary signage by SIPOA at their temporary location to get gate passes and suggested that they should be removed or replaced with better signage.

### 4. Town Administrator Joe Cronin

- **Action Items for September 28, 2021 Meeting**

Town Administrator Cronin summarized the ordinances for second and first reading for Council that are on the September Town Council regular meeting agenda.

- Second Reading Items



Date September 15<sup>th</sup>, 2021

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

# **Town of Seabrook Island**

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## **Compiled Financial Statements And Supporting Schedules**

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**For the Month and Eight Months Ended  
August 31, 2021**

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

***Accountant's Compilation Report***

Town of Seabrook Island  
Seabrook Island, South Carolina

Management is responsible for the accompanying financial statements of the Town of Seabrook Island, which comprise the balance sheet – modified cash basis as of August 31, 2021, and the related statement of revenue and expenditures – modified cash basis for the month and eight months then ended, and the accompanying supporting schedules, in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

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

*Duffy & Basha, LLC*

Duffy & Basha, CPAs  
Charleston, South Carolina  
September 23, 2021



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

August 31, 2021

Assets

Current Assets	
Operating Checking Account	\$ 145,802.51
Municipal Court Checking Account	17,933.38
Petty Cash	200.00
Prepaid Expenses	<u>1,678.88</u>
Total Current Assets	<u>165,614.77</u>
Other Assets	
Investments	<u>6,077,943.47</u>
Total Assets	<u><u>\$ 6,243,558.24</u></u>

Liabilities and Net Assets

Liabilities	
Current Liabilities	
Accounts Payable	\$ 2,191.46
Other Accrued Liabilities	<u>41,262.39</u>
Total Liabilities	<u>43,453.85</u>
Net Assets	
Restricted Fund Balances	
Accommodations Tax	202,933.34
Charleston County Accommodations Tax	7,464.75
Alcohol Tax	<u>35,266.04</u>
Total Restricted Fund Balances	<u>245,664.13</u>
Designated Fund Balances	
Emergency	2,107,608.82
Road & Drainage	631,507.22
Town Facilities	250,000.00
Vehicle Replacement	<u>64,000.00</u>
Total Designated Fund Balances	<u>3,053,116.04</u>
General Fund	
Total Fund Balances	<u>2,901,324.22</u>
Total Liabilities and Net Assets	<u><u>\$ 6,243,558.24</u></u>

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

For the Month and Eight Months Ended August 31 2021

	Current Year				Prior Year-to-Date
	Current Month	Year to Date	Annual Budget	% of Annual Budget	
Revenues					
Accomodations Tax - General Use	-	10,200.82	32,750.00	31.1%	3,763.83
Business Licenses	24,503.46	502,076.68	350,000.00	143.5%	393,506.35
Business Licenses - MASC	45,376.08	259,020.00	235,000.00	110.2%	204,613.83
Franchise Fees - BEC	-	-	165,000.00	-	-
Franchise Fees - ATT U-verse	-	2,624.16	5,000.00	52.5%	2,741.59
Franchise Fees - Comcast	15,098.73	29,947.51	52,000.00	57.6%	29,111.74
Court Fines	2,575.02	7,061.90	5,000.00	141.2%	3,397.50
Local Option Sales Tax - County	-	172,300.75	240,000.00	71.8%	144,899.04
Aid to Subdivisions - State	-	21,097.83	40,600.00	52.0%	20,318.90
Planning & Zoning Fees	9,600.00	170,365.00	145,000.00	117.5%	18,665.00
Building Permit Fees - County	2,134.58	15,989.07	15,000.00	106.6%	10,078.71
Interest - Investment Pool	536.94	4,249.94	50,000.00	8.5%	35,653.36
Interest - Checking Account	1.20	18.08	25.00	72.3%	10.89
Credit Card Convenience Fees	-	-	750.00	-	-
Facility Rentals	-	-	100.00	-	50.00
Miscellaneous Income	15.00	61.05	275.00	22.2%	1,161.78
Sale of Assets	-	-	500.00	-	-
<b>Total Revenues</b>	<b>99,841.01</b>	<b>1,195,012.79</b>	<b>1,337,000.00</b>	<b>89.4%</b>	<b>867,972.52</b>

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

For the Month and Eight Months Ended August 31 2021

	Current Year				Prior Year-to-Date
	Current Month	Year to Date	Annual Budget	% of Annual Budget	
Expenditures					
Salaries	27,427.24	242,242.34	475,185.00	51.0%	214,289.77
Employer Social Security and Medicare	2,084.50	17,507.98	36,459.00	48.0%	17,362.20
Health and Dental Insurance	5,964.48	20,778.89	26,420.00	78.6%	14,969.46
Retirement	4,019.30	43,673.36	54,856.00	79.6%	25,206.64
Pre-Employment Expenses	(9.94)	734.49	300.00	244.8%	-
Insurance - Tort Liability	-	11,214.00	10,000.00	112.1%	9,234.00
Insurance - Fidelity Bond	-	764.00	750.00	101.9%	697.00
Insurance - Equipment	-	12,239.46	13,250.00	92.4%	12,269.72
Insurance - Worker's Compensation	-	996.00	2,000.00	49.8%	92.00
Insurance - Auto Liability	-	2,215.34	3,750.00	59.1%	2,087.13
Professional Services - Audit	-	14,000.00	15,000.00	93.3%	14,000.00
Professional Services - Accounting	2,272.68	10,058.39	14,000.00	71.8%	8,785.93
Professional Services - Engineering	-	2,470.00	35,000.00	7.1%	5,666.56
Professional Services - Legal	-	924.10	30,000.00	3.1%	6,645.50
Professional Services - Other	-	3,825.00	15,000.00	25.5%	23,238.54
Roadway Maintenance	-	1,558.93	30,000.00	5.2%	1,377.55
Equipment Maintenance	-	529.90	74,000.00	0.7%	14,305.18
Beach Maintenance	-	3,702.92	2,750.00	134.7%	7,800.98
Vehicle Maintenance	-	55.53	750.00	7.4%	74.67
Travel and Training	210.00	835.00	11,500.00	7.3%	187.24
Community Promotions	-	495.10	5,000.00	9.9%	-
Office Supplies	1,315.58	4,812.39	7,800.00	61.7%	3,437.51
Postage	604.50	2,899.17	5,000.00	58.0%	1,881.39
Planning and Zoning	86.86	251.10	750.00	33.5%	78.00
Printing	60.99	5,635.37	10,200.00	55.2%	1,566.97
Utilities	6,658.07	17,780.51	23,000.00	77.3%	12,273.07
Uniforms	-	-	1,350.00	-	-
Capital Expenditures	-	-	106,100.00	-	-
Furniture and Equipment	-	381.48	8,500.00	4.5%	1,699.00
Telecommunication	1,128.27	9,022.85	19,700.00	45.8%	6,634.92
Emergency Telecommunication	3,192.00	4,140.00	7,500.00	55.2%	5,871.00
Council/Committee Expenditure	-	1,233.77	1,500.00	82.3%	201.86
Memberships, Dues and Subscriptions	3,457.98	17,011.72	19,650.00	86.6%	13,070.40
Website	-	549.36	600.00	91.6%	471.00
Equipment Rentals	416.66	4,690.47	6,000.00	78.2%	3,454.23
Advertising	725.00	7,775.92	12,200.00	63.7%	7,974.43
Contingency	2,409.27	3,093.25	30,000.00	10.3%	-
Bank Charges	168.50	1,473.02	1,950.00	75.5%	744.50
Contracted Services - Beach Patrol	37,017.00	44,395.00	20,000.00	222.0%	21,627.00
Contracted Services - IT	2,529.86	18,234.25	43,560.00	41.9%	20,887.74
Contracted Services - Landscaping	4,929.00	48,398.08	125,000.00	38.7%	69,615.00
Contracted Services - Other	3,000.00	17,533.17	28,800.00	60.9%	12,377.95
Election Expense	-	-	2,000.00	-	-
Vehicle Purchase Expenditures	-	-	28,000.00	-	-
Court Expenditures	350.00	5,194.38	8,500.00	61.1%	5,690.00
Emergency Preparedness	5,137.32	21,565.30	31,000.00	69.6%	13,398.95
Special Events	-	-	8,000.00	-	-
<b>Total Expenditures</b>	<b>115,155.12</b>	<b>626,891.29</b>	<b>1,412,630.00</b>	<b>44.4%</b>	<b>581,244.99</b>
Excess of Revenues Over (Under) Expenditures	\$ (15,314.11)	568,121.50	(75,630.00)	-	286,727.53

