



SURFSIDE BEACH TOWN COUNCIL SPECIAL MEETING
COUNCIL CHAMBERS
115 US HIGHWAY 17 NORTH, SURFSIDE BEACH, SC 29575
www.surfsidebeach.org - ☎ (843) 913-6111 📠 (843) 238-5432

TOWN COUNCIL SPECIAL MEETING MINUTES
Tuesday, June 30, 2020

CONSENSUS CONSTRUCTION – 11:00 am

1. **CALL TO ORDER.** Mayor Hellyer called the special meeting to order at 11:00 am. Mayor Hellyer, Mayor Pro Tempore Scoles, Councilmembers Pellegrino, Holder, and Keating were in attendance. Others present Town Attorney Crosby, and Town Clerk Sheri Medina. Absent: Councilmembers Drake and Dietrich.

2. **DISCUSSION WITH PIER BIDDING REPRESENTATIVES.** Councilmember Keating stated, as we have seen, it is hard to identify who is on the calls. So, with that, I caution the bidders that this is indeed a public session, and even if we vote to enter into executive session, there is no guarantee of confidentiality. I have gone through the questions, and the A305 form has answered some, so those questions will not be asked. I would invite the individual bidders to determine whether the question requires them to disclose confidential, propriety information, or trade secrets. I would advise them to decline from answering them in open session and to answer in a more confidential means. At this time, there is a list of questions that will give the assumptions that you made in preparing your bid. What is included and what is not included, so the town has a better understanding of the actual cost of ownership that we will incur. In my opinion, we need to do the comparisons and evaluations of these bids. We need the details of your conclusions, but at this time, I would not be comfortable as a bidder myself disclosing confidential information via a teleconference.

Councilmember Holder made a motion to enter Executive Session pursuant to South Carolina Code sections 30-4-70-(a) (2) discussion of negotiations incident to proposed contractual arrangements and/or receipt of legal advice related to the Surfside Beach Pier Restoration Project. Councilmember Scoles seconded.

Councilmember Keating stated I had voiced my opinion already regarding the confidentiality of the bidders. I don't feel that this is actually a discussion of negotiations or proposed contractual arrangements. These are questions for clarification for public bid content. I do not feel it meets the intent of FOIA requirements. It is not a confidential council conversation since we have so many outside of the Council on the phone. I do not think it appropriate to go into the executive session.

Mayor Hellyer stated his impression for today was we were here to discuss with the Pier bidders and how we were going to evaluate the bids. I am opposed to going into an executive session where this information cannot be discussed freely.

Councilmember Pellegrino stated there is a concern that the other bidders can listen in and get information. Every Company has their way of doing things, and it could give an undue advantage to the other bidders.

*This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (E).
The public is invited to attend all meetings and events.*

49 Mayor Hellyer asked that Ed Carey, who was appointed to the Pier Committee, be included in the
50 executive session portion of the meeting?

51 Councilmember Holder stated he was appointed to the pier committee to gather information and
52 questions, and Councilmember Keating is to relay that information to Council.

53 Councilmember Scoles stated at the last meeting Councilmember Keating stated there were a lot
54 of questions and recommendations, Mrs. Keating should have them and bring them back to
55 Council.

56 Councilmember Keating stated I still think, as an evaluation committee, Ed needs to be aware of
57 the bidder's responses. Part of doing the due diligence is to make sure everyone has the
58 understanding and is doing the evaluations properly. Granted, after these evaluations, there will
59 be more discussions to figure out what this means to the town. I believe that Ed should be a part
60 of this discussion and get the answers for himself.

61 Councilmember Pellegrino stated I didn't agree with the way the committee was created, but the
62 Council agreed to do it. I think this should be held in executive session. I believe Ed should be
63 included because information can be lost in translation.

