



TOWN COUNCIL SPECIAL MEETING MINUTES
Wednesday, July 1, 2020, 5:00 pm

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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.

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2. **Discussion with Architect and Engineers.**

Mayor Hellyer stated this meeting is to discuss the pier bids with the Engineer and Architect.

Councilmember Holder made a motion to adjourn Regular Meeting and enter Executive Session at 5:11 pm 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, and to allow Ed Carey to be able to participate in executive session. Mrs. Scoles seconded.

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Councilmember Keating stated, Again, I would like to put on the record that we are not negotiating nor strategizing for contractual negotiation nor seeking any legal counsel, and therefore, this does not meet the requirement of the FOIA exemption. In addition, being on a teleconference, we have no guarantee of confidentiality in any of these discussions.

Councilmember Pellegrino stated we did ask questions that were very specifically contractual yesterday, which certainly was detailed information that I understand why the contractors don't want their competitors to hear.

Councilmember Keating stated, we also need to ensure that Mr. Carey is inclusive of the executive session motion.

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

Mayor Hellyer stated that since all callers will have to be disconnected, I am asking if the Council wanted to set a time to call back in. Is 6:00 pm acceptable? Councilmember Pellegrino stated I don't think we're going to need that much time, we may, but all of my questions were answered yesterday. Councilmember Scoles stated I think 30 minutes will probably be sufficient.

Councilmember Keating stated I think this meeting is about getting the perspective from the architects and the engineers and have them answer a couple of different questions. Maybe we should ask Troy how much time he thinks we will need. Mr. Roehm stated 30 minutes from our vantage point, will probably be fine, especially for a check-in. Mayor Hellyer stated we would reconvene at 5:40 pm. If we need more time, we will extend.

3. **EXECUTIVE SESSION** – Motion to adjourn Regular Meeting and enter Executive Session pursuant to South Carolina Code sections 30-4-70-(a) (2) discussion of negotiations incident to

50 proposed contractual arrangements and/or receipt of legal advice related to the Surfside Beach Pier
51 Restoration Project.

52 Councilmember Holder made a motion to resume regular session at 5:41. Mrs. Scoles seconded.
53 All voted in favor. **Motion Carried.**
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55 **4. MOTIONS RELATED TO EXECUTIVE SESSION**

56 Councilmember Scoles stated now that we had completed all the interviews with all the bidders,
57 reference checks have been completed, viewed all bid proposals and qualification statements,
58 and answered all questions presented. Upon review of all this data and answers provided along
59 with procurement rules and regulations regarding grant monies, I am confident that the low
60 responsive bidder is not only qualified but is the most qualified to perform this work. Therefore,
61 I am prepared to make a motion to award the bid to Orion/FBi and authorize our Town
62 Administrator to execute any agreements and to negotiate value engineering and to proceed with
63 bonding for funding the Surfside Pier Project. Councilmember Holder seconded.
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65 Mayor Hellyer asked Mrs. Scoles, you set a meeting for this for Friday, what circumstance
66 changed from having a meeting on Friday? Why did you change the date that we already set?
67 Councilmember Scoles stated my reasoning on this is, I wanted to hear the architect's and
68 Engineer's answers to the questions that the Council and the pier committee had. There is no
69 reason now, having all questions answered, waiting until Friday to award this bid since we have
70 all the information we need to move forward, and also Friday is a holiday for our employees.
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72 Councilmember Keating stated I have not seen any references and have validated them. I have
73 not seen anything on these references. I do not have sufficient information at this time.
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75 Mayor Hellyer said I thought we would be prepared to award on Friday. Councilmember Scoles
76 stated, why are we going to postpone this until Friday when we have all of our questions
77 answered.
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79 Councilmember Keating stated we do not have all of our questions answered, and we do not
80 have all the information.