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

For the Month and Eight Months Ended August 31 2021

	Current Year			% of Annual Budget	Prior Year-to- Date
	Current Month	Year to Date	Annual Budget		
<b>Receipts to Be Used toward Restricted Fund Balances</b>					
State Accomodations Tax					
Advertising & Promotion	\$ -	61,204.95	46,500.00	131.6%	22,582.97
Tourism	-	132,610.71	100,750.00	131.6%	48,929.77
Interest Income	-	137.14	750.00	18.3%	871.74
Use of Fund Balance	-	-	-		-
Total State Accomodation Tax	<u>-</u>	<u>193,952.80</u>	<u>148,000.00</u>		<u>72,384.48</u>
County Accomodations Tax - Charleston					
Interest Income	-	4.96	20.00	24.8%	134.42
Use of Fund Balance	-	-	-		-
Total County Accomodations Tax - Charleston	<u>-</u>	<u>4.96</u>	<u>20.00</u>		<u>134.42</u>
Alcohol Tax					
Receipts	-	3,000.00	3,000.00	100.0%	6,000.00
Interest Income	-	22.18	100.00	22.2%	193.49
Use of Fund Balance	-	-	-		-
Total Alcohol Tax	<u>-</u>	<u>3,022.18</u>	<u>3,100.00</u>		<u>6,193.49</u>
Total Restricted Fund Receipts	<u>\$ -</u>	<u>196,979.94</u>	<u>151,120.00</u>	<u>130.3%</u>	<u>78,712.39</u>
<b>Expenditures Used toward Restricted Fund Balances</b>					
State Accomodations Tax - Advertising and Promotion	-	61,204.95	46,500.00	131.6%	22,582.97
State Accomodations Tax - Tourism	1,080.20	135,297.11	188,750.00	71.7%	81,799.95
County A-Tax Expenditure	-	5,000.00	5,000.00	100.0%	15,000.00
Alcohol Tax Expense	-	-	10,000.00		-
Total Used toward Restricted Funds	<u>\$ 1,080.20</u>	<u>201,502.06</u>	<u>250,250.00</u>	<u>80.5%</u>	<u>119,382.92</u>
<b>Receipts to Be Used toward Designated Fund Balances</b>					
Emergency Fund					
Emergency Fund Receipts	\$ -	-	-		4,797.56
Total Emergency Fund	<u>-</u>	<u>-</u>	<u>-</u>		<u>4,797.56</u>
Total Designated Fund Receipts	<u>\$ -</u>	<u>-</u>	<u>-</u>		<u>4,797.56</u>
<b>Expenditures Used toward Designated Fund Balances</b>					
Emergency Fund	-	-	-		17,670.06
Capital Expenditures - Road and Drainage	-	12,910.00	50,000.00	25.8%	72,312.78
Capital Expenditures - Town Facilities	-	-	-		-
Total Used toward Designated Funds	<u>\$ -</u>	<u>12,910.00</u>	<u>50,000.00</u>	<u>25.8%</u>	<u>89,982.84</u>

## **Supporting Schedules**

**TOWN OF SEABROOK ISLAND  
ACCOMODATIONS TAX  
FYE 12/31/2021**

DATE		DUE FROM STATE	GENERAL 5%	ADVERT 30%	TOURISM 65%	TOTAL
	TOTALS 12/31/2020	55,387.40	-	-	205,465.08	205,465.08
	AUDITORS' ADJUSTMENT				-	-
	ADJUSTED BEGINNING BALANCE	55,387.40	-	-	205,465.08	205,465.08
Jan-21	Interest Income		-	-	24.42	24.42
	TOTALS 1/31/2021	55,387.40	-	-	205,489.50	205,489.50
Feb-21	Ck# 6919 - Chas Area Convention Center			(17,490.76)		(17,490.76)
	Less: 2020 Accruals			17,490.76		17,490.76
	Interest Income		-	-	20.29	20.29
	TOTALS 2/28/2021	55,387.40	-	-	205,509.79	205,509.79
Mar-21	Interest Income		-	-	20.84	20.84
	TOTALS 3/31/2021	55,387.40	-	-	205,530.63	205,530.63
Apr-21	Received from State		2,267.68	13,606.08	29,479.83	45,353.59
	Transferred to General Fund		(2,267.68)			(2,267.68)
	Ck# 7011 - Chas Area Convention Center			(13,606.08)		(13,606.08)
	Interest Income		-	-	22.16	22.16
	TOTALS 4/30/2021	55,387.40	-	-	235,032.62	235,032.62
May-21	Ck# 7014 - East Coast Pyrotechnics				(2,475.00)	(2,475.00)
	Ck# 7022 - Island Beach Services				(7,071.00)	(7,071.00)
	Interest Income		-	-	19.90	19.90
	TOTALS 5/31/2021	55,387.40	-	-	225,506.52	225,506.52
Jun-21	Ck# 7048 - Island Beach Services				(22,130.00)	(22,130.00)
	Ck# 7055 - Lowcountry Marine Mammal				(2,341.71)	(2,341.71)
	Ck# 7070 - Island Beach Services				(48,284.00)	(48,284.00)
	Ck# 7071 - Brian Yuncker				(140.00)	(140.00)
	Ck# 7072 - William Foxe				(100.00)	(100.00)
	Interest Income		-	-	11.12	11.12
	TOTALS 6/30/2021	55,387.40	-	-	152,521.93	152,521.93
Jul-21	Received from State		7,933.14	47,598.87	103,130.88	158,662.89
	Transferred to General Fund		(7,933.14)			(7,933.14)
	Ck# 7092 - East Coast Pyrotechnics				(8,250.00)	(8,250.00)
	Ck# 7113 - Chas Area Convention Center			(47,598.87)		(47,598.87)
	Ck# 7101 - Lowcountry Marine Mammal				(910.20)	(910.20)
	Ck# 7120 - Island Beach Services				(42,515.00)	(42,515.00)
	Interest Income		-	-	18.41	18.41
	TOTALS 7/31/2021	55,387.40	-	-	203,996.02	203,996.02
Aug-21	Ck# 7142 - Lowcountry Marine Mammal				(1,080.20)	(1,080.20)
	Interest Income		-	-	17.52	17.52
	TOTALS 8/31/2021	55,387.40	-	-	202,933.34	202,933.34

**TOWN OF SEABROOK ISLAND  
CHARLESTON COUNTY ACCOMODATIONS TAX  
FYE 12/31/2021**

DATE		DUE FROM COUNTY	REVENUES	EXPENDITURES	TOTAL
	TOTALS 12/31/2020	-		-	7,459.89
	ADJUSTMENT TO ESTIMATE		-		-
	ADJUSTED BEGINNING BALANCE	-	-	-	7,459.89
Jan-21	Interest Income	-	0.89	-	0.89
	TOTALS 1/31/2021	-	0.89	-	7,460.78
Feb-21	Interest Income	-	-	-	-
	TOTALS 2/28/2021	-	0.89	-	7,460.78
Mar-21	Interest Income	-	0.76	-	0.76
	TOTALS 3/31/2021	-	1.65	-	7,461.54
Apr-21	Interest Income	-	0.70	-	0.70
	TOTALS 4/30/2021	-	2.35	-	7,462.24
May-21	Interest Income	-	0.66	-	0.66
	TOTALS 5/31/2021	-	3.01	-	7,462.90
Jun-21	Interest Income	-	0.54	-	0.54
	TOTALS 6/30/2021	-	3.55	-	7,463.44
Jul-21	Interest Income	-	0.67	-	0.67
	TOTALS 7/31/2021	-	4.22	-	7,464.11
Aug-21	Interest Income	-	0.64	-	0.64
	TOTALS 8/31/2021	-	4.86	-	7,464.75

**TOWN OF SEABROOK ISLAND  
 MISCELLANEOUS RESTRICTED FUNDS  
 FYE 12/31/2021**

<b>DATE</b>	<b>Alcohol Tax</b>
TOTALS 12/31/2020	32,244.00
AUDITORS' ADJUSTMENT	-
ADJUSTED BEGINNING BALANCE	<u>32,244.00</u>
Jan-21 Interest Income	3.83
TOTALS 1/31/2021	<u>32,247.83</u>
Feb-21 Interest Income	-
TOTALS 2/28/2021	<u>32,247.83</u>
Mar-21 Interest Income	3.27
TOTALS 3/31/2021	<u>32,251.10</u>
Apr-21 Interest Income	3.04
TOTALS 4/30/2021	<u>32,254.14</u>
May-21 Received from state	3,000.00
Interest Income	3.11
TOTALS 5/31/2021	<u>35,257.25</u>
Jun-21 Interest Income	2.57
TOTALS 6/30/2021	<u>35,259.82</u>
Jul-21 Interest Income	3.18
TOTALS 7/31/2021	<u>35,263.00</u>
Aug-21 Interest Income	3.04
TOTALS 8/31/2021	<u>35,266.04</u>



**TOWN OF SEABROOK ISLAND  
MISCELLANEOUS DESIGNATED FUNDS  
FYE 12/31/2021**

DATE	Emergency	Road and Drainage	Town Facilities	Vehicle Replacement Fund
TOTALS 12/31/2020	2,007,608.82	423,667.22	250,000.00	15,000.00
AUDITORS' ADJUSTMENT	-	-	-	-
ADJUSTED BEGINNING BALANCE	<u>2,007,608.82</u>	<u>423,667.22</u>	<u>250,000.00</u>	<u>15,000.00</u>
Jan-21 Per Town Council	100,000.00	220,000.00	-	49,000.00
TOTALS 1/31/2021	<u>2,107,608.82</u>	<u>643,667.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Feb-21 No Activity	-	-	-	-
TOTALS 2/28/2021	<u>2,107,608.82</u>	<u>643,667.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Mar-21 Ck# 6953 - ESP Associates, Inc.	-	(100.00)	-	-
Ck# 6985 - ESP Associates, Inc.	-	(8,407.50)	-	-
TOTALS 3/31/2021	<u>2,107,608.82</u>	<u>635,159.72</u>	<u>250,000.00</u>	<u>64,000.00</u>
Apr-21 No Activity	-	-	-	-
TOTALS 4/30/2021	<u>2,107,608.82</u>	<u>635,159.72</u>	<u>250,000.00</u>	<u>64,000.00</u>
May-21 Ck# 7017 - ESP Associates, Inc.	-	(2,812.50)	-	-
TOTALS 5/31/2021	<u>2,107,608.82</u>	<u>632,347.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Jun-21 No Activity	-	-	-	-
TOTALS 6/30/2021	<u>2,107,608.82</u>	<u>632,347.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Jul-21 Ck# 7106 - ESP Associates, Inc.	-	(840.00)	-	-
TOTALS 7/31/2021	<u>2,107,608.82</u>	<u>631,507.22</u>	<u>250,000.00</u>	<u>64,000.00</u>
Aug-21 No Activity	-	-	-	-
TOTALS 8/31/2021	<u>2,107,608.82</u>	<u>631,507.22</u>	<u>250,000.00</u>	<u>64,000.00</u>

## **Memorandum of Understanding**

This Memorandum of Understanding (“MOU”) is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, by and between the Town of Seabrook Island (“Town”) and the Seabrook Island Property Owners Association (“SIPOA”) each a Party and both collectively referred to herein as the “Parties.”

