



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES  
REGULAR MEETING APRIL 25, 2017 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

**Town Council Meeting**

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**1. CALL TO ORDER.** Mayor Childs called the regular meeting to order at 6:30 p.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples, and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann; Finance Director King; Fire Chief Otte; Planning Building & Zoning Director Morris; Interim Police Chief Hofmann; Public Works Director Adair, and Events Supervisor Ellis.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

**A. Invocation.** Rev. David Pohto, Surfside First Baptist Church, gave the invocation.

**B. Pledge of Allegiance.** Mayor Childs led the Pledge.

**3. AGENDA APPROVAL.** Mr. Johnson moved to adopt the agenda as presented. Mr. Courtney second. All voted in favor. **MOTION CARRIED.**

**4. MINUTES APPROVAL. Regular Meeting April 11, 2017.** Mr. Stevens moved to adopt the April 11, 2017 regular meeting minutes as presented. Mr. Courtney second. All voted in favor. **MOTION CARRIED**

**5. PUBLIC COMMENTS – Agenda Items Only.** (3-minutes per speaker)

Mr. Tom Dodge, 15<sup>th</sup> Avenue North: Since I'm old, I don't member well. But, you can have this (*showed a photograph of beach with umbrellas*) beautiful beach, or you can have this (*showed a photograph of beach filled with tents*), a refugee camp. Folks, this is a no-brainer. We have already had the fire chief, the interim police chief, and the head of the lifeguards say we should not allow tents on the beach. They should be banned and banned now. Not next year. Why is a life that is threatened this year not worth as much as a life next year? The south end has practically no beach at high tide. How about thinking about the beachgoers and the townspeople and not about the realtors. Anyone not working, not voting for this ban beginning this year is either a fool or just ignorant of the facts. Thank you.

Mr. Bill Kinkon, Dogwood Drive North: First of all, I want to thank you for your service. It is not an easy job, I can tell. I'm against the tent ban. I use a tent maybe four to eight times a year, not for me, but for my family that comes down here and don't have the suntan that I have, but yet they want to stay out all day. You can't do that without a tent. You can put up umbrellas, I understand that. But you can't put eight people under an umbrella. We've heard about safety issues. I stopped the officer that patrols the beach and asked him what issues we've had. For two years he says I don't know any issues we've had. He's the one I've seen on the beach for the last two years, so I asked him. I've heard that the lifeguards can't see. Well, yeah, that's probably good point, but you can't see under umbrellas either. Walk down to the campgrounds and see if you can see from one end to the other. You can't. Those umbrellas are in the way just as much as tents. The reason we can have tents is because we don't have the density. The reason they don't have tents in the County, Myrtle Beach, is because of the density. We don't have the high-rises here that put all these people in one place. So it's worked in the last couple years. I don't understand why we have to change it. I've heard the issue about getting equipment up and down the beach. Well, it's only an issue at high tide, and I know on the north side we have a wider beach. The last two years they've come by and asked people to move their tents forward. Not all of 'em. Just the ones that had set 'em back too far, because there is a new guideline. I heard about people coming from other areas than Surfside. That's an easy requirement. Put tags on our tents, and that way

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54 we can identify the tents that belong in Surfside. When they ask people to move tents they didn't have a  
55 bit of problems with the people. The only problems that I have seen, and I haven't seen a problem, but  
56 when it becomes an issue is at high tide. If you want to ban tents, then ban them an hour before high  
57 tide and an hour after high tide. That way the equipment can get up and down, the lifeguards can see  
58 and we can still use our tents. Again, the only reason we've been able to is because we don't have the  
59 density. *(Time ended.)* Thank you very much.  
60

61 Mr. Larry McKeen, 6<sup>th</sup> Avenue South: I'd like to speak about the tents, also. I assure you I am  
62 not a fool. The previous speaker made a lot of good points, I'm gonna skip over some of them that are  
63 duplicated. You all received an email form me, and most of you read it. I know, because you answered it.  
64 I appreciate that. One thing about safety that people haven't mentioned is that umbrellas are probably  
65 more unsafe than tents. Have you seen a tent blow down the beach during the day? I see umbrellas  
66 blowing down the beach often. You don't want to be hit by one of those things. That's potentially a really  
67 serious injury. The other point was about the 8 foot safety lane at the dunes. Well, right now you don't  
68 know where the dunes are because they don't exist. Can you imagine on the south end, you take 8 feet  
69 away from high tide, you don't have a beach to use four hours a day. Basically, or two hours a day one,  
70 [because one] high tide is gonna be at night. A couple of other things, I read through the ordinance. It is  
71 poorly written. You talk about shading devices in this ordinance. They can't be on the beach from 7:30  
72 p.m. to 9:00 a.m. People start going to the beach at 8:00 a.m. It says if they are left unattended, with no  
73 definition about what that means, they will be disposed of and you could be fined. Well, who's gonna  
74 dispose of them and what is that unattended? Sometimes when I'm down at the beach, I walk from pier  
75 to pier and back. That takes an hour and a half. Is my stuff gonna be thrown out? Am I gonna get a  
76 ticket for leaving a stuff unattended on the beach? Unanswered. The other thing is shading devices have  
77 to be 10 feet apart in all directions. You've got one tent and you've got a large family. You gonna put a  
78 little bit of your family over there, and a little bit of your family over here. It doesn't make any sense.  
79 When my family is here I have three umbrellas that we put in a row. I don't see how that's gonna  
80 obstruct vision any worse than a tent. I mean that tents won't be any worse than the umbrellas will, so  
81 you might as well ban the umbrellas, too. So basically I hope you all will vote against this. I know some  
82 of you won't. I know some of you will. I hope the majority votes against this ban. Thank you.  
83

84 Ms. Wanda Spannuth, Harbor Lights Drive: I guess the first question and I know nobody can  
85 answer it, who is going to enforce the ban? The lifeguards are not going to do it. They have a hard time  
86 watching the water to begin with. My second is our emergency personnel have said that tents are  
87 dangerous for the beach. So I just asked that you consider the consequences, if an emergency vehicle  
88 cannot get to somebody in the water. Thank you.  
89

90 Mr. Billy Turner, 4<sup>th</sup> Avenue North: Good evening, everyone. I own a business over on Surfside  
91 Drive. I would echo the two gentlemen prior to me, and one thing that I'd say to the gentleman that had  
92 the pictures, if you look at the pictures, you have one that has hardly anyone on the beach. I don't think  
93 anyone wants that, and the other one is taken looking down the beach. There could be two or three  
94 tents, or as you call 'em, they're not tents, they're canopies. It appears that the beach is full of 'em. I've  
95 been coming in here since 1968. I was stationed at the airbase here before I was deployed to Vietnam. I  
96 came back and I've been vacationing here since I bought a house here down in the area about 15 years  
97 ago. I was fortunate enough to be able to buy one over here on 4<sup>th</sup> Avenue several years ago and then I  
98 opened up my business. I think this is twofold. We're not kind of hitting on one thing. This is called the  
99 Family Beach. We want to continue to be called the Family Beach and with that comes people, with  
100 people comes business. I pay a lot of taxes here, and if we don't have the clientele coming in, [revenue  
101 from] taxes are gonna go down. The income is gonna go down. I think we need to look at that aspect of  
102 it, as well. I just recently was diagnosed with skin cancer. I had a pretty good chunk of my leg. I came  
103 here for the beach. I can't go to the beach without shade. An umbrella does not provide me with that  
104 shade. I have a canopy and can sit under that and I feel like I'm gonna be covered. Not only that, my  
105 family would be covered, as well. I think that also has to be taken into consideration. I don't want to be  
106 prevented from being able to do what I bought my house here basically for, [which] was to use beach.