64 Councilmember Holder, Pellegrino, and Scoles voted in favor. Councilmember Keating and Mayor
65 Hellyer voted against. **Motion Carried to enter into executive session.**

66 Councilmember Keating, Pellegrino, and Mayor Hellyer voted in favor. Councilmember Holder and
67 Scoles voted against. **Motion Carried to allow Ed Carey from the Pier Committee to
68 participate in the meeting.**

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70 **3. EXECUTIVE SESSION** – Motion to adjourn Regular Meeting and enter Executive Session
71 pursuant to South Carolina Code sections 30-4-70-(a) (2) discussion of negotiations incident to
72 proposed contractual arrangements and/or receipt of legal advice related to the Surfside Beach Pier
73 Restoration Project.

74 Councilmember Keating made a motion to resume regular session at 12:13. Councilmember
75 Holder seconded. All voted in favor. **Motion Carried.**

76 **MOTIONS RELATED TO EXECUTIVE SESSION** Mayor Hellyer stated there was no action taken
77 in the executive session.

78 **4. ADJOURNMENT** Councilmember Keating made a motion to adjourn at 12:15 pm. Councilmember
79 Holder seconded. All voted in favor. **Motion Carried.**

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ORION/FBI, JOINT VENTURE – 2:00 pm

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86 **1. CALL TO ORDER.** Mayor Hellyer called the special meeting to order at 2:00 pm. Mayor Hellyer,
87 Mayor Pro Tempore Scoles, Councilmembers Pellegrino, Holder, and Keating were in attendance.
88 Others present Administrator Pieper and Town Clerk Sheri Medina, Town Attorney Crosby via
89 telephone. Absent: Councilmember Drake and Dietrich.

90 **2. DISCUSSION WITH PIER BIDDING REPRESENTATIVES.** Mayor Hellyer stated this would be a
91 discussion with Orion/FBi Joint Venture for the Pier Bidders. This meeting is the second one today,
92 and there will be another at 4:00 with Cape Romain.

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94 Councilmember Holder made a motion to enter Executive Session pursuant to South Carolina Code
95 sections 30-4-70-(a) (2) discussion of negotiations incident to proposed contractual arrangements and/or
96 receipt of legal advice related to the Surfside Beach Pier Restoration Project and also to allow Ed Carey to
97 participate in executive session. Councilmember Scoles seconded.

98 Councilmember Keating cautioned that this being a teleconference, there is no guarantee of
99 confidentiality; with best efforts, we have no guarantee of who may be listening in by other means.
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101 Councilmember Holder, Pellegrino, and Scoles voted in favor. Councilmember Keating and Mayor
102 Hellyer voted against. **Motion Carried, to enter into executive session.**

103

104 **3. EXECUTIVE SESSION** – Motion to adjourn Regular Meeting and enter Executive Session pursuant
105 to South Carolina Code sections 30-4-70-(a) (2) discussion of negotiations incident to proposed
106 contractual arrangements and/or receipt of legal advice related to the Surfside Beach Pier Restoration Project.

107 Councilmember Holder made a motion to resume regular session at 3:05 pm.
108 Councilmember Keating seconded. All voted in favor. **Motion Carried.**

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110 **MOTIONS RELATED TO EXECUTIVE SESSION** - Mayor Hellyer stated there was no action taken
111 in the executive session.

112 **4. ADJOURNMENT** Councilmember Keating made a motion to adjourn at 3:06 pm. Councilmember
113 Holder seconded. All voted in favor. **Motion Carried.**

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116 **CAPE ROMAIN - 4:00 pm**

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118 **1. CALL TO ORDER.** Mayor Hellyer called the special meeting to order at 4:00 pm. Mayor Hellyer,
119 Mayor Pro Tempore Scoles, Councilmembers Pellegrino, Holder, and Keating were in attendance.
120 Others present Administrator Pieper and Town Clerk Sheri Medina and Town Attorney via
121 telephone. Absent: Councilmember Drake and Dietrich.

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123 **2. DISCUSSION WITH PIER BIDDING REPRESENTATIVES.** Mayor Hellyer stated that we had
124 two interviews earlier. One was at 11:00 am, and the other was at 2:00 pm. This interview will
125 be with Cape Romain.

126 **EXECUTIVE SESSION** – Councilmember Holder made a motion to enter Executive Session
127 pursuant to South Carolina Code sections 30-4-70-(a) (2) discussion of negotiations incident to
128 proposed contractual arrangements and/or receipt of legal advice related to the Surfside Beach Pier
129 Restoration Project and also to allow Ed Carey to participate in executive session. Councilmember
130 Keating seconded.
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132 We are not here to negotiate. We are here to gain additional info. The same questions will be
133 asked of Cape Romain as they were asked of the others. While this is a teleconference, and that
134 best efforts are made, there is still a risk that people could be listening in with other means. I do
135 appreciate the supply of confidential information that will be kept as such. I do not intend to ask
136 any questions that could breach that confidentiality. I would also ask the bidder if they want
137 greater protection on their response, that they please indicate that it is confidential and would be
138 provided at a later time.

139 Councilmember Holder, Pellegrino, and Scoles voted in favor. Councilmember Keating and Mayor
140 Hellyer voted against. **Motion Carried.**

141 Council resumed regular session
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143 Councilmember Scoles stated that she feels the Council has been provided enough information to
144 move forward and asked that a special meeting be scheduled for Thursday, July 2nd for the
145 express purpose to vote to award the bid. Mayor Hellyer stated that he was not available on
146 Thursday. He would like to speak to the Architect before we consider taking a vote.

147 Councilmember Keating stated the meetings should be effective. To be effective, we need to
148 evaluate and compare all of the information and what value these answers have. We have
149 received a lot of information in the last twenty-four hours. We need time to assimilate all the
150 information that we have been given. We need copies of the presentations, we really couldn't see
151 the details on those slide on the laptop. We are not doing just service for our bidders if we do not
152 evaluate correctly. We need to get the perspective of the Architect before we get anywhere near
153 voting.

154 Councilmember Pellegrino stated he would like to meet with the Architect tomorrow. As far as the
155 difference between the bids. Everyone submitted, and I think we can vote based on
156 qualifications. I just don't want to drag this on.

157 Mayor Hellyer stated that having a meeting with the Architect and Mr. Carey, we should be able
158 to narrow it down. Mayor Hellyer stated, Mrs. Scoles, after the first meeting that I should recuse
159 myself. I have reached out to the Ethics Committee and should have a response within twenty-
160 four hours.

161 Council decided to have a meeting with the Architects Wednesday at 5:00 pm to ensure a proper
162 24 hour notice.

163 Councilmember Keating stated this would allow time for the presentations to be reviewed.

164 Councilmember Scoles made a motion to hold a meeting on Friday at 10:00 am to discuss and
165 vote to award a bid contract. Councilmember Holder seconded.

166 Councilmember Keating stated its premature. Until the evaluations are done, and what work
167 needs to be done to equalize these bids and how we are going to deliver this project within
168 budget, we cannot rush to award a contract with money we don't have. Until we can do some
169 kind of evaluation and understand our approach with the final bidder, there are \$2 million dollars
170 that need to come out of these bids.

171 Councilmember Pellegrino stated we could not negotiate until we pick a contractor. We need to
172 move forward and start negotiating the price. We do have the money from FEMA, and we have a
173 \$4-million-dollar bond. I don't want to spend \$13 million, but we have it.

174 Councilmembers Holder, Scoles, and Pellegrino voted in favor. Councilmember Keating and Mayor
175 Hellyer voted against. **Motion Carried.**

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177 **3. ADJOURNMENT** Councilmember Keating made a motion to adjourn at 5:06 pm. Councilmember
178 Holder seconded. All voted in favor. **Motion carried.**
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Surfside Beach Town Council

Robert Hellyer, Mayor

David L. Pellegrino

Bruce H. Dietrich, Town Council

Cindy Keating, Town Council

Michael Drake, Town Council

Debbie Scoles, Mayor Pro Tempore

Paul Holder, Town Council

Attest: _____
Sheri L Medina
Town Clerk

Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you, provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the town's LED marquee.