WHEREAS, the Parties acknowledge a mutual and shared goal of exploring undertakings directed to reducing or eliminating recurrent traffic back-ups on Seabrook Island Road in consequence of vehicular delays at the SIPOA security gate and limited stacking space for vehicles approaching the gate (said reduction or elimination of traffic back-ups hereinafter the “Objective”);

WHEREAS, the Parties contemplate consultation of service provider(s) experienced in engineering disciplines including traffic and civil engineering (such providers hereinafter “Consultants”) to assess conditions and suggest approaches to achieve the Objective;

WHEREAS, it is the intention of the Parties to share information each consider relevant to the Objective to facilitate disclosures to Consultants as appropriate to their work;

WHEREAS, it is the intention of the Parties that this MOU set forth the understandings of the Parties as to their authorities and responsibilities in respect of the Objective.

NOW THEREFORE, based on the premises set forth above, the following is a statement of the Parties’ understandings:

### **I. UNDERSTANDING**

The Parties understandings are as follows:

#### **1. REPRESENTATIVES & MEETINGS**

- a. Each Party shall designate at least one person to serve as its representative to attend meetings with the other Party and the Consultants in pursuit of the Objective;
- b. Each Party shall designate at least one alternate to serve in place of its designated representative when necessitated by unavailability of the designated representative;
- c. An organizational meeting shall be arranged promptly following execution of this MOU by the Parties, the organizational meeting agenda will include the following items:
  - i. Introduction of Representatives;
  - ii. Summarization of particular concerns by each Party;
  - iii. Establishment of responsibilities for collection of information considered relevant to the Objective;

- iv. Initial identification of candidates recommended for consultation by each Party and disclosure of information concerning each candidate's experience and expertise considered relevant to the Objective; and
- v. Establishment of date for next meeting and confirmation of identification of tasks to be undertaken by each Party in preparation for that meeting.

## 2. DEALINGS WITH CONSULTANTS

- a. The Parties contemplate preparation of a statement of the Objective for disclosure to the Consultants that addresses factors considered by the Parties as potentially impacting achievement of the Objective including, without limitation: boundaries and ownership of Seabrook Island Road right-of-way; traffic volume on Seabrook Island Road including weekday, weekend, holiday and seasonal traffic counts (subject to availability of relatively current traffic counts); currently planned developments along Seabrook Island Road; general (approximate) location of utilities along Seabrook Island Road and Landfall Way; ownership of properties adjacent to Seabrook Island Road from traffic circle at entrance to Freshfields Village through SIPOA security gate to intersection with Seabrook Island Road; ownership of properties adjacent to Landfall Way from Seabrook Island Road to end near entry gate to Bay Point Villas; procedures used to allow passage through SIPOA's security gate; volumes of gate passes including weekday, weekend and holiday counts for both "off season" and "in season" periods; deed restrictions limiting uses of properties of the Parties that are included in properties adjacent to Seabrook Island Road and Landfall Way; existing boundary and tree surveys, if any, for property along Seabrook Island Road from Town Hall to the Access Gate; long term projections and strategic plans which could impact the volume of traffic at the Access Gate (the contemplated statement hereinafter the "Statement"). Said Statement shall not be disclosed to any Consultant prior to approval by the Parties.
- b. Upon approval of the Statement, the Parties shall confirm their intention to proceed with disclosure to Consultants. An initial interview shall be scheduled for each Consultant for presentation of the Statement by the Parties, the presentation is intended to allow the Parties to receive inquiries from each Consultant and, to the extent necessary, record inquiries for which additional consideration will be required for response.
- c. The Parties shall determine the Party responsible for collecting information required to respond to any inquiries by Consultants left open following each presentation interview. Each responsible Party shall prepare a draft response to each inquiry for which that Party has responsibility and shall distribute the draft response to the other Party for review and comment. Promptly following review and comment of each draft response, a final version of the response shall be prepared by the responsible Party and that final version shall be distributed to the other Party for approval. If necessary, the responsible Party shall revise the final version of the response and redistribute the revised final version to the other Party for approval. Upon approval of a final version

of each response by the Parties, the responsible party shall provide the appropriate approved response to the Consultant whose inquiry necessitated the response.

- d. The Parties contemplate that each Consultant will provide suggestions for services to be proposed to the Parties or any one of them to address the Objective. All such suggestions for services shall be distributed to the Parties for consideration. Each Party shall be free to disclose the Statement and Consultant suggestions within its own organization as the Party deems appropriate.
- e. The Parties contemplate that following consideration of Consultant suggestions, the Parties may determine to solicit proposals for services of one or more Consultants. Each Party shall be free to solicit Consultant proposals and to engage Consultant services on a Party's own behalf. Nothing in this MOU shall be construed as authorizing any Party to authorize any Consultant to propose services to or to undertake any proposed services on behalf of any other Party. Any engagement of a Consultant to render services that the Parties determine shall be undertaken by mutual agreement of the Parties shall be reflected in such written agreements as the Parties and the Consultant may from time-to-time determine. It is contemplated that in any agreement entered mutually by the Parties and any Consultant, that one of the Parties shall be designated to serve as the point of contact for communication with the Consultant. Nothing in this MOU shall be construed to require any Party to participate in any solicitation of proposals for services by any Consultant or in any engagement of proposed Consultant services.

## **II. MOU PERIOD**

The Parties intend this MOU to be in effect for ten (10) years from the date this MOU is executed by all Parties subject to earlier termination by a Party without cause and upon thirty (30) days written notice.

## **III. ENTIRE UNDERSTANDING**

This MOU constitutes the entire understanding of the Parties with regard to its contents. There are no representations, warranties, agreements, arrangements, undertakings, oral or written, between the Parties relating to the subject matter, which are not included in this MOU.

## **IV. SIGNATORIES**

The Parties represent and warrant that their signatories have the authority to represent them, their governing body, members, and entities.

**V. NOTICES**

All notices, documents, and writings required under the Agreement shall be transmitted to the other Party by regular mail to the persons and addresses listed below. Each Party may change its representative by providing notice to the other Party.

TO TOWN OF SEABROOK ISLAND:

TO SEABROOK ISLAND PROPERTY OWNERS ASSOCIATION:

Town Administrator  
2001 Seabrook Island Road  
Seabrook Island, SC 29455  
Telephone: (843) 768-9121

Executive Director  
1202 Landfall Way  
Seabrook Island, SC 29455  
Telephone: (843) 768-0061

**VI. TORT IMMUNITY ACT**

The parties acknowledge that the Town is a political subdivision and governmental entity, as defined by the South Carolina Tort Claims Act (“SCTCA”), S.C. Code Ann. §§ 15-78-10 *et seq.* This MOU, or any act taken or not taken hereunder, shall not waive any protections, immunities, limits of liability and damages, or exemptions from liability and damages provided under the SCTCA or any other defenses or limitations available to the Town by statute, regulations or common law.

**VII. MISCELLANEOUS**

By this MOU, the Parties acknowledge that due to personnel, funding, and other constraints on each Party’s resources, full compliance with each and every provision detailed herein may be impracticable or impossible. It is recognized that the implementation and application of this MOU can only be performed through the exercise of discretion or judgment of the Parties and their respective employees and agents, and that this MOU shall in no way alter any Party’s freedom to exercise its discretion or judgment in any matters.

This MOU is not intended to be binding or legally enforceable, imposes no enforceable obligations upon the Parties and does not grant any rights or create any obligations to either Party or to any third party. It is intended to be a statement of principle as to how the Parties intend to pursue the aforesaid Objective. This MOU is intended to inure to the benefit of the Parties hereto and is not intended to create a right for any third party nor support any private cause of action against the any Party hereto.

**IX. EFFECTIVE DATE**

This MOU shall become effective upon the approval of, respectively the SIPOA Board of Directors and Town Council and is thereafter executed by each of the Parties hereto.



**X. SIGNATURES**

FOR TOWN OF SEABROOK ISLAND:

FOR SEABROOK ISLAND PROPERTY OWNERS ASSOCIATION:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# TOWN OF SEABROOK ISLAND

## Town Council Special Called Meeting Minutes

September 14, 2021- Virtual



### MINUTES

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

The September 14, 2021, Town Council Special Called Meeting was conducted via Zoom, and was simultaneously made available to the public via YouTube live stream and by conference call, all in keeping with practices adopted to address the ongoing coronavirus pandemic. Mayor Gregg, Councilwomen Finke and Fox, Councilman Goldstein, Town Administrator Cronin, and Town Clerk Watkins participated in the meeting. Mayor Gregg called the meeting to order. The Town Clerk confirmed that notice of the meeting was properly posted, and the requirements of the SC Freedom of Information Act had been met.

Mayor Gregg moved to recess from the Town Council Special Meeting to finish the Ways and Means Committee meeting. All voted in favor.

The meeting recessed at 2:01PM.

The meeting resumed at 2:44PM.

#### 2. Executive Session

- Discussion of Items Incidental to Proposed Contractual Arrangements (Landscaping Contract)

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

Council moved into Executive Session at 2:45PM.

Councilwoman Fox moved to adjourn Executive Session; Councilman Goldstein seconded. All voted in favor.

Council adjourned Executive Session at 3:14PM.

#### 3. Miscellaneous Business:

- Resolution 2021-22: A resolution committing the Town of Seabrook Island to providing a local match for a Municipal Association of South Carolina Hometown Economic Development Grant and following its procurement policy when securing services and products with grant funds

Town Administrator Cronin summarized Resolution 2021-22 to request a Municipal Association Hometown Economic Development Grant for our proposed wayfinder signs.

Council clarified the maximum amount of local matching funds, and the grant process.



Council discussed the grant amount and the Accommodations Tax application for wayfinder signs as well to supplement the cost of these signs.

Councilwoman Finke moved to approve Resolution 2021-22; Councilwoman Fox seconded. All voted in favor.

Resolution 2021-22 was approved.

#### 4. Adjourn

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

The meeting adjourned at 3:30PM.

Date: September 15<sup>th</sup>, 2021

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



## MEMORANDUM

**TO:** Mayor Gregg & Members of Town Council  
**FROM:** Joseph M. Cronin, Town Administrator  
**SUBJECT:** Rezoning Request for 2517 Pelican Perch  
**MEETING DATE:** September 28, 2021

---

Council is asked to review and approve a rezoning request from the Seabrook Island Property Owners Association for Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch. The applicant is seeking to rezone the property from the SR Single-Family Residential District to the AGC Agricultural-Conservation District.

The property, which is currently vacant, is surrounded on three sides by parcels zoned SR Single-Family Residential. A portion of the property backs up to a marsh critical area, 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 AGC district are limited to the following:

- (a) Open air recreation uses including swimming areas, fishing, beaches, boat ramp, dock, pier, lifeguard station, restrooms, boardwalks and natural preserve.
- (b) Bulkhead and erosion control devices.

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


### **Staff Recommendation**

Staff recommends in favor of **APPROVAL** of the rezoning request.

### **Planning Commission Recommendation**

During its meeting on August 11, 2021, the Planning Commission unanimously recommended in favor of **APPROVAL** of the rezoning request.

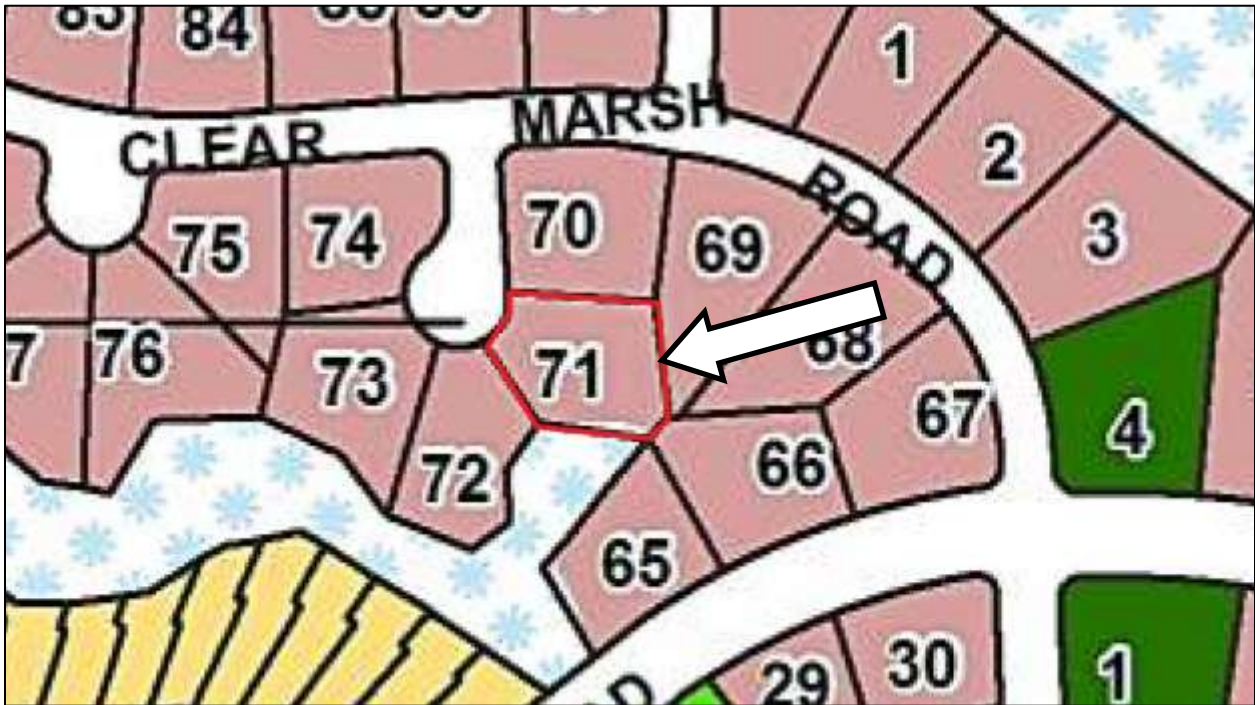
Respectfully submitted,

  
Joseph M. Cronin  
Town Administrator

Aerial Image



Zoning Map



**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2021-10**

**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 147-01-00-062, CONTAINING APPROXIMATELY 0.37 +/- ACRES LOCATED AT 2517 PELICAN PERCH, FROM THE SR SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE AGC AGRICULTURAL-CONSERVATION DISTRICT**

**WHEREAS**, on or about July 26, 2021, the Seabrook Island Property Owners Association filed Rezoning Application #87 with the Town of Seabrook Island seeking to change the zoning designation of Charleston County Tax Map Number 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation District; and

**WHEREAS**, the Seabrook Island Planning Commission reviewed the above referenced rezoning application during its regularly scheduled meeting on August 11, 2021, 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 24, 2021, 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 147-01-00-062, containing approximately 0.37 +/- acres located at 2517 Pelican Perch, from the SR Single-Family Residential District to the AGC Agricultural-Conservation 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 \_\_\_\_\_, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2021.

First Reading: August 24, 2021  
Public Hearing: September 28, 2021  
Second Reading: September 28, 2021

TOWN OF SEABROOK ISLAND

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

ATTEST

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

**EXHIBIT A**

Property Map  
Charleston County Tax Map Number 147-01-00-062



**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2021-11**

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

**AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 32, WATERWAYS AND BEACHES; ARTICLE II, BEACHFRONT MANAGEMENT; DIVISION 2, RESTRICTIONS; SECTION 32-42, VEHICLE USE; SO AS TO AMEND THE REQUIREMENTS RELATING TO THE OPERATION OF MOTOR VEHICLES ON THE BEACHES OF SEABROOK ISLAND**

**WHEREAS**, in an effort to protect the health, safety and welfare of residents, visitors, wildlife, marine life and the environment, Section 32-41 et seq of the Town Code for the Town of Seabrook Island (the "Town Code") prohibits or restricts certain activities on the beaches and waterways of the Town of Seabrook Island; and

**WHEREAS**, Section 32-42 of the Town Code currently prohibits the driving or operating of motor vehicles, of any kind or nature, on the beaches of Seabrook Island, with certain exceptions; and

**WHEREAS**, the Mayor and Council of the Town of Seabrook Island desire to amend Section 32-42 so as to provide greater specificity relating to the types of vehicles which may be authorized on the beach; to create an exception for "Class 1 pedal-assist electric bicycles" which are duly permitted to operate within the Seabrook Island Development by the Seabrook Island Property Owners Association; to establish procedures for the review and approval of special vehicle use permits; and to update the general requirements regulating the use of approved vehicles on the beach; and

**WHEREAS**, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on October 26, 2021; and

**WHEREAS**, the Mayor and Council have determined that it is fitting and proper to amend Section 32-42 of the Town Code to achieve the objectives described herein;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Section 32-42 of the Town Code.** The Town Code for the Town of Seabrook Island, South Carolina; Chapter 32, Waterways and Beaches; Article II, Beachfront Management; Division 2, Restrictions; Section 32-42, Vehicle Use; is hereby amended to read as follows:

**Sec. 32-42. – Vehicle Use.**

(a) Motor vehicles of any type or kind shall not be driven or operated on the beaches of Seabrook Island, except for those expressly authorized below:

(1) Vehicles operated by an official or employee of any municipal, county, state or federal agency, department or unit;

- (2) Vehicles operated by an official or employee of any bona fide public safety agency, including, but not limited to, law enforcement, code enforcement, fire suppression and emergency medical services;
- (3) Vehicles operated by an official or employee of any contractor, agency or entity providing goods or services on the beach under contract with or at the request of the town;
- (4) Vehicles operated by an official or employee of the following community organizations which are necessary for the performance of maintenance services, the provision of security services and/or the transportation of personnel and equipment on behalf of the organization:
  - a. Seabrook Island Property Owners Association
  - b. Seabrook Island Club;
  - c. Seabrook Island Turtle Patrol;
  - d. Seabrook Island Utility Commission;
  - e. St. Christopher Camp and Conference Center;
- (5) Small open motorized vehicles and medical devices may be operated by, or for the benefit of, individuals who have a physical or mental disability which i) is recognized by state or federal law, and ii) which would otherwise preclude their use and enjoyment of the beach;
- (6) Class 1 pedal-assist electric bicycles which are duly permitted by the Seabrook Island Property Owners Association for use within the Seabrook Island Development and which display a valid SIPOA decal while operating on the beach. For the purposes of this section, “class 1 pedal-assist electric bicycles” shall have the same meaning as “electric-assist bicycles” and “bicycles with helper motors,” as defined in Sec. 56-1-10 of the South Carolina Code of Laws; and
- (7) Any other vehicles deemed essential by the town and duly operating under one of the following types of special vehicle use permits:
  - a. Standard vehicle use permits. Standard vehicle use permit requests shall be submitted to the town administrator in writing no less than thirty (30) days prior to the date upon which the applicant seeks to use a vehicle on the beach. Permit requests shall be forwarded by the town administrator to the town council for consideration at the next available town council meeting. If the town council determines that the use of a vehicle is essential to the applicant’s intended purpose, then it may approve the issuance of a permit by resolution. In approving a permit, the town council may attach such reasonable conditions as it deems necessary to protect public health and safety.



b. Emergency permits. Emergency vehicle use permit requests shall be made to the town administrator, either verbally or in writing, as soon as practicable. If the town administrator determines that the use of a vehicle is necessary to mitigate an immediate threat to public health and safety, he or she may authorize a permit, either verbally or in writing. In approving a permit, the town administrator may attach such reasonable conditions as he or she deems necessary to protect public health and safety.