107 This ordinance if it's enacted will prevent me from doing that I don't think that's fair at all. Ms. Samples  
108 asked if Mr. Turner could please be recognized for his service. Mayor Childs said thank you Mr. Turner for  
109 your military service. I know him from back home. *(Applause)*  
110

111 Ms. Holly Watson, Oak Drive North: What I want to talk about is our vote tonight on re-  
112 approving DDC engineers versus Thomas and Hutton, who was the second choice. If you've been to any  
113 council meetings since June of last year, you've heard me speak about things that have come up about  
114 DDC and their engineering, like doubling the cost of swashes, and giving us a quotation on a proposal  
115 and then not honoring it, and change orders before the jobs even start, change orders 30-percent of  
116 what the job is, and so forth and so on. I would like for you to vote no, and I would like for you to award  
117 it to the second bidder, Thomas and Hutton, and I'll tell you why. Thomas and Hutton has been in  
118 business since 1949, 68 years ago. They only have six lawsuit entries in Horry County, and three of those  
119 have been dismissed. They've been in business 38 years longer than DDC. DDC, however has 52 lawsuit  
120 entries total. There's 45 lawsuit entries in Horry County. There are six in Georgetown, and one in Marion  
121 County. So that tells you right there we got a problem or they have a problem. Somebody's got a  
122 problem with their work. I think we deserve a more reputable, more sophisticated or competent  
123 engineering firm than what we've been getting. I would suggest to you that I would like a poll vote when  
124 you vote on this to understand why the ones who are voting for this particular engineering firm over the  
125 top of another one tonight, and I do have the Judicial Circuit Public Indexes [sic] here for you to review.  
126 I'll give each one of you a copy. Please make the record known that they were given these in order to  
127 make a competent decision. My second request is that you remove the ability from the public works  
128 director to sign millions of dollars of these contracts. I understand that's the administrator's job. She is  
129 supposed to be up on the law and how to do procurement. She has access to the town attorney and I am  
130 very worried that our public works director does not have that education level, nor is he that familiar with  
131 town code, state code, and federal law. So I would like for you to also remove that ability from a director  
132 to sign multimillion dollar contracts, since they are not familiar with those particular rules. Thank you and  
133 here is your paper work.  
134

135 Mr. Boyd Sadler, 8<sup>th</sup> Avenue South: I've read as much as I can on this tent, canopy actually is  
136 what it is. I think that it is a problem. I've been out there on the beach when we had a beach on the  
137 south end. They are big obstacles, and you cannot see down the beach. You put your chairs out to sit in  
138 the sun, walk the beach a little bit, and when you come back two canopies up right in front of you  
139 blocking what sun you were gonna be getting. I think it should be enacted. I think it should be enacted  
140 now, not next year, and I feel that you're actually failing the community if you don't enact it. Thank you.  
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## 142 6. COMMUNICATIONS

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144 **A. Coast Rapid Transit Authority, Mr. Brian Piascik, General Manager and Chief**  
145 **Executive Officer.** Mr. Piascik introduced himself to Town Council and briefly explained some plans for  
146 the authority, which in the short term includes placing signage as early as this summer to mark bus  
147 stops. Currently busses use the 'wave' system, and drivers sometimes miss seeing customers. Mr. Piascik  
148 said he would attend the budget workshop on Thursday and asked that in the meanwhile  
149 councilmembers consider a small amount of funding for the authority.  
150

### 151 **B. Proclamation and Donation Presentations.**

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153 **i. Proclamation #17-114 Surfside Christian Church, Supervisor Ellis.** Ms. Ellis read the  
154 proclamation as Mayor Childs presented it to Senior Minister Matt Thompson and thanked the church for its  
155 participation in the Easter Egg Hunt and Kids Fair, and for its continued support of the town. *(Applause)*  
156

157 **ii. Donation Presentations, Senior Minister Matt Thompson, Surfside Christian Church.**  
158 Minister Thompson presented \$250 checks to both the Champion Autism Network, and the Fidelis charity.  
159 He explained that his son is autistic and these charities are very precious to his family and him. *(Applause)*

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**B. Department Reports.**

**i. Events.** Supervisor Ellis presented the written report, a copy of which is attached hereto. Ms. Ellis asked Town Council for consensus to move the Easter Egg Hunt and the Kids Fair back to the Huckabee Complex. There were almost 1,500 people, children and adults, at the Passive Park for this year's event. It was total chaos. Small children were knocked down; older children got two treat bags, and some children did not get one. Moving the event would enable her to separate the children into three age groups so it would not be so chaotic. The event could be controlled by admissions at the gate.

Mayor Childs said I was there with Ms. Ellis. It was a chaotic situation. I would hope that Ms. Ellis would maybe give some consideration in dropping the age a little bit. I think I saw two or three [really older looking kids] mowing their way through to get the eggs. They were big kids. We could recruit them for football. *(Laughter)* I would hope we'd look into that because the little kids were getting trampled.

Mr. Stevens said I was there. I saw parents running over the kids. That's really bad. I would like to see it possibly set up so parents cannot accompany their children into that area where they are searching for Easter Eggs. Ms. Ellis said if the event is at Huckabee parents are only allowed on the field to help the 4 year old and younger children. The other two fields for ages 5 through 10 will have staff on the field for assistance. No parents are allowed on the fields for those ages. Mr. Stevens said I agree with the request.

Mr. Johnson said I wholeheartedly agree. I, too, was there, and my youngest grandson was there and freaked out, because it was a mass mob of kids of all ages. [When I saw some of the kids, I thought] dang, are you driving yet? Yes, I totally agree. Mr. Johnson thanked Ms. Ellis for everything she does for our town.

Mr. Pellegrino said it got kind of chaotic. My 5 year old was in the mix there. He did fine, but I understand, we have the other side of Passive Park there in front of the dog park that we didn't use. He asked if that was considered. I know if you want to go no parents, you really have to do it in a fenced area so kids don't run off. I understand that part about Huckabee. Ms. Ellis said you could use the other part of the park, but, the 8 to 10 year old children will go down there. It doesn't matter; I had signs out identifying the age groups. I had to hide behind the tree for the start, because the kids almost ran over me.

Mayor Childs called for consensus.

Ms. Samples said absolutely, and asked Ms. Ellis how long she has been doing this. Ms. Ellis said 20 years. Ms. Samples said you know exactly what to do and how to do it. Huckabee is a resource that we should use, so I support it 100%.

Mayor Childs said so you have a consensus of council.

Mr. Courtney asked if there is an age restriction on the event. Ms. Ellis said currently it is 10 years old and younger. Mr. Courtney said my 10-year-old and I drove by. She said just keep going. She was more interested in the iPad and getting back home. You did a good job on it and I have to say you had your hands full. I agree with this.

Ms. Ellis said thank you very much. **Council CONCURRED to move the Easter Egg Hunt and Kids Fair to Huckabee Complex.**

212 **ii. Finance.** Director King presented the written report, a copy of which is attached hereto. She  
213 explained that payroll will be high this month, because there are three pay periods. The pier is closed, so  
214 the only revenue from the pier is parking revenue.  
215

216 Ms. Samples asked why lake maintenance is in the capital projects fund. That could be a decision  
217 that was made before I was seated, but could you find out why that is, and get back to me before the  
218 budget workshop on Thursday. I would appreciate it. Ms. King said she would contact Mr. Adair and  
219 make sure the answer was provided. She said basically, it was to keep spraying the lakes, and to keep  
220 the fountains going, all of which is part of stormwater. Ms. Samples said I understand lake maintenance,  
221 what I don't understand is why it is in capital projects. Ms. King thought it might be included in the  
222 stormwater projects fund, but she would find out.  
223

224 Mr. Courtney said FEMA reimbursement was \$500,000; is that correct? Ms. King said I believe it's  
225 \$397,000 so far. Mr. Courtney asked if \$397,000 was spent for Hurricane Matthew. Ms. King said yes,  
226 absolutely.  
227

228 **iii. Fire.** Chief Otte presented the written report, a copy of which is attached hereto. The fire  
229 department was awarded a grant from Firehouse Subs in the amount of \$8,049.24, which will cover the  
230 entire cost of new pagers that were already purchased. At the last meeting, I was asked how much it  
231 would cost to add six additional career personnel. At that time, I estimated around \$250,000. After  
232 checking some other factors, it will cost about \$300,000 a year for six additional firefighters. I realize the  
233 amount seems high, but I wanted to give you the most accurate number possible for budgeting.  
234

235 Mr. Pellegrino said thank you for getting the facts and the actual answer, I appreciate that.  
236

237 Mr. Courtney asked if the \$300,000 including the initial training or was it for training thereafter.  
238 Chief Otte said that's the initial training. We have to think that we may get people who come in and have  
239 to go for training. Sometimes training can last up to a year, depending on the certifications required. Mr.  
240 Courtney asked if the Safer Grant was awarded, we would not include the training course. Chief Otte said  
241 the Safer Grant costs are all included. Mr. Courtney asked for the amount without the initial training and  
242 two years of salary. Chief Otte said I can certainly get an idea of what that would be. Bear in mind that  
243 the Safer Grant timeframe changes. I talked to the National Fire Academy and Firefighters Grant Program  
244 to verify dates for the Safer Grant timeframe, which closed in February this year. The Academy can't give  
245 us an exact date the grant will be available next year, but it will be opened again. Mr. Courtney reiterated  
246 his request for the cost for two years using the Safer Grant. Chief Otte said the Safer Grant will supply  
247 75-percent of the cost for the first two years; that drops to 35-percent the third year, and the fourth  
248 year is completely at the town's expense. Mr. Courtney said that's the figure I'm looking for. Thank you  
249 so much.  
250