81 Councilmember Scoles stated we had them all answered yesterday. The Bidders did their
82 presentations, and now the architects and engineers have answered every question that was
83 presented to them. The lowest bidder is required to receive the bid by FEMA, or we lose our
84 funding. Orion FBi is the lowest bidder, and, in my opinion, the most qualified better. I don't
85 know why we want to keep prolonging something inevitable.

86 Mr. Pieper stated I did make all those calls, and there was nothing negative said about any of the
87 bidders. Everything came back good on all of them.
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89 Councilmember Pellegrino stated I was prepared to vote on Friday as we had scheduled. I have
90 no question in mind, and we did our due diligence, we listen to everything, we asked the
91 questions. There were many, many references listed yesterday, and the two presentations
92 discussed many of their projects and references. Mr. Pieper checked up on the references. And
93 right now, the low responsive bidder, no one can make an argument that they're not qualified.
94 They had their stuff together during the presentation. They answered all the questions. They
95 talked about the possibilities of Value Engineering to cut the price even more. I don't believe
96 anyone can even make the argument that there not qualified to do this job and our residents and
97 our tourists are ready for this Pier to be built.
98

99 Councilmember Keating asked, where is our financial evaluation from Director King? This would
100 show us how we are going to be able to afford the \$14 million? Anyone else on Council really
101 care to understand what the pier committee has done the independent evaluation? No one has
102 asked for that evaluation. That evaluation gives you the most responsive the lowest bidder.
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104 Councilmember Holder stated it doesn't matter what the responsive bidder is, it is the low bid
105 that matters according to FEMA, and for the financials, we have, in our pier fund, \$1,750,000.00.
106 From FEMA we will receive \$9 million. That is a total of almost 10,800,000.00. We have it right
107 there. So, we would need to borrow a bit over \$2.6 million. We're way under the amount of
108 money we need to worry about. We will have more money, five years from now.
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110 Councilmember Pellegrino stated we did get information from the administrator some weeks ago
111 about the financial status for the Pier. Councilmember Scoles stated I also believe that our last
112 scheduled Council meeting and that question were asked to give us those numbers.
113 Councilmember Holder stated that's where I got it.
114

115 Councilmember Keating stated I have one other comment; we all know that they are connected
116 to Bill Howard correct?

117 Mayor Hellyer asked Councilmember Scoles to restart her motion for the vote. She restated her
118 motion to move forward to award the bid to lowest and most qualified bidder, Orion/FBi and
119 authorize our Town Administrator to execute any agreements and to negotiate value engineering
120 and to proceed with bonding for funding the Surfside Pier Project. Councilmembers Scoles,
121 Holder, and Pellegrino voted in favor. Mayor Hellyer and Councilmember Keating voted against.
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Motion carried.

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124 Mayor Hellyer stated that the reason he voted no is that the proper evaluations have not been
125 done.
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5. COUNCIL COMMENTS

127 A. Councilmember Holder stated It's great to have this project in the process. And that's great
128 news for our town.
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130 B. Councilmember Pellegrino stated I'm very happy that we're moving forward, this has been
131 waiting for a long time, and the residents are excited about it. And I want to thank the staff
132 because they put a lot of hard work into this, and also the engineering group. Think they did
133 a good job leading the bid process and getting us to this point.
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135 C. Councilmember Keating had no comment.
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137 D. Councilmember Scoles stated a lot of people are calling me wanting to know what's the hang
138 up on the Pier, and that people don't want the Pier, and previous Council voted for the
139 bonding, So I'm glad that we're going to be able to move forward now and start generating
140 some additional revenue for this town.
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142 E. Mayor Hellyer stated I voted no on it because I don't think we've done the proper valuations
143 that needed to be done. But, we need to do more, that needs to be done to protect the
144 interests of the town in the interest of the rest, but it was voted, I accept the outcome of it.
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147 **ADJOURNMENT** Councilmember Scoles made a motion to adjourn at 5:51 pm. Councilmember
148 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.