(b) Except in cases of an emergency, vehicles which are authorized to be driven or operated on the beach pursuant to this section shall comply with the following requirements at all times:

- (1) Vehicles shall be operated in such a manner so as not to endanger or unreasonably disturb beachgoers, wildlife or marine life, and designated critical habitat areas, including shorebird and turtle nesting areas;
- (2) Vehicles shall not exceed a speed of ten (10) miles per hour when operating on the beach;
- (3) Vehicles shall be operated on the wet sand; vehicles may not operate on dry sand except to gain access to the wet sand;
- (4) Vehicles shall not be driven onto or within any dune or vegetated area;
- (5) Vehicles shall enter the beach only from authorized access points; and
- (6) All vehicles operating on the beach, excluding those specified in in subsections (a)(5) and (a)(6), shall be equipped with four-wheel drive.

~~(a) The driving or operation of any motor vehicle, of any kind or nature, on the beach is prohibited, except as provided in subsections (1) through (6) of this section:~~

- ~~(1) Emergency vehicles;~~
- ~~(2) Town and other government vehicles;~~
- ~~(3) Seabrook Island Property Owners Association (SIPOA) security or maintenance vehicles;~~
- ~~(4) Small open motorized vehicles designed to transport handicapped individuals operated by or for the benefit of individuals who have physical handicaps (A) which are recognized by state or federal law, and (B) which would otherwise preclude their use and enjoyment of the beach;~~
- ~~(5) Vehicles used by authorized members of the Seabrook Island Turtle Patrol;~~

~~(6) Seabrook Island Club maintenance vehicles;~~

~~(7) St. Christopher Camp and Conference Center vehicles used to transport watercraft and for maintenance purposes; and~~

~~(8) Other vehicles deemed essential by the town, operating pursuant to a duly granted permit from the town.~~

~~(b) Vehicles using the beach shall be operated in such a manner so as not to endanger beachgoers or wildlife. The maximum permissible speed limit on the beach shall be ten miles per hour. Vehicles shall be operated on the wet sand and not operated on dry sand or the upper beach other than to gain access to the wet sand. Vehicles shall not travel onto or otherwise disturb nesting, designated critical habitat areas, wildlife or marine life.~~

~~(c) All authorized vehicles traveling through primary frontal dune areas to the beach shall be restricted to the SIPOA vehicular beach access. St. Christopher Camp and Conference Center has consented to the use of its private vehicular beach access by authorized personnel in emergency situations. A second vehicular beach access for use by authorized personnel in emergency situations is located at the north end of the Pelican Watch Villa property.~~

**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 \_\_\_\_\_, 2020, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2020.

First Reading: September 28, 2021  
Public Hearing: October 26, 2021  
Second Reading: October 26, 2021

TOWN OF SEABROOK ISLAND  
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John Gregg, Mayor

ATTEST

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Katharine E. Watkins, Town Clerk

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2021-12**

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

**AN ORDINANCE ADOPTING A TEMPORARY MORATORIUM ON THE CONSIDERATION OF ZONING MAP AMENDMENTS (IE. "REZONINGS"), ANNEXATION REQUESTS AND CERTAIN SUBDIVISION APPROVALS FOR A PERIOD NOT TO EXCEED ONE HUNDRED AND EIGHTY (180) DAYS**

**WHEREAS**, pursuant Sec. 6-1-110 of the South Carolina Code of Laws, a municipality may enact a moratorium by ordinance after two readings which are at least one week apart; and

**WHEREAS**, pursuant to relevant case law, a moratorium is generally viewed as a valid exercise of a local government's police powers when: 1) the moratorium is imposed for a specific purpose; 2) the moratorium remains in effect for a limited duration; 3) the moratorium is non-discriminatory; and 4) during the term of the moratorium, the local government is actively engaged in researching and implementing amendments to its zoning and land development regulations which are relevant to the purpose of the moratorium; and

**WHEREAS**, the Town of Seabrook Island is currently in the process of finalizing and adopting a comprehensive update to its Development Standards Ordinance (hereafter, the "DSO") and Official Zoning District Map (hereafter, the "Zoning Map"); and

**WHEREAS**, the Mayor and Council of the Town of Seabrook Island have determined that it is fitting and proper to temporarily suspend consideration of Zoning Map amendments (ie. "rezonings"), annexation requests and certain subdivision approvals until the new DSO and Zoning Map are adopted so as to minimize the number of non-conforming lots which may be created following adoption of the new DSO and Zoning Map; and

**WHEREAS**, this moratorium is not intended to further limit or restrict the ability of a property owner to use and/or develop his or her property under the town's current zoning and land development regulations; provided, however, the property may not be rezoned, annexed or subdivided while the moratorium is in effect; and

**WHEREAS**, the Mayor and Council advertised and held a public hearing on the proposed ordinance during a duly called meeting on \_\_\_\_\_;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Adopting a Temporary Moratorium.**

- (A) The Town of Seabrook Island hereby imposes a temporary moratorium on the consideration of all requests to amend the town's Zoning Map.

(B) The Town of Seabrook Island hereby imposes a temporary moratorium on the consideration of all requests to annex unincorporated property into the municipal limits of the Town of Seabrook Island.

(C) The Town of Seabrook Island hereby imposes a temporary moratorium on the consideration of all requests to subdivide property within the town, including all sketch plans, conceptual plans, preliminary plats and final plats related to the subdivision of property; provided, however, this moratorium shall not apply to the following types of subdivision requests:

(1) The subdivision of land into parcels of five (5) acres or more where no new streets are created, and no existing streets are modified;

(2) The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots conform to the current requirements of the DSO;

(3) The combination or recombination of entire lots of record where no new streets are created, and no existing streets are modified;

(4) The subdivision of land for public acquisition, either by purchase or donation, and which is intended to be used for a public purpose; and

(5) Any subdivision plat which is created and approved by judicial act.

**SECTION 2. Effective Date and Duration of Moratorium Period.**

(A) The provisions of this ordinance shall be effective immediately upon enactment and shall remain in effect until the earlier of the following:

(1) One hundred and eighty (180) calendar days following adoption; or

(2) Upon adoption by the Mayor and Council of the new DSO and Zoning Map.

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

**SECTION 3. Invocation of Pending Ordinance Doctrine.**

The Mayor and Council for the Town of Seabrook Island hereby invoke the pending ordinance doctrine, as recognized under South Carolina case law and legal precedent. Effective immediately upon first reading approval of this ordinance, the Zoning Administrator shall not accept or process any new application or request which is subject to the moratorium provisions described in herein, and no individual or body having review authority shall or consider or approve such requests while the moratorium remains in effect.

**SECTION 4. Town Action Plan.**

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

- (A) The Zoning Administrator shall work with the town’s planning consultant (PLB Planning Group) and its DSO Advisory Committee to finalize the draft versions of the new DSO and Zoning Map.
- (B) The Planning Commission shall review the draft versions of the new DSO and Zoning Map, as recommended by staff and the DSO Advisory Committee, and shall provide recommendations to the Mayor and Council prior to adoption.
- (C) The Mayor and Council shall undertake a comprehensive effort to inform residents and property owners about the new DSO and Zoning Map and shall accept public participation and feedback on the draft documents prior to adoption. The Mayor and Council shall also hold an official public hearing prior to second reading approval of both documents.
- (D) The Mayor and Council shall consider, amend (if necessary) and adopt the new DSO and Zoning Map by ordinance.

**SECTION 5. Conflicting Ordinances Suspended.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby suspended to the extent of such inconsistency.

**SECTION 6. Severability.**

If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property or circumstances.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2021.