251 **iv. Planning, Building & Zoning.** Director Morris presented the written report, a copy of  
252 which is attached hereto. The sign ordinance went into effect April 12. It is very early, but we have heard  
253 nothing but positive responses. Council will receive another update in six months. The general manager  
254 from Harbor Freight Tools called today and said the company will be locating in Surfside Beach at the old  
255 Camping Connection building. Harbor Freight Tools is a discount tool and equipment retailer. The goal is  
256 to have a grand opening on or around July 4<sup>th</sup>.  
257

258 Ms. Samples asked if the building being discussed at the construction board of appeals meeting  
259 was commercial. Ms. Morris said yes, it is a commercial abandoned building.  
260

261 Mr. Stevens said thank you for the tree ordinance workshop. I know there were some people that  
262 had problems following it, but I did not have any problem whatsoever following the thing. I noticed some  
263 of the people got up and said it was confusing. But you gave us one copy, and then you gave us another  
264 copy. I was able to look at both copies, and while you were going over it, I thought you did a very fine

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265 job on the tree ordinance. Thank you very much.  
266

267 Mr. Johnson said I know exactly where Harbor Freight is going in. That's one of those strange  
268 boundary lines, correct. Ms. Morris said you're correct. It's in the old [Harris Teeter] grocery store. It's  
269 actually the only unit in that strip center that is in the town limit. Mr. Johnson said thank you, and again,  
270 I appreciate your report. It's very extensive, and very well done.  
271

272 Mr. Courtney said I appreciate your report. It's very detailed and thorough. I see that we have a  
273 lot of code enforcement violations. I see that your office is very busy. Has there been any improvement  
274 in the commercial district in our town? I don't see any activities as far as improvement. Ms. Morris said  
275 no, the code enforcement officer sent several letters. Actually, he is on the second-round of letters. We  
276 tried to work with the commercial, as well as residential, but it's getting to the point that where we have  
277 had to issue summonses and we will be issuing additional summonses. Mr. Courtney said I'm talking  
278 about the vacant buildings that we have on the commercial strip. I'm very concerned that we have no  
279 body occupying those buildings. Is there anything that you can think of as to why we're not getting these  
280 businesses in compared to Garden City? Ms. Morris said well, we've asked the planning commission to  
281 look at the overlay district on both ends of Surfside Beach and surrounding area at the next meeting. We  
282 have a breakdown of what our ordinance allows and requires compared to Horry County. I think that has  
283 a lot to do with it. Mr. Courtney said as you know Garden City is really doing well right now. The  
284 commercial business is just booming there. So I'm very concerned as I have been in the past about our  
285 business district. Ms. Morris said I agree. It's definitely something we need to look at.  
286

287 **v. Police.** Chief Hofmann presented the written report, a copy of which is attached hereto. He  
288 noted that data comparison was for the months of March 2016 and March 2017, and apologized for the  
289 scrivener's error. On March 7, 2017 Surfside Beach Police Department recognized Officer Kimberly Decker  
290 as Employee of the Year 2016. *(Officer Decker was on guard at the meeting. Applause)*  
291

292 Mr. Ott said thank you for your report. It is very informative. I actually enjoyed reading through  
293 it. Thank you for not taking no for an answer, and resubmitting for that grant. I don't know if the  
294 citations and the moving violations have any correlation to the accidents, but the accidents in town have  
295 dropped significantly this month. I thank you very much for that.  
296

297 Mr. Pellegrino referred to the 503(C)(3) corporation that was created to get donations to pay for  
298 K9 Viking and K9 Biko, and asked if the corporation was paying their entire cost. Chief Hofmann said the  
299 Surfside Beach K9 Association is not a 501(C)(3) organization, but it is a registered nonprofit  
300 organization. The members are considering incorporation as a 501(C)(3). The association has raised  
301 funds. The police department initially asked for canine vehicle in the upcoming budget. That's request will  
302 not move forward, but the association was prepared to pay \$5,000 to offset the cost of that vehicle.  
303 Presently, and in lieu of that they are prepared to make donations to replace the heat alarms in the  
304 existing vehicles. If you review the K9 expenses, I think you'll see that our K9 officers are very  
305 responsible; take very good care of the dogs, and actually were well below budget. The association was  
306 never intended to fully fund all canine expenses, but to help offset some expenses. The association would  
307 actually like to make presentation to council in a meeting to answer those questions. The association is a  
308 not Police Department program, and we are careful to keep those two functions separate. I hate to  
309 answer on behalf of the association. I will assure you that they have raised money; they have those  
310 funds, and they are prepared to assist to offset the cost of the K9 program.  
311

312 Mr. Courtney said thank you very much for the traffic data on speeding. You can see that the  
313 police officers are out there doing numerous stops. When I come through at night, the blue lights are on.  
314 The cars are being stopped. I am very impressed with the activity that's going on. We do have a  
315 speeding problem in town. My question to you is on these cars stops, are you finding them to be  
316 residents or is it through traffic? Chief Hofmann said that's really good question. I think that it's probably  
317 a fair combination of both. I would say that probably during our peak season that number probably

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318 changes over and it is more likely to visitors who don't know how important it is to slow down on our  
319 streets. Mr. Courtney said in my community we get a lot of complaints of the speeding vehicles in the  
320 residential area. I see that the enforcement is good. I see the department wrote 268 warnings. I hope  
321 that is a message to these people to slow down. The police officers are using their discretion and using  
322 [good] judgment. As you know, we had another accident where a young pregnant girl was broadsided on  
323 Poplar and 16th. We need to slow down, the people need to stop at the stop signs. I'm very impressed  
324 that they're out there working. Another question is have we lost any officers in the last three months.  
325 Chief Hofmann replied no. Mr. Courtney said fantastic. Chief Hofmann said one of our communications  
326 officers resigned last Friday to go to a job in the private sector. We have not lost any police officers,  
327 other than Chief Keziah. Mr. Courtney said so we have one in the police academy now. Chief Hofmann  
328 said he graduated [April 14th], and is now in field training. Mr. Courtney asked if there were plans for  
329 adding more officers. Chief Hofmann said we will not be asking for any additional positions. Obviously,  
330 the police chief position will remain vacant until permanent police chief is selected. Mr. Courtney said I'd  
331 like to thank you for the grant work that you've doing. I can see positive activity, and you're looking for  
332 grants. That's what we like to see. I'm very impressed. Thank you and your staff for doing a good job.  
333 Outstanding to your officers. Thank you,  
334

335 Mr. Stevens said we have the two bike events coming up. Can you give us an idea of what you  
336 will be doing during those events? Chief Hofmann said yes, we are prepared. Our plans will be pretty  
337 much the same as last year. We have lined up ten additional officers to come into town from state  
338 agencies to assist us. As in previous years, every single town police officer will be on duty during  
339 Memorial Day weekend, and also at least on the weekends during Bike Week. Everything is set in place.  
340 The traffic loop is set and confirmed. I've been to all the meetings related to the bike events that are  
341 going during Memorial Day. I believe that everything is in place. We have a good plan to keep everything  
342 under control. We want to encourage citizens to be involved, if they see something or have a particular  
343 complaint or problem in their neighborhood that were not aware, we encourage them to call the police  
344 department non-emergency number 843.913.6368 to let us know those hotspots. They can rest assured  
345 that we will give them any attention that's needed. Mr. Stevens said thank you very much. Let's hope you  
346 get that permanent position.  
347

348 vi. Public Works. Director Adair presented the written report, a copy of which is attached hereto.  
349 The last FEMA reimbursement request in the amount of \$123,072 was submitted today for Category G. If  
350 that request is approved, we will receive 75-percent reimbursement. That will be an additional \$92,304.  
351 After this submission, the pier is the only open worksheet.  
352

353 Mr. Courtney said thank you very much for the work they did on the 13<sup>th</sup> Avenue crossover, and  
354 the other crossovers. Thank your staff for their work on those walkovers. It does show and I was  
355 impressed with it. How long before it will be opened? Mr. Adair said they should be done by tomorrow.  
356

357 Ms. Samples facetiously said Mr. Adair, you don't have enough to do, and then said in earnest,  
358 your guys are always out working so hard. Thank you so much. I appreciate that. There is a horrendous  
359 odor around the pump station on Dogwood between 4<sup>th</sup> and 5<sup>th</sup>. I've heard a number of complaints about  
360 it. Do you have any idea what's happening? Mr. Adair said no, but I called the chief engineer at Grand  
361 Strand Water and Sewer about that very subject. As soon as I hear from him, I will email it to everybody.  
362 Ms. Samples said thank you so much.  
363

364 Mr. Stevens said I probably should have asked Ms. Ellis about the July 4<sup>th</sup> fireworks. Have any  
365 plans been made for the fireworks show? Ms. Ellis said the fireworks company gave us two options.  
366 Shoot fireworks off flatbed trailer on the beach. I can't find any trucking company within 9,000 miles of  
367 us that would let me put a flatbed on the beach in saltwater. The other option is if an engineer says it is  
368 okay to shoot them off the pier, we can have just a small show. Mr. Ellis said Chief Otte and she have  
369 talked about it for a while, and would make a decision tomorrow. The answer is probably going to no,  
370 there won't be a fireworks show this year, because there is no location from which they can be safely

371 launched. We will still have the show and the band, and all the other activities. I haven't given up, yet.

372

373 **C. Administrator's Report.** Ms. Fellner presented the written report, a copy of which is  
374 attached hereto.

375

376 Mr. Ott said thank you for your report. Are you still in touch with the Army Corps of Engineers  
377 regarding to beach nourishment? There is a problem in the south end of our beach. Have you had a  
378 chance to speak to anybody about that? Ms. Fellner said the issue is not just in town. It's actually with  
379 the whole Grand Strand, which is shaped like bowl. What's in the center, which is Myrtle Beach, loses the  
380 least amount. The further out you go on either side, the more sand you lose, meaning southward  
381 towards Garden City, Georgetown, and they lose the absolute most sand, and on the north, North Myrtle  
382 Beach. That's why we lose more sand on the south end than we do on the north. A lot of sand that  
383 Garden City loses and North Myrtle Beach loses ends up in Myrtle Beach. That's just the reality of it. Mr.  
384 Ott said if you stand at 13th Avenue South you can see where the sand begins eroding at around 8th  
385 Avenue South. It tucks in sharply, on like a 20-degree angle all the way down to Melody Lane. When go a  
386 little further, it starts coming back out again. It looks like it's been getting worse every year. I just want  
387 to address it before we have no beach there. Ms. Fellner said the Army Corp is an expert in this. They've  
388 been nourishing our beach for what I think is the third time for the different reaches. They're very aware  
389 of the shape issue. So I'm sure they're going to take every precaution. I know it's something that I  
390 discussed with the project coordinator myself. Mr. Ott said thank you.

391

392 Mr. Stevens said I recently spoke with the House District 106 Representative Russell Fry. We  
393 have a piece of property on 3rd Avenue South and Willow Drive that is not being used. I asked him if  
394 there was Parks and Recreation Department (PARD) grant money for that. Mr. Fry told him there  
395 definitely is, all we have to do is apply for it. Could you tell me why we haven't applied? Ms. Fellner said I  
396 absolutely can. If council is desirous of removing the encumbrance off all or part of the Huckabee  
397 property, we have to have land of equal value to encumber. You cannot have any plans for the  
398 replacement property, nor can it have any kind of recreational grants or money. You cannot even have a  
399 rendering made for that property. Otherwise, the Land and Water Conservation Fund (LWCF) will not  
400 allow you to use that property to transfer the encumbrance upon. That is the specific reason that has not  
401 been done. Ms. Fellner said she spoke with both PARD and LWCF, both agencies told her there was no  
402 way an encumbrance could be transferred if any plans were made for using the property for recreation.  
403 Mr. Stevens said he needed clarification. Mayor Childs suggested that Ms. Fellner send an email message  
404 to Mr. Stevens with the explanation. Ms. Fellner said she had no problem doing that. Mayor Childs asked  
405 her to send the explanation to all councilmembers.

406

407 Mr. Courtney said thank you very much for your report. I also want to thank your staff for their  
408 hard work that they've done getting us ready for spring. I saw that Georgetown received a grant for their  
409 crossovers in Garden City. Having seen the new crossovers, I wondered where the funds came from. Ms.  
410 Fellner said I will look into that. Mr. Courtney said thank you and said when we were on the beach and  
411 we were looking down on 13 South and other areas of the beach to see where the mean high tide was,  
412 and to see the damage from Hurricane Matthew, we noticed that private crossovers extended pretty far  
413 over onto our beach. Back in workshops about the pier, we asked about extending our pier [boardwalk,]  
414 from the River City Café to the hotel. There were some concerns from you that that may not be possible.  
415 Could you also look into that? Ms. Fellner said that would be something that will be input for the design  
416 engineer, because there have been a lot of ideas discussed. That's absolutely something that I've heard  
417 council talk about on a couple of occasions. Typically when a preliminary design is you done, you get a  
418 'what you had bare-bones' design; a design somewhere in the middle, and a design with all the bells and  
419 whistles, which would include something like the boardwalk. The town has to look at the reality of what  
420 we're going to have to pay for this, and what are we willing to do for that with regard to funding. So the  
421 answer is yes, but that's going to come when the design portion of this begins. Mr. Courtney asked if the  
422 private crossovers the regulated by the town, the state or the feds. Mr. Adair said the private walkovers  
423 are regulated by OCRM. Their rules are that the stairs cannot extend past the toe of the primary dune.

424 However, since most of the primary dunes are gone now, they seem like to stick it out like sore thumbs. I  
425 anticipate when the new sand fencing after renourishment, the dunes will be reestablished in those  
426 areas, and it will look normal again. Mr. Courtney said thank you so much.

427

428

## 7. BUSINESS

429

430

### A. Second Reading Ordinance #17-0842, Obstructions on the Beach, Administrator

431

**Fellner.** Mr. Courtney moved to adopt second reading of Ordinance #17-0842 as amended on the draft  
432 provided in the Town Council packages, and also adopt an amendment to prohibit tents at any time  
433 beginning immediately between 8<sup>th</sup> Avenue South and Melody Lanes. Mr. Ott second. The decision paper  
434 and ordinance copies are on file.

435

436

Mr. Johnson asked where the restriction from 8<sup>th</sup> Avenue South to Melody Lane was in the draft.  
437 Mayor Childs said that was an additional amendment from Mr. Courtney that was not included in the  
438 draft. Mr. Johnson moved to suspend the rules to allow discussion. Mr. Ott second. **MOTION CARRIED.**

439

440

Mr. Johnson restated his question that he did not see the amendment to ban tents or canopies  
441 from 8<sup>th</sup> South to Melody Lane. Mayor Childs said that was part of Mr. Courtney's motion, which was  
442 properly made. Ms. Samples said that's a new amendment we don't know about, Mr. Johnson. That's  
443 something new. Mayor Childs said most amendments offered from the dais are new, as this one is. Mr.  
444 Johnson said well, I have respect for my fellow councilmembers. I would just think they would respect  
445 me and fellow councilmembers enough to bring us those amendments prior to tonight, because we  
446 received these in our package; not banning the tents from 8<sup>th</sup> Avenue to Melody Lane. Mayor Childs said  
447 that amendment could come up after a portion of that motion was read and it would be the same thing.  
448 Council is not required to submit their amendments prior to a motion. Ms. Samples said maybe it would  
449 be helpful if we had explanation behind the amendment. Mayor Childs said that is certainly in order.

450

451

Mr. Courtney said the new amendment was due to the lack of beach sand during mean high tide  
452 between 8<sup>th</sup> Avenue South and Melody Lane, which is pretty much nonexistent during mean high tide. To  
453 put tents in that area this season would be definitely be a safety issue. We spoke with the chief lifeguard,  
454 and there is actually no room for tents in that area.

455

456

Mr. Ott said I talked with Mr. Johnson because that's what I was asking Ms. Fellner about.  
457 There's actually no beach at some times. At the high tide the water is up to the dune line. Even when it  
458 goes back, around 15th Avenue South there is probably only 40 feet of beach in that area even at low  
459 tide. It's shocking to see. I think what we could have done was get everybody together and go down and  
460 look at the beach; actually see it. Mr. Johnson asked if they would feel the same way if we started  
461 renourishment in September and we added 50 feet to the shoreline on the south end. Mr. Ott said that is  
462 what I would like to see.

463

464

Mr. Stevens said if I'm correct, what Mr. Courtney is saying is that he's amending this ordinance  
465 to ban tents from 8th Avenue South to Melody Lane, where we have the least amount of beach in the  
466 whole town of Surfside. Mr. Courtney said right. Mr. Stevens said the primary reason that you're doing  
467 this is because the beach in that area at high tide is basically no beach at all. Mr. Courtney said  
468 absolutely none, sir. Mr. Stevens said okay, so that pretty much clarifies it. So, tents would be allowed  
469 from 8<sup>th</sup> Avenue South to Ocean Lakes Campground, so basically we're banning tents now in a small  
470 portion of town.

471

472

Mr. Johnson asked what timeframe that would be? Mayor Childs said from now until the January  
473 1<sup>st</sup>, 2018 and at that time all tents are prohibited. Mr. Johnson disagreed and said that was not a small  
474 portion of the town. This area is pretty much one-third of the town, in his opinion.

475

476

Ms. Samples said what that means is that anybody who wants to put a tent from 8th Avenue

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477 South to Melody Lane will just pile on 8<sup>th</sup> Avenue and northwards. So we'll just have more tents this  
478 summer from 8th Avenue South northwards. Mayor Childs said yes. Ms. Samples asked how we were  
479 going to delineate that area. Would a line be put up, or a flag? What would be done to enforce that?  
480 Draw a line in the sand? Is that the plan of attack? Mr. Courtney said signage would be posted. Ms.  
481 Samples said we're going to post signage at 8th Avenue South saying no tents beyond this point. Mr. Ott  
482 said signs would have to be in every place. Ms. Samples said I would say that's going to be a concern,  
483 and so who is going to enforce that? Mr. Courtney said our police department. Ms. Samples said our  
484 police department is going to be out on the sand enforcing tents. Mr. Courtney said we do have  
485 ambassadors. Ms. Samples asked Chief Hofmann if the town's beach services officers that use the four  
486 wheelers provide enforcement on the beach. Chief Hofmann said the beach services officers are not  
487 sworn. They can be sworn to enforce ordinances, if that is the desire of Town Council. Ms. Samples said  
488 currently they cannot enforce, and they certainly don't write tickets or citation. Chief Hofmann said they  
489 do not at this time. Their main goal is to educate the public. When enforcement needs to be done, they'll  
490 make a call to the beach patrol officer who would respond and take appropriate enforcement action. Ms.  
491 Samples said let me say at this moment that they do an amazing job. They are true ambassadors for our  
492 town and I love and I'd like to see more out there, and at nighttime, too, but that's another discussion.  
493 Thank you.

494  
495 Mr. Ott said I believe with the lack of beach that I saw, the Lord himself is going to enforce that  
496 because there's gonna be water in your tent. Ms. Samples said sure, and my debate to that is if there no  
497 room on the sand, they're not gonna put up a tent anyway, because there is no room. Mr. Ott said  
498 exactly. Ms. Samples said it's a shame we have to legislate that especially when we have all heard from a  
499 multitude of people disappointed and upset about the fact that they've already spent thousands of dollars  
500 coming to the beach this summer, and we are going to legislate a change which is going to impact their  
501 vacation. I think that's unfortunate, and welcome to the Town of Surfside Beach and welcome to your  
502 beach vacation. Having said that I don't support a tent ban. I haven't supported a tent ban, and I  
503 certainly don't support implementing it now. I mentioned before that we were doing it at the 11th hour. I  
504 think it's unfair. I just think it sends a sad message. I am not going to support the measure, and certainly  
505 I'm not going to support prohibiting tents immediately. Mr. Ott said I agree with you, but as I said when  
506 there's no beach, it's unfortunate, maybe we should have looked at it last year, too, and seen it before  
507 today. Then that wouldn't be our fault because its nature; there is no beach there. That's what I say.  
508 That's the only part that I agree with because there is no beach; you can't put anything there. You're not  
509 even going to be able to put an umbrella down there. Ms. Samples asked Mr. Ott for clarification on the  
510 part he disagreed with. Mr. Ott said I do disagree; we have to have that at this time.

511  
512 Mr. Courtney said after first reading the Council was aware of this, and councilmembers had the  
513 option of going down to look at the mean high tides. After myself and I'm sure others have on council  
514 gone down and seen that at a mean high tide to have people set up tents would be a disaster waiting to  
515 happen. You were all sent an email from our chief of lifeguards. It was in his personal and professional  
516 opinion that he strongly urged council to pass this solely based in the interest of public safety, and the  
517 possibility of liability issues that may come up to the lack a delay in response time during an emergency  
518 situation. As far as the enforcing part, we have ordinances on the beach now. If we have ambassadors  
519 on the beach just to welcome the people, I just don't see that point. They are there to enforce  
520 regulations. I know lifeguards recommend to people to tents back as they move their chairs with the tide.  
521 So if they're enforcing that they would have a say as far as asking them to move these tents and that's  
522 not the case, then the police would dispatch an ambassador or a police officer to have them move. But to  
523 have tents in that area during a mean high tide, as you know the tide changes. As we know it comes all  
524 the way up to the dunes that we don't even have. It's going to be a disaster for them.

525  
526 Mr. Pellegrino said yes, regardless of what happens this summer, this ordinance calls for the  
527 banning of all tents as of January 1<sup>st</sup>, which is something I can't support. We heard from citizens about  
528 two different public safety issues possibly hindering rescue, but also exposure to the sun for kids and  
529 adults alike. You can go anyway you want to justify this from public safety issue. If a car parked in front

530 of a fire hydrant, is that going to stop the fire department from putting the fire out? I don't think so. They  
531 can clear a way and get on the beach. It's also a competitive advantage for Surfside Beach. Whether you  
532 like it or not. I don't know how many emails I received some saying they support the ban, but a huge  
533 number asking us not to ban tents. The majority of them were tourists who come here year after year  
534 and appreciate the fact that they can have a tent for their family. You know what? They come to Surfside  
535 because were the only ones who allow [tents.] I don't care what you say about it, but that's a fact. And  
536 like it or not, the tourists, the second homeowners, [and] the businesses pay the majority of our taxes.  
537 That's why our taxes are low. That is just fact. As I say all the time, I represent full and part-time  
538 residents, second homeowners, businesses and tourists. I got a lot more feedback from people on this  
539 one asking not to ban, and I fully agree. Thank you.

540  
541 Mr. Johnson moved to reconvene regular session. Second Mr. Ott. All voted in favor. **MOTION**  
542 **CARRIED.**

543  
544 Mayor Childs called for the vote. Mr. Johnson called *point of order* saying there was no vote on  
545 the amendment. Mayor Childs explained that the amendment was part of the primary motion. Mayor  
546 Childs said once again the question is on second reading or Ordinance #17-0842. Mayor Childs, Mayor  
547 Pro Tempore, and Councilmembers Courtney and Stevens voted in favor. Councilmembers Johnson,  
548 Pellegrino and Samples voted against. **MOTION CARRIED.**

549  
550 **B. First Reading Ordinance #17-0843 to amend the FY2016-2017 Municipal Budget,**  
551 **Director King.** Ms. King presented the decision paper and ordinance, copies of which are on file. This  
552 ordinance takes the unbudgeted revenue and transfers it into the correct fund. It is very important to  
553 know how much money we have in the respective funds to start with for the next fiscal year. She  
554 explained the amounts are best estimates.

555  
556 *Accommodations Tax Fund.* The accommodations tax committee recommended that we take  
557 \$75,000 from last year's fund balance in accommodation taxes and put it towards beach renourishment  
558 and then to transfer \$75,000 every year from accommodations tax funds for beach renourishment, if  
559 Town Council approves the recommendation. The accommodations tax committee's resolution is  
560 attached.

561  
562 *General Fund.* We expect the general fund revenue to increase by \$270,000 for FEMA  
563 reimbursements; expenditures should increase about \$244,000, but may be a little bit less. These are  
564 expenditures spent over and above budget to do walkovers, salaries, overtime, et cetera for Hurricane  
565 Matthew recovery.

566  
567 *Hospitality Fund.* The grant request was denied for the fire radios, so the hospitality fund revenue  
568 was decreased by \$113,000, but the budgeted amount was less than expected so that was added.  
569 Expenses will go down \$186,000 because we didn't need to transfer as much money as we originally  
570 thought for beach renourishment. All of this is to determine the hospitality fund balance at the end of the  
571 year.

572  
573 *Capital Projects Fund.* In capital projects, because we're paying for the state's half of the cost,  
574 has to be shown as revenue coming in from the state, and also show as an expenditure. Those are the  
575 budgeted rules because we're using our money and Town Council has to approve that. It nets out that all  
576 it cost the town is our actual share. This is just an accounting mechanism that has to be done.

577  
578 *Sanitation Fund.* The sanitation funds is receiving FEMA reimbursement of \$176,000, and the cost  
579 was about \$145,000 for debris removal, tipping et cetera.

580  
581 *Pier Fund.* Pier fund revenue went down \$64,000, because there are no fishing or admission fees.  
582 FEMA reimbursed the town \$16,000 for the debris removal from the pier caused by Hurricane Matthew

583 that was \$19,000.

584

585 Ms. King said although it was confusing, the beginning balance, the changes, and the amended  
586 ending balance are shown on the ordinance. This money was already received and/or spent, and is a  
587 formality. This year revenue and expenditures were shown to ensure accurate amounts were shown.

588

589 Mr. Courtney moved to adopt first reading of Ordinance #17-0843. Mr. Stevens second.

590

591 Ms. Samples said I think you explained it beautifully, Ms. King. Thank you very much. It's quite  
592 simple and thank you.

593

594 All voted in favor. **MOTION CARRIED.**

595

596 **C. Resolution #17-180 to Change Three Meeting Days to Monday, Councilmember**

597 **Courtney.** Mr. Courtney moved to adopt Resolution #17-180. Mr. Johnson second.

598

599 Mr. Courtney explained during the summer the councilmembers and those who attend council  
600 meetings cannot attend the hula shows, because they are on Tuesday nights. He asked Ms. Ellis to see if  
601 the shows could be moved to Monday, but Tuesdays are the only days available for the show. The  
602 resolution calls for the June 27, July 11, and July 25 to be moved to Monday nights, which are the 26<sup>th</sup>,  
603 10<sup>th</sup>, and 24<sup>th</sup>, respectively.

604

605 Mr. Ott said maybe I'd like to move my birthday, too, and said sometimes it just wrong to change  
606 things.

607

608 Ms. Samples sometimes I think we're focused on the wrong things. I do not support the change  
609 in dates.

610

611 Mayor Childs, and Councilmembers Courtney, Johnson, Pellegrino, and Stevens voted in favor.  
612 Mayor Pro Tempore Ott and Councilmembers Samples voted against. **MOTION CARRIED.**

613

614 **D. RFQ-IT Services Award, Administrator Fellner.** Ms. Samples moved to award the RFQ-IT

615 Services to SouthCoast Networks. Mayor Childs second. Ms. Fellner presented the decision paper, a copy  
616 of which is on file. The recommendation for awarding to SouthCoast Networks (SCN) is because they are  
617 currently our provider. The rationale is they were the lowest rate, while providing 24/7 services; SCN has  
618 specific, extensive knowledge of the town's IT infrastructure that is deemed invaluable, and under SCN's  
619 guidance, the Town of Surfside Beach was one of just a few municipalities or counties that passed the  
620 recent technology audits performed by the Municipal Association of South Carolina, that was for our jail;  
621 the Federal Bureau of Investigation, and the South Carolina Law Enforcement Division. The town has  
622 experienced no appreciable downtime in the network since 2001 when SNC began, SCN is the lowest  
623 apparent qualifier. Ms. Fellner concluded by saying I would ask that the bid be awarded to SouthCoast  
624 Networks.

625

626 Mr. Stevens said during the bid opening a citizen asked if a committee was going to review the  
627 bids. Who was on that committee? Ms. Fellner said the review committee was comprised of Captain  
628 Miller, Mr. John Harrah, who understands software and has extensive knowledge, and me. Mr. Stevens  
629 asked why council was not given any financial information on this. Ms. Fellner said the information is  
630 proprietary. Ms. Fellner explained that the terms were stated in the RFQ; the contract is for five years.  
631 Each submitter was contacted by the clerk to determine if their submissions could be published. Each one  
632 of them said no, which means they don't want their financial information shared. Having said that, I  
633 would happily share it with any councilmember, but no councilmember contacted me. I do have that  
634 information available, and will be happy to share it. Mr. Stevens said normally when we get bids we get  
635 some kind of dollar amount, and we being asked to sign a contract for five years. Ms. Fellner said I

636 believe I just explained that.

637

638 Ms. Samples said I support this for three reasons: corporate memory; staff has recommended  
639 SCN, and SCN is the low bid. Thank you. I support it.

640

641 Mr. Courtney said I have a problem with a five-year contract. I think it's a little long. I agree with  
642 Mr. Stevens as far as information on these bids was not given to council. A five year contract is a long  
643 term. That is my biggest concern.

644

645 Mayor Childs, and Councilmembers Johnson, Pellegrino and Samples voted in favor. Mayor Pro  
646 Tempore Ott, and Councilmembers Courtney and Stevens voted against. **MOTION CARRIED.**

647

648 **D. RFQ-Engineering Award Town-wide Engineering, Director Adair.** Ms. Samples moved  
649 to award the RFQ-Engineering to DDC Engineering. Mr. Johnson second. Mr. Adair presented the decision  
650 paper, a copy of which is on file.

651

652 Mr. Pellegrino asked what the price difference was between DDC Engineering and Thomas &  
653 Hutton. Mr. Adair said he preferred not to speak in public about any negatives for a company; he would  
654 be happy to share the rate sheets with councilmembers. The two firms have about the same price; some  
655 items were \$20 more per hour, others were \$40 more an hour, depending on who was leading the  
656 project. For the services we use most, using DDC would be a cost savings for the town. The senior  
657 planner who manages town projects and works with staff daily from DDC is \$150 per hour; Thomas &  
658 Hutton is \$195 per hour. A senior landscape architect from DDC is \$150 an hour versus Thomas & Hutton  
659 at \$180 an hour. A professional land surveyor at DDC is \$135 an hour to anywhere from \$140 to \$180 at  
660 Thomas & Hutton, depending on the level of expertise. DDC does not charge the town for travel time;  
661 Thomas & Hutton will charge the IRS rate of \$0.55 a mile. There are efficiencies and savings. Both  
662 companies are highly recommended. Mr. Adair said in his opinion, DDC is best for the town. Mr.  
663 Pellegrino said thank you for that information. So there are certainly cost-savings. One thing we have had  
664 are cost corrections with DDC in past where they came back, like Ms. Watson noted earlier, with  
665 corrections and increases to cost. Although we may be saving upfront, if they have to adjust the cost at  
666 the end, we may not be saving. Over my three years on council, there's been actually a handful of  
667 occasions when that's happened. Competition is always a good thing. We've used DDC for many, many  
668 projects, and I think we need to keep in mind when you use a competitor just once that causes everyone  
669 to sharpen their pencils and a better job next time. So that's certainly something I think we should keep  
670 in mind. Mr. Adair explained that when you want to budget a job, the engineers will prepare an estimate  
671 of cost using estimated quantities, estimated mobilization, and other standards in the industry.  
672 Depending on the market, when you actually bid out the job, it could be a higher or lower cost. That is a  
673 reality of the market. The Myrtle Swash project was something we asked DDC to give us an estimate on  
674 an emergency basis. The original quantities were way underestimated, and we added a lot to that job  
675 after the fact, that's why the price increased. If it had been constructed to the original proposal, it would  
676 not be as nice, or as long as it is now, and it would've cost less money. That was not the fault of DDC.  
677 They were responding to our immediate need to get a price. Staff does not have the luxury of taking time  
678 to bid out every single project, because sometimes there are emergent situations, and he hoped  
679 councilmembers understood that. Mr. Pellegrino said thank you for that explanation.

680

681 Mr. Ott said I'm not really happy with DDC, and asked Mr. Adair if he studied engineering. Mr.  
682 Adair said no. Mr. Ott said I did, and let me say this, they come back every time with an oversight. They  
683 just did that 5<sup>th</sup> Avenue bulkhead. They came back, because one, they did not include their price. Boy,  
684 that sounds like oh, I forgot to put my money in. As far as I see it, they come back every time. You look  
685 at 4<sup>th</sup> Avenue North, they did that design. So what are we doing there? Look at Cedar and 4<sup>th</sup> Avenue.  
686 We have how many culverts on that corner? See, the pipe's too small underneath. Let me tell you that.  
687 That was a design disaster. I see it. There was a 6 foot earth and gutter behind those homes. They  
688 changed it to a 2 foot diameter pipe. Now as you probably know, once you go over 1 foot in water the

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689 pressure starts pushing down. It slows up the process; it slows up all the fluid that you put in that pipe,  
690 no matter what it is, whether you're working with oil, water or whatever. Now there's a problem there. By  
691 adding more culverts for more water to go in that's not it. It's never going to work, never. Now, DDC,  
692 they did that. Did they design that parking on Surfside Drive where everybody's hitting the curbs? They're  
693 too far out into the road. I mean somebody missed this. That's why all those black marks are on there.  
694 They're tire marks. It's about a good foot too far out. It is. I don't know who design that. It looked good  
695 on paper, but it's not good out there. I would never support these people, and I wouldn't support them  
696 on another fact, because the company's owned by a person that is also the president of South Carolina  
697 Department of Transportation. Is that correct? Mr. Adair said yes, I believe he is the commissioner. Mr.  
698 Ott said now that opens the door for collusion. I would like to have somebody in here that had open  
699 mind, not just doing that. I'm sorry [with] everything I've seen them do; they come back and ask for  
700 more money. There's something missing here. Thank you. This is my opinion and what I see. I'm here to  
701 protect the people and our taxpayers. Mr. Adair said with the exception of the recent swash project,  
702 DDC's contract price has not changed. Mr. Ott said maybe they're cheap, but if they're cheap, they're not  
703 any good. Mr. Adair assumed that Surfside Drive was done to engineering standards with regards to lane  
704 widths, etc. Mr. Ott referred to flooding on 4<sup>th</sup> Avenue North. Mr. Adair explained that was caused by a  
705 completely different problem caused by R. H. Moore over 20 years ago and it is scheduled to be  
706 corrected.

707  
708 Mr. Johnson said we have four bids and DCC has done some quite a bit of work for us. He asked  
709 hypothetically if the fact that DDC is familiar with the Town of Surfside Beach and our stormwater  
710 drainage system, and the town's inner workings played into their price reduction. Mr. Adair said no, these  
711 are DDC's schedule of hourly rates. Mr. Johnson said okay, I would hope that [factored] in the  
712 calculations. Mr. Adair said he had no personal experience with Thomas & Hutton, but heard they are a  
713 great company. Choosing the engineer was entirely Town Council's decision, and he would work with  
714 them. I am trying to do what is best for the town, and DDC works well with the town.

715  
716 Mr. Stevens said I'm not for DDC. I'll state publicly why I'm not for them. We had a job on 5<sup>th</sup>  
717 Avenue North swash. Before the town was responsible for that job, I bid that job for Surfside Realty as  
718 an employee of a private company. The bid was \$60,000. The invoice for the same materials that you  
719 used on that wall in June 21, 2014 was \$29,121.40. We ended up paying nearly \$180,000 two years  
720 later. I know that materials didn't go up that much. I don't think that DDC is looking out for the best  
721 interest of the taxpayers nor the town of Surfside. That's why I totally against 'em. I don't care whether  
722 they know all about Surfside. There's other engineers. How long are you obligating us to a contract with  
723 them? Mr. Adair said this is a five-year term. Mr. Stevens said so for five years were going to be stuck  
724 with one engineer. We can't get bids. Mr. Adair said no. Mr. Stevens said that's what you're saying. Mr.  
725 Adair explained the RFQ specifies that we are free to use other engineers for various projects. Mr.  
726 Stevens asked are we doing that. Mr. Adair said we haven't to date, but we have the right to according to  
727 the RFQ. Mr. Stevens said well, I think that the town should look out for the taxpayers, because we spent  
728 too much money on that 5<sup>th</sup> Avenue North swash. I know the materials didn't go up that much in two  
729 years. I can't believe their engineers looking out for the best interest, because Ready Rock that was put  
730 down is not that hard to make and it doesn't go up that much. I mean that's the bottom line. Plus, they  
731 had 52 lawsuits; 46-percent of them they were plaintiffs; 7 of them were judgments, or 13.546 percent  
732 of their lawsuits had judgments against them. That stinks. I just don't think these people are looking out  
733 for the citizens here and the citizens all over this town. That's my opinion of it. I think we need to look at  
734 other companies. With those kind of prices it opens up the door for corruption, paybacks, and everything.  
735 Mayor Childs said the town is still able to use other engineers for bids on jobs. You're not locked into  
736 DDC, correct. Mr. Adair said this is strictly on-call. He explained that DDC cannot control what the  
737 contractor proposes on that job. They are not the ones that were paid \$170,000. Mr. Stevens said  
738 [MontCo]. There is just too much that doesn't add up.

739  
740 Ms. Samples said I really appreciate your research and your recommendation on this. I support it  
741 100-percent. Thank you for the time and effort you've put into it. I appreciate it.

Town Council Regular Meeting  
April 25, 2017

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Mr. Courtney said what bothers me is, and no offense to Mr. Adair, but he is not an engineer. I have a problem with five-year contracts for anything. I don't believe in long term contracts. It is just not good. As Mr. Pellegrino said, there is no competition when you have a contract. What I saw on 3<sup>rd</sup> Avenue swash was a lot of oversights. We had subcontractors from MontCo to Tim's Construction. I just don't believe in 5 year contracts. I just don't like them. There is no reason to have a contract. We have an attorney that we don't even have on retainer. We're a municipality and not to have an attorney on retainer is absolutely absurd.

Ms. Samples called *point of order*, and said can we stay on subject, please. Mr. Courtney said he was talking about contracts. Ms. Samples said the town attorney has nothing to do with discussion. Mayor Childs said the *point of order* was well taken.

Mr. Ott said I just want to bring up the point of familiarity. Who did the entire south end stormwater system? Mr. Adair said Earthworks Group. Mr. Ott said yes, they're the number three choice, and DDC did the one that doesn't work. Let me make that as a fine point. The other ones work fine. Mr. Adair said there was a lot he could say about that, but he did not want to disparage any company in public. Mr. Ott said he saw where the system flooded during Hermione, because the system was not cleaned out. Mr. Adair said there are design issues. Mr. Ott said as it is, and as it was designed, it works fine. But, there is a major problem over here on 4<sup>th</sup> Avenue North. I appreciate that no matter who ends up in here, we fix that. Mr. Adair said absolutely, I am 100-percent on that.

Mr. Pellegrino said Mr. Adair did a great job answering questions under some interesting duress. You're very professional. Mr. Adair said just to be clear, I'm not an engineer. If I was, you wouldn't have to hire one. (*Laughter*)

Mr. Johnson asked if we could call for a vote. Mayor Childs, and Councilmembers Johnson and Samples voted in favor. Mayor Pro Tempore Ott and Councilmembers Courtney, Pellegrino, and Stevens voted against. **MOTION FAILED.**

Ms. Samples said the town needs an engineer. Somebody needs to offer an alternate. (\*\*several speaking at once.)

Mr. Stevens suggested bidding out each and every job for engineering. That would solve the problem, because we got four engineers that would like to do business with the town. If we bid out every job then at least we know we are getting a bid on each and every job, and would be better stewards of the taxpayers' money.

Ms. Samples asked if the administrator could comment on the process. Ms. Fellner said there are a number of reasons why if we bid each and every one, right now I know I am task saturated. I know Mr. Adair is task saturated. So I have to create the bid documents for each project every time we're going to bid a project. Then were going to have to go through the whole evaluation process. So it makes that period longer. I don't think were afraid to do that, but each time we bid something it's slightly different, so the documents have to change. Believe it or not, that takes time. So that could be an issue. There are four councilmembers who do not want DDC. Having said that, we need an engineer because you have to have someone to call when you want to a quick answer on something. You have to have someone to give you general advice. It's like having a town attorney. There are times when you need guidance, because we don't have an engineer on staff. Really, it's that simple. Mr. Adair this is a big part of the multiple services we get. Ms. Fellner said it is. Mayor Childs asked if it was possible to go back to them and get a contract for one year.

Mr. Pellegrino moved to award the RFQ-Engineering to Thomas & Hutton. Mr. Ott second. Mr. Pellegrino said I'm doing this because I really believe the competition makes all people involved

795 better, and I believe we had a lack of competition in the engineering field recently and in past years. I  
796 think that DDC can come back later on for future jobs probably with a whole different mindset.  
797

798 Mr. Johnson said with no disrespect for my fellow councilman, we have competition every time  
799 the bid comes up. I'd just like to say that. That being said, if it can save the town money, which it won't...

800  
801 All voted in favor. **MOTION CARRIED.**

802  
803 **8. TOWN COUNCIL DISCUSSION.**

804  
805 **A. Electronic Waste Disposal & Cost, Charles Schmidt, S&S Salvage Electronic**  
806 **Recyclers, LLC, Councilmember Stevens.** Mr. Stevens introduced Mr. Schmidt who gave a  
807 presentation to council about his electronic waste recycling business. Mr. Schmidt said he did not have  
808 either the DHEC certification or an R2 certification, but he could obtain them in seven days, if the town  
809 decides to use his service. His company did not accept hazardous waste, but would pick up all electronic  
810 recycling free of charge to the town, as his income was derived from cannibalizing the machines and  
811 selling them to downstream vendors. Mayor Childs and Ms. Samples suggested this be discussed further  
812 at the budget workshop coming up this Thursday. Mayor Childs thanked Mr. Schmidt for the presentation.  
813 **COUNCIL CONCURRED to discuss this at the budget workshop.**

814  
815 **B. Any matters of concern or information to be discussed.** There were no other  
816 discussion.

817  
818 **9. PUBLIC COMMENTS – General Comments.** (5-minutes per speaker)

819  
820 Mr. Billy Turner, 4<sup>th</sup> Avenue North: I don't know whether this comes under this portion of this or  
821 not, but I wasn't able to hear who is opposed and who is a proponent of the tent ban, and I would like to  
822 know that. I think some other people here would like to know, as well. Mayor Childs said Mr. Turner, we  
823 can't address you at this point. This is your time to speak. We cannot answer. Ms. Samples said Mr.  
824 Turner, if you'll see me after the meeting, I'll share that with you. Mr. Turner: Okay, thank you.

825  
826 Ms. Holly Watson, Oak Drive North. Thank you for your vote. I wanted to ask you to consider  
827 again why a director is signing contracts worth millions of dollars. In my opinion, I don't think that he has  
828 the background nor the knowledge of South Carolina, federal, and county, and state law. I feel like that's  
829 our administrator's position and responsibility to sign contracts since she is familiar with legal terminology  
830 and that type of thing. I would like to see that taken back into her responsibility, so that if you have a  
831 question you can deal directly with her. You have to go to her to get him anyway, so you might as well  
832 just cut out a step. Again, I thank you for your vote. I would also remind you that when we were talking  
833 about the water bill increase tax fund or whatever you want to call it, I gave all of you some information  
834 on design build firms. We can save 6-percent on every single contract, if you will go with design build.  
835 That way when you put it out for bid, you have an engineer, an architect, and builder all in one. So you  
836 only have to advertise one time, not two or three. So design build in my opinion is the way to go. It's  
837 being used all over the state, all over the county, and actually our school district is using design build. So  
838 if you would consider that I'd appreciate it. Thank you.

839  
840 Ms. Sherri Wardle, 1<sup>st</sup> Avenue North: At the last meeting we discovered that Administrator  
841 Fellner kept secret for over two years... Ms. Samples interrupted: Mr. Mayor, *point of order*. Mayor Childs:  
842 Ma'am, I announced that you can talk about town services, but you cannot talk about individuals. Ms.  
843 Wardle: I'm not talking about an individual. I'm talking about an incident that was brought up at the last  
844 meeting. Ms. Samples: Mr. Mayor, she started off with the administrator's name. I think we have a *point*  
845 *of order*, again, please. Mayor Childs said the *point of order* was well taken. Use a more general  
846 description, like a department or something to that effect. Ms. Wardle: Alright, so I did want to bring up  
847 the article that came out recently that the South Carolina Department of Health concluded their

848 investigation into the incident. They found that no applicable EMS laws or regulations were violated. The  
849 article in the *Myrtle Beach Herald* also added that the health department's Bureau of EMS and Trauma  
850 couldn't look at, and had no jurisdiction over compliance with town rules and policies or state fire  
851 associations. However, according to the same article, town fire captain Prince Williams gave a statement  
852 in March 2015 to administrator Fellner and the former HR (human resources) coordinator that the junior  
853 firefighter shouldn't have been allowed to perform the emergency procedure on the patient and wasn't  
854 even supposed to be within 25 feet of a patient on a medical call. According to the article, former Mayor  
855 Samples knew about it and former Fire Chief Anthony Fox was relieved of his position, because of it. The  
856 former HR coordinator confirmed that the information in the papers regarding this incident was true. Now  
857 Administrator Fellner and Councilman Pellegrino reminded us at the last meeting not to believe  
858 everything that we read in the paper. It appears that they want us to pick and choose what we should  
859 believe. What we know is true is that the incident was kept secret for over two years. The administrator  
860 told us an attorney advised her accordingly. Why, because indeed as Captain Williams stated, town and  
861 state policies were most likely violated. A man died here. This is serious. Did anyone from the town even  
862 contact the family? Well, they know about it now, and what do you think will happen next? Well, we have  
863 to wait to read the newspapers. I'm sickened by this. And the Councilman Pellegrino has to sit up here  
864 and teach or preach to us about speculating. Mr. Pellegrino called *point of order*. Mayor Childs said,  
865 ma'am, you're going with names again. Please, I'll have to ask you to take your seat, if you do it again.  
866 Please. Ms. Wardle: Well, how, alright, okay. Well, I'd like to know about why we are being preached to  
867 about speculating, because I think that there is; this is an issue of right and wrong here, and do you  
868 want to know what I'm speculating about now? I've been asking repeatedly for legitimate proof involving  
869 check number 72167 for \$9,999 to Clemson University Foundation written on 12/9/16. I'm still waiting,  
870 and therefore, still speculating. We were told it was for landscaping design, so there should be a  
871 contract, invoice, [and] a certified design plan. Clemson Foundation is a charitable organization, so this  
872 appears to be a donation. There are strict guidelines regarding using public funds for private donations. I  
873 shouldn't have to tell you this, or should I? You could've put this matter to bed weeks ago. All you had to  
874 do was show the proof. If it's truly legitimate, then shame on you for allowing me and other citizens in  
875 this town to speculate a misappropriation of funds regarding this matter. I'm truly appalled that council  
876 doesn't appear to challenge or question the competence in this town and the judgment. It was poor  
877 judgment to follow the advice of the attorney to keep the junior firefighter incident a secret. There was  
878 no need for names. But somebody died here. We should have been informed about that. What about  
879 what happened with the former finance manager and the embezzlement? Nobody talks about that. I  
880 guess that is still under investigation. But that's incompetence. I'm just wondering how long council (*time*  
881 *ended*) is gonna turn a blind eye to this.

## 10. TOWN COUNCIL COMMENTS

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884  
885 Mr. Ott: I just want to say thank you for coming out and listening to us. Thank you to the staff  
886 for allowing us to do what we do. Sorry, sometimes. Sometimes, I believe it was necessary. Sometimes  
887 maybe overdone. Thank you.

888  
889 Mr. Courtney: Thank everybody for coming out again. I thank staff. We're not here to beat up  
890 on staff, we're just here to find out answers to the questions that we have. Going to the beach issue and  
891 the tent ban, you guys know where I stood on it. When I have the police chief, and a chief of lifeguards  
892 tell me that there is a safety issue, and it could be hazardous, I'm gonna take safety first over that. I'm  
893 not gonna let anybody get hurt out there, I'm sorry, including our tourist. I received numerous emails as  
894 many of other councilmembers have. I also received a petition with over 150 signatures on it from  
895 residents and out-of-towners. I'm not gonna put the town in liability. I'm not gonna put you guys at the  
896 liability where will be responsible when something happens out there. Again the chief of lifeguards, and  
897 the police department, both said we have a problem. We have a problem. We need beach renourishment  
898 on the south end. We don't have any beach left. The mean high tide is up to the dune line, because there  
899 are very few dunes left. It's getting worse. I'm hopeful we can have beach renourishment this year. I'm  
900 looking forward to it and hope it gets done. Thank you very much for coming out. Have a good night.

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April 25, 2017

901  
902 Mr. Johnson: Thank you, Mr. Mayor. I've written so many notes, I can't read them all. As far as  
903 the tent ban goes, I did not agree with it. I do not agree with it beginning in January. I promise you in  
904 some form, it will come back up to council. I don't know when. I don't know how, but it will. I certainly  
905 did not intend to insinuate there was any impropriety going on, but I just wanted to cover my bases with  
906 people coming up and offering something for free. Thank you Mr. Adair for all that you do. Thank you for  
907 all staff. You do a wonderful, wonderful job, especially you, and you, and you, and you, and you, and  
908 you; but not you! *(Laughter)* As far as lifeguards not being able to see on the beach, normally that's  
909 because they're sleeping on the job. *(Laughter)* Thanks for coming out. Thank you. God bless you, and  
910 we'll see you next time.

911  
912 Mr. Pellegrino: Thank you for coming. Mr. Turner, I voted no on the tent ban, just so you know.  
913 You don't win 'em all. I want to thank the staff, because we received our budget binder this week, which  
914 is about that thick (3 inches), and I know staff worked extra hard, obviously led by the administrator and  
915 Ms. King. I appreciate that, because it's very well put together and it gives us the information we need to  
916 come prepared on Thursday, so we can do some good work with budget. Thank you for that preparation.  
917 I'll just skip over the rest of my notes. Thank you for coming. Thanks for your input. Have a great night.

918  
919 Ms. Samples: Thank you, Mr. Mayor, and thank you all for coming tonight. I have full confidence  
920 in our staff, and therefore, their recommendations. I like to support, just like we supported the police  
921 chief's and the fire chief's recommendations on tents. I think we should've supported the rest of the  
922 staff's recommendations on other things. I am disappointed that we have a tent ban. I think it's  
923 unfortunate. I think it keeps us in line with everybody else, I guess. I did like the fact that we were  
924 unique, and offered a service that nobody else on the Grand Strand offered. Mr. Turner, I voted against  
925 the tent ban, as well as Councilmember Johnson and Councilmember Pellegrino. It went down 4:3, you'll  
926 read it in the paper tomorrow. I'm looking forward to Thursday's budget workshop. Ms. King, I've had an  
927 opportunity look over that nice, thick book, and I'm gