

Town Council Regular Meeting

May 27, 2025 @ 2:30 PM

[Watch Live on YouTube](#)

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



AGENDA

CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL & FOIA STATEMENT

APPROVAL OF MINUTES April 22, 2025: Regular Meeting

PUBLIC HEARING ITEMS

Ordinance 2025-03 An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 1, Generally; Section 2-603, Expenditure of Funds; so as to amend the allowable methods of expending town funds; and Section 2-604; Forms of Payment; so as to amend the allowable methods of collecting payments owed to the town

Ordinance 2025-04 An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article V, Officers and Departments; so as to establish Town Departments; and other matters related thereto

Ordinance 2025-05 An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 2, Purchasing Requirements; so as to amend certain definitions related to the procurement of goods and services; to formalize the role of department directors in the procurement process; to allow an exception from standard purchasing requirements for subscription-based information technology arrangements (SBITA); and other matters related thereto

PRESENTATIONS Proclamation in Support of National Beach Safety Week

CITIZEN COMMENTS During the first citizen comment period, any citizen may speak pertaining to any item listed on the meeting agenda which does not require a public hearing. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for citizen comments. Preference

shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting.

REPORTS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES

Advisory Committees Community Promotions & Engagement Committee

- Community Promotion Grant Requests:
 - **Entity:** Seabrook Island Village
 - Amount:** \$2,500.00

Environment & Wildlife Committee

- Community Promotion Grant Requests:
 - **Entity:** Seabrook Island Turtle Patrol
 - Amount:** \$1,000.00

Public Safety Committee

Utility Commission Seabrook Island Utility Commission

REPORTS OF TOWN OFFICERS & STAFF

Mayor’s Report Report of the Mayor (Bruce Kleinman)

- Disaster Recovery Council Meeting

Staff Reports Report of the Town Administrator

Report of the Town Clerk/Treasurer

- Financials Update
- FY 2024 Audit Update

Report of the Zoning Administrator

- Monthly Code Enforcement Report
- Monthly Permit Activity Report

Report of the Communication & Events Manager

- Chow Town (Wed. May 28, 5:00 pm – 8:00 pm)
- Disaster Awareness Day (Thu. May 29, 10:00 am - 1:00 pm)

ORDINANCES FOR SECOND READING

Ordinance 2025-03 An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 1, Generally; Section 2-603, Expenditure of Funds; so as to amend the allowable methods of expending town funds; and Section 2-604; Forms of Payment; so as to amend the allowable methods of collecting payments owed to the town

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ORDINANCES FOR FIRST READING

There are no Ordinances for First Reading

OTHER ACTION ITEMS

There are no Other Action Items

ITEMS FOR INFORMATION/DISCUSSION

There are no Items for Information/Discussion

CITIZEN COMMENTS

During the second citizen comment period, any citizen may speak pertaining to any town matter, except personnel matters. Each speaker shall be limited to three minutes in which to make his or her comments. Town council shall allow no more than 30 minutes for citizen comments. Preference shall be given to individuals who have signed up or otherwise notified the town clerk/treasurer of a desire to speak prior to the start of the meeting.

COUNCIL COMMENTS

ADJOURNMENT

Town Council Regular Meeting

April 22, 2025 @ 2:30 PM

[View Meeting on YouTube](#)

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



MINUTES

CALL TO ORDER

Mayor Kleinman called the meeting to order at 2:29 pm.

ROLL CALL

Town Council Members Present: Mayor Kleinman; Councilmembers Darryl May, Gordon Weis, Raymond Hamilton and Dan Kortvelesy.

Town Staff Present: Joe Cronin (Town Administrator), Tyler Newman (Planning & Zoning Administrator), Abby Grooms (Communication & Events Manager), and Peter Wiggins (Clerk/Treasurer).

FOIA STATEMENT

The Clerk/Treasurer confirmed that the meeting was advertised in compliance with the requirements of the South Carolina Freedom of Information Act. Agendas were posted and furnished to news media and all other person's requesting notification.

APPROVAL OF MINUTES

April 4, 2025

April 16, 2025

**Marshfront Management Plan Workshop
Ordinance 2025-02 Public Hearing**

Mr. Weis made a motion to approve the minutes from the two prior meetings of the Town Council, seconded by Mr. Kortvelesy.

The motion was approved UNANIMOUSLY.

PUBLIC HEARING ITEMS

There were no Public Hearing Items.

PRESENTATIONS

There were no Presentations.

CITIZEN COMMENTS

There were no Citizen Comments.

REPORTS OF TOWN BOARDS, COMMISSIONS AND COMMITTEES

**Community Promotions &
Engagement Committee**

Mayor Kleinman provided a report of the Community Promotion & Engagement Committee's most recent meeting.

Recommendation to deny the awarding of a Community Promotion Grant to Barrier Islands Free Medical Clinic in the amount of \$2,500.00.

Mayor Kleinman reminded the council that the recommendation from the Community Promotions and Engagement Committee was to deny the grant request.

Melissa Frank, Executive Director of Barrier Island Free Medical Clinic, gave a brief presentation on the clinic's mission.

Mr. Hamilton asked how many volunteers the clinic had. Ms. Frank stated the clinic has approximately 100 volunteers.

Mr. Hamilton asked why the committee recommended denial of the grant request. Mayor Kleinman stated that based on the grant criteria language, the committee felt the request should be denied.

Mr. May motioned to approve the awarding of a Community Promotion Grant to the Barrier Islands Free Medical Clinic in the amount of \$2,500.00, seconded by Mr. Weis.

Mr. Kortvelesy stated this request afforded the town the opportunity to be a good neighbor. He further stated this request was an opportunity for the town to help and he felt that awarding the clinic a \$2,500 grant was a minimal amount that the town can invest to show support.

Mr. May stated this group showed very strong connections to the Town of Seabrook Island and he was very happy to support their grant request.

The motion was approved UNANIMOUSLY.

Recommendation to approve the awarding of a Community Promotion Grant to the Seabrook Island Page Turners in the amount of \$2,500.00.

Mayor Kleinman gave a brief presentation on the group's mission.

Mr. Kortvelesy motioned to approve the grant request, seconded by Mr. May.

Mr. Hamilton asked Mr. Cronin, if by his attendance at prior and future events hosted by the Seabrook Island Page Turners, he needs to recuse himself from voting. Mr. McQuillin, the town's attorney, assured Mr. Hamilton he did not need to recuse himself.

The motion was approved UNANIMOUSLY.

Recommendation to approve the awarding of a Community Promotion Grant to the Seabrook Island Community Emergency Response Team (CERT) in the amount of \$2,500.00.

Mayor Kleinman provided a summary of the history of the grant request.

Mayor Kleinman stated it was unclear to him if CERT understood its role in emergency preparedness and response with respect to the town. However, he stated that his questions were not going to be answered before the council voted on the grant request.

Mayor Kleinman went on to state that he still had unanswered questions related to the grant request and that he was not prepared to support the awarding of the funds.

Mr. Kortvelesy motioned to approve the grant request, seconded by Mr. Weis.

Mr. Kortvelesy stated that Mr. Pollock has attended the Public Safety Committee meetings in the past. He further stated that CERT is a county recognized emergency response group. He stated that Mr. Pollock is working to recruit new members to CERT and CERT is a worthwhile community organization.

Mr. May asked if the council approves the request, in what manner will the town transfer the grant funds to CERT.

Mayor Kleinman stated the grant program is a reimbursement of already spent funds.

Mr. May stated it is his feeling that any organization requesting grant funding should be required to attend committee and council meetings.

Mr. Hamilton stated that if the trailer is unable to transport valuable materials, the council should be prepared to support the request. Further, he stated that organizations should be required to attend meetings, but he felt the council was moving the goalposts by requiring attendance in the middle of the grant year.

Mr. Weis stated that CERT is a good organization that has been active during storms and other events. Mr. Weis went on to state that he didn't know why the town was denying the group grant funding to replace something they need.

The vote was as follows:

Mr. Hamilton	aye
Mr. Kleinman	abstain
Mr. Kortvelesy	aye
Mr. May	aye
Mr. Weis	aye

The motion was approved with four aye’s and one abstention.

Environment & Wildlife Committee Mr. Weis provided a report of the Environment & Wildlife Committee’s most recent meeting.

Mr. Weis announced that the committee would host an Alligator Meeting on June 2, 2025, at 7:00 pm at the Seabrook Island Lakehouse.

Public Safety Committee Mr. Kortvelesy provided a report of the Public Safety Committee’s most recent meeting.

Mr. Kortvelesy announced that the Disaster Recovery Council will meet on June 17, 2025 in preparation for the 2025 hurricane season.