First Reading: September 28, 2021  
Public Hearing: October 26, 2021  
Second Reading: October 26, 2021

TOWN OF SEABROOK ISLAND

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

ATTEST

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

**TOWN OF SEABROOK ISLAND**

**ORDINANCE NO. 2021-13**

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

**AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE V, FINANCIAL ADMINISTRATION; DIVISION 2, PURCHASING REQUIREMENTS; SO AS TO AMEND THE POLICIES AND PROCEDURES RELATED TO THE PROCUREMENT OF GOODS AND SERVICES BY THE TOWN**

**WHEREAS**, on March 10, 1988, the Mayor and Council of the Town of Seabrook Island adopted a procurement ordinance (Ord. No. 1988-03), as required by S.C. Code Sec. 11-35-5320 and S.C. Code Ann. Regs. 19-445.2155; and

**WHEREAS**, the town's procurement ordinance was subsequently amended on January 12, 1995 (Ord. No. 1994-11) and June 26, 2008 (Ord. No. 2008-02); and

**WHEREAS**, the Mayor and Council desire to amend the town's procurement ordinance so as to update various policies and procedures related to the goods and services by the town; and

**WHEREAS**, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on \_\_\_\_\_; and

**WHEREAS**, the Mayor and Council believe it is fitting and proper to amend the Town Code to achieve the objectives referenced herein;

**NOW, THEREFORE**, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, **BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE TOWN OF SEABROOK ISLAND:**

**SECTION 1. Amending Chapter 2, Article V, Division 2 of the Town Code.** The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article V, Financial Administration; Division 2, Purchasing Requirements; is hereby amended to read as follows:

**DIVISION 2. - PURCHASING REQUIREMENTS**

**Sec. 2-285. Authority and purpose.**

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

**Sec. 2-286. Definitions.**

(A) As used in this division, the following definitions shall apply:

- (1) “Invitation for bids” or “IFB” means a written or published solicitation issued by the procurement officer for bids to contract for the procurement or disposal of stated supplies, services, information technology, or construction, which will ordinarily result in the awarding of a contract or purchase order to the responsible bidder making the lowest responsive bid.
- (2) “Most advantageous” means an offer, proposal, or response which has been judged by the town to be most beneficial based on the evaluation criteria contained within the RFP. In addition to cost, the evaluation criteria may include other factors, including, but not limited to:
  - (a) The vendor’s qualifications to provide the goods or services;
  - (b) The vendor’s approach to providing the goods or services;
  - (c) The vendor’s sufficiency of financial resources;
  - (d) The vendor’s ability to deliver the goods or services in a timely manner;
  - (e) The vendor’s quality of workmanship;
  - (f) The vendor’s character, integrity, judgment, reputation, and experience;
  - (g) The vendor’s history of satisfactory performance with similar projects;  
and
  - (h) The vendor’s knowledge of, and ability to comply with, associated legal or regulatory requirements.
- (3) “Procurement” means the process and procedure for buying, purchasing, renting, leasing, or otherwise acquiring any supplies, services, information technology, or construction. It also includes all functions that pertain to the obtaining of any supply, service, information technology, or construction, including the description of requirements, selection, and solicitation of sources, preparation and award of contracts, and all phases of contract administration.
- (4) “Procurement officer” means the person who is authorized by the town to administer the procurement of all supplies, services, information technology and construction, as well as the management and disposal of surplus supplies and equipment, in accordance with the provisions of this division. The procurement officer shall act under the direction of the Mayor and shall organize and execute all procurement activities for the town as set forth in this division. For purposes of this division, the Town Administrator is designated as the procurement officer for the town.



- (5) “Professional services” means unique, technical, and/or infrequent functions performed by an independent contractor qualified by education, experience, and/or technical ability to provide services. In most cases, these services are of a specific project nature, and are not a continuing, ongoing responsibility of the institution. The services rendered are predominately intellectual in character even though the contractor may not be required to be licensed. Professional service engagements may involve partnerships, corporations, or individuals. Examples of professional services may include, but are not limited to, accountants, architects, attorneys, auditors, biologists, engineers, environmental consultants, financial advisors/planners, land use planners, management consultants, marketing and advertising services, physicians, and real estate appraisers.
- (6) “Request for proposals” or “RFP” means a written or published solicitation issued by the procurement officer for proposals to provide supplies, services, information technology, or construction which ordinarily results in the awarding of a contract to the responsible offeror whose proposal is deemed to be most advantageous to the town based on the evaluation criteria contained within the RFP.
- (7) “Request for qualifications” or “RFQ” means a written or published solicitation issued by the procurement officer for the purpose of obtaining qualification and performance data from vendors, including, but not limited to, financial capability, reputation, experience, and competency, which will ordinarily result in the subsequent issuance of an IFB or RFP to a “short list” of vendors deemed qualified by the town.
- (8) “Responsible bidder or offeror” means a vendor who is determined by the town to have the capability in all respects to perform fully the contract requirements and the integrity and reliability which will assure good faith performance which may be substantiated by past performance.
- (9) “Responsive bidder or offeror” means a vendor who has submitted a bid or proposal which conforms in all material aspects to the invitation for bids, request for proposals or request for qualifications.
- (10) “Successful bidder” means the vendor whose bid or proposal has been selected as the “lowest responsible” or “most advantageous,” depending on the procurement method used.
- (11) “Surplus property” means any materials, supplies, equipment or other goods which, in the opinion of the procurement officer, have no further beneficial usefulness to the town or cannot economically be made useful to the town.
- (12) “Vendor” means a person, company or firm who sells goods or services.

**Sec. 2-287. Compliance with other laws and regulations.**

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

**Sec. 2-288. Ethical procurements.**

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

**Sec. 2-289. Procurement limitations and authorization.**

- (A) Procurement policy. It is the town's policy to develop competition to ensure maximum purchasing value for all procurement activities. The procurement officer shall have the discretion to use a more stringent purchasing procedure if he or she determines that doing so would better serve the town's interest. When deemed appropriate, the procurement officer may utilize the services of advisory committees and/or outside consultants to assist with the preparation of IFB's, RFP's and RFQ's; the review and evaluation of bids, proposals, and qualifications; and the review, negotiation, and awarding of contracts and purchase orders. No contract or purchase order may be subdivided to avoid the requirements of this section.
- (B) Purchasing procedures. The procurement of goods and services shall be executed as follows:
  - (1) Under \$5,000.00: Open Market.
    - (a) Competitive bidding is not required.

(b) The procurement officer shall have the authority to purchase goods and services on the open market using a reasonable effort to obtain pricing at or below prevailing market rates.

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

(a) Competitive bidding shall be required. The procurement officer shall solicit written quotes from at least three vendors.

(b) If the purchase was specifically budgeted in the current fiscal year budget and the lowest responsible bid is less than or equal to the amount budgeted, the procurement officer shall have the authority to award a contract or purchase order to the successful bidder.

(c) If the purchase was not specifically budgeted in the current fiscal year budget or the lowest responsible bid exceeds the amount budgeted, the procurement officer shall obtain prior approval from the Mayor, subject to the limitations contained in Sec. 2-260(b), before awarding a contract or purchase order to the successful bidder.

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

(a) Competitive bidding shall be required. The procurement officer shall issue a written IFB or RFP, depending on the procurement method used. The procurement officer shall solicit written bids or proposals from at least three vendors.

(b) The procurement officer shall review and evaluate all bids or proposals in a timely manner and shall recommend a successful bidder to the Mayor.

(c) Subject to the limitations contained in Sec. 2-260(b), the Mayor shall have the authority to award a contract or purchase order to the successful bidder.

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

(a) Sealed, competitive bidding shall be required.

1. Invitation. The procurement officer shall issue a written IFB or RFP, depending on the procurement method used. The procurement officer may, at his or her discretion, issue a written RFQ for the purpose of identifying a "short list" of pre-qualified vendors prior to the issuance of an IFB or RFP. Bid packages shall be advertised in a newspaper of general circulation within the town, on the South Carolina Business Opportunities (SCBO) website, and on the town's website, at least ten (10) days prior to the due date, except in cases with extraneous time

constraints. Additional methods of notification may be used at the discretion of the procurement officer.

2. *Bid package.* At a minimum, the bid package shall contain the following:
  - i. Instructions for completing and submitting a sealed bid or proposal, including the deadline for the receipt of all bids;
  - ii. A detailed description of the goods or services to be purchased;
  - iii. An explanation of the criteria to be used in the evaluation of bids and proposals;
  - iv. Whether a bid security is required and the amount of same;
  - v. The date, time and location of the bid opening; and
  - vi. Any other items or information deemed appropriate by the procurement officer.
3. *Bid security.* When deemed necessary by the procurement officer, a bid security, not to exceed five percent (5%) of the total bid amount, shall be required. A successful bidder shall forfeit his or her bid security upon failure to enter into a contract with the town within ten (10) days after the issuance of a notice of award; provided, however, the town, in its sole discretion, may waive or reduce this forfeiture.
4. *Submission and sealing.* Bids shall be received by the procurement officer at the designated location no later than the date and time specified in the invitation. Late bids shall not be accepted. Bids shall be securely sealed in an envelope and shall be identified on the envelope in accordance with instructions contained in the bid package.
5. *Opening.* Bids shall be opened and read publicly at the date, time, and location specified in the bid package.
6. *Tabulation.* A tabulation of all bids received shall be available for public inspection.
7. *Rejection of bids.* The procurement officer shall have the authority to reject all bids, or parts of bids, when the public interest will be served thereby.

8. Bidders in default to the town. The procurement officer shall have the authority to reject bids from any vendor who is delinquent in the payment of taxes, license fees or other monies due to the town.
9. Review and recommendation of bids. The procurement officer shall review and evaluate all bids or proposals in a timely manner and shall recommend a successful bidder to the Mayor. The Mayor shall review the procurement officer's recommendation and submit a final recommendation of the successful bidder to the Town Council.
10. Award. The Town Council shall have the authority to award a contract or purchase order to the successful bidder.

(d) Performance bonds. The procurement officer shall have the authority to require a performance bond, before entering into a contract, in such form and amount as the procurement officer shall find reasonably necessary to protect the best interests of the town.

(e) Exception for construction contracting administration. Notwithstanding the proceeding, procurements involving construction may use a construction contracting administration method which is most advantageous to the town and will result in the most timely, acceptable quality, economical, and successful completion of the construction project. Any request to use an alternate form of construction contracting administration for a particular construction project must receive prior approval by the Town Council.

(C) Exceptions. Exceptions to bidding include the sole source, professional services, emergency procurements, purchasing cooperatives, and critical procurements as defined below.

