

TOWN OF SEABROOK ISLAND

Town Council Meeting
October 26, 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/82540149330?pwd=TVZ1RVE0ZklwRVRKSUZmLzZmZDkvQT09>
- **To join by phone:** Call (646) 558-8656 **Please note that long distance rates may apply**
- **Meeting ID:** 825 4014 9330 **Passcode:** 199518

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
- **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 Public Hearing September 28th, 2021
 - Town Council Meeting September 28th, 2021
 - Ways and Means Committee Meeting October 12th, 2021
 - Town Council Budget Workshop October 14th, 2021
 - Town Council Budget Workshop October 21st, 2021
3. **Financials:** For the Month of September 2021
4. **Public Hearing:**
 - **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., “rezonings”), 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

5. Citizens/Guests Presentations, Comments:

Presentations:

- Ted Flerlage – Preserve Seabrook petition presentation
- Paul McLaughlin – Preserve Seabrook petition presentation
- Nancy Buck – Presentation against short-term rental caps
- Dr. William Marsteller – Presentation against the petition submitted to Council

Comments:

- David Paschkes – Comment regarding the petition submitted to Council
- Mary Ann Lloyd – Comment in opposition to the petition submitted to Council
- Terri Murphy – Comment in opposition to the petition submitted to Council
- Mary Gwyn – Comment in opposition to the petition submitted to Council
- James Edmiston – Comment in opposition to the petition submitted to Council
- David Zimmerman – Comment in opposition to the petition submitted to Council

6. 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**

7. Reports of Ad Hoc Committees:

8. Reports of Town Officers:

- **Mayor** – John Gregg
 - Follow-up concerning cooperation with the Town of Kiawah Island regarding Johns Island roads
 - Contemplated short-term rental discussions with the Seabrook Island Property Owners Association
 - Comment concerning petition concerning short-term rentals
- **Town Administrator/Zoning Administrator**
 - DSO & Zoning Map Update
 - Contract Updates: Exterior Maintenance & Painting Services / Roof Replacement
- **Town Council Members**
- **Utility Commission**

9. Petitions Received, Referred or Disposed of:

- Preserve Seabrook: It's Our Home (Received October 4, 2021, updated October 25, 2021)

10. Ordinances for Second 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., “rezonings”), 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. Ordinances for First Reading:

- Ordinance 2021-14: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Section 2-111, Standing Committees; so as to amend the town’s advisory committees; and Article IV, Officers and Departments; so as to establish provisions related to the position of Town Administrator

12. Miscellaneous Business:

- Resolution 2021-24: A resolution directing the expenditure of unbudgeted revenues from the Charleston County Accommodations Tax Program

13. Public Comments:

14. Adjourn

TOWN OF SEABROOK ISLAND

Town Council Public Hearing

September 28, 2021

Virtual



MINUTES

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

The September 28, 2021, Town Council Public Hearing 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. Public Hearing:

- 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

No public comments were made.

3. Adjourn

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

The public hearing meeting adjourned at 2:31PM.

Date: September 29th, 2021

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

TOWN OF SEABROOK ISLAND

Town Council Meeting
September 28, 2021
Virtual



MINUTES

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

The September 28, 2021, Town Council 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 at 2:31PM.

2. **Minutes:** Town Council Meeting August 24th, 2021
Ways and Means Committee Meeting September 14th, 2021
Town Council Special Meeting September 14th, 2021

Councilwoman Finke moved to approve the previous meeting minutes of August 24th; Councilwoman Fox seconded. All voted in favor.

The previous meeting minutes of August 24th were approved.

Councilwoman Finke moved to approve the previous Ways and Means meeting minutes of September 14th; Councilwoman Fox seconded. All voted in favor.

The previous Ways and Means meeting minutes of September 14th were approved.

Councilwoman Finked moved to approve the previous special meeting minutes of September 14th; Councilwoman Fox seconded. All voted favor.

The previous special meeting minutes of September 14th were approved.

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

Mayor John Gregg reviewed the financials for August as follows:

- The total fund balance for the period ending August 31, 2021, was \$6,200,104 about \$896,434 more than the balance as of August 31, 2020, and about \$1,166,341 more than for the same period of 2019.
- Unrestricted revenue for August totaled \$99,841 and unrestricted revenue for the year totaled \$1,195,013, representing about 89% of the 2021 annual budget and being about \$327,040 more than for the same period in 2020.

- Expenditures for August totaled \$115,155 and expenditures for the year totaled \$626,891, representing about 44% of the 2021 annual budget. Expenditures for the year were about \$46,246 more compared to the same period of 2020.
- Excess of expenditures over revenues was \$15,314 for the month of August and excess of revenues over expenditures for the year was \$568,121 compared to an excess of revenues over expenditures of about \$287,328 as of August 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 summarized the emails received from the following residents:

- David Sweet Opposed to the proposed petition regarding Short Term Rentals
- Cherie Tibbetts Believes SIPOA should handle the proposed petition regarding Short Term Rentals
- Max Sherman Opposed to the proposed petition regarding Short Term Rentals
- Carol Moore Opposed to the proposed petition regarding Short Term Rentals

Copies of these comments are included with these minutes.

5. Reports of Standing Committees, Commissions, Boards:

- **Public Relations/Communications**

Councilwoman Fox summarized the radio operations of September 19th to Council.

- **Public Safety & Special Projects**

Councilman Goldstein notified Council there was no Public Safety update.

Councilman Goldstein updated Council on the Seabrook Island Road drainage project fieldwork that the Town’s provider (ESP Associates) has started.

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

Councilwoman Finke updated Council that the Greenbelt committee met to discuss potential projects that are eligible for the Greenbelt grant. Councilwoman Finke added the committee will be meeting again to discuss more projects that will be beneficial to the community.

Council discussed the guidelines and parameters for Greenbelt funding and the committee’s understanding thereof.

- **Ways & Means**

Mayor Gregg summarized the Ways and Means Committee meeting of September 14th, 2021, and updated Council regarding related news pertaining to certain items since the Ways and Means meeting.

- **Planning Commission**

None.

- **Board of Zoning Appeals**

None.

6. Reports of Ad Hoc Committees:

None.

7. Reports of Town Officers:

- **Mayor** – John Gregg
 - Appointment of Zoning Administrator/Chief Code Enforcement Officer

Mayor Gregg announced the appointment of the new Zoning Administrator/Chief Code Enforcement Officer Tyler Newman.

Council welcomed Mr. Newman to the Town of Seabrook Island.

- Memorandum of Understanding with Seabrook Island Property Owners Association concerning cooperation to address recurrent traffic back-ups on Seabrook Island Road

Mayor Gregg summarized the Memorandum of Understanding between the Town and the Seabrook Island Property Owners Association (SIPOA) concerning exploration of solutions to recurring traffic back-ups on Seabrook Island Road. It is intended that the Town and SIPOA will formulate a comprehensive statement concerning these back-ups as a basis for consideration of the matter by consulting experts. The Memorandum of Understanding allows for sharing of information without obligating either the Town or SIPOA in respect of any solicitation of services that may be desired.

Council clarified the proposed responsibilities of the Town and SIPOA and addressed concerns of the language in the MOU regarding engagement of services.

Councilwoman Finke moved to approve entry of the Town of Seabrook Island into the Memorandum of Understanding with Seabrook Island Property Owners Association; Councilwoman Fox seconded. A vote was taken as follows:

Ayes: Finke, Fox, Mayor Gregg

Nays: Goldstein

The Memorandum of Understanding with Seabrook Island Property Owners Association was approved.

- Submission to Charleston County by the Towns of Kiawah and Seabrook concerning so-called Segment C of the Main Road Corridor project

Mayor Gregg summarized the meetings between the Town and a representative of Rational Roads, a local organization advocating for improvements to the portion of the Main Road Corridor identified as Segment B (Main Road from Chisolm Road to Maybank Highway). He added the Towns continue to consider advocacy for improvements of Segment C (Bohicket Road from Maybank Highway to Betsy Kerrison Parkway).

- Revised petition for annexation by the Town of Kiawah of portion of so-called Andell Tract

Mayor Gregg informed Council revision of the petition for annexation for the so-called Andell West proposed development was posted to the Town of Kiawah Island website on September 22. He added the Town of Kiawah Island was informed that the developer expected to amend the scope of work and submit a new petition for only the commercial component of the proposed development.

- **Town Administrator/Zoning Administrator**

- Beach Patrol Update

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

- FY 2022 Budget Update

Town Administrator Cronin updated Council that the draft budget has been sent to the Mayor and that the Mayor's recommended budget is expected to be provided to members of Council by the end of the week. He also reminded Council of the remaining timeline for the proposed budget adoption.

- MASC Hometown Economic Development Grant

Town Administrator Cronin informed Council a MASC Hometown Economic Development Grant was submitted for gateway and wayfinder signage requesting \$25,000 to complete this project.

- Town Administrator Cronin summarized the fieldwork being conducted by ESP for the drainage on Seabrook Island Road and the timeline for the project.

- Town Administrator Cronin notified Council of the surveyor work for the senior citizen living facility that happened on Seabrook Island Road (flags and markers for the utilities).
- Town Administrator Cronin notified all the last day to register to vote for the upcoming election is Saturday October 2nd. He added there will be an absentee satellite voting trailer on October 22nd from 9:00am to 3:00pm in the Contractor Parking Lot at Town Hall.
- Council discussed the timeline for the edits to the business license ordinance.

- **Town Council Members**

None.

- **Utility Commission**

Commissioner Smith summarized the Utility Commission meeting of September 15th, the August financials, and the water usage and distribution for August. The next Utility Commission Meeting will be on October 20th.

Council discussed the status of enlarging the holding pond, the timeline for this project, and consideration of other potential approaches to address expected capacity demands from local developments and buildout of Seabrook Island.

8. Petitions Received, Referred or Disposed of:

None.

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

Councilwoman Finke moved to approve Ordinance 2021-10; Councilwoman Fox seconded. All voted in favor.

Ordinance 2021-10 passed second reading and was adopted.

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.

Town Administrator Cronin summarized Ordinance 2021-11 for Council.

Council discussed some scrivener's errors in Ordinance 2021-11 to be edited prior to second reading.

Councilwoman Finke moved to approve Ordinance 2021-11 with the scrivener edits; Councilwoman Fox seconded. All voted in favor.

Ordinance 2021-11 passed first reading.

- 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.

Town Administrator Cronin summarized Ordinance 2021-12 for Council and clarified the purpose of the moratorium.

Council discussed some scrivener's errors in Ordinance 2021-12 to be edited prior to second reading.

Councilwoman Finke moved to approve Ordinance 2021-12 with the scrivener edits; Councilwoman Fox seconded. All voted in favor.

Ordinance 2021-12 passed first reading.

- 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.

Town Administrator Cronin summarized Ordinance 2021-13 for Council and the changes to the procurement process.

Councilwoman Finke moved to approve Ordinance 2021-13; Councilwoman Fox seconded.

Ordinance 2021-13 passed first reading.

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

Town Administrator Cronin summarized Resolution 2021-22 for council.

Council discussed the signage needed for this change.

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

Resolution 2021-22 was approved.

- Resolution 2021-23: A resolution directing the expenditure of unbudgeted revenues from the Charleston County Accommodations Tax Program

Council decided to table Resolution 2021-23 until the October meeting.

12. Public Comments:

- Ted Flerlage, 3062 Baywood Drive, spoke in favor of a circulated petition regarding short term rental regulations.