Board of Zoning Appeals No report provided.

Planning Commission No report provided.

ATAX Advisory Committee No report provided.

Utility Commission No report provided.

REPORTS OF TOWN OFFICERS

Town Administrator Mr. Cronin stated that at the prior meeting he announced the town was having an issue with their online payment service provider to pay for business licenses and zoning permits. He stated that the issue had been resolved.

Mr. Cronin also stated that council discussed the possibility of engaging a grant writer for the purposes of securing funds to be used on the Seabrook Island Road project. He stated that the program the town was hopeful would apply to the road project had been eliminated.

Clerk/Treasurer **Report of Financials for the Month of December 2024:** Mr. Wiggins provided a report on the town’s financial statement for the month of December 2024.

Mr. Wiggins stated that both he and the town’s accountant are working on compiling documentation for submission to the audit firm in preparation for the FY 2024 audit.

Zoning Administrator

Code Enforcement Summary: Mr. Newman provided an update of code enforcement and construction activities since the March meeting.

Beach Patrol Summary: Mr. Newman provided an update of beach patrol activities.

Short-Term Rental Summary: Mr. Newman provided a summary of current STR activities.

Mr. Newman announced that the town has hired two new code enforcement officers since the last council meeting.

Mr. Kortvelesy asked how the STR cap has already been exceeded.

Mr. Cronin stated the cap will not be instituted until May 1st, per the ordinance.

Mr. May asked if the new code enforcement positions were full-time or part-time.

Mr. Newman stated the positions were part-time and seasonal.

Communication & Events Manager

Ms. Grooms stated the town has a few events scheduled for May. She stated May 9th will be the unveiling of new wildlife signs along the Seabrook Island beach. May 28th will be the first Chow Town event of the summer at Town Hall. May 29th will be Disaster Awareness Day held at the Seabrook Island Club.

ORDINANCES FOR SECOND READING

**Ordinance 2025-02:
An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article II, Mayor and Council; Section 2-202, Election and terms of office; so as to amend the term of office for the Mayor and members of Town Council from two-year non-staggered terms to four-year staggered terms**

Mr. Wiggins stated the town had received 19 public comments related to the ordinance.

Mr. Kleinman stated there were common questions found throughout the comments, and he asked Mr. Cronin to answer these common questions. Mr. Kleinman asked the administrator how the proposed ordinance would affect current office holders of the town.

Mr. Cronin stated the ordinance would not extend the terms of any current members of council or the mayor. He stated the way the ordinance is drafted, the term lengths would not go into effect until after the next election. He stated that in the fall of 2025, there would be two separate elections for council seats, two seats that would be for a four-year term and another two seats that would initially be for a two-year term. Those two seats would convert to four-year terms in November of 2027 so that council elections will be staggered.

Mr. Kleinman asked Mr. Cronin why council members cannot remain elected every two years and adjust the elections so two seats can be staggered.

Mr. Cronin stated that pursuant to SC Code § 5-15-40, staggering two-year terms are unlawful, as is setting a three-year term for the mayor and councilmembers.

Mr. Kleinman asked Mr. Cronin if council had the authority to change the term lengths, or if this is required to be completed by a referendum.

Mr. Cronin stated that if the form of government needed to be changed, a referendum is required, as is changing the number of council members. However, Mr. Cronin stated that the SC Attorney General has issued an opinion that expanding the term length of a mayor or councilmembers can be done by ordinance.

Mr. Weis asked if there was a mechanism by which a council member could be recalled before the end of their four-year term.

The town attorney stated that unless the governor removed a councilmember from office as a result of a crime, there was no mechanism by which an elected official could be removed. Mr. McQuillin went on to state that publicly censuring an elected official was an option. He stated that censuring is a way to publicly embarrass an elected official.

Mr. Kortvelesy asked if there was a mechanism through which a recall could be added to the ordinance.

Mr. McQuillin stated a recall creates due process concerns of removing a duly elected representative.

Mr. Cronin stated the issue that created the need for a "recall" could be presented to the voters as a referendum. Mr. McQuillin stated this recently happened on the Isle of Palms as well as Folly Beach.

Mr. May made a motion to approve the ordinance at second reading, seconded by Mr. Kleinman.

Mr. Hamilton stated he had concerns that moving to a four-year term might disincentivize residents to run for public office on Seabrook Island, and furthermore, residents who are elected to a four-year term might resign in the middle of a term creating a need for a special election.

Mr. Weis stated he was opposed to the ordinance. He stated he was elected to a condo association board in Chicago. He stated they had two year terms, and the terms were loved by the association.

Mr. Cronin presented a graph that represented the number of years mayors and councilmembers have served since Seabrook Island's founding in 1987.

Mr. May stated that if there were unanimous decisions made by the council that were unpopular with residents, even with four-year terms, the next election was never more than two years away.

Mr. May stated he read the public comments. He stated that he thought most of the questions that were raised were all answered to his satisfaction. He further stated that looking at the number of residents who spoke at the public hearing and/or submitted a public comment, this issue was not an issue that had the interest of too many Seabrookers.

Mr. Hamilton asked if the council could continue to operate with less than five representatives.

Mr. McQuillin stated that in the event of a resignation, the town would notify the South Carolina Election Commission so they could arrange for a special election. But he stated that there would be a period when the council would need to make decisions with less than five representatives.

Mr. Kleinman stated while he appreciates the uniqueness of Seabrook Island, there is a limit to that uniqueness. He stated that Seabrook Island is far outside the mainstream on the issue of two-year terms. He stated that apart from Mr. Kortvelesy, who was already elected to the council, the rest of the council took office in 2024, and the process was less than seamless. Mr. Kleinman stated that there is productivity lost as a new council takes office.

Mr. Kleinman stated that many of the same strategic priorities remain priorities due in part to a lack of continuity of council members.

After the preceding discussion, the vote was as follows:

Mr. Hamilton	aye
Mr. Kleinman	aye
Mr. Kortvelesy	abstain
Mr. May	aye
Mr. Weis	nay

Ordinance 2025-02 passed second reading with three ayes, one nay, and one abstention.

ORDINANCES FOR FIRST READING

Ordinance 2025-03: Mr. Weis made a motion to approve the ordinance on first reading, seconded by Mr. Hamilton.

An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 1, Generally; Section 2-603, Expenditure of Funds; so as to amend the allowable methods of expending town funds; and Section 2-604; Forms of Payment; so as to amend the allowable methods of collecting payments owed to the town

Mayor Kleinman left the meeting at 4:41 pm.

The vote was as follows:

Mr. Hamilton	aye
Mr. Kleinman	absent
Mr. Kortvelesy	aye
Mr. May	aye
Mr. Weis	aye

Ordinance 2025-03 passed first reading with four ayes.

Mayor Kleinman returned to the meeting at 4:47 pm.

Ordinance 2025-04: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article V, Officers and Departments; so as to establish Town Departments; and other matters related thereto

Mr. Kortvelesy asked if there would be qualifications established for future department heads.

Mr. Cronin stated that the Town of Seabrook Island has a strong mayor form of government. He stated that minimal qualifications for all positions are reviewed by the mayor before the town posts any openings. He further stated that individuals with specific qualifications may not apply for job openings. He stated it would not be ideal to need to return to council to amend the ordinance before hiring staff that may not meet the qualifications required by the ordinance.

Mr. Hamilton had a question related to calling certain individuals a "director".

Mr. Cronin stated that in public agencies, directors are responsible for entire departments that carry out siloed activities of a municipal organization.

Mr. Hamilton asked if it would be appropriate to define the role of a director in the ordinance.

Mr. Kleinman stated he thought the ordinance already defines those roles.

Mr. Kortvelesy asked if the ordinance passes, is the town obligated to fill these new positions.

Both Mr. Kleinman and Mr. Cronin stated he should not assume these positions will be filled, as the ordinance provides for the town administrator to serve as various department heads. Mr. Kleinman also stated that in the current town hall, there is no room for additional staff.

Mr. Cronin stated that by establishing departments, it aligns the structure of the town with how the budget has been presented for the last two years.

Mr. Hamilton asked a question related to the appointment of the Finance Director and town treasurer.

Mr. Cronin stated that if the town were to hire a Finance Director, by default, that individual would serve as the town treasurer.

Mr. Kleinman motioned to approve the ordinance at first reading, seconded by Mr. Hamilton.

Mr. Kleinman's motion was approved UNANIMOUSLY.

Ordinance 2025-05: An ordinance amending the Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 2, Purchasing Requirements; so as to amend certain definitions related to the procurement of goods and services; to formalize the role of department directors in the procurement process; to allow an exception from standard 2 purchasing requirements for subscription-based information technology arrangements (SBITA); and

Mr. Hamilton asked a question related to the purchasing of goods or services off of an already existing state contract. He asked if those goods or services can be found cheaper locally rather than off a state contract, should there not be a separate bid process.

Mr. Cronin stated that the reason this is included in the ordinance was for vehicle purchases. He stated that often times, less expensive vehicles were found in the Upstate of South Carolina. He further stated that procuring the vehicle was an all day process of travelling to the Upstate and taking possession of the vehicle, or paying to have the vehicle delivered. He further stated that a local dealership would often quote a price lower than the lowest price found on a state contract.

Mr. Hamilton asked why the town cannot solicit bids, no matter the good being purchased, and then compare those bids to existing state contracts.

Mr. Cronin stated that in the case of vehicle purchases, it was difficult to receive responses from a sufficient number of bidders.

Mr. Hamilton stated he had concerns with the ability of the town to bypass bid processes to procure goods off a state contract.

other matters related thereto

Mr. Cronin stated that in his seven years with the town, the only good he has used a state contract for is vehicles.

Mr. Kortvelesy motioned to approve Ordinance 2025-05 at first reading, seconded by Mr. Weis.

Mr. Hamilton stated he wanted to read Kiawah Island's procurement ordinance before second reading.

Mr. Kortvelesy's motion passed UNANIMOUSLY.

OTHER ACTION ITEMS

**Resolution 2025-27:
A resolution adopting the
Seabrook Island
Marshfront Management
Plan**

Mr. Kortvelesy made a motion to approve Resolution 2025-07, seconded by Mr. Weis.

Mr. May stated he was concerned with the 25' setback from a critical line, considering the number of structures that are no longer outside the setback due to the encroachment of the marsh over the past years.

Mr. May made a motion to amend the 25' setback language found on page 15 of the Marshfront Management Plan, seconded by Mr. Kleinman.

Mr. Cronin recommended that Mr. May amend his motion to strike the references to a 25' setback, keeping all other language found under the "Protect" goal.

Mr. May amended his amendment incorporating Mr. Cronin's recommendations.

Mr. May's amendment passed UNANIMOUSLY.

Mr. Kortvelesy's motion passed UNANIMOUSLY.

**Resolution 2025-28, 2025-2929:
Resolution to appoint and
commission Eric Mack and
Steven McGee as code
enforcement officers for
the proper security and
general welfare for the
Town of Seabrook Island**

Mr. Weis made a motion to approve Resolution 2025-28 and 2025-29, seconded by Mr. Kortvelesy.

The motion was approved UNANIMOUSLY.

Committee Appointments

Mr. Kleinman made a motion to appoint Stuart Spisak, Ann Marie O'Rourke, Chris Hix, Gary Walton, Meredith Allen, Randy Buck, and Nicole Watt to the Accommodations Advisory Tax Committee for a term of two years, ending December 31, 2026, seconded by Mr. May.

The motion was approved UNANIMOUSLY.

**Mayor Pro Tempore
Election**

Mr. Kleinman nominated Mr. Hamilton as Mayor Pro Tempore from April 24 through May 1, 2025, seconded by Mr. May.

The motion was approved UNANIMOUSLY.

ITEMS FOR INFORMATION/DISCUSSION

There were no Items for Information/Discussion.

CITIZEN COMMENTS

There were no Citizen Comments.

COUNCIL COMMENTS

Mr. Hamilton stated he received many comments related to the removal of trash cans on the beach. He stated it was something the town should continue to look at based on the feedback he had received.

Mr. May stated that future Community Promotions and Conservation grant applications should make it clear that the council will not consider passage of applications unless a representative from the requesting entity is present either in person or virtually.

Mr. Kleinman, in response to Mr. Hamilton's concerns, stated the trash cans that were removed from the beach are not suitable to be on the beach. Mr. Kleinman stated that staff were looking at options, such as working with SIPOA. Furthermore, he stated that as has been done in the past, Beach Patrol staff are not suited for trash collection.

ADJOURNMENT

There being no further discussion, Mayor Kleinman declared the meeting adjourned at 5:11 pm.



A Proclamation

WHEREAS, the beautiful coastal and inland beaches of Seabrook Island represent a world renowned recreational resource; and

WHEREAS, Seabrookers and visitors alike are drawn to these beaches by the thousands each year for water and beach activities; and

WHEREAS, the aquatic environment has dangers, particularly rip currents, that can be effectively managed through public awareness and the vigilance of professional lifeguards; and

WHEREAS, for reasons of public safety, an annual reminder of the joys and hazards associated with the aquatic environment are appropriate at the commencement of the busy summer beach season; and

WHEREAS, Seabrookers and visitors alike must remember: Swim Near a Lifeguard, Learn to Swim, Learn Rip Current Safety, Never Swim Alone, Designate a Water Watcher, Alcohol and Water Don't Mix, Feet First Water Entry, Life Jackets Save Lives, Observe Signs & Flags and Beat the Heat & Block the Sun.

NOW, THEREFORE, I, Bruce Kleinman, by virtue of the authority vested in me as Mayor of the Town of Seabrook Island, do hereby proclaim May 19-26, 2025, as National Beach Safety Week on Seabrook Island, and urge all residents using our beaches to enjoy themselves at the beach this year, while taking appropriate measures to protect themselves and their children.

SIGNED AND SEALED on this, the 19th day of May, 2025, in the Town of Seabrook Island, South Carolina.

Bruce Kleinman, Mayor

Peter D. Wiggins II, Clerk/Treasurer



Town of Seabrook Island

2001 Seabrook Island Road
 Seabrook Island, SC 29455
townofseabrookisland.org

Community Promotion Grant 2025

16

Contact Us: (843) 768-9121
[pwiggins@townofseabrookisland.org](mailto:pwiggin@townofseabrookisland.org)

The Town of Seabrook Island invites applications from eligible organizations for funding from the Community Promotion Grants program. Community Promotion Grants may be awarded to provide financial support for programs, projects, and activities that are designed to benefit the Town of Seabrook Island by promoting and enhancing community wellness, cultural and historical awareness, and economic development within the town; or which improve citizen participation, satisfaction and sense of place among town residents and visitors. Applications will be accepted beginning on March 1, 2025, and will continue to be accepted until the earlier of October 1, 2025, or until all available funds have been committed.

1 APPLICANT INFORMATION			
Organization Name	Seabrook Island Village (SIV)		
Contact Person	Anne R. Bavier, Vice President		
Mailing Address	130 Gardiners Circle, PMB 512, Johns Island SC29455		
Phone Number	(860) 617-9940	Email Address	bavier85@gmail.com
Brief description of the organization and its membership	Seabrook Island Village (SIV), Neighbors helping Neighbors, is a volunteer group that assists residents to stay in their homes, maintain their independence and remain active in the community as long as it is safe to do so. Members may request services, such as: transportation to medical appointments, friendly visits, computer/electronic assistance. Additionally, we sponsor health and wellness programs for all.		
What is the organization's annual budget?			
Which of the following best describes the organization?	<input checked="" type="checkbox"/> This organization is tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Code <input type="checkbox"/> This organization is established for a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety <input type="checkbox"/> This organization has a charitable purpose or appeal as the basis of solicitation.		

*Pursuant to the South Carolina Solicitation of Charitable Funds Act (S.C. Code of Laws Title 33, Chapter 56), all charitable organizations that solicit contributions or have contributions solicited on their behalf must register with the South Carolina Secretary of State's Office on an annual basis unless they fall under one of the statutory exemptions. **Please attach a copy of your organization's current registration (or exemption) with your application.***

2 GRANT AMOUNT	
Amount Requested (Min: \$250.00; Max: \$2,500.00)	\$ 2,500.00

3 PROJECT BUDGET		
In the space below, please provide a detailed budget showing how the requested funds will be spent if awarded:		
Item(s) or Service(s) to be Purchased	Vendor (If Known)	Amount Budgeted
LOCKED entry box	Knox Boxes (6 @ \$261 each)	\$ 1,566.00
handouts	Kinkos	\$ 234.00
technology expert consultant	Chad Droze	\$ 700.00
		\$
		\$
	TOTAL	\$ 2,500.00

4 PROJECT PURPOSE

In the space below, please describe (1) the funds will be used and (2) how the project will provide a demonstrable benefit to the Town of Seabrook Island

We continue to have about 50 residents who receive regular service from SIV. Increasingly, these members find themselves needing help but unable to come to the door. With the Town's support last year and the partnership of the St. Johns Fire Dept, we purchased and placed 6 lock boxes on the front doors of our most frail members. The Fire Dept Captain on duty can access the box and the house key inside to allow EMT and others to enter quickly and safely. As recently as last week, the Fire Department used a lock box to safely enter a home and assist a resident. Residents have expressed deep appreciation that help can reach them without having to break down the entry and create additional hazards. This request continues our partnership with the St. Johns Fire Dept by providing an additional 6 homes with these Lock Boxes. Although we support Kiawah River Estates work, these boxes will ONLY be placed with Seabrook residents.