(1) Sole source. Sole source procurement is acceptable when, after a good faith review of all possible sources, it is determined by the procurement officer that there is only one viable source from which to obtain the goods or services. Sole source procurements shall be executed as follows:

(a) For goods and services with an estimated value of less than \$50,000.00, the procurement officer shall submit a written request to the Mayor outlining the justification for sole source procurement. Subject to the limitations contained in Sec. 2-260(b), the Mayor shall have the authority to approve the sole source procurement if he or she deems the request to be justified.

(b) For goods and services with an estimated value of \$50,000.00 or greater, the procurement officer shall submit a written request to the Mayor

outlining the justification for sole source procurement. If the Mayor determines that the sole source procurement is justified, he or she shall submit the request to the Town Council for consideration. Town Council shall have the authority to approve the sole source procurement.

- (2) Professional services. Contracts for the procurement of professional service are exempt from the provisions of this ordinance. Such contracts may be negotiated on a fee basis rather than competitive bidding. Subject to the limitations contained in Sec. 2-260(b), the Mayor shall have the authority to approve professional service contracts with a value of less than \$50,000.00. All other professional service contracts shall be approved by the Town Council.
- (3) Emergency procurements. Notwithstanding the requirements of this division, the Mayor may make, or authorize others to make, emergency procurements where there exists a threat to public health, welfare, or safety under emergency conditions; where normal daily operations are affected or in jeopardy; or when a critical situation exists where time does not permit for ordinary solicitation or re-solicitation.
- (4) Purchasing cooperatives. In the event the town is eligible to purchase goods or services through a “term” contract or purchasing cooperative offered by the State of South Carolina or any of its agencies, Charleston County or other South Carolina Counties, the Municipal Association of South Carolina or other South Carolina municipalities, the U.S. General Services Administration, or other similar public entities, the procurement officer may purchase such goods and services under the “term” contract or purchasing cooperative without seeking competitive bids or proposals; provided, however, if the purchase was not specifically budgeted in the current fiscal year budget or the purchase price exceeds the amount budgeted, the procurement officer shall obtain prior approval from the Mayor, subject to the limitations contained in Sec. 2-260(b), before purchasing the goods or services.
- (5) Purchase and sale of real property.
  - (a) When the town desires to purchase real property for public use, the following procedures shall be followed:
    1. The property shall be appraised by a licensed South Carolina certified general real estate appraiser.
    2. The Mayor, or an individual designated by the Mayor, may commence contractual negotiations to purchase the property.
    3. Contractual negotiations may be discussed with Town Council in executive session, as provided for by the S.C. Freedom of Information Act.

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

**Sec. 2-290. Protest procedures and remedies.**

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

the IFB or RFP, or within five (5) business days of the issuance of any amendment thereto if the amendment is at issue.

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

**Sec. 2-291. Open records.**

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

**Sec. 2-292. Disposal of surplus property.**

- (A) Authority. The procurement officer shall be responsible for management and disposal of all surplus property, excluding real property. The authority to sell, lease or dispose of real property rests solely with Town Council.
- (B) Disposal procedures. The procurement officer may dispose of surplus property as follows:
  - (1) Items with an estimated value of less than \$500.00 may be sold on the open market without formal advertisement or competitive procedures. Such items



may also be donated to local not-for-profit organizations which provide charitable services within community.

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

~~**State Law reference**— Political subdivisions required to adopt procurement laws, S.C. Code 1976, § 11-35-50; procurement and intergovernmental relations, S.C. Code Reg. 19-445.2155.~~

~~**Sec. 2-285.— Items less than \$3,000.00.—**~~

~~All purchases and contracts of less than \$3,000.00 may be made in the open market, without advertisement and without the necessity of complying with the provisions of this article.~~

~~**Sec. 2-286.— Items between \$3,000.00 and \$10,000.00.**~~

~~All purchases and contracts of less than \$10,000.00 but more than \$3,000.00 may be made in the open market, without newspaper advertisement and without observing the formal competitive bidding procedures set forth in subsections (1) through (3) of this section, but shall be undertaken in accordance with the following procedures:~~

- ~~(1) All open market purchases shall, wherever reasonably possible, be based on at least three price quotations.~~
- ~~(2) The mayor or designee shall solicit quotations by direct mail or by telephone to be confirmed in writing by the person offering the price quotation. The final purchasing decision shall be the mayor's responsibility.~~
- ~~(3) The mayor or designee shall keep a record of all orders and the quotations submitted, and such records shall be open to public inspection during normal business hours.~~

~~**Sec. 2-287.— Items greater than \$10,000.00.**~~

~~All purchases and/or contracts exceeding \$10,000.00 shall be made in accordance with the competitive bidding procedures set forth in subsections (1) through (5) of this section:~~

- ~~(1) Invitation to bid. The mayor or designee shall solicit bids by mail, telephone, newspaper, or by any other reasonable means designed to secure responsible bidders. Invitations to bid shall be advertised or noticed at least ten days prior to the date on which bids are due unless, due to extraneous time constraints, such cannot be complied with.~~
- ~~(2) Bid deposits.~~
  - ~~a.— All bidders must provide a bid security. Bid deposits shall be prescribed in the public notice inviting bids. The amount of such deposit shall be five percent of~~

~~the bid and shall be in the form of a certified check, bond or cash. Bid deposits may be waived provided notice of such is given when bids are solicited.~~

~~b.—Unsuccessful bidders shall be entitled to the return of their surety within 30 calendar days after the awarding of the contract or the rejection of all bids.~~

~~c.—Upon the failure of a successful bidder to enter into a contract within seven calendar days after the town tenders the proposed contract, the bidder shall forfeit the bid deposit.~~

~~(3) Submission and opening of bids.~~

~~a.—All bids shall be submitted to the Office of the Town of Seabrook Island during normal business hours in a sealed condition with identification contained on the envelope containing the bid.~~

~~b.—Bids shall be submitted at the designated place no later than the date and time stated in the notice of bid.~~

~~c.—Bids shall be opened in public at the time and place stated in the public notice.~~

~~d.—A tabulation of all bids received shall be made available for public inspection.~~

~~(4) Analysis and recommendation of bidder. Contracts shall be awarded to the lowest responsive, responsible bidder. In determining the lowest responsive, responsible bidder, in addition to price, consideration may be given to:~~

~~a.—The ability, capacity and skill of the bidder to provide the services required;~~

~~b.—The capability of the bidder to perform the contract or provide the services promptly, or within the time specified without delay or interference;~~

~~c.—The character, integrity, reputation, judgment, experience and efficiency of the bidder;~~

~~d.—The quality of performance of previous contracts or services, both with the town or other entities, including performance within contract specifications and costs, and the absence of litigation or arbitration associated with the contractual performance;~~

~~e.—The previous and existing compliance by the bidder with laws and ordinances relating to the contract and services;~~

~~f.—The sufficiency of the financial resources of the bidder to perform the contract or provide the services;~~

~~g.—The quality, availability and adaptability of the suppliers of contractual services to the particular use required; and~~

~~h.—The quality of samples requested by the town.~~

~~(5) Award of contract. The mayor shall recommend the successful bidder to the town council for approval as soon as possible and shall advise the successful bidder of the council's decision within one week of the council's action.~~

~~**Sec. 2-288.—Professional service contracts.**~~

~~(a) Authority. For the purpose of procuring any professional services, where the person or firm employed is customarily employed on a fee basis rather than by competitive bidding, the town may act as a purchasing agent and contract on its own behalf for such services without the necessity of complying with the provisions of this article. (b) Mayoral recommendation; council approval. The mayor shall recommend the person or firm to the town council for approval as soon as possible. If approved by the town council, such contract may thereafter be entered into.~~

~~**Sec. 2-289.—Sole source procurement.**~~

~~A contract may be awarded for a supply, service or construction item without competition when the mayor or designee determines in writing that there is only one source for the required supply, service or construction item. After such written determination has been made, all sole-source contracts not exceeding \$3,000.00 may be entered into without the necessity of complying with the provisions of this article. For all sole source contracts exceeding \$3,000.00, the mayor shall recommend such contracts to the town council for approval as soon as possible. If approved by the town council, such contract may thereafter be entered into.~~

~~**Sec. 2-290.—Emergency procurements.**~~

~~Notwithstanding any provision to the contrary, the mayor or designee may make or authorize others to make emergency procurements when there exists an immediate threat to the public health, welfare, critical economy and efficiency or safety; provided that such emergency procurement shall be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and the selection of a particular contractor shall be included in the contract file.~~

~~**Sec. 2-291.—Cancellation or rejection of invitation for bids, requests for proposals, etc.**~~

~~Invitations for bids, requests for proposals or other solicitations may be cancelled or any and all bids or proposals may be rejected in whole or in part when it is in the town's best interests. The mayor or designee may amend any of the requirements set forth in an invitation to bid, notice of bid or solicitation when necessary and in the town's best interest. Reasonable notice of such amendment shall be given. The town may reject any and all bids for any purpose whatsoever.~~

~~**Sec. 2-292.—Disposal of town property valued under \$500.00.**~~

~~Town property with an estimated value of less than \$500.00 may be sold without formal advertisement of competitive procedures.~~

**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 \_\_\_\_\_, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2021.

First Reading: September 28, 2021  
Public Hearing: October 26, 2021  
Second Reading: October 26, 2021

TOWN OF SEABROOK ISLAND

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

ATTEST

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

County

- **Sec. 2-184. - Competitive sealed bidding.**

**[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTION](#)**

(a)

*Conditions for use.* Contracts shall be awarded by competitive sealed bidding except as otherwise provided in [section 2-182](#) (Methods of source selection).

(b)

*Invitation for bid.* An invitation for bid shall be issued and shall include a purchase description, and all contractual terms and conditions applicable to the procurement.

(c)

*Public notice.* Public notice of the invitation for bid shall be given not less than seven days prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation.

(d)

*Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bid. The amount of each bid and other such relevant information as may be specified by regulation, together with the name of each bidder, shall be recorded. The record and each bid shall be open for public inspection after award. Late bids shall not be opened and considered for award, but the name of the late bidder(s) and the time of the attempted delivery shall be recorded in the bid file wherever possible.

(e)

*Bid acceptance and evaluation.* Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article. Bids shall be evaluated based on the requirements set forth in the invitation for bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable such as discounts, transportation costs, and total or life cycle costs. The invitation for bid shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluations that are not set forth in the invitation for bid.

(f)

*Correction or withdrawal of bids, cancellation of awards.* Corrections or withdrawal of inadvertently erroneous bids, before or after award or cancellation of awards or contracts based on such bid mistakes, may be permitted in accordance with regulations. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the county or fair competition shall be permitted. Except as otherwise provided by regulation, all decisions to permit the correction or withdrawal of bids, or to cancel awards or contracts based on bid mistakes, shall be supported by a written determination made by the contracts and procurement director.

(g)

*Award.* Except as hereinafter prescribed, all contracts shall be awarded with reasonable promptness by written notice to the lowest responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bid.

(1)

Bids exceeding \$100,000.00 on all single items of capital goods or construction projects (to be performed by outside contractors), shall be subject to review and approval by county council. These items shall be placed on the Finance Committee Consent Agenda.

(2)

In other than construction projects, if all bids exceed available funds and no additional monies can be appropriated, then the bids will be rejected.

(3)

In the event all bids for a construction project exceed available funds, and the lowest responsive and responsible bid does not exceed such funds by more than five percent, the contracts and procurement director is authorized in situations where time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment in the bid price including changes in the bid requirements with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds.

(h)

*Tie bids.* The contracts and procurement director is authorized in the case of tie bids to make awards on any reasonable basis subject to governing rules and regulations intended to prevent identical bidding, and in instances where that does not provide a solution, to reject all bids and either issue a new solicitation or if time and economic considerations do not allow, negotiate a more favorable purchase.

(i)

*Disclosure of bid information* prior to bid opening for goods and services, excluding construction:

(1)

All estimates of costs prepared, by or for the county, shall remain confidential prior to execution of a contract.

(2)

The names of those persons who receive bid packages will not be revealed.

(3)

The number of bidders will not be revealed.

(j)

*Disclosure of bid information* for construction projects prior to award:

(1)

A bid range based on estimated project costs may be disclosed.

(2)

Names of potential bidders may be released to the extent known.

(Ord. No. 1519, § II, 9-4-07; Ord. No. 1753, § II(Exh. A), 10-16-12)

- **Sec. 2-185. - Competitive sealed proposals.**

**[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONEMAIL SECTION](#)**

(a)

*Conditions for use.* Subject to [section 2-222](#), when the contracts and procurement director determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the county, a contract may be entered into by competitive sealed proposals.

(b)

*Request for proposals.* Proposals shall be solicited through a request for proposals.

(c)

*Public notice.* Public notice of the request for proposals shall be given in the same manner as provided in [section 2-184\(c\)](#).

(d)

*Proposal opening.* Proposals shall be publicly opened and only the names of the offerors disclosed at the proposal opening. Contents of competing offerors shall not be disclosed during the process of review and discussions. Proposals shall be for public inspection after contract award. Proprietary or confidential information marked as such in each proposal shall not be disclosed without written consent of the offeror as provided for in [section 2-154](#) of this Code. Late proposals shall neither be opened nor considered for award; however, the name and address of the late offeror and the time of attempted delivery shall be recorded wherever practicable.

(e)

*Clarifications with responsible offerors and revisions to proposals prior to selection of preferred offeror/proposal.* As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for submissions, and prior to award for the purpose of obtaining best and final offers. In conducting such discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(f)

*Evaluation factors.* The request for proposals shall state the evaluation factors in relative order of importance, unless otherwise noted.

(g)

*Discussions with preferred offeror.* After proposals have been evaluated, discussions may be held with the preferred offeror in an effort to reach terms advantageous to the county. Notwithstanding this provision, solicitations may incorporate contract terms to which all offerors shall be expected to adhere.

(h)

*Award.* Except as hereinafter prescribed, the award shall be made to the responsible offeror whose proposal is determined, in writing, to be most advantageous to the county taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. Proposed awards exceeding \$50,000.00 on all single items of capital goods or construction projects (to be performed by outside contractors), shall be subject to review and approval by county council. These items shall be placed on the finance committee consent agenda.

County

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In other than construction projects, if all bids exceed available funds and no additional monies can be appropriated, then the bids will be rejected.



(3)

In the event all bids for a construction project exceed available funds, and the lowest responsive and responsible bid does not exceed such funds by more than five percent, the contracts and procurement director is authorized in situations where time or economic considerations preclude re-solicitation of work of a reduced scope, to negotiate an adjustment in the bid price including changes in the bid requirements with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds.

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*Evaluation factors.* The request for proposals shall state the evaluation factors in relative order of importance, unless otherwise noted.

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*Discussions with preferred offeror.* After proposals have been evaluated, discussions may be held with the preferred offeror in an effort to reach terms advantageous to the county. Notwithstanding this provision, solicitations may incorporate contract terms to which all offerors shall be expected to adhere.

(h)

*Award.* Except as hereinafter prescribed, the award shall be made to the responsible offeror whose proposal is determined, in writing, to be most advantageous to the county taking into consideration the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made. Proposed awards exceeding \$50,000.00 on all single items of capital goods or construction projects (to be performed by outside contractors), shall be subject to review and approval by county council. These items shall be placed on the finance committee consent agenda.

**TOWN OF SEABROOK ISLAND**

**RESOLUTION NO. 2021-23**

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

**A RESOLUTION PROHIBITING THE CARRYING OF CONCEALABLE WEAPONS ON TOWN PROPERTY AND WHILE USING ANY MACHINERY, VEHICLE, OR EQUIPMENT OWNED OR LEASED BY THE TOWN**

**WHEREAS**, Act No. 66 of 2001, also known as the “Open Carry With Training Act” (hereafter, the “Act”), went into effect in the State of South Carolina on August 15, 2021; and

**WHEREAS**, the Act allows the open carrying of handguns in the State of South Carolina by owners of a valid Concealed Weapons Permit; and

**WHEREAS**, pursuant to S.C. Code Sec. 23-31-220(A), as amended by the Act, “nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon... the right of a public or private employer to prohibit a person who is licensed under this article from carrying a concealable weapon, whether concealed or openly carried, upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business”; and

**WHEREAS**, any public or private employer who elects to prohibit a person from carrying a concealable weapon, whether concealed or openly carried, upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business, must provide notice by placing “NO CONCEALABLE WEAPONS ALLOWED” signs meeting the requirements of S.C. Code 23-31-235 at each entrance; and

**WHEREAS**, the Mayor and Council for the Town of Seabrook Island have determined that it is in the best interest of the Town, its residents and employees, to prohibit the carrying of concealable weapons, whether concealed or openly carried, on any property owned by the town and while using any machinery, vehicle, or equipment owned by the town;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council for the Town of Seabrook Island:

1. The carrying of concealable weapons, whether concealed or openly carried, is hereby prohibited on all property, and within all facilities, owned or leased by the Town of Seabrook Island.
2. The carrying of concealable weapons, whether concealed or openly carried, is hereby prohibited while using any machinery, vehicle or equipment owned or leased by the Town of Seabrook Island.
3. The Town Administrator shall provide notice by placing, or causing to be placed, “NO CONCEALABLE WEAPONS ALLOWED” signs meeting the requirements of S.C. Code 23-31-235 at the entrance to all properties and facilities owned or leased by the town.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

**TOWN OF SEABROOK ISLAND**

**RESOLUTION NO. 2021-24**

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

**A RESOLUTION DIRECTING THE EXPENDITURE OF UNBUDGETED REVENUES FROM THE CHARLESTON COUNTY ACCOMMODATIONS TAX PROGRAM**

**WHEREAS**, the Town of Seabrook Island’s FY 2021 Budget (the “FY 2021 Budget”) was adopted by Ordinance No. 2020-19 on December 15, 2020; and

**WHEREAS**, the adopted FY 2021 Budget did not anticipate any revenues from the Charleston County Accommodations Tax Program (the “County ATAX Program”); and

**WHEREAS**, pursuant to an agreement entered into by the Town of Seabrook Island (the “Town”) and Charleston County (the “County”) on August 30, 2021 (the “Agreement”), the County will provide the Town with a minimum of \$44,000 in County ATAX Program funds during the Town’s 2021 fiscal year; and

**WHEREAS**, pursuant to the terms of the Agreement, the Town Agreed to spend County ATAX Program funds “only for a valid public purpose within the boundaries of Charleston County, specifically for tourist-related activities as defined in State Legislative Code 6-1-530 titled Use of revenue from Local Accommodations Tax”; and

**WHEREAS**, pursuant to Section 4 of the ordinance adopting the FY 2021 Budget, “Actual revenues in excess of budgeted amounts may be administered by resolution of the Town Council”;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council for the Town of Seabrook Island:

1. The actual revenues from the County ATAX Program shall be spent as follows:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2021, having been duly adopted by the Town Council for the Town of Seabrook Island on the \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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