Mr. Flerlage submitted a copy of his statement that was circulated to Council on September 29th, 2021.

- Paul McLaughlin, 3061 Baywood Drive, spoke in favor of a circulated petition regarding short term rental regulations.

Mr. McLaughlin submitted a copy of his statement that was circulated to Council on September 29th, 2021.

- Vince Schiavoni, 3620 Loggerhead Court, spoke in favor of a circulated petition regarding short term rental regulations.

13. 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 4:25PM.

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

Council adjourned Executive Session at 4:50PM with observation that the Town Administrator would proceed as discussed during Executive Session.

14. Adjourn

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

The meeting adjourned at 4:51PM.

Date: September 29th, 2021

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

TOWN OF SEABROOK ISLAND

Ways and Means Committee Meeting Agenda

October 12, 2021 – Virtual



MINUTES

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

The October 12, 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

- Follow-up concerning petition directed to regulation of short-term rentals (petition and request for presentation to Council received October 4)

Mayor Gregg summarized the petition the Town received on October 4 that was sent to all Members of Council. He added the petition seeks to have a single non-binding referendum question placed on the ballot for the Town's election on November 2, 2021. The single question posed is whether "voters support" seven statements pertaining to residential uses of property within the Town and, in particular, calling for caps on short-term rentals. The proposed referendum statements appear to contain references and recitations that pertain to the Town's current Development Standards Ordinance (DSO). Mayor Gregg reminded members that the Town is in the process of adopting a rewritten DSO for which a temporary (180 day) moratorium has been imposed on changes to the Town zoning map and certain other actions affecting real property within the Town. Under these circumstances, the proposed referendum presents potential for confusion of voters as the Town makes the transition to the rewritten DSO. Further confusion could be engendered by the assertion in the petition that 20% of short-term rentals are "in residential neighborhoods" without specifying whether the referenced "neighborhoods" exclude multi-family residential zoning. Furthermore, notwithstanding a statement of the proposed referendum establishing a cap of 5% on certain areas of the Town, the petition asserts that "20% of properties will remain so (short-term rentals) if Council approves the cap". In light of the foregoing, it appears that the nature of the proposed referendum is such that it may not be clearly understood by voters and that the community would be well served if the Town would present an explanation as contemplated by State law.

Mayor Gregg noted that the Town Administrator has informed members of certain statutory requirements that foreclose the Town from placing the proposed referendum on the ballot for the Town's November 2, 2021 election.

Town Administrator Cronin shared the part of SC State Law (Section 7-1-100) which outlines the process for a referendum to be on the ballot.

Council discussed the costs that would be incurred if a special election were to be held, and when to discuss the issue of short-term rentals.

- Follow-up concerning the budget for FY 2022—budget and Mayor's memo have been distributed to members of Council; first scheduled budget workshop will be Thursday, October 14

Mayor Gregg reminded Members that the Mayor's Recommended Budget was distributed on October 1 and the Mayor's memorandum summarizing aspects of the budget was issued October 2. He added the first "budget workshop" is scheduled for Thursday, October 14 at 1:00 pm.

- Follow-up on proposed Charleston County re-zoning (Betsy Kerrison Putt-Putt) hearing Tuesday, October 12 at 6:30 pm.

Mayor Gregg summarized the application for a planned development for a miniature golf operation that was submitted to Charleston County Council and a public hearing was scheduled for Tuesday, October 12 for a renewed request for rezoning of property at Betsy Kerrison Parkway adjacent to the Kiawah Municipal Center. He added that the application has been withdrawn.

3. Town Council Members:

- **Jeri Finke**

None.

- **Patricia Fox**

Councilwoman Fox gave the following communications update to Council:

- The Seabrooker
 - Posted an article from Councilman Goldstein
- Tidelines
 - Four posts from the Town

Councilwoman Fox also updated Council on the most recent SIPOA long range planning meeting which included discussions on gathering data on short term rentals, and a benchmarking survey was sent to the leaders of the regimes and associations on Seabrook Island.

Councilwoman Fox thanked Town Administrator Cronin and members of Council for their work creating Ordinance 2021-14 and suggested that Council review the type of

government the Town of Seabrook Island operates under with a view to potentially change it.

- **Barry Goldstein**

Councilman Goldstein apologized for the traffic delays caused by the roadwork improvement team and will work to improve this in the future to reduce traffic delays.

Councilman Goldstein updated Council on the presence of bobcats on the island and on their recent population growth.

- Discussion of an ordinance to ban the use, display or release of balloons or flyable lanterns due to environmental issues

Councilman Goldstein summarized the issue with releasing lanterns and balloons on the beach which harm the marine wildlife on Seabrook Island and discussed a potential ordinance to potentially ban these items on the beach and island wide.

Council discussed further research is needed to make regulations that best fit the Town of Seabrook Island, potentially expanding the plastic ban on Seabrook Island to encompass balloons, editing the beach ordinance as a whole rather than piece mailing it, potential permitted use for these items, and how these items harm the environment. Council also discussed having the proposed Environment and Wildlife Committee (proposed under Ordinance 2021-14 (Town Administrator item)) research this topic and create the ordinance in the future.

Council clarified if the winds changed for the release of lanterns if it could cause fires inland.

4. Town Administrator Joe Cronin

Action Items for October 26, 2021 Meeting:

- Second Reading Items
 - 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

Town Administrator Cronin summarized Ordinance 2021-11 that is up for second reading which clarifies the use of Class 1 pedal-assist bicycles on the beach.

- Ordinance 2021-12: An ordinance adopting a temporary moratorium on the consideration of zoning map amendments (i.e., “rezonings”), annexation requests and certain subdivision approvals for a period not to exceed one hundred and eighty (180) days

Town Administrator Cronin summarized Ordinance 2021-12 that is up for second reading and clarified who the moratorium would affect.

- 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

Town Administrator Cronin summarized Ordinance 2021-13 that is up for second reading about the updates to the procurement process for the Town.

- First Reading Items

- Ordinance 2021-14: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Section 2-111, Standing Committees; so as to amend the town's advisory committees; and Article IV, Officers and Departments; so as to establish provisions related to the position of Town Administrator

Town Administrator Cronin summarized Ordinance 2021-14 for Council and the potential changes to the advisory committees and defining the role of the Town Administrator.

Council clarified if the Community Promotions Grant Committee could apply for Accommodations Tax Grants and if the removal of committee members could mirror the language in the Town Administrator section.

Council discussed some scrivener errors within the ordinance to be edited prior to first reading.

- Other Items

- Resolution 2021-24: A resolution directing the expenditure of unbudgeted revenues from the Charleston County Accommodations Tax Program

Town Administrator summarized Resolution 2021-24 and clarified that the funds from Charleston County Accommodations Tax Program were unbudgeted and asked Council how they would like to use these funds.

Council discussed using the unbudgeted funds to reimburse the General Fund for Beach Patrol Services, using some of the revenues for the Christmas Light Display this year, and how much can be divided between both.

Items for Information/Discussion:

Town Administrator Cronin also apologized for the traffic delays that happened earlier this year and will send out notices of road closures earlier.

- IFB 2021-03: Interim Landscape Services Contract

Town Administrator Cronin updated Council that after the previous meeting the Town terminated its contract with Sunburst Landscaping LLC effective October 1st. He added the Town went out for an informal bid for an interim Landscape Contractor and awarded the bid to the Greenery.

- IFB 2021-04: Exterior Maintenance and Painting Services

Town Administrator Cronin summarized IFB 2021-04: Exterior Maintenance and Painting Services and stated the bids that were received. He suggested to Council to award the bid at the special called meeting on October 14th.

- IFB 2021-05: Town Hall Roof Replacement

- Town Administrator Cronin summarized IFB 2021-05: Town Hall Roof Replacement and the funds to complete this project were from the flooring repairs to Town Hall that has been budgeted for this upcoming fiscal year.

- Seafields Construction Update

Town Administrator Cronin updated Council on meetings with Seafields and the project timeline. He added that there will be some construction work that will happen during the daylight hours (tree clearing and utility work) which will be done from the outbound bike path so as not to require closure of Seabrook Island Road.

- Business License Ordinance Update

Town Administrator Cronin reviewed the standardized business license ordinance per state law and summarized the various options Council could do when changing the business license ordinance to comply with state regulations.

Council discussed the timeline for this change, and how other municipalities compare.

5. Adjourn

Mayor Gregg added that there have been requests for presentations at the upcoming Town Council Meeting on October 26th and reviewed the timeframe allotted for these presentations.

Council discussed the letter received from an attorney's office regarding a Green Space Conservancy Lot and how to proceed on this issue.

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

The meeting adjourned at 3:08PM.

Date: October 13, 2021

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

TOWN OF SEABROOK ISLAND

Town Council – Special Called Meeting

October 14, 2021 – Virtual



MINUTES

CALL TO ORDER

The October 14, 2021, Special Called Council 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.

ACTION ITEMS

1. **Exterior Painting & Maintenance Contract:** Request to award a contract to Mariner Construction LLC for exterior painting and maintenance services

Town Administrator Cronin summarized for Council all three successful bids that the Town received and recommended to award the contract to lowest bidder Mariner Construction Inc.

Councilwoman Finke moved to enter into a contract with Mariner Construction Inc. for the exterior painting and maintenance on Town Hall; Councilwoman Fox seconded. All voted in favor.

The contract for exterior painting and maintenance of Town Hall was awarded to Mariner Construction Inc.

ITEMS FOR INFORMATION / DISCUSSION

1. **Discussion of Amendments to Business License Ordinance**

Town Administrator Cronin summarized various options the Town has for the standardization of the business license ordinance.

Council discussed the various options presented, how they compare to other jurisdictions in the area, inside vs outside rates, and potential changes to the ordinance in the future.

Council clarified the declining rate schedule.

BUDGET WORKSHOP

1. Review of Fund Balances

Town Administrator Cronin summarized the fund balances for the upcoming year compared to last fiscal year, and the changes made.

Council clarified the various franchise fees and how the amount of the franchise fee is set.

Council discussed the Accommodations Tax (ATAX) Revenues and the process to set up a local ATAX for Seabrook Island.

2. Review and Discussion of Draft FY 2022 Budget

- Draft General Fund Budget

Town Administrator Cronin summarized the general fund revenues and some of expenditures by line item for Council.

Council discussed the cost-of-living increase for employees. Council decided to continue discussion on the general fund expenditures at the next budget workshop on Thursday October 21.

ADJOURN

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

The meeting adjourned at 3:02PM.

Date: October 15, 2021

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

TOWN OF SEABROOK ISLAND

Town Council – Special Called Meeting

October 21, 2021 – Virtual



MINUTES

CALL TO ORDER

The October 21, 2021, Special Called Council 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.

ACTION ITEMS

1. **Town Hall Roof Replacement Contract:** Request to award a contract to Mariner Construction LLC for the replacement of the roof system at Seabrook Island Town Hall

Town Administrator Cronin summarized for Council all eight successful bids that the Town received and recommended awarding the contract to the lowest bidder Mariner Construction Inc.

Council discussed that the amendment made to the bid was sent to all bidders.

Council clarified the procurement ordinance with regards to awarding the contract to the lowest responsive bidder.

Councilwoman Finke moved to enter into a contract with Mariner Construction Inc. for the replacement of the roof system at Seabrook Island Town Hall; Councilwoman Fox seconded. All voted in favor.

The contract for the replacement of the roof system at Seabrook Island Town Hall was awarded to Mariner Construction Inc.