Within our community, there is a wide range of knowledge and willingness to utilize new technologies. Smart watches, TVs and "Alexa" or "Siri" baffle and befuddle many residents. Members often request help with their 'smart' watches--a frequent gift from concerned family. Unfortunately, these devices are not used, because people are both fearful and perplexed. We are organizing a series of small group workshops to instruct residents and optimize resource use. Content will include health monitoring options, and how to sign into and receive alerts of emergency conditions, like tornado or flood warnings from the Town. We envision 10 sessions with approximately 12 people each. One common complaint is the lack of printed directions for unfamiliar technology. Additionally, many are challenged by declining visual ability. So, handouts will be created with diagrams and large print labels. Sessions will be designed with our technology consultant and delivered by trained volunteers under his direction.

5 REIMBURSEMENT


Upon presentation of all required documentation and/or receipts, to whom should the grant check be sent?

130 Gardiners Circle, PMB 512, Johns Island SC 29455

Note: All documentation must be submitted to the Town Clerk no later than December 15th of the grant year.

6 CERTIFICATION

I hereby certify that all information contained herein is true and accurate to the best of my knowledge. I certify that I have the authority to submit this application on behalf of the above-named organization. I acknowledge that the Town reserves the right to require additional information and that the submittal of this application is not a guarantee of grant funding. On behalf of the organization, I acknowledge that any awarded funds shall be spent in accordance with all applicable laws and shall conform to the guidelines of the grant program. Furthermore, I acknowledge that the town is not party to nor liable for any dispute associated with the expenditure of awarded funds.

Applicant Signature	
Applicant Printed Name	Anne R. Bavier
Submittal Date	April 25, 2025

Please return completed applications to:

Town of Seabrook Island
Attn: Town Clerk
2001 Seabrook Island Road
Seabrook Island, SC 29455



State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

3/5/2024

Seabrook Island Village, Neighbors Helping Neighbors
Patti Anderson
1174 OYSTER CATCHER CT
JOHNS ISLAND, SC29455-6069

RE: Registration Confirmation

Charity Public ID: P53426

Dear Patti Anderson :

This letter confirms that the Secretary of State's Office has received and accepted your Registration, therefore, your charitable organization is in compliance with the registration requirement of the "South Carolina Solicitation of Charitable Funds Act." The registration of your charitable organization will expire on 5/15/2025.

If any of the information on your Registration form changes throughout the course of the year, please contact our office to make updates. It is important that this information remain updated so that our office can keep you informed of any changes that may affect your charitable organization.

If you have not yet filed your annual financial report or an extension for the annual financial report, the annual financial report is still due 4½ months after the close of your fiscal year.

- Annual financial reports must either be submitted on the Internal Revenue Service Form 990 or 990-EZ or the Secretary of State's Annual Financial Report Form.
- If you wish to extend the filing of that form with us, please submit a written request by email or fax to our office using the contact information below. Failure to submit the annual financial report may result in an administrative fine of up to \$2,000.00.

If you have any questions or concerns, please visit our website at www.sos.sc.gov or contact our office using the contact information below.

Sincerely,

Kimberly S. Wickersham
Director, Division of Public Charities



Town of Seabrook Island

2001 Seabrook Island Road
 Seabrook Island, SC 29455
townofseabrookisland.org

Environment & Wildlife Grant

19
 2025

Contact Us: (843) 768-9121
pwiggins@townofseabrookisland.org

The Town of Seabrook Island invites applications from eligible organizations for funding from the Environment and Wildlife Conservation Grants program. Environment and Wildlife Conservation Grants may be awarded to provide financial support for programs, projects, and activities that are designed to benefit the Town of Seabrook Island by preserving and protecting wildlife and wildlife habitat within the town, expanding resident and/or visitor knowledge of environmental and wildlife issues affecting the town, or enhancing environmental and wildlife conservation efforts within the town. Applications will be accepted beginning on March 1, 2025 and will continue to be accepted until the earlier of October 1, 2025, or until all available funds have been committed.

1 APPLICANT INFORMATION			
Organization Name	Seabrook Island Turtle Patrol		
Contact Person	Bill Nelson		
Mailing Address	3758 Beach Court		
Phone Number	203-948-2248	Email Address	wnelson1942@gmail.com
Brief description of the organization and its membership	The Turtle Patrol operates under a permit from the SC State Department of Natural Resources and follows the directions from the DNR staff to support nesting loggerhead turtles. The patrol membership is about 120 local volunteers almost all from Seabrook. Their job is to patrol the beach just after sunrise from early May into October.		
What is the organization's annual budget?			
Which of the following best describes the organization?	<input type="checkbox"/> This organization is tax-exempt pursuant to Section 501(c)(3) of the Internal Revenue Code <input checked="" type="checkbox"/> This organization is established for a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety <input type="checkbox"/> This organization has a charitable purpose or appeal as the basis of solicitation.		

Pursuant to the South Carolina Solicitation of Charitable Funds Act (S.C. Code of Laws Title 33, Chapter 56), all charitable organizations that solicit contributions or have contributions solicited on their behalf must register with the South Carolina Secretary of State's Office on an annual basis unless they fall under one of the statutory exemptions. Please attach a copy of your organization's current registration (or exemption) with your application.

2 GRANT AMOUNT	
Amount Requested (Min: \$250.00; Max: \$2,500.00)	\$ 1000

3 PROJECT BUDGET		
In the space below, please provide a detailed budget showing how the requested funds will be spent if awarded:		
Item(s) or Service(s) to be Purchased	Vendor (If Known)	Amount Budgeted
Materials and tools for protection turtle nests	Usually Home Depot	\$ 850
Website support for residents and visitors	Squarespace	\$ 150
		\$
		\$
		\$
TOTAL		\$ 1000

4 PURPOSE

In the space below, please describe (1) how the funds will be used and (2) how the project will provide a demonstrable benefit to the Town of Seabrook Island

The role of the Seabrook Island Turtle Patrol is to enhance the success rate of the nesting loggerhead turtles by identifying new nests, moving those nests to more secure locations where necessary to prevent over wash from high tides, clearing the beaches of trash each morning to prevent the nesting mothers and hatchlings from hazards, inspecting and maintaining the nests to insure they are properly protected through when they hatch, indentifying nests that have hatched to measure success of the Island's nests and reporting the results to the DNR, educating and directing the large number of residents and visitors who are always interested in the nesting process, keeping the public informed on the daily patrol activities and, importantly, facilitating orderly observation of the inventory process and any resulting hatchlings on the beach.

The patrol members are trained as directed by the DNR and are authorized to perform their duties under of the annual DNR Turtle Patrol permit.

5 REIMBURSEMENT


Upon presentation of all required documentation and/or receipts, to whom should the grant check be sent?

Bill Nelson, Treasurer 3758 Beach Court, Seabrook Island

Note: All documentation must be submitted to the Town Clerk no later than December 15th of the grant year.

6 CERTIFICATION

I hereby certify that all information contained herein is true and accurate to the best of my knowledge. I certify that I have the authority to submit this application on behalf of the above-named organization. I acknowledge that the Town reserves the right to require additional information and that the submittal of this application is not a guarantee of grant funding. On behalf of the organization, I acknowledge that any awarded funds shall be spent in accordance with all applicable laws and shall conform to the guidelines of the grant program. Furthermore, I acknowledge that the town is not party to nor liable for any dispute associated with the expenditure of awarded funds.

Applicant Signature	
Applicant Printed Name	William Nelson
Submittal Date	3-14-25

Please return completed applications to:

Town of Seabrook Island
Attn: Town Clerk
2001 Seabrook Island Road
Seabrook Island, SC 29455

SOUTH CAROLINA SECRETARY OF STATE

PUBLIC CHARITIES DIVISION

ANNUAL APPLICATION FOR REGISTRATION EXEMPTION

Filing Instructions

- Pursuant to Section 33-56-50 of the South Carolina Code of Laws, failure to complete all sections of this form may cause your application for exemption to be returned to you and may result in a possible violation and/or fine.
- Please contact our office with any questions regarding this form at 803-734-1790 or email charities@sos.sc.gov.
- Mail to South Carolina Secretary of State, Attn: Public Charities, 1205 Pendleton St., Suite 525, Columbia, SC 29201.
- There is no fee for the filing of this application.

Name of Organization: Seabrook Island Turtle Patrol

Check one: Initial Registration | Renewal

Application for Current Fiscal Year 1/1/2025 to 12/31/2025
(mo/day/year) (mo/day/year)

Enter Federal Employer's Identification Number: N/A Charity Public ID: N/A
(If applicable) (Renewal only)

EXEMPTION QUALIFICATION (S.C. Code Section 33-56-50)

Select **ONE** of the following bases for exemption under section A or B, not both. If none of these qualifications for exemption applies to your organization, you must submit a registration statement for a charitable organization.

A. Fundraising activities are not conducted by professional solicitors, professional fundraising counsel, or commercial co-venturers and you are:

- (1) an educational institution which solicits contributions from only its students and their families, alumni, faculty, friends, and other constituencies, trustees, corporations, foundations, and individuals who are interested in and supportive of the programs of the institution;
- (2) a person requesting contributions for the relief of an individual specified by name at the time of the solicitation, when all of the contributions collected, without deductions of any kind, are turned over to the named beneficiary for his or her use, as long as the person soliciting the contributions is not a named beneficiary;
- (3) a charitable organization which (a) does not intend to solicit or receive contributions from the public in excess of \$20,000.00 in a calendar year and (b) has received a letter of tax exemption from the Internal Revenue Service, if all functions, including fundraising activities, of the organization exempted pursuant to this item are conducted by persons who are compensated no more than \$500.00 in a year for their services and no part of their assets or income inures to the benefit of or is paid to an officer or a member. **Please provide a copy of any determination letter recognizing the charitable organization's tax-exempt status from the Internal Revenue Service and any changes, amendments, or revocations to that letter;**
- (4) an organization which solicits exclusively from within its own membership, including utility cooperatives;
- (5) a veterans' organization which has a congressional charter;
- (6) the State, its political subdivisions, and any agencies or departments thereof which are subject to the disclosure provisions of the Freedom of Information Act.

B. Regardless of whether your fundraising activities are conducted by professional solicitors, professional fundraising counsel, or commercial co-venturers and you are:

- (1) a public school district located in the State and any public school teaching pre-K through grade twelve located within the public school district.
- (2) a charitable organization that does not intend to solicit or receive contributions from the public in excess of \$7,500.00 during a calendar year.

1. Legal Name of Organization: Seabrook Island Turtle Patrol
- a. Doing Business As (DBA) Names: _____
(If applicable)
- b. Former Names Used by the Charity: N/A
(If applicable)
- c. Organization's Website: www.siturtlepatrol.com
(If applicable)
- d. Please provide a contact person for your organization:
- | | |
|--|------------------------------|
| <u>William Nelson</u> | <u>Treasurer</u> |
| Name | Title |
| <u>3758 Beach Court Seabrook Island South Carolina 29455</u> | |
| Address, City, State, Zip Code | |
| <u>203 948 2248</u> | <u>wnelson1942@gmail.com</u> |
| Daytime Phone | Email |

2. Physical address of your organization:
N/A
Street Address, City, State, Zip Code

3. Purpose for which this organization was formed: To protect nesting loggerhead turtles under SCDNR 2024 permit MTP543 following rules promulgated by SCDNR.

4. All organizations completing this form must provide the names of any professional solicitors, professional fundraising counsel, or commercial co-venturers conducting fundraising activities for the organization. (Check one)
- Organization does not use professional solicitors, professional fundraising counsel, or commercial co-venturers.
- List of professional solicitors, professional fundraising counsel, or commercial co-venturers is attached.

5. **School Districts:** Please provide a list of schools and any student organization within the schools that do not maintain separate financial accounts or a separate federal Employer's Identification Number (EIN) from the school and whose fundraising revenues are deposited in the school's student activity fund.

I certify that the information furnished in this application and all attached supplementary information is true and correct to the best of my knowledge, information and belief. I understand that the giving of false or incorrect information may constitute a misdemeanor carrying a penalty upon conviction of a fine of not more than two thousand dollars or imprisonment for not more than one year, or both, for a first offense. A second or subsequent offense may constitute a felony carrying a penalty upon conviction of a fine of not more than five thousand dollars or imprisonment of not more than five years, or both.

CHIEF FINANCIAL OFFICER / TREASURER

William Nelson
Print Name

 3-13-25
Signature Date


3758 Beach Court
Mailing Address

Seabrook Island, SC 29455
City, State, Zip

203 948-2248
Phone Number

CHIEF EXECUTIVE OFFICER / PRESIDENT

Jane Magioncalda SCDNR 2024 MTP543 permit holder
Print Name

 3/13/2025
Signature Date

2327 Coley View Court
Mailing Address

Charlotte, NC 28226
City, State, Zip

203 536-6259
Phone Number



State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

Mar 20, 2025

Seabrook Island Turtle Patrol
William Nelson
3758 BEACH CT
SEABROOK ISL, SC 29455-6025

RE: Exemption Confirmation

Charity Public ID: C95130713

Dear William Nelson :

This letter confirms that the Secretary of State's Office has received and accepted your Application for Exemption. **If you submitted your Application for Exemption using the Charities Online Filing System, this letter of confirmation has been issued pending further review by Division of Public Charities staff.**

The exemption for your charitable organization will expire on May 15, 2026. If any of the information on your Application for Exemption form changes throughout the course of the year, please contact our office to make updates. It is important that this information remain updated so that our office can keep you informed of any changes that may affect your charitable organization. Additionally, if at any time your charitable organization no longer qualifies for an exemption, the organization must immediately register with the Secretary of State's Office. Please note that failure to comply with the registration provisions of the Solicitation of Charitable Funds Act may result in fines of up to \$2,000.00 for each separate violation.

If you have any questions or concerns, please visit our website at www.sos.sc.gov or contact our office using the contact information below.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Wickersham", with a long horizontal line extending to the right.

Kimberly S. Wickersham
Director, Division of Public Charities

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2025-03

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE IV, FINANCIAL ADMINISTRATION; DIVISION 1, GENERALLY; SECTION 2-603, EXPENDITURE OF FUNDS; SO AS TO AMEND THE ALLOWABLE METHODS OF EXPENDING TOWN FUNDS; AND SECTION 2-604; FORMS OF PAYMENT; SO AS TO AMEND THE ALLOWABLE METHODS OF COLLECTING PAYMENTS OWED TO THE TOWN

WHEREAS, Section 2-603 of the Town Code for the Town of Seabrook Island (the “Town Code”), establishes certain procedures for the expenditure of Town funds; and

WHEREAS, the Mayor and Council desire to amend Section 2-603 of the Town Code to allow for greater flexibility and efficiency in the expenditure of Town funds, consistent with the purchasing procedures and requirements set forth in Section 2-265 of the Town Code; and

WHEREAS, Section 2-604 of the Town Code authorizes the Town Treasurer to accept payments owed to the Town by certain methods; and

WHEREAS, the Mayor and Council desire to amend Section 2-604 of the Town Code to allow for greater flexibility and efficiency in the collection of funds owed to the Town; and

WHEREAS, the Mayor and Council believe that adoption of the amendments contained herein are in the best interest of the Town;

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 2-603 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 1, Generally; Section 2-603, Expenditure of Funds; is hereby amended to read as follows:

Sec. 2-603. Expenditure of funds.

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

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

- (1) *Payroll.* The town treasurer shall pay, or cause to be paid, all town employees for wages earned during each payroll period. Payments shall be made by direct deposit no later than the close of business on the 1st and 15th day of each month. The town treasurer shall deduct from each employee's gross pay such taxes and other withholdings as may be required by federal and state taxing authorities. The town treasurer shall also deduct from each employee's pay the employee's share of any premiums or plan contributions for insurance, retirement, and similar plans that are elected by the employee. The town treasurer shall make such other deductions as may be required by law or court order.
- (2) *Goods and services.* ~~The procurement of all goods and services shall be subject to the purchasing procedures and requirements set forth in Section 2-625. Upon authorization of a contract or purchase order by the department director, procurement officer, mayor, or town council, as applicable, Expenditures of \$5,000.00 or less. For expenditures of \$5,000.00 or less, excluding those specified in subparagraph (4) below,~~ the town treasurer may issue payment, in whole or in part, by any of the following methods, subject to approval by the town administrator:
- a. Bank draft;
 - b. Check;
 - c. Credit or debit card; provided, no credit card purchase shall exceed \$5,000.00;
 - d. Electronic funds transfer (EFT) including, but not limited to, automatic clearing house (ACH) payment, direct debit, wire transfer, and online payments; provided, the town treasurer shall not initiate payment by EFT unless the recipient has been added to an approved vendor list authorized by the mayor; and
 - e. Petty cash (limited to expenditures of \$100.00 ~~of or~~ less).
- ~~(3) Expenditures greater than \$5,000.00. For expenditures greater than \$5,000.00, the town treasurer shall issue payment by check, subject to approval by the town administrator.~~
- ~~(4) Partial payments and installments. Partial payments and installments made toward a contract or purchase order with a total value greater than \$5,000.00 shall be made by check, subject to approval by the town administrator.~~
- (C) *Signatures required.* When payment is made by check, the check shall be signed by two authorized parties. For purposes of this section, the term "authorized parties" shall include the following town officials:
- (1) Mayor;

- (2) Town council members;
- (3) Town treasurer; and
- (4) Any other individual authorized by resolution of town council to sign checks on behalf of the town.