ITEMS FOR INFORMATION / DISCUSSION

1. **Discussion of Amendments to Business License Ordinance**

Town Administrator Cronin updated Council on the various options discussed at the previous meeting and summarized the staff recommendation for the changes to the business license ordinance.

Council clarified the calculations for each option.

BUDGET WORKSHOP

1. Review and Discussion of Draft FY 2022 Budget

- Draft General Fund Budget (Continued)

Town Administrator Cronin summarized the remaining general fund expenditures by line item for Council.

Council discussed the landscaping and grounds maintenance for the Town, the beach patrol contract and timeframe for it, working with the Utility Commission and its vendor to allow use by the Town of unused “seats” for a GIS mapping facility, Verizon Wireless coverage for Staff, uniforms, potential increase to the Community Promotions grant, and insurance on Town Hall.

Council also discussed the date for the Holiday Light drive thru this year. The Holiday Light Drive thru will be on Thursday December 9th from 5:00PM to 7:30PM.

ADJOURN

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

The meeting adjourned at 3:38PM.

Date: October 21, 2021

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

Town of Seabrook Island

Compiled Financial Statements And Supporting Schedules

**For the Month and Nine Months Ended
September 30, 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 September 30, 2021, and the related statement of revenue and expenditures – modified cash basis for the month and nine 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
October 22, 2021

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

September 30, 2021

Assets

Current Assets	
Operating Checking Account	\$ 126,693.59
Municipal Court Checking Account	16,102.12
Petty Cash	200.00
Prepaid Expenses	<u>1,678.88</u>
Total Current Assets	<u>144,674.59</u>
Other Assets	
Investments	<u>6,078,463.46</u>
Total Assets	<u><u>\$ 6,223,138.05</u></u>

Liabilities and Net Assets

Liabilities	
Current Liabilities	
Accounts Payable	\$ 2,416.36
Other Accrued Liabilities	<u>7,425.00</u>
Total Liabilities	<u>9,841.36</u>
Net Assets	
Restricted Fund Balances	
Accommodations Tax	189,284.21
Charleston County Accommodations Tax	51,467.17
Alcohol Tax	<u>35,268.93</u>
Total Restricted Fund Balances	<u>276,020.31</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	<u>2,884,160.34</u>
Total Fund Balances	<u>6,213,296.69</u>
Total Liabilities and Net Assets	<u><u>\$ 6,223,138.05</u></u>

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

For the Month and Nine Months Ended September 30 2021

	Current Year			% of Annual Budget	Prior Year-to- Date
	Current Month	Year to Date	Annual Budget		
Revenues					
Accomodations Tax - General Use	-	10,200.82	32,750.00	31.1%	3,763.83
Business Licenses	14,602.40	516,679.08	350,000.00	147.6%	409,987.29
Business Licenses - MASC	106.97	259,126.97	235,000.00	110.3%	244,937.97
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	-	29,947.51	52,000.00	57.6%	29,111.74
Court Fines	361.25	7,423.15	5,000.00	148.5%	3,397.50
Local Option Sales Tax - County	34,257.68	206,558.43	240,000.00	86.1%	202,865.67
Aid to Subdivisions - State	-	21,097.83	40,600.00	52.0%	20,318.90
Planning & Zoning Fees	5,125.00	175,490.00	145,000.00	121.0%	21,865.00
Building Permit Fees - County	2,740.65	18,729.72	15,000.00	124.9%	12,290.02
Interest - Investment Pool	498.61	4,727.35	50,000.00	9.5%	36,774.87
Interest - Checking Account	1.42	19.50	25.00	78.0%	13.04
Credit Card Convenience Fees	-	-	750.00	-	-
Facility Rentals	-	-	100.00	-	50.00
Miscellaneous Income	25.38	86.43	275.00	31.4%	1,176.78
Sale of Assets	-	-	500.00	-	-
Total Revenues	57,719.36	1,252,710.95	1,337,000.00	93.7%	989,294.20

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

For the Month and Nine Months Ended September 30 2021

	Current Year			% of Annual Budget	Prior Year-to- Date
	Current Month	Year to Date	Annual Budget		
Expenditures					
Salaries	26,677.24	268,919.58	475,185.00	56.6%	241,012.25
Employer Social Security and Medicare	2,027.14	19,535.12	36,459.00	53.6%	19,405.87
Health and Dental Insurance	1,073.76	21,852.65	26,420.00	82.7%	17,020.72
Retirement	1,728.50	45,401.86	54,856.00	82.8%	29,086.54
Pre-Employment Expenses	-	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	1,269.33	11,327.72	14,000.00	80.9%	9,127.97
Professional Services - Engineering	-	2,470.00	35,000.00	7.1%	5,666.56
Professional Services - Legal	462.00	1,386.10	30,000.00	4.6%	7,223.00
Professional Services - Other	3,728.02	7,553.02	15,000.00	50.4%	25,526.04
Roadway Maintenance	3,300.75	4,859.68	30,000.00	16.2%	1,377.55
Equipment Maintenance	405.29	935.19	74,000.00	1.3%	15,572.68
Beach Maintenance	46.04	3,748.96	2,750.00	136.3%	8,976.30
Vehicle Maintenance	-	55.53	750.00	7.4%	74.67
Travel and Training	562.07	1,397.07	11,500.00	12.1%	205.86
Community Promotions	-	495.10	5,000.00	9.9%	-
Office Supplies	419.17	5,231.56	7,800.00	67.1%	3,764.86
Postage	-	2,899.17	5,000.00	58.0%	1,881.39
Planning and Zoning	-	251.10	750.00	33.5%	490.85
Printing	67.53	5,702.90	10,200.00	55.9%	1,566.97
Utilities	5,165.45	22,945.96	23,000.00	99.8%	13,870.50
Uniforms	-	-	1,350.00	-	-
Capital Expenditures	526.44	526.44	106,100.00	0.5%	-
Furniture and Equipment	-	381.48	8,500.00	4.5%	1,699.00
Telecommunication	1,006.18	10,029.03	19,700.00	50.9%	7,470.39
Emergency Telecommunication	-	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	309.29	17,321.01	19,650.00	88.1%	15,795.40
Website	-	549.36	600.00	91.6%	471.00
Equipment Rentals	-	4,690.47	6,000.00	78.2%	3,858.00
Advertising	1,175.72	8,951.64	12,200.00	73.4%	8,699.43
Contingency	4,986.15	8,079.40	30,000.00	26.9%	-
Bank Charges	33.50	1,506.52	1,950.00	77.3%	760.50
Contracted Services - Beach Patrol	-	44,395.00	20,000.00	222.0%	48,223.68
Contracted Services - IT	2,584.50	20,818.75	43,560.00	47.8%	20,887.74
Contracted Services - Landscaping	14,118.00	62,516.08	125,000.00	50.0%	76,321.00
Contracted Services - Other	950.00	18,483.17	28,800.00	64.2%	13,606.95
Election Expense	-	-	2,000.00	-	-
Vehicle Purchase Expenditures	-	-	28,000.00	-	-
Court Expenditures	2,192.51	7,386.89	8,500.00	86.9%	6,152.00
Emergency Preparedness	68.66	21,633.96	31,000.00	69.8%	13,464.34
Special Events	-	-	8,000.00	-	-
Total Expenditures	<u>74,883.24</u>	<u>701,774.53</u>	<u>1,412,630.00</u>	<u>49.7%</u>	<u>663,712.72</u>
Excess of Revenues Over (Under) Expenditures	<u>\$ (17,163.88)</u>	<u>550,936.42</u>	<u>(75,630.00)</u>	<u>-</u>	<u>325,581.48</u>

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

For the Month and Nine Months Ended September 30 2021

	Current Year			% of Annual Budget	Prior Year-to- Date
	Current Month	Year to Date	Annual Budget		
Receipts to Be Used toward Restricted Fund Balances					
State Accomodations Tax					
Advertising & Promotion	\$ -	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	16.07	170.73	750.00	22.8%	893.48
Use of Fund Balance	-	-	-		-
Total State Accomodation Tax	<u>16.07</u>	<u>193,986.39</u>	<u>148,000.00</u>		<u>72,406.22</u>
County Accomodations Tax - Charleston					
Interest Income	2.42	8.02	20.00	40.1%	136.03
Use of Fund Balance	-	-	-		-
Total County Accomodations Tax - Charleston	<u>44,002.42</u>	<u>44,008.02</u>	<u>20.00</u>		<u>136.03</u>
Alcohol Tax					
Receipts	-	3,000.00	3,000.00	100.0%	6,000.00
Interest Income	2.89	28.11	100.00	28.1%	200.46
Use of Fund Balance	-	-	-		-
Total Alcohol Tax	<u>2.89</u>	<u>3,028.11</u>	<u>3,100.00</u>		<u>6,200.46</u>
Total Restricted Fund Receipts	<u>\$ 44,021.38</u>	<u>241,022.52</u>	<u>151,120.00</u>	<u>159.5%</u>	<u>78,742.71</u>
Expenditures Used toward Restricted Fund Balances					
State Accomodations Tax - Advertising and Promotion	-	61,204.95	46,500.00	131.6%	22,582.97
State Accomodations Tax - Tourism	13,665.20	148,962.31	188,750.00	78.9%	82,710.15
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>\$ 13,665.20</u>	<u>215,167.26</u>	<u>250,250.00</u>	<u>86.0%</u>	<u>120,293.12</u>
Receipts to Be Used toward Designated Fund Balances					
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>
Expenditures Used toward Designated Fund Balances					
Emergency Fund	-	-	-		20,794.92
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>93,107.70</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

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

DATE		DUE FROM STATE	GENERAL 5%	ADVERT 30%	TOURISM 65%	TOTAL
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
Sep-21	Ck# 7166 - Alan Fleming Tennis Tourn.				(12,500.00)	(12,500.00)
	Ck# 7182 - Lowcountry Marine Mammal				(1,165.20)	(1,165.20)
	Interest Income		-	-	16.07	16.07
	TOTALS 9/30/2021	55,387.40	-	-	189,284.21	189,284.21

**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
Sep-21	Received from State	-	44,000.00	-	44,000.00
	Interest Income		2.42		2.42
	TOTALS 9/30/2021	-	44,007.28	-	51,467.17

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

DATE	Alcohol Tax
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>
Sep-21 Interest Income	-
	2.89
TOTALS 9/30/2021	<u>35,268.93</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	2,007,608.82	423,667.22	250,000.00	15,000.00
Jan-21	Per Town Council	100,000.00	220,000.00	-	49,000.00
	TOTALS 1/31/2021	2,107,608.82	643,667.22	250,000.00	64,000.00
Feb-21	No Activity	-	-	-	-
	TOTALS 2/28/2021	2,107,608.82	643,667.22	250,000.00	64,000.00
Mar-21	Ck# 6953 - ESP Associates, Inc.	-	(100.00)	-	-
	Ck# 6985 - ESP Associates, Inc.	-	(8,407.50)	-	-
	TOTALS 3/31/2021	2,107,608.82	635,159.72	250,000.00	64,000.00
Apr-21	No Activity	-	-	-	-
	TOTALS 4/30/2021	2,107,608.82	635,159.72	250,000.00	64,000.00
May-21	Ck# 7017 - ESP Associates, Inc.	-	(2,812.50)	-	-
	TOTALS 5/31/2021	2,107,608.82	632,347.22	250,000.00	64,000.00
Jun-21	No Activity	-	-	-	-
	TOTALS 6/30/2021	2,107,608.82	632,347.22	250,000.00	64,000.00
Jul-21	Ck# 7106 - ESP Associates, Inc.	-	(840.00)	-	-
	TOTALS 7/31/2021	2,107,608.82	631,507.22	250,000.00	64,000.00
Aug-21	No Activity	-	-	-	-
	TOTALS 8/31/2021	2,107,608.82	631,507.22	250,000.00	64,000.00
Sep-21	No Activity	-	-	-	-
	TOTALS 9/30/2021	2,107,608.82	631,507.22	250,000.00	64,000.00

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 operated on the beach;
- (3) Vehicles shall be operated on the wet sand; vehicles may not be operated 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 being operated on the beach, excluding those specified 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

John Gregg, Mayor

ATTEST

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 herein, and no individual or body having review authority shall 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:
Public Hearing:
Second Reading:

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 sourcing of 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 preceding, procurements involving construction may use a construction contracting administration method which is most advantageous to the town and will result in the most timely, acceptable quality, economical, and successful completion of the construction project. Any request to use an alternate form of construction contracting administration for a particular construction project must receive prior approval by the Town Council.
- (C) Exceptions. Exceptions to bidding include the sole source, professional services, emergency procurements, purchasing cooperatives, and critical procurements as defined below.
- (1) Sole source. Sole source procurement is acceptable when, after a good faith review of all possible sources, it is determined by the procurement officer that there is only one viable source from which to obtain the goods or services. Sole source procurements shall be executed as follows:
 - (a) For goods and services with an estimated value of less than \$50,000.00, the procurement officer shall submit a written request to the Mayor outlining the justification for sole source procurement. Subject to the limitations contained in Sec. 2-260(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 property owners shall be informed of the town's intent to sell the property and shall be afforded the opportunity to negotiate a contract to purchase the property.
 3. If more than one of the contiguous property owners desires to purchase the property, the Mayor, or an individual designated by the Mayor, may commence contractual negotiations for the sale of the property to the contiguous property owner making the highest offer above the appraised value.
 4. If none of the contiguous property owners desire to purchase the property or a contract with a contiguous property owner is not successfully negotiated, the procurement officer shall solicit offers to purchase the property by issuing an IFB.
 5. The Mayor, or an individual designated by the Mayor, may commence contractual negotiations with the highest bidder.
 6. Contractual negotiations may be discussed with Town Council in executive session, as provided for by the 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:
Public Hearing:
Second Reading:

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.

21 pages
- 157 signed
10/25/21
TMF

PURPOSE

This Citizen Petition Entitled “Preserve Seabrook: It’s Our Home” Is Hereby presented To The Town Of Seabrook Island Mayor, Council and Administrator. This Petition Was Circulated In Response To Concerns Of Seabrook Island Residents Regarding Proliferation Of Short Term Rental Business Properties In The Town Of Seabrook Island. This Petition Forms A Basis For Placement Of A Non-Binding, Advisory Referendum on The November, 2021 Election Ballot Asking Voters Whether Or Not Short Term Rental Percentage Caps Are Required Island-Wide And In Single Family Home Residential Areas.

SIGNERS

We Herewith Provide The Signed Names, Addresses and Registered Voter Count For The Households Who Freely Signed This Petition In Person.

We Aver Petition Signatories Are Registered Electors, Which Fact Was Verified from the Voter Rolls Of Seabrook Island Provided By The Bureau Of Elections Of The State of South Carolina, Any Errors Therein Are Not Willful.

THE PROPOSED REFERENDUM

The Preserve Seabrook: It’s Our Home Petition Text Is As Follows:

Do voters support:

- Affirming the current Single Family Residential zoning protections in any future zoning changes;*
- Establishing a cap on the maximum number of short-term rental licenses to 5% of developed properties within the residential areas as defined below, however, on the streets in these residential areas having greater than 20 developed properties shall be capped at 5% of all developed properties on each street (included in this area are properties currently zoned Single Family Residential and in the following homeowner associations: Hidden Oaks, Marsh Creek, North Beach Village, St. Christopher Oaks, and the Village at Seabrook);*

- Establishing a maximum 20% licensing cap on the total number of developed lots/properties allocated to the properties not included in areas included in the 5% cap areas;
- Permitting any applicable properties holding a valid short-term rental license to be grandfathered and included in the licensing cap, unless the short-term rental property owner fails to renew his/her license by the required date or ceases to operate in an area of where the number of short term rentals exceed the caps;
- Not issuing new permits in those instances where the licensing cap(s) is exceeded because of grandfathered properties, or for any other reason that keeps the number of short-term rental properties above the cap;
- Prohibiting the transfer of short-term rental licenses to the subsequent owner(s) of the property, with the exception that intra-family property transfers can include the transfer of the short-term rental license for that property, provided it is not a sale of the property; and,
- Affirming neighborhoods, governed by covenants, having the authority to establish more restrictive caps or to prohibit short-term rentals in their regimes (the current homeowner associations in this category include Haulover Point and Marsh Point)?

1. ~~Theodore Martin Flerlage Jr~~ 3062 Baywood Dr
~~Theodore Martin Flerlage Jr~~ Johns Is, S.C. 29455 09/30/2021
ELIZABETH M. FLERLAGE
2. Elizabeth M. Flerlage 3062 Baywood Dr. Johns Island, SC 29455 10/2/21
3. Nancy Lynn Pandelik 3190 Pine Needle Lane 10/3/21
Nancy Lynn Pandelik Johns Island SC 29455
4. Joel Kirk Pandelik 3190 Pine Needle Lane 10/3/21
Joel Kirk Pandelik Johns Island SC 29455
5. ~~Michael C Rowland~~ 3068 Baywood Dr
MICHAEL ROWLAND Johns Island SC 29455 11/3/21
6. Karen Ann Rowland 3068 Baywood Dr. 29455
Karen Ann Rowland Johns Island SC 10/3/21
7. Diane M Woychick 2864 Captain Sams Rd 10-4-21
Diane M Woychick Seabrook Island, SC 29455
8. Ann Stewart C. Boss 2868 Captain Sams Rd
Ann Stewart C. Boss Johns Island, SC 29455 10/4/21
9. Aldrich L. Boss 2868 Captain Sams Rd
Aldrich L. Boss Johns Island, SC 29455 10/4/21

PURPOSE

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- 10 STEPHEN MONTAGU-POLLOCK S Montagu Pollock 3150 PRIVATEER CREEK RD 10/12/21
- 11 BARBARA MONTAGU-POLLOCK BB Montagu Pollock 3150 Privateer Creek Rd. 10/12/21
- 12 THOMAS McWILLIAMS T W McW 2841 CAPT JAMES RS 10/13/21
- 13 CATHY McWILLIAMS Cathy McW 2841 CAPT JAMES RS 10/13/21

- Establishing a maximum 20% licensing cap on the total number of developed lots/properties allocated to the properties not included in areas included in the 5% cap areas;
- Permitting any applicable properties holding a valid short-term rental license to be grandfathered and included in the licensing cap, unless the short-term rental property owner fails to renew his/her license by the required date or ceases to operate in an area of where the number of short term rentals exceed the caps;
- Not issuing new permits in those instances where the licensing cap(s) is exceeded because of grandfathered properties, or for any other reason that keeps the number of short-term rental properties above the cap;
- Prohibiting the transfer of short-term rental licenses to the subsequent owner(s) of the property, with the exception that intra-family property transfers can include the transfer of the short-term rental license for that property, provided it is not a sale of the property; and,
- Affirming neighborhoods, governed by covenants, having the authority to establish more restrictive caps or to prohibit short-term rentals in their regimes (the current homeowner associations in this category include Haulover Point and Marsh Point)?

Paul D. McLaughlin

Paul D. McLaughlin	3061 Baywood Dr.
^{Susan R. McLaughlin} Susan R. McLaughlin	3061 Baywood Drive
^{STEVEN BERRY} Steven Berry	3108 MARSHGATE DR
^{JOHN E. LAGANA} John E. Lagana	2605 JENKINS RD
^{Elizabeth A. Lagana} Elizabeth A. Lagana	2605 Jenkins Rd
^{ROGER STEEL} Roger Steel	2790 Marsh Hen Drive
^{VIVIAN STEEL} Vivian Steel	2290 MARSH HEN DRIVE
^{ANN DEMITRUK} Ann Demitruk	2460 The Haul Over
^{DAVID DEMITRUK} David Demitruk	2460 THE HAUL OVER
^{JOAN KEARNEY} Joan Kearney	2938 Deer Point Dr.

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<i>Isamarca L. Little</i>	<i>3021 Hidden Oak Drive</i>	<i>10/3/21</i>
<i>Victoria E. Agresta</i>	<i>3021 Hidden Oak Drive</i>	<i>10/3/2021</i>
<i>Stephen DeCandia</i>	<i>1242 CREEK WATCH VILLAS</i>	<i>10/04/21</i>
<i>Helena De Candia</i>	<i>1242 Creek Watch Villas</i>	<i>10/04/21</i>

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Print

Sign

Address

Sarah Dewey

S. Dewey

2923 Baywood Dr

Dr

John Dewey

J. Dewey

2923 Baywood Dr

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JAMES DORSON Jim Dorson 3064 Marshgate Dr SI

GLEN COX Glen Cox 2420 CATTAIL POND

KARIN KING Karin King 2420 CAT TAIL POND

BARRY HIND Barry Hind 2493 Seabrook Isl. Rd

CLARK B. WILSON Clark B. Wilson 3009 Rascal Run Ct, SI

CAROL PRUIG Carol PruiG 2500 Clear Marsh Rd.

MICHAEL B. COE Michael B. Coe 2500 Clear Marsh Rd

JAN MILLAR Jan Miller 1508 LADY ANNA LN.

JOY MILLAR Joy Miller 1508 LADY ANNA LN

CAROLINE LEONARD Caroline Leonard 2139 Landfall Way

ROBERT E. OLTMANUS ROBERT E. OLTMANUS 2135 Landfall Way?

TRACEY KIRCHOFF Tracey KIRCHOFF 2107 Landfall Way

BRIAN KIRCHOFF Brian Kirchoff 2107 Landfall Way

SPENCER CLARY Spencer Clary 2138 Landfall Way AU

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Thomas Stanea THOMAS STANEA 3093 MARSHGATE DR

Patricia Bisceglia Patricia Bisceglia 3028 Seabrook Village Dr

John F. Bisceglia John F. Bisceglia 3028 Seabrook Village Dr

Tray Sanchez TRAY SANCHEZ 3024 SEABROOK V.L. DR.

Nancy Sanchez NANCY SANCHEZ 3024 SEABROOK V.L. DR.

Kelly Ellsworth KELLY ELLSWORTH 3025 Seabrook Village Dr

John K. Ellsworth JOHN K. ELLSWORTH 3025 Seabrook Village Dr

Ron Welch RON WELCH 2975 SEABROOK-ISLAND RD

Herb White HERB WHITE 2922 Captain Sams Rd

Brenda L. White Brenda L. White 2962 Captain Sams Rd

Ernest L. Johnson Ernest L. Johnson 2415 Andell Way, Johns Island

Joan Johnson Joan Johnson 2415 Andell Way, Johns Island

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- 8) Joseph Bertucci Joseph Bertucci
2381 GOLF OAK PARK, SEABROOK IS. S.C. 29455
- 9) Ronell T Bertucci Ronell T Bertucci
2381 Golf Oak Park, Seabrook Is SC 29455
- 10) CONRAD KOTIAK Conrad Kotiak
3742 Amberjack Ct. Seabrook Is SC 29455
- 11) ISABEL KOTIAK Isabel a. Kotiak
3742 Amberjack Ct. Seabrook Is SC 29455
- 12) GORDON WEIS Gordon Weis
3365 Coon Hollow Seabrook Is, 29455
- 13) Wonglor K Hurn Wonglor K Hurn
Seabrook Is 29455
- 14) Lee Hurd Lee Hurd
Seabrook Is 29455
2116 Loblolly, S.I. S.C.

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- 15) Aminie Kotva DENISE KOTVA 3092 Baywood ~~SEABROOK IS.~~
SEABROOK IS.
- 16) G Kotva GARY KOTVA 3092 Baywood S.C. 2994
- 17) L. J. Metts Linwood Metts 2435 Bated Trace SEABROOK IS. S.C. 2994
- 18) Lura Lea Metts LURA Lea Metts " " " "
- 19) Kathleen A. Kahn KATHLEEN A. KAHN 2375 SEABROOK ISLAND RD
- 20) Delbert B. Kahn DELBERT B. KAHN " " " "
- 21) James W. Newton JAMES W. NEWTON 3552 SEAVIEW
- 22) Sally Newton Sally Newton 3552 SEAVIEW
- 23) Donna J. Miller Donna J. Miller 1736 Live Oak Park
- 24) Cindy Mulligan CINDY MULLIGAN 1735 LIVE OAK PARK
- 25) James R. Sporn JAMES R. SPORN 1404 NANCY ISLAND DR
- 26) Monique B. Sporn MONIQUE B. SPORN 1404 NANCY ISLAND DR.
- 27) Derek Fyfe DEREK FYFE 1014 EMBASSY ROW WAY
- 28) JG SAVER JG Saver 2032 Skelley Marsh Lane

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8) Joseph Bertucci [Signature]
2381 GOLF OAK PARK, SEABROOK IS. S.C. 29457

9) Ronell T Bertucci [Signature]
2381 Golf Oak Park, Seabrook Is SC 29457

Wade E Harrell
Wade E Harrell 2946 Seabrook Island Road

Laurey H. Harrell
Laurey H. Harrell 2946 Seabrook Island 29457

[Signature] [Signature]

[Signature] 2121 Royal Pine Drive

[Signature] 2121 Royal Pine Drive

Susan Ferland Sorenfeld 1188 Oyster Catcher Ct

Steven Sutton [Signature] 2948 Seabrook Island Road, Seabrook Island 29453

CHRISTOPHER RYAN [Signature] 3032 HIGH HAMMOCK

Mini Price Marianna J Price 1009 Embassy Row Way

PURPOSE

This Citizen Petition Entitled "Preserve Seabrook: It's Our Home" Is Hereby presented To The Town Of Seabrook Island Mayor, Council and Administrator. This Petition Was Circulated In Response To Concerns Of Seabrook Island Residents Regarding Proliferation Of Short Term Rental Business Properties In The Town Of Seabrook Island. This Petition Forms A Basis For Placement Of A Non-Binding, Advisory Referendum on The November, 2021 Election Ballot Asking Voters Whether Or Not Short Term Rental Percentage Caps Are Required Island-Wide And In Single Family Home Residential Areas.

- Bryan P. Wright
 - Bryan P. Wright 3210 Privateer Creek Rd, Seabrook Island, SC 29455
 - Beth Ann Wright
 - Beth Ann Wright 3210 Privateer Creek Rd. Seabrook Island, SC 29455
 - Cindy Guyton
 - Cindy Guyton 3071 Seabrook Island Rd SC 29455
 - Donald Brent Guyton
 - Donald Brent Guyton 3071 SI Rd
 - MEUSSA ANDREWS 2929 BAYWOOD DR 881 29455 Melissa
 - MARK ANDREWS 2929 BAYWOOD DR Seabrook Island 29455 Mark
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-
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-
-

- Establishing a maximum 20% licensing cap on the total number of developed lots/properties allocated to the properties not included in areas included in the 5% cap areas;
- Permitting any applicable properties holding a valid short-term rental license to be grandfathered and included in the licensing cap, unless the short-term rental property owner fails to renew his/her license by the required date or ceases to operate in an area of where the number of short term rentals exceed the caps;
- Not issuing new permits in those instances where the licensing cap(s) is exceeded because of grandfathered properties, or for any other reason that keeps the number of short-term rental properties above the cap;
- Prohibiting the transfer of short-term rental licenses to the subsequent owner(s) of the property, with the exception that intra-family property transfers can include the transfer of the short-term rental license for that property, provided it is not a sale of the property; and,
- Affirming neighborhoods, governed by covenants, having the authority to establish more restrictive caps or to prohibit short-term rentals in their regimes (the current homeowner associations in this category include Haulover Point and Marsh Point)?

Ruth Ann Henderer 3221 Privateer Creek Rd SI

WZ Henderer 3221 Privateer Creek Rd, SI, SC

PURPOSE

This Citizen Petition Entitled "Preserve Seabrook: It's Our Home" Is Hereby presented To The Town Of Seabrook Island Mayor, Council and Administrator. This Petition Was Circulated In Response To Concerns Of Seabrook Island Residents Regarding Proliferation Of Short Term Rental Business Properties In The Town Of Seabrook Island. This Petition Forms A Basis For Placement Of A Non-Binding, Advisory Referendum on The November, 2021 Election Ballot Asking Voters Whether Or Not Short Term Rental Percentage Caps Are Required Island-Wide And In Single Family Home Residential Areas.

ANDREW OGDEN

Andrew Ogden 2941 SEABROOK ISLAND RD

Johanna B. Tuleitkis 2941 Seabrook Island Rd.

Johanna B. Tuleitkis 2941 Seabrook Island Rd.
Lawrence Holston
2959 Baywood Drive

Rebecca Hallitel 2959 Baywood Drive

John F. Maher 2670 Gnarled Pine

Betty Maher 2670 Gnarled Pine

Martha Penkhus 2556 Clear Marsh Rd

STEPHEN PENKHUS 2556 Clear Marsh Rd

Jeffrey Pompe 2348 Andell Way

Kathleen Pompe 2348 Andell Way

JUDITH K. BENNETT 2711 OLD FOREST DRIVE

Richard Wildermann 3138 Privateer Creek Rd

Margaret Wildermann 3138 Privateer Creek Rd

Margaret Wildermann 3138 Privateer Creek Rd

PURPOSE

This Citizen Petition Entitled "Preserve Seabrook: It's Our Home" Is Hereby presented To The Town Of Seabrook Island Mayor, Council and Administrator. This Petition Was Circulated In Response To Concerns Of Seabrook Island Residents Regarding Proliferation Of Short Term Rental Business Properties In The Town Of Seabrook Island. This Petition Forms A Basis For Placement Of A Non-Binding, Advisory Referendum on The November, 2021 Election Ballot Asking Voters Whether Or Not Short Term Rental Percentage Caps Are Required Island-Wide And In Single Family Home Residential Areas.

Beth Ann Wright

Beth Ann Wright 3010 Privateer Creek Rd. Seabrook Island SC 29455

Bryan Paul Wright 3210 Privateer Creek Rd Seabrook Island SC 29455

Multiple horizontal lines for additional signatures and addresses.

PURPOSE

This Citizen Petition Entitled "Preserve Seabrook: It's Our Home" Is Hereby presented To The Town Of Seabrook Island Mayor, Council and Administrator. This Petition Was Circulated In Response To Concerns Of Seabrook Island Residents Regarding Proliferation Of Short Term Rental Business Properties In The Town Of Seabrook Island. This Petition Forms A Basis For Placement Of A Non-Binding, Advisory Referendum on The November, 2021 Election Ballot Asking Voters Whether Or Not Short Term Rental Percentage Caps Are Required Island-Wide And In Single Family Home Residential Areas.

<u>PRINTED NAME</u>	<u>SIGN</u>	<u>ADDRESS</u>	<u>DATE</u>
MARY ELLEN KYLE	Kyle	2836 Old Drake	10/14
BOB KYLE	Kyle	2836 Old Drake	10/14
ANNE UPTON-CONSTANDS	Constands	2060 STEARNS MARSH LN	10/14
HILLY LOVING	Hilly Loving	2259 Seabrook Is. Rd	10/14/21
JAMES MARK LOVING	J. Loving	2259 SEABROOK IS RD	10/14/2021
Deborah A Rice	Deborah Rice	3227 Middle Dam Ct	10/14
Elizabeth Colage	Elizabeth A. Lagana	2605 Jenkins Pt Rd	10/14
John Lagana	John Lagana	2605 Jenkins Pt Rd	10/14
Susan Toy Kindley	Susan Toy Kindley	2958 Seabrook Island Rd	10/16
Robin Ann	Robin Ann	1500 Lady Anna Lane	10/16
Jo Merrip	Jo Merrip	3306 The Lookout	10/16
Midge B. Florig	Midge Florig	2787 Little Creek Rd.	10/16
Lynne Richards	Lynne Richards	2400 Cat Tail Pond	10/18

- Establishing a maximum 20% licensing cap on the total number of developed lots/properties allocated to the properties not included in areas included in the 5% cap areas;
- Permitting any applicable properties holding a valid short-term rental license to be grandfathered and included in the licensing cap, unless the short-term rental property owner fails to renew his/her license by the required date or ceases to operate in an area of where the number of short term rentals exceed the caps;
- Not issuing new permits in those instances where the licensing cap(s) is exceeded because of grandfathered properties, or for any other reason that keeps the number of short-term rental properties above the cap;
- Prohibiting the transfer of short-term rental licenses to the subsequent owner(s) of the property, with the exception that intra-family property transfers can include the transfer of the short-term rental license for that property, provided it is not a sale of the property; and,
- Affirming neighborhoods, governed by covenants, having the authority to establish more restrictive caps or to prohibit short-term rentals in their regimes (the current homeowner associations in this category include Haulover Point and Marsh Point)?

- 1/ Dee Colquitt - Dee Colquitt
2356 Andell Way Seabrook Isl. SC 29455
- 2/ Julia Colquitt - J O Colquitt
2356 Andell Way Seabrook Isl. S.C. 29455
- 3/ Margie ANN Jones 3051 Marsh Gate Dr. 29455
- 4/ Gary Kunkelman Gary Kunkelman 2116 Royal Pine
- 5/ Katherine Kunkelman Katherine Kunkelman 2116 Royal Pine
- 6/ DIETER H. LANTIN D H LANTIN 2535 SEABROOK ISL. RD.
- 7/ HEIDI LANTIN Heidi Lantini 2535 SEABROOK ISL. RD

- Establishing a maximum 20% licensing cap on the total number of developed lots/properties allocated to the properties not included in areas included in the 5% cap areas;
- Permitting any applicable properties holding a valid short-term rental license to be grandfathered and included in the licensing cap, unless the short-term rental property owner fails to renew his/her license by the required date or ceases to operate in an area of where the number of short term rentals exceed the caps;
- Not issuing new permits in those instances where the licensing cap(s) is exceeded because of grandfathered properties, or for any other reason that keeps the number of short-term rental properties above the cap;
- Prohibiting the transfer of short-term rental licenses to the subsequent owner(s) of the property, with the exception that intra-family property transfers can include the transfer of the short-term rental license for that property, provided it is not a sale of the property; and,
- Affirming neighborhoods, governed by covenants, having the authority to establish more restrictive caps or to prohibit short-term rentals in their regimes (the current homeowner associations in this category include Haulover Point and Marsh Point)?

Jay I. Lehman Jr 1127 Summer Wind *Jay Lehman*

Debra K Lehman 1127 Summer Wind *Debra K Lehman*

Elizabeth R. Zahen 1116 Summer Wind *Elizabeth R. Zahen*

Lee L. Weber 3036 Marsh Haven *Lee L. Weber*

Rose C Septer 2811 OLD DRAKE DR *Rose C Septer*

Charles K Septer Jr. 2811 OLD DRAKE DR *Charles K. Septer Jr.*

Alan Weiss 3635 Pompano Ct *Alan Weiss*

Diane Weiss 3635 Pompano Ct *Diane Weiss*

Sherry Vincent 3032 Marsh Haven *Sherry Vincent*

PURPOSE

This Citizen Petition Entitled "Preserve Seabrook: It's Our Home" Is Hereby presented To The Town Of Seabrook Island Mayor, Council and Administrator. This Petition Was Circulated In Response To Concerns Of Seabrook Island Residents Regarding Proliferation Of Short Term Rental Business Properties In The Town Of Seabrook Island. This Petition Forms A Basis For Placement Of A Non-Binding, Advisory Referendum on The November, 2021 Election Ballot Asking Voters Whether Or Not Short Term Rental Percentage Caps Are Required Island-Wide And In Single Family Home Residential Areas.

<u>PRINTED NAME</u>	<u>SIGN</u>	<u>ADDRESS</u>	<u>DATE</u>
Linda Ligenza	Linda Ligenza	1809 Landfall way	10/17/21
Patricia Knowles	[Signature]	1140 Turtle Watch Lane	10/19/21
Melissa Shawver	Melissa Shawver	2792 Little Creek	10/19/21
Constantine Constandis	[Signature]	2060 Seeling Way	10/19
Kristine Wilson	[Signature]	2418 Racquet Club Dr	10/19
209 Jackie Miller Sharon Mack	Sharon Mack	3753 Seabrook Island Rd.	10/19
Sherril Goodwin	[Signature]	1110 Heather Island Ln Seabrook	10/19/21
PAT Robbins	Patricia G. Robbins	3168 Privateer Creek Seabrook	10/19/21
Patricia Linton	PATRICIA LINTON	2637 Persimmon Pond Seabrook	10/21/21
Jeffrey Fenton	Jeffrey Fenton	2637 Persimmon Pond Seabrook	10/21/21
Sean Goodwin	[Signature]	1110 Heather Island Ln	
DIANE Harvey	[Signature]	3143 Baywood Dr. JI	10/22
KAREN Stout	[Signature]	3238 Middle Run Ct	10/22

ABSOLUTE FINAL - With Caller Assignment

5 pages
294 signed
on line.
10/25/21
TK

First Name	Spouse	Last Name	Street	City	State	Zip code	# of Electors
Robert	Robin	Aaron	1500 Lady Anna Lane	Johns Island	SC	29455	2
Victoria	Richard	Agresta-Little	3021 Hidden Oak Drive	Johns Island	SC	29455	1
Susan		Alfiero-Bavasso	2345 Andell Way	Johns Island	SC	29455	1
Melissa	Mark	Andrews	2929 Baywood Drive	Johns Island	SC	29455	1
Joleen	Frank	Ardaiole	2132 Loblolly Way	Johns Island	SC	29455	3
Jeff	Allison	Armor	2480 Cat Tail Pond	Johns Island	SC	29455	2
Debra		Ayers	2425 Racket Club Drive	Johns Island	SC	29455	0
A Prentice	Lauren	Barnes	1903 Long Bend Drive	Johns Island	SC	29455	1
Judy		Bennett	2711 Old Forest Drive	Johns Island	SC	29455	1
Linda	Wheaton	Benyo	2355 Andell Way	Johns Island	SC	29455	1
Alan	Audrey Stief	Bernstein	2340 Marsh Hen Drive	Johns Island	SC	29455	3
Holly	Steve	Berry	3108 Marsh Gate Drive	Johns Island	SC	29455	2
Joseph and Roni		Bertucci	2381 Golf Oak Park	Johns Island	SC	29455	2
Thomas	Lisa	Beryl	3148 Green Heron Court	Johns Island	SC	29455	2
Sheila		Bhattacharyya	2009 Long Bend Drive	Johns Island	SC	29455	0
Patricia	John	Bisceglia	3028 Seabrook Village Drive	Johns Island	SC	29455	2
Aldrich and Ann-Stewart		Boss	2868 Cap'n Sams Road	Johns Island	SC	29455	4
Dorothy		Bouder	819 Treeloft Trace	Johns Island	SC	29455	1
Donald		Boulder	819 Treeloft Trace	Johns Island	SC	29455	1
Troy		Brown	4068 Bridal Trail Drive	Johns Island	SC	29455	1
Vickie		Brown	4068 Bridle Trail Drive	Johns Island	SC	29455	1
Cynthia	Jay	Brown	2481 Seabrook Island Road	Johns Island	SC	29455	1
Kathy		Bruce	1161 Summerwind Cottages	Johns Island	SC	29455	2
Michael	Julia Ann	Bryan	3142 Seabrook Island Road	Johns Island	SC	29455	2
Thomas	Marjorie	Buckner	3055 Marshgate Drive	Johns Island	SC	29455	2
Marian	Loren	Chamberlain	3123 Seabrook Island Road	Johns Island	SC	29455	2
Ellen		Cieslukowski	2525 Seabrook Island Road	Johns Island	SC	29456	0
Spencer	JoAllison	Clary	2138 Landfall Way	Johns Island	SC	29455	2
Penelope	Penny	Colby Mallory	2755 Old Oak Walk	Johns Island	SC	29455	1
MJ	X	Collins	1502 Marsh Haven Road	Johns Island	SC	29455	1
Dee	Julian	Colquitt	2356 Andell Way	Johns Island	SC	29455	2
Lynne	Hal	Copple	547 Cobby Creek Lane	Johns Island	SC	29455	0
Jane		Cottingham	193 High Hammock Villas	Johns Island	SC	29455	1
Glen		Cox	2470 Cat Tail Pond	Johns Island	SC	29455	1
Patricia	Richard	Dabrowski	2911 Deer Point Drive	Johns Island	SC	29455	2
Michael	Ruth	Dalpee	3616 Loggerhead Court	Johns Island	SC	29455	2
Robert	Emmie	Dawson	2450 Seabrook Island Road	Johns Island	SC	29456	2
Ronald	Susan	DeAndrade	1384 Pelican Watch Villas	Johns Island	SC	29455	2
Stephen and Helene		Decandia	1242 Creek Watch Trace	Johns Island	SC	29455	2
Jay	Debbie	Decker	2957 Seabrook Island Road	Johns Island	SC	29455	2
Dan		Decker	2957 Seabrook Island Road	Johns Island	SC	29455	0
Ann	David	Demitruk	2460 The Haulover	Johns Island	SC	29455	2

First Name	Spouse	Last Name	Street	City	State	Zip code	# of Electors
Sarah	X	Dewey	2923 Baywood Drive	Johns Island	SC	29455	3
George	Chris	Di Lella	3026 Baywood Drive	Johns Island	SC	29455	0
Maritza	Brian	Doak	1203 Jenkins Lagoon North	Johns Island	SC	29455	0
James		Dobson	3064 Marsh Gate Drive	Johns Island	SC	29455	1
Sara Jane	Sam	Dolinsky	3270 Privateer Creek Road	Johns Island	SC	29455	2
Kylie		Duckworth		Johns Island	SC	29455	1
Steve and Lisa		Duckworth		Johns Island	SC	29455	2
Mary		Dugan	2432 Racquet Club Drive	Johns Island	SC	29455	1
Marnie Ellis		Ellis	198 High Hammock Village	Johns Island	SC	29455	0
Kelly	Jane	Ellsworth	3025 Seabrook Village Dr	Johns Island	SC	29456	2
Joann	Douglas	Fagan	813 Treeloft Trace	Johns Island	SC	29455	3
Charlane	Jack	Faught	1801 Long Bend Drive	Johns Island	SC	29455	1
Victoria		Fehr	2540 Clear Marsh Road	Johns Island	SC	29455	0
Susan Ferland	James	Ferland	1180 Oyster Catcher	Johns Island	SC	29455	3
Timothy		Finan	4009 Bridal Trail Drive	Johns Island	SC	29455	1
Ted	Betty	Fierfage	3062 Baywood Drive	Johns Island	SC	29455	2
John Kevin	Elizabeth	Foltz	1721 Live Oak Park	Johns Island	SC	29456	2
Inger and Derek		Fyfe	1014 Embassy Row Way	Johns Island	SC	29455	2
Paul	Ellen	Giardino	2413 Golf Oak Park	Johns Island	SC	29456	2
Gregg and Lynn		Gilleard	3073 Baywood Drive	Johns Island	SC	29455	1
Richard	Mimi	Glasgow	2524 Clear Marsh Road	Johns Island	SC	29455	2
Reglna		Goad	2666 Fox Laid Court	Johns Island	SC	29456	1
Billy		Goad	2666 Fox Laid Court	Johns Island	SC	29455	1
Martha	Barry	Goldstein	2938 Cap'n Sams Road	Johns Island	SC	29455	1
Marie-Helene	Mike	Grabman	2395 High Hammock Road	Johns Island	SC	29455	2
Paul	X	Green	3040 Marsh Haven Road	Johns Island	SC	29455	0
William		Green	1406 Dune Loft Villa	Johns Island	SC	29455	1
Joe	Christine	Greer	3241 Seabrook Island Road	Johns Island	SC	29455	2
Donald		Guyton	3071 Seabrook Island Road	Johns Island	SC	29455	2
Barry		Hand	2993 Seabrook Island Road	Johns Island	SC	29456	1
Lisa	Barry	Hand	2993 Seabrook Island Road	Johns Island	SC	29455	4
Barbara	Kathy	Hanson	1156 Summerwind Cottage	Johns Island	SC	29456	1
Hunter		Hardwood	2955 Seabrook Island Road	Johns Island	SC	29455	0
Barbara		Hardwood	2955 Seabrook Island Road	Johns Island	SC	29455	0
Wade	X	Harrell	2946 Seabrook Island	Johns Island	SC	29456	2
Linda	William	Hart	530 Cobby Creek Lane	Johns Island	SC	29455	0
Ted	Ruth Ann	Henderer	3221 Privateer Creek Road	Johns Island	SC	29456	2
Charles	Susan	Hodges	2655 Gnarled Pine	Johns Island	SC	29456	2
Rebecca	Lawrence	Holditch	2959 Baywood Drive	Johns Island	SC	29456	2
Lee	Doug	Hurd	2116 Loblolly Lane	Johns Island	SC	29455	2
Brooke		Jellison	3311 The Lookout	Johns Island	SC	29456	1
Tom	Catherine	Johnson	3606 Beachcomber	Johns Island	SC	29456	2
Joan	Louis	Johnson	2415 Andell Way	Johns Island	SC	29455	3
David		Jones	3051 Marsh Gate Drive	Johns Island	SC	29455	1

First Name	Spouse	Last Name	Street	City	State	Zip code	# of Electors
Margie Ann	David	Jones	3051 Marsh Haven Road	Johns Island	SC	29455	1
Delbert and Kathleen		Kahn	2375 Seabrook Island Road	Johns Island	SC	29455	2
Michael		Karp	2380 The Haulover	Johns Island	SC	29455	1
Joan	X	Kearney	2938 Deer Point Drive	Johns Island	SC	29455	1
Karl		King	2470 Cat Tail Pond Road	Johns Island	SC	29455	1
Patricia		King	1412 Cap'n Sams Road	Johns Island	SC	29455	2
Tracey		Kirchhoff	2107 Kings Pine Drive	Johns Island	SC	29455	2
Brian		Kirchoff	2107 Kings Pine Drive	Johns Island	SC	29455	1
Tracy	Brian	Kitchoff	2107 Landfall Way	Johns Island	SC	29456	2
Barbara		Knowles	3013 Rascal Run	Johns Island	SC	29455	0
Jeffery		Knowles	3013 Rascal Run	Johns Island	SC	29455	1
Conrad	Isabel	Kottak	3742 Amberjack Court	Johns Island	SC	29455	2
Gary and Denise		Kotva	3092 Baywood Drive	Johns Island	SC	29455	2
Gary	Kathy	Kunkelman	2116 Royal Pine Drive	Johns Island	SC	29455	2
John	Elizabeth	Lagana	2605 Jenkins Point	Johns Island	SC	29456	2
Jane	Tim	Lanfersiek	2161 Royal Pine Drive	Johns Island	SC	29455	2
Heidi	Dieter	Lantin	2535 Seabrook Island Road	Johns Island	SC	29455	2
Donna	Jim	Lawrence	3200 Wood Duck Place	Johns Island	SC	29455	2
Robert and Donna		Le Fevre	1408 Nancy Island Drive	Johns Island	SC	29455	2
Debra	Jay	Lehman	1127 Summer Wind Lane	Johns Island	SC	29455	2
Carolne		Leonard	2139 Landfall Way	Johns Island	SC	29455	1
William	Lisa	Lilly	3007 Seabrook Village Drive	Johns Island	SC	29456	2
Patricia		Linton	2637 Persimmon Pond	Johns Island	SC	29455	1
Terrance		Little	3021 Hidden Oak Drive	Johns Island	SC	29455	1
John	Elizabeth	Maher	2760 Gnarled One	Johns Island	SC	29456	2
Mary Jo	Mike	Manning	1 Tesoro Drive	Johns Island	SC	29455	2
Kathi	Rick	McDaniel	3037 Marsh Gate Drive	Johns Island	SC	29455	1
Dennis	Lydia	McDonald	1517 Deer Point Villa	Johns Island	SC	29455	1
Linda	Bernie	McLaughlin	Baywood Drive	Johns Island	SC	29455	0
Paul and Susan		McLaughlin	3061 Baywood Drive	Johns Island	SC	29455	2
Clarkson		McLean	3064 Marsh Gate Drive	Johns Island	SC	29456	1
Tobie	Jerry	McMahon	2773 Old Forest Drive	Johns Island	SC	29455	0
Linwood	Lura	Metts	2435 Bateau Trace	Johns Island	SC	29456	2
Lyna		Michel	1232 Creek Watch Place	Johns Island	SC	29455	1
Michael		Miernicki	2578 High Hammock Road	Johns Island	SC	29455	1
Ian	Joy	Millar	1508 Lady Anna Lane	Johns Island	SC	29455	2
Donna		Miller	1736 Live Oak Park	Johns Island	SC	29455	1
Barbara Montagu-Pollock	Stephen	Montague-Pollock	3150 Privateer Creek	Johns Island	SC	29455	2
Charles	X	Moore	3326 Wildcat Point	Johns Island	SC	29455	2
Richard		Morris	467 Double Eagle Trace	Johns Island	SC	29455	1
Linnea	Robert	Morrisey	2917 Seabrook Island Road	Johns Island	SC	29455	1
Dory		Munder	2102 Landfall Way	Johns Island	SC	29455	0
Mark and Kimberly		Neath	3705 Seabrook Island Road	Johns Island	SC	29455	2

First Name	Spouse	Last Name	Street	City	State	Zip code	# of Electors
Robert and Deborah		Nerhood	1037 Crooked Oaks Lane	Johns Island	SC	29455	2
Jim	Barbara	Newton	3552 Seaview Drive	Johns Island	SC	29455	2
James	Susan	Nicholson	2906 Baywood Drive	Johns Island	SC	29455	0
Andrew	Randell	Ogden	2941 Seabrook Island Road	Johns Island	SC	29455	2
Robert		Oltmans	2135 Landfall Way	Johns Island	SC	29456	1
Michael	Kathy	Orris	2419 Andell Way	Johns Island	SC	29455	2
Kenneth	Regina	Oster	3084 Seabrook Village Drive	Johns Island	SC	29455	2
Stuart	Jennifer	Passantino	2223 Seabrook Island Road	Johns Island	SC	29455	2
Danielle		Patterson	3072 Marsh Gate Drive	Johns Island	SC	29455	1
Stephen and Marty		Penkhus	2556 Clear Marsh Road	Johns Island	SC	29455	2
Rhonda	Ray	Pittard	3121 Marsh Gate Drive	Johns Island	SC	29455	2
John	Dustin	Plunkett	1642 Live Oak Park	Johns Island	SC	29455	2
John and Karen		Plunkett	1642 Live Oak Park	Johns Island	SC	29455	2
Jeffrey and Kathleen		Pompe	2348 Andell Way	Johns Island	SC	29455	2
Joel	Nancy	Pondelik	3190 Pine Needle Lane	Johns Island	SC	29455	2
Mimi		Price	1009 Embassy Row Way	Johns Island	SC	29455	1
Carol	Michael	Price	2500 Clear Marsh	Johns Island	SC	29456	2
Dianne	Art	Pue	2435 Racket Club Drive	Johns Island	SC	29455	2
Maria	Karl	Rakes	2243 Seabrook Island Road	Johns Island	SC	29455	0
Richard	Annalee	Regensberg	2445 The Haulover	Johns Island	SC	29455	2
Chuck		Rice	3227 Middle Dam	Johns Island	SC	29455	0
Paul	Denise	Ricken	2070 Sterling Marsh Lane	Johns Island	SC	29455	3
Les and Leah		Riley	531 Cobby Creek Lane	Johns Island	SC	29455	2
Maryann	Scott	Rollins	3035 Marsh Haven Road	Johns Island	SC	29455	0
Martha		Ross	2940 Atrium Villa	Johns Island	SC	29455	0
Michael		Rowland	3068 Baywood Drive	Johns Island	SC	29455	3
Cat	Charles	Russo	2105 Loblolly Lane	Johns Island	SC	29455	2
Christopher	Kate	Ryan	3032 High Hammock Road	Johns Island	SC	29455	2
Bonnie	X	Sabia	3011 Ocean Winds Drive	Johns Island	SC	29455	1
Ray	Nancy	Sanchez	3024 Seabrook Village Dr	Johns Island	SC	29456	2
Elizabeth	Vincent	Scarpitti	465 Double Eagle Trail	Johns Island	SC	29455	2
Sue	Steve	Schenning	1148 Summerwind Cottage	Johns Island	SC	29455	0
Vince		Schiavoni	3620 Loggerhead Court	Johns Island	SC	29455	0
James Barry and Anita		Schrenk	1018 Crooked Oaks Lane	Johns Island	SC	29455	2
Charle and Rose		Septer	Old Drake Drive	Johns Island	SC	29455	2
Stephen	Linda	Shapiro	3607 Beachcomber Run	Johns Island	SC	29455	1
Pat		Short	504 Cobby Creek Lane	Johns Island	SC	29455	1
David and Deborah		Simon	2268 Seascape Court	Johns Island	SC	29455	2
Janis	X	Skeffington	3180 Pine Needle Lane	Johns Island	SC	29456	1
Evan		Slavitt	1961 Marsh Oak Lane	Johns Island	SC	29456	1
Lindy		Small	3607 Beachcomber Run	Johns Island	SC	29456	1
Monique		Sporn	1404 Nancy Island Drive	Johns Island	SC	29455	1
James		Sporn	1404 Nancy Island Drive	Johns Island	SC	29455	1
Peter	Mary	Stamos	1327 Pelican Watch Villas	Johns Island	SC	29456	0

First Name	Spouse	Last Name	Street	City	State	Zip code	# of Electors
Thomas		Stanic	3043 Marshgate	Johns Island	SC	29456	1
Paul	Jane	Stayanoff	1980 Marsh Oak Lane	Johns Island	SC	29456	0
Roger	Vivian	Steel	2290 Marsh Hen Drive	Johns Island	SC	29455	2
Patricia	Jon	Tallman	2932 Seabrook Island Road	Johns Island	SC	29455	2
Bill	Jackie	Thomas	2135 Royal Pine Drive	Johns Island	SC	29455	2
Ted	X	Thompson	2711 Jenkins Point Road	Johns Island	SC	29455	0
Kathleen	Keith	Thompson	2121 Royal Pine Drive	Johns Island	SC	29455	2
Sue	Richard	Trent	2108 Loblolly Lane	Johns Island	SC	29455	3
Diane		Tripodi	740 Spinnaker Court	Johns Island	SC	29455	1
Martin	Deborah	Trum	2667 Fox Laid Court	Johns Island	SC	29455	2
Johanna		Tuleikis	2941 Seabrook Island Road	Johns Island	SC	29455	1
Jean	X	Turner	1705 Live Oak Park	Johns Island	SC	29455	2
Ann Marie	Thomas	Verini	513 Cobby Creek Lane	Johns Island	SC	29455	0
Sharon	X	Vincent	3031 Marsh Haven Rod	Johns Island	SC	29456	1
Carl	simone	Voelker	2910 Deer Point Drive	Johns Island	SC	29455	1
Simone	Sussane	Voelker	2910 Deer Point Drive	Johns Island	SC	29455	2
Suzanne	Carl	Von Ende	1213 Creek Watch Trail	Johns Island	SC	29455	2
James	Mary	Ward	2540 Clear Marsh Road	Johns Island	SC	29455	2
Janice		Watson-Shada	3440 Deer Run	Johns Island	SC	29455	1
Lee		Weber	3036 Marsh Haven Road	Johns Island	SC	29455	1
Gordon	Molly	Weis	3365 Coon Hollow Road	Johns Island	SC	29455	2
Alan and Diane		Weiss	3635 Pompano Court	Johns Island	SC	29455	2
Sharon	Ronald	Welch	2975 Seabrook Island Road	Johns Island	SC	29455	2
Patrick	Jacquire	Weyers	3595 Seabrook Island Road	Johns Island	SC	29455	0
Herb	X	White	2998 Seabrook Island Road	Johns Island	SC	29455	0
Brenda	John	White	2962 Cap'n Sams Road	Johns Island	SC	29455	2
Richard and Margaret		Wilderman	3138 Privateer Creek	Johns Island	SC	29455	2
Charlotte	Peter	Witzbach	1109 Emmaline Lane	Johns Island	SC	29455	2
Diane	John	Woychick	2864 Cap'n Sams Road	Johns Island	SC	29456	0
Beth		Wright	3210 Privateer Creek Road	Johns Island	SC	29455	2
Elizabeth		Zahm	1116 Summerwind Cottages	Johns Island	SC	29455	1
							294

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 operated on the beach;
- (3) Vehicles shall be operated on the wet sand; vehicles may not be operated 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 being operated on the beach, excluding those specified 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

John Gregg, Mayor

ATTEST

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 herein, and no individual or body having review authority shall 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:
Public Hearing:
Second Reading:

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 sourcing of 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 preceding, procurements involving construction may use a construction contracting administration method which is most advantageous to the town and will result in the most timely, acceptable quality, economical, and successful completion of the construction project. Any request to use an alternate form of construction contracting administration for a particular construction project must receive prior approval by the Town Council.
- (C) Exceptions. Exceptions to bidding include the sole source, professional services, emergency procurements, purchasing cooperatives, and critical procurements as defined below.
- (1) Sole source. Sole source procurement is acceptable when, after a good faith review of all possible sources, it is determined by the procurement officer that there is only one viable source from which to obtain the goods or services. Sole source procurements shall be executed as follows:
 - (a) For goods and services with an estimated value of less than \$50,000.00, the procurement officer shall submit a written request to the Mayor outlining the justification for sole source procurement. Subject to the limitations contained in Sec. 2-260(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 property owners shall be informed of the town's intent to sell the property and shall be afforded the opportunity to negotiate a contract to purchase the property.
 3. If more than one of the contiguous property owners desires to purchase the property, the Mayor, or an individual designated by the Mayor, may commence contractual negotiations for the sale of the property to the contiguous property owner making the highest offer above the appraised value.
 4. If none of the contiguous property owners desire to purchase the property or a contract with a contiguous property owner is not successfully negotiated, the procurement officer shall solicit offers to purchase the property by issuing an IFB.
 5. The Mayor, or an individual designated by the Mayor, may commence contractual negotiations with the highest bidder.
 6. Contractual negotiations may be discussed with Town Council in executive session, as provided for by the 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:
Public Hearing:
Second Reading:

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.

CURRENT ORDINANCE

Elected Bodies

Town Council *(Sec. 2-21 et seq)*
Utility Commission *(Sec. 30-52 et seq)*

Appointed Bodies (Mandatory)

Accommodations Tax Advisory Committee *(Sec. 26-20 et seq)*
Board of Zoning Appeals *(Sec. 20-92 et seq, DSO Sec. 19.30/40)*
Planning Commission *(Sec. 20-43 et seq; DSO Sec. 19.20/50)*

Standing Committees (Discretionary)

Ways & Means Committee *(Sec. 2-111(1))*
Government Relations Committee *(Sec. 2-111(2))*
Community Relations Committee *(Sec. 2-111(3))*
Communications/Planning & Development Committee *(Sec. 2-111(4))*

Public Safety Committee *(Sec. 2-111(5))*

PROPOSED ORDINANCE

Elected Bodies

No Change Town Council *(Sec. 2-21 et seq)*
No Change Utility Commission *(Sec. 30-52 et seq)*

Appointed Bodies (Mandatory)

No Change Accommodations Tax Advisory Committee *(Sec. 26-20 et seq)*
No Change Board of Zoning Appeals *(Sec. 20-92 et seq, DSO Sec. 19.30/40)*
No Change Planning Commission *(Sec. 20-43 et seq; DSO Sec. 19.20/50)*

Standing Advisory Committees (Discretionary)

~~ELIMINATE~~ Ways & Means Committee *(ELIMINATED) ***
~~ELIMINATE~~ Government Relations Committee *(ELIMINATED)*
~~ELIMINATE~~ Community Relations Committee *(ELIMINATED)*
~~ELIMINATE~~ Communications/Planning & Development Committee *(ELIMINATED)*
NEW Community Promotions & Engagement Committee *(NEW Sec. 2-111(A))*
NEW Environment & Wildlife Committee *(NEW Sec. 2-111(B))*
AMENDED Public Safety Committee *(AMENDED Sec. 2-111(C))*
NEW Public Works Committee *(NEW Sec. 2-111(D))*

*** Recommend eliminating the Ways & Means Committee and replacing it with a monthly Town Council Work Session (two weeks before the regular Town Council meeting) or adding a second monthly Town Council Meeting.*

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2021-14

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE III, PROCEDURES, COMMITTEES AND ORDINANCES; SECTION 2-111, STANDING COMMITTEES; SO AS TO AMEND THE TOWN'S ADVISORY COMMITTEES; AND ARTICLE IV, OFFICERS AND DEPARTMENTS; SO AS TO ESTABLISH PROVISIONS RELATED TO THE POSITION OF TOWN ADMINISTRATOR

WHEREAS, Section 2-111 of the Town Code for the Town of Seabrook Island (the "Town Code") establishes the following standing committees of the Town: Town Council Ways and Means Committee, Town of Seabrook Island Government Relations Committee, Town of Seabrook Island Community Relations Committee, Town of Seabrook Island Communications/Planning and Development Committee, and Town of Seabrook Island Public Safety Committee; and

WHEREAS, the Mayor and Council for the Town of Seabrook Island desire to amend the Town Code so as to amend the Town's standing committees; and

WHEREAS, Chapter 2, Article IV, of the Town Code establishes several officers of the Town, including the Town Clerk/Treasurer, Zoning Administrator and Town Attorney; and

WHEREAS, the Mayor and Council desire to amend Chapter 2, Article IV, of the Town Code to establish provisions related to the position of Town Administrator; and

WHEREAS, the Mayor and Council advertised and held a public hearing on the proposed amendments during a duly called meeting on November 16, 2021; 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 III, Section 2-111 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article III, Procedures, Committees and Ordinances; Section 2-111, Standing Committees, is hereby amended to read as follows:

Sec. 2-111. ~~Standing Advisory~~ committees.

(A) Community Promotions and Engagement Committee

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

- a. To assist with the creation, planning, preparation, promotion, execution and evaluation of various town-sponsored events and activities;
- b. To identify resources necessary to ensure the success of town-sponsored events and activities including, but not limited to, sponsors, vendors, suppliers, entertainment, crowd control and public safety;
- c. To review and provide recommendations to Town Council on the procurement and awarding of contracts for goods and services related to town events and activities;
- d. To develop, recommend and implement strategies for engaging town residents, property owners, visitors and businesses;
- e. To provide recommendations on overall communication strategies and methods;
- f. To administer the town's Community Promotions Grant program; and
- g. To perform such other duties which may be assigned or requested by Town Council.

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

(3) *Meetings; quorum; rules of order; voting.* The Community Promotions and Engagement Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any

matter before the committee shall be disqualified from participating in any discussion or decision related thereto.

(4) Public notice; public records. Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The Town Clerk shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The Town Clerk shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Community Promotions and Engagement Committee are deemed public records and shall be made available for inspection upon request.

(B) Environment and Wildlife Committee

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

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

(2) Membership. The Environment and Wildlife Committee shall consist of five (5) members, one (1) of whom shall be a Town Council member appointed by the Mayor to serve as chair of the committee. The remaining four (4) members shall be nominated by the chair and appointed by a majority vote of Town Council; provided, no more than two (2) Town Council members, including the chair, may be appointed as members of the committee. All members shall serve for a term of two (2) years, to

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

(3) Meetings; quorum; rules of order; voting. The Environment and Wildlife Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.

(4) Public notice; public records. Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The Town Clerk shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The Town Clerk shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Environment and Wildlife Committee are deemed public records and shall be made available for inspection upon request.

(C) Public Safety Committee

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

- a. To develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of all elements of the town's Comprehensive Emergency Plan;
- b. To review and provide recommendations to Town Council on general matters related to public health and safety;
- c. To identify resources necessary to ensure the safety and well-being of the public;
- d. To coordinate with outside entities, community organizations and emergency service providers on issues related to emergency management and disaster response planning;

- e. To coordinate with emergency service providers including, but not limited to, law enforcement, fire suppression and emergency medical services, to plan for and respond to potentially unsafe or life-threatening situations;
- f. To review and provide recommendations to Town Council on the procurement and awarding of contracts for emergency-related goods and services;
- g. To undertake public relations activities to increase the public's awareness of potential hazards affecting the Seabrook Island community including, but not limited to, hurricanes, floods, tornadoes and earthquakes; and
- h. To perform such other duties which may be assigned or requested by Town Council.

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

(3) *Meetings; quorum; rules of order; voting.* The Public Safety Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.

(4) *Public notice; public records.* Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The Town Clerk shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The Town Clerk shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Public Safety Committee are deemed public records and shall be made available for inspection upon request.

(D) Public Works Committee

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

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

I. To perform such other duties which may be assigned or requested by Town Council.

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

(3) Meetings; quorum; rules of order; voting. The Public Works Committee shall meet at least once per quarter at a date and time scheduled by the chair or a majority of the committee's membership. All meetings shall be held at Town Hall, unless otherwise advertised, and shall be open to the public. At least three (3) members must be present to constitute a quorum, and no official business may be conducted without a quorum present. Except as otherwise required by state law or town ordinance, all proceedings of the committee shall be governed by Robert's Rules of Order. Official decisions or actions by the committee shall require a majority vote of those members present and voting. Proxy votes shall not be permitted. Any member who has a direct or indirect conflict of interest in any matter before the committee shall be disqualified from participating in any discussion or decision related thereto.

(4) Public notice; public records. Public notice shall be given for each meeting pursuant to S.C. Code § 30-4-80. The Town Clerk shall prepare an agenda containing the date, time and location of each meeting, as well as a list of items for action and/or discussion. The Town Clerk shall act as secretary to the committee and shall prepare and keep written minutes of all committee meetings. Unless exempt by state law, all records of the Public Works Committee are deemed public records and shall be made available for inspection upon request.

The town shall have the following standing committees:

~~(1) Town Council Ways and Means Committee, consisting of all members of the council plus the mayor.~~

~~(2) Town of Seabrook Island Government Relations Committee, consisting of one councilmember, plus at large members to be determined by the assigned councilmember and approved by the town council.~~

~~(3) Town of Seabrook Island Community Relations Committee, consisting of one councilmember, plus at large members to be determined by the assigned councilmember and approved by the town council.~~

~~(4) Town of Seabrook Island Communications/Planning and Development Committee, consisting of one councilmember, plus at large members to be determined by the assigned councilmember and approved by the town council.~~

~~(5) Town of Seabrook Island Public Safety Committee, consisting of one councilmember, plus additional at large members to be determined by the assigned councilmember and approved by the town council.~~

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

ARTICLE IV. OFFICERS AND DEPARTMENTS

DIVISION 1. ~~GENERALLY~~ Town Administrator

Section 2-155. Office created. Pursuant to S.C. Code Sec. 5-9-40, the office of town administrator is hereby established.

Section 2-156. Appointment, compensation, removal. The town administrator shall be recommended by the mayor and appointed by the town council. The town administrator's compensation shall be established by town council. The town administrator shall serve at the pleasure of the mayor and town council for an indefinite term unless the appointment is made pursuant to a contract or employment agreement, in which case the contract or employment agreement shall be for a fixed term. The town administrator may be removed from office by a majority vote of town council.

Section 2-157. Duties. The town administrator shall work under the supervision of the mayor and shall be responsible for the discharge of all administrative functions delegated by the mayor. The town administrator shall act as the zoning administrator when this position is not filled.

Secs. 2-15~~85~~—2-173. - Reserved.

SECTION 3. 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 4. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. 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: October 26, 2021
Public Hearing: November 16, 2021
Second Reading: November 16, 2021

TOWN OF SEABROOK ISLAND

John Gregg, Mayor

ATTEST

Katharine E. 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. \$40,000.00 to reimburse the General Fund for expenses related to the Town’s Beach Patrol Service; and
 - b. \$4,000.00 for the Town’s 2021 Drive-Through Christmas Party and Seasonal Light Display.

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