SECTION 2. Amending Section 2-604 of the Town Code. The Town Code for the Town of Seabrook Island, South Carolina; Chapter 2, Administration; Article IV, Financial Administration; Division 1, Generally; Section 2-604, Forms of Payment; is hereby amended to read as follows:

Sec. 2-604. Forms of payment.

- (A) *Responsibility.* Except as may otherwise be provided by state or federal law or regulation, the Town Code, or any other ordinance, resolution, or regulation of the town, it shall be the duty of the town treasurer to receive all fees for town licenses and permits, and all claims and accounts that may be due and payable to the town and shall deposit all monies belonging to the town in such bank(s) as the town council may direct.
- (B) *Methods of payment.* The town treasurer may accept payments made by any of the following methods:
 - (1) Bank draft;
 - (2) Cash;
 - (3) Check;
 - (4) Credit or debit card;
 - (5) Electronic funds transfer (EFT) including, but not limited to, automatic clearing house (ACH) payment, direct debit, wire transfer, and online payments; and
 - (6) Money order.
- (C) *Agreement for services.* The town treasurer is authorized to determine the specific credit cards, bank cards, and electronic transfers that will be accepted as provided in this section and, subject to approval by the town administrator, may enter into a contract or service agreement with a bank or credit card vendor for the acceptance of credit and debit cards.
- (D) *Fees and service charges.* In order to offset charges incurred by the town, the town treasurer may impose and collect the following fees:

- (1) *Convenience fee.* The town treasurer may collect a fee, not to exceed 4%, on any payment made by credit or debit card. The purpose of this fee is to recoup the actual payment processing charges incurred by the town.
- (2) *Returned check fee.* The town treasurer may collect a fee, not to exceed \$35.00 ~~\$25.00 fee~~, for any check, draft, or other written order which is returned unpaid by the financial institution upon which the check was drawn. This fee shall be in addition to any other remedy allowed by law.

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 _____, 2025, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the ____ day of _____, 2025.

First Reading: April 22, 2025
 Public Hearing: May 27, 2025
 Second Reading: May 27, 2025

TOWN OF SEABROOK ISLAND

 Bruce Kleinman, Mayor

LEGAL REVIEW

 Stafford J. McQuillin, Town Attorney

ATTEST

 Peter D. Wiggins II, Town Clerk

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2025-04

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE V, OFFICERS AND DEPARTMENTS; SO AS TO ESTABLISH TOWN DEPARTMENTS; AND OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 2, Article V, of the Town Code for the Town of Seabrook Island (the “Town Code”) establishes general provisions related to town officers and departments; and

WHEREAS, the Mayor and Council desire to amend Chapter 2, Article V, of the Town Code, to create a new section, to be called Section 2-507, for the purpose of establishing Town departments; and

WHEREAS, the Mayor and Council believe that adoption of the amendments contained herein are in the best interest of the Town and will further improve the administration of Town government;

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

ARTICLE V. OFFICERS, EMPLOYEES AND DEPARTMENTS

Sec. 2-501. In general.

(A) Town council may, by ordinance, create, change and abolish offices, departments, or agencies of the town government, in addition to those created by this code, and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by law to a particular department, office, or agency may be discontinued or assigned to any other agency.

Sec. 2-50~~1~~2. Town administrator.

(A) Office-Position created. Pursuant to S.C. Code 1976 Sec. 5-9-40, the office-position of town administrator is hereby established.

(B) Appointment. The town administrator shall be recommended by the mayor and appointed by the town council.

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

Sec. 2-50~~2~~3. Town clerk.

- (A) ~~Office-Position~~ created. Pursuant to S.C. Code 1976 Sec. 5-7-220, the ~~office-position~~ of town clerk is hereby established.
- (B) *Appointment.* The town clerk shall be recommended by the mayor and appointed by the town council.
- (C) *Term.* The town clerk 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 may be for a fixed term.
- (D) *Compensation.* The town clerk shall receive such compensation as the town council may determine from time to time.
- (E) *Removal.* The town clerk may be removed ~~from office~~ by a majority vote of town council.
- (F) *Duties.* The duties of the town clerk shall include the following:
 - (1) Providing notice of town council and other meetings to its members and the public;
 - (2) Keeping and maintaining a record of all proceedings;
 - (3) Receiving and delivering all petitions, motions, information, applications, and communications to the mayor and town council;

- (4) Preserving and making available for public inspection all papers, records, and documents of every description pertaining to the town, including, without limitation, all agendas, minutes, ordinances, resolutions, maps, contracts, agreements, deeds, bonds, insurance policies, and financial records of the town, pursuant to the requirements of the South Carolina Freedom of Information Act and the South Carolina Department of Archives and History's General Records Retention Schedules for Municipal Records;
- (5) Issuing all notices as required by law or as directed by the mayor or town council;
- (6) Being the custodian of the town seal;
- (7) Accepting statements of candidacy from candidates for municipal offices and coordinating with the Charleston County Board of Voter Registration and Elections on the conduct of municipal elections; and
- (8) Performing such other relevant duties and services as shall from time to time be prescribed by the mayor and/or town council.

Sec. 2-50~~34~~. Town treasurer.

- (A) Office-Position created. The office-position of town treasurer is hereby established.
- (B) Appointment. The town treasurer shall be appointed by the mayor. Unless otherwise provided by law, the position of town treasurer shall be held by the finance director. In the event of a temporary vacancy in the position of finance director, the mayor may designate any administrative officer or employee who is subject to his or her direction and supervision to exercise the duties of town treasurer.
- (C) Term. The town treasurer shall serve at the pleasure of the mayor for an indefinite term.
- (D) Compensation. The town treasurer shall receive such compensation as the mayor may determine from time to time.
- (E) Removal. When deemed necessary for the good of the town, the mayor may suspend or remove the town treasurer, except as otherwise provided by law or personnel rules adopted pursuant to Section 2-102.
- (F) Duties. The duties of the town treasurer shall include the following:
 - (1) Receiving, processing, and depositing all monies due or coming to the town;
 - (2) Preparing and issuing all payments on behalf of the town, in accordance with approved budget allocations, procurement procedures, purchase authorizations, debt obligations, and other applicable policies and procedures;

- (3) Processing employee payroll;
- (4) Maintaining an itemized account of all receipts and disbursements;
- (5) Providing monthly financial statements to the mayor and town council;
- (6) Coordinating preparation of the town's annual audit and ensuring the timely filing of the annual audit report with all agencies and departments as required by law;
- (7) Managing the town's investment programs in conformity with the provisions of Section 2-607;
- (8) Assisting with preparation of the annual operating budget; and
- (9) Performing such other relevant duties and services as shall from time to time be prescribed by the mayor and/or town council.

Sec. 2-5045. Town attorney.

- (A) ~~*Retention of Town Attorney*~~*Position created*. Pursuant to S.C. Code 1976 Sec. 5-7-230, the position of town attorney is hereby established.
- (B) *Minimum qualifications*. The town attorney must be a member in good standing of the South Carolina Bar and be admitted to practice law in the state of South Carolina.
- (C) *Retention*. The town attorney shall be recommended by the mayor and retained by the town council. For purposes of this section, the town attorney may be an individual or law firm hired or contracted to perform the duties set forth herein.
- (D) *Term*. The town attorney shall serve at the pleasure of the mayor and town council for an indefinite term unless the retention is made pursuant to a contract or employment agreement, in which case the contract or employment agreement may be for a fixed term.
- (E) *Compensation*. The town attorney shall receive such compensation as the town council may determine from time to time.
- (F) *Removal*. The town attorney may be terminated by a majority vote of town council.
- (G) *Duties*. The duties of the town attorney shall include the following:
 - (1) Entering appearance in all actions, cases, and special proceedings and conducting all suits in all courts in which the town is a party, except matters which are under the purview of the town prosecutor, as applicable;

- (2) Drafting and/or reviewing the drafting of all ordinances, resolutions, agreements, and other instruments relative to the business of the town;
- (3) Providing advice and opinions on questions of law when requested to do so by the mayor, town council or town administrator;
- (4) Investigating titles;
- (5) Attending all town council meetings when notified to do so; and
- (6) Performing such other relevant duties as may be required by the mayor and town council.

Sec. 2-50~~56~~. Town prosecutor.

- (A) ~~Retention of Town Prosecutor~~Position created. The position of town prosecutor is hereby established.
- (B) *Minimum qualifications*. The town prosecutor must be a member in good standing of the South Carolina Bar and be admitted to practice law in the state of South Carolina.
- (C) ~~Appointment~~Retention. The town prosecutor shall be recommended by the mayor and retained by the town council. For purposes of this section, the town prosecutor may be an individual or law firm hired or contracted to perform the duties set forth herein. The town council may, at its discretion, designate the individual or law firm retained for the position of town attorney, pursuant to Section 2-50~~45~~, to fulfill the duties of town prosecutor.
- (D) *Term*. The town prosecutor shall serve at the pleasure of the mayor and town council for an indefinite term unless the retention is made pursuant to a contract or employment agreement, in which case the contract or employment agreement may be for a fixed term.
- (E) *Compensation*. The town prosecutor shall receive such compensation as the town council may determine from time to time.
- (F) *Removal*. The town prosecutor may be terminated by a majority vote of town council.
- (G) *Duties*. Upon request by the mayor or town administrator, the town prosecutor may be charged with the following duties:
 - (1) Prosecuting violations of the Town Code and Development Standards Ordinance in the municipal court;
 - (2) Prosecuting appeals from the municipal court to the appellate courts;

- (3) Negotiating plea agreements;
- (4) Advising town staff on the interpretation of laws and strategies for prosecuting municipal violations;
- (5) Conferring with members of town staff and federal and state enforcement agencies to coordinate responses to highly complex or sensitive cases; and
- (6) Performing such other relevant duties as may be required by the mayor and town council.

Sec. 2-507. Town Departments.

(A) Departments established. There are hereby established and created the following departments for the town:

- (1) Administration;
- (2) Community affairs;
- (3) Finance;
- (4) Maintenance;
- (5) Planning and zoning; and
- (6) Public safety;

(B) Department Directors.

- (1) In general. All departments under the direction and supervision of the mayor shall be administered by a director, who shall have supervision and control over his or her department.
- (2) Appointment. Department directors shall be appointed by and subject to the direction and supervision of the mayor; provided, the mayor may delegate all or part of his or her supervisory authority to the town administrator, as provided in Section 2-502(F). Individuals, including the town administrator, may be appointed to serve as the director of more than one department. In the event of a temporary vacancy, an individual may be appointed to serve as a department director on an interim basis.
- (3) Term. Department directors shall serve at the pleasure of the mayor for an indefinite term.

(4) Compensation. Department directors shall receive such compensation as the mayor may determine from time to time.

(5) Removal. When deemed necessary for the good of the town, the mayor may suspend or remove department directors, except as otherwise provided by law or personnel rules adopted pursuant to Section 2-102.

(6) Duties. Department directors shall be responsible for the functions and duties as prescribed in this code and such other duties as the mayor or town council may prescribe from time to time.

Secs. 2-5068—2-600. [Reserved]

SECTION 2. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, it shall be construed to have been the legislative intent of Town Council to pass said ordinance without such unconstitutional provision, and the validity of all remaining sections, subsections, paragraphs, clauses, or provisions of said ordinance shall not be affected thereby. If said ordinance, or any provision thereof, is held by the final decision of a court of competent jurisdiction to be inapplicable to any person, group of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other persons, property, or circumstances.

SECTION 3. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be effective from and after the date of adoption.

SIGNED AND SEALED this ____ day of _____, 2025, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the ____ day of _____, 2025.

First Reading: April 22, 2025
Public Hearing: May 27, 2025
Second Reading: May 27, 2025

TOWN OF SEABROOK ISLAND

Bruce Kleinman, Mayor

LEGAL REVIEW

Stafford J. McQuillin, Town Attorney

ATTEST

Peter D. Wiggins II, Town Clerk

TOWN OF SEABROOK ISLAND

ORDINANCE NO. 2025-05

ADOPTED _____

AN ORDINANCE AMENDING THE TOWN CODE FOR THE TOWN OF SEABROOK ISLAND, SOUTH CAROLINA; CHAPTER 2, ADMINISTRATION; ARTICLE IV, FINANCIAL ADMINISTRATION; DIVISION 2, PURCHASING REQUIREMENTS; SO AS TO AMEND CERTAIN DEFINITIONS RELATED TO THE PROCUREMENT OF GOODS AND SERVICES; TO FORMALIZE THE ROLE OF DEPARTMENT DIRECTORS IN THE PROCUREMENT PROCESS; TO ALLOW AN EXCEPTION FROM STANDARD PURCHASING REQUIREMENTS FOR SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS (SBITA); AND OTHER MATTERS RELATED THERETO

WHEREAS, Chapter 2, Article IV, Division 2, of the Town Code for the Town of Seabrook Island (the “Town Code”) establishes general requirements for the purchase of goods and services by the Town; and

WHEREAS, the Mayor and Council desire to amend Section 2-622 of the Town Code to amend certain definitions related to the procurement of goods and services; and

WHEREAS, the Mayor and Council desire to amend Section 2-265 to formalize the role of department directors in the procurement process; and

WHEREAS, the Mayor and Council desire to further amend Section 2-265 to allow an exception from standard purchasing requirements for subscription-based information technology arrangements (SBITA); and

WHEREAS, the Mayor and Council believe that adoption of the amendments contained herein are in the best interest of the Town;

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

DIVISION 2. PURCHASING REQUIREMENTS

Sec. 2-621. Authority and purpose.

(A) *State law reference.* This division is adopted pursuant to and in compliance with S.C. Code 1976 Sec. 11-35-5320, and S.C. Code Ann. Regs. 19-445.2155.

- (B) *Purpose.* The purpose of this division is to maximize the purchasing value of public funds, to provide safeguards for maintaining quality and integrity within the procurement system, and to provide for the fair and equitable treatment of all parties in the procurement process.

Sec. 2-622. Definitions.

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

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

construction, as well as the management and disposal of surplus supplies and equipment, in accordance with the provisions of this division. The procurement officer shall act under the direction of the mayor and shall organize and execute all procurement activities for the town as set forth in this division. For purposes of this division, the town administrator is designated as the procurement officer for the town.

- (5) "Professional services" means unique, technical, and/or infrequent functions performed by an independent contractor qualified by education, experience, and/or technical ability to provide services. In most cases, these services are of a specific project nature, and are not a continuing, ongoing responsibility of the town. The services rendered are predominately intellectual in character even though the contractor may not be required to be licensed. Professional service engagements may involve partnerships, corporations, or individuals. Examples of professional services may include, but are not limited to, accountants, architects, attorneys, auditors, biologists, engineers, environmental consultants, financial advisors/planners, land use planners, management consultants, marketing and advertising services, physicians, and real estate appraisers.
- (6) "Request for proposals" or "RFP" means a written or published solicitation issued by the procurement officer for proposals to provide supplies, services, information technology, or construction which ordinarily results in the awarding of a contract to the responsible offeror whose proposal is deemed to be most advantageous to the town based on the evaluation criteria contained within the RFP.
- (7) "Request for qualifications" or "RFQ" means a written or published solicitation issued by the procurement officer for the purpose of obtaining qualification and performance data from vendors, including, but not limited to, financial capability, reputation, experience, and competency, which will ordinarily result in the subsequent issuance of an IFB or RFP to a "short list" of vendors deemed qualified by the town.
- (8) "Responsible bidder or offeror" means a vendor who is determined by the town to have the capability in all respects to perform fully the contract requirements, and the integrity and reliability which will ~~assure~~ensure 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, or other method of solicitation.
- (10) "Subscription-based information technology arrangement" or "SBITA" means a contract or similar arrangement which conveys the right to use a vendor's hosted or cloud-based information technology (IT) software, alone or in

combination with tangible capital assets, for a specified term in an exchange or exchange-like transaction.

~~(10)~~(11) _____ “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)~~(12) _____ “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)~~(13) _____ “Vendor” means a person, company, or firm who sells goods or services.

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

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

Sec. 2-624. Ethical procurements.

- (A) *Applicability of State Ethics Act.* The requirements of Title 8, Chapter 13 (Ethics, Government Accountability and Campaign Reform Act), of the S.C. Code 1976, shall be complied with and observed in all actions involving the procurement of goods and services. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall ~~thereby forfeit~~ be subject to removal from 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~~ procurement officer or the town council.

Sec. 2-625. Procurement limitations and authorization.

(A) *Procurement policy.* It is the town's policy to develop competition to ensure maximum purchasing value for all procurement activities. The procurement officer shall have the discretion to use a more stringent purchasing procedure if he or she determines that doing so would better serve the town's interest. When deemed appropriate, the procurement officer may utilize the services of advisory committees and/or outside consultants to assist with the preparation of IFB's, RFP's and RFQ's; the review and evaluation of bids, proposals, and qualifications; and the review, negotiation, and awarding of contracts and purchase orders. No contract or purchase order may be subdivided to avoid the requirements of this section.

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

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

a. Competitive bidding is not required.

b. ~~The procurement officer~~ For goods and services with a total purchase price of \$5,000.00 or less, department directors 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; provided:

1. If the total purchase price exceeds \$1,000.00, the department director shall obtain prior written approval from the procurement officer before purchasing the goods or services; and

2. All contracts, regardless of value, must be reviewed and signed by the procurement officer.

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

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

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

c. If the purchase was not specifically budgeted in the current fiscal year budget or the lowest responsible bid exceeds the amount budgeted, the procurement officer shall obtain prior approval from the mayor, subject to the limitations contained in Sec. 2-602(D)(1), before awarding a contract or purchase order to the successful bidder.

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

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

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

- a. Sealed, competitive bidding shall be required.
 1. *Invitation.* The procurement officer shall issue a written IFB or RFP, depending on the procurement method used. The procurement officer may, at his or her discretion, issue a written RFQ for the purpose of identifying a “short list” of pre-qualified vendors prior to the issuance of an IFB or RFP. Bid packages shall be advertised in a newspaper of general circulation within the town, on the South Carolina Business Opportunities (SCBO) website, and on the town’s website, at least ten (10) days prior to the due date, except in cases with extraneous time constraints. Additional methods of notification may be used at the discretion of the procurement officer.
 2. *Bid package.* At a minimum, the bid package shall contain the following:
 - a. Instructions for completing and submitting a sealed bid or proposal, including the deadline for the receipt of all bids;
 - b. A detailed description of the goods or services to be purchased;
 - c. An explanation of the criteria to be used in the evaluation of bids and proposals;
 - d. Whether a bid security is required and the amount of same;
 - e. The date, time and location of the bid opening; and
 - f. Any other items or information deemed appropriate by the procurement officer.

3. *Bid security.* When deemed necessary by the procurement officer, a bid security, not to exceed five percent (5%) of the total bid amount, shall be required. A successful bidder shall forfeit his or her bid security upon failure to enter into a contract with the town within ten (10) days after the issuance of a notice of award; provided, however, the town, in its sole discretion, may waive or reduce this forfeiture.
 4. *Submission and sealing.* Bids shall be received by the procurement officer at the designated location no later than the date and time specified in the invitation. Late bids shall not be accepted. Bids shall be securely sealed in an envelope and shall be identified on the envelope in accordance with instructions contained in the bid package.
 5. *Opening.* Bids shall be opened and read publicly at the date, time, and location specified in the bid package.
 6. *Tabulation.* A tabulation of all bids received shall be available for public inspection.
 7. *Rejection of bids.* The procurement officer shall have the authority to reject all bids, or parts of bids, when the public interest will be served thereby.
 8. *Bidders in default to the town.* The procurement officer shall have the authority to reject bids from any vendor who is delinquent in the payment of taxes, license fees or other monies due to the town.
 9. *Review and recommendation of bids.* The procurement officer shall review and evaluate all bids or proposals in a timely manner and shall recommend a successful bidder to the mayor. The mayor shall review the procurement officer's recommendation and submit a final recommendation of the successful bidder to the town council.
 10. *Award.* The town council shall have the authority to award a contract or purchase order to the successful bidder.
- b. *Performance bonds.* The procurement officer shall have the authority to require a performance bond before entering into any contract. Where required, a performance bond shall be in such form and amount as the procurement officer shall find reasonably necessary to protect the best interests of the town.
 - c. *Exception for construction contracting administration.* Notwithstanding the preceding, procurements involving construction may use a construction contracting administration method which is most advantageous to the town and will result in the most timely, acceptable quality, economical, and

successful completion of the construction project. Any request to use an alternate form of construction contracting administration for a particular construction project must receive prior approval by the town council.

(C) *Exceptions.* ~~Exceptions to bidding include the sole source, professional services, emergency procurements, purchasing cooperatives, and critical procurements as defined below. The purchasing procedures set forth in subsection (B) shall not apply to the following:~~

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

- a. For goods and services with an estimated value of less than \$50,000.00, the procurement officer shall submit a written request to the mayor outlining the justification for sole source procurement. Subject to the limitations contained in Sec. 2-602(D)(1), the mayor shall have the authority to approve the sole source procurement if he or she deems the request to be justified.
- b. For goods and services with an estimated value of \$50,000.00 or greater, the procurement officer shall submit a written request to the mayor outlining the justification for sole source procurement. If the mayor determines that the sole source procurement is justified, he or she shall submit the request to the town council for consideration. Town council shall have the authority to approve the sole source procurement.

(2) *Professional services.* Contracts for the procurement of professional service are exempt from the provisions of this ordinance. Such contracts may be negotiated with a responsible offeror on a fee basis rather than competitive bidding. Subject to the limitations contained in Sec. 2-602(D)(1), the mayor shall have the authority to approve professional service contracts with a value of less than \$50,000.00. All other professional service contracts shall be approved by the town council.

(3) Subscription-based information technology arrangements. Contracts for the procurement of subscription-based information technology arrangements (SBITA) are exempt from the provisions of this ordinance. Such contracts may be purchased on the open market or negotiated with a responsible offeror on a fee basis rather than competitive bidding. Subject to the limitations contained in Sec. 2-602(D)(1), the mayor shall have the authority to approve SBITA contracts with a value of less than \$50,000.00 per year. All other SBITA contracts shall be approved by the town council.

~~(3)~~(4) *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.

(5) Purchasing cooperatives.

a. 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.

b. In the event the procurement officer determines that the same, or substantially similar, goods or services may be purchased from a local vendor at or below the price offered in the “term” contract or purchasing cooperative, the procurement officer may purchase the goods or services from the local vendor, subject to prior approval by the mayor. For purposes of this paragraph, a vendor may be deemed “local” if its principal place of business is located within Charleston, Berkeley or Dorchester Counties, South Carolina.

~~a-c. provided, however, if~~ the purchase was not specifically budgeted in the current fiscal year budget or ~~if~~ the purchase price exceeds the amount budgeted, the procurement officer shall obtain prior approval from the mayor, subject to the limitations contained in Sec. 2-602(D)(1), before purchasing the goods or services pursuant to subparagraphs (a) or (b).

~~(4)~~(6) Purchase and sale of real property.

- a. When the town desires to purchase real property for public use, the following procedures shall be followed:
1. The property shall be appraised by a licensed South Carolina certified general real estate appraiser.
 2. The mayor, or an individual designated by the mayor, may commence contractual negotiations to purchase the property.
 3. Contractual negotiations may be discussed with town council in executive session, as provided for by the South Carolina Freedom of Information Act.

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

Sec. 2-626. Protest procedures and remedies.

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

person or entity. Any such protest must be delivered in writing within five (5) business days of the issuance of the IFB or RFP, or within five (5) business days of the issuance of any amendment thereto if the amendment is at issue.

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

Sec. 2-627. Open records.

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

Sec. 2-628. Disposal of surplus property.

- (A) *Authority.* The procurement officer shall be responsible for management and disposal of all surplus property, excluding real property. The authority to sell, lease or dispose of real property rests solely with town council.

(B) *Disposal procedures.* The procurement officer may dispose of surplus property as follows:

- (1) Items with an estimated value of less than \$500.00 may be sold on the open market without formal advertisement or competitive procedures. Such items may also be donated to local not-for-profit organizations which provide charitable services within community.
- (2) Items with an estimated value of \$500.00 or more shall be sold using one or more of the following competitive methods: in-house auction, outside auction, formal or informal bidding process, online auction services, broker services, or similar competitive methods recommended by the procurement officer and approved by the mayor.

Secs. 2-629—2-700. [Reserved]

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 _____, 2025, having been duly adopted by the Mayor and Council for the Town of Seabrook Island on the ____ day of _____, 2025.

First Reading: April 22, 2025
 Public Hearing: May 27, 2025
 Second Reading: May 27, 2025

TOWN OF SEABROOK ISLAND

Bruce Kleinman, Mayor

LEGAL REVIEW

ATTEST

Stafford J. McQuillin, Town Attorney

Peter D. Wiggins II, Town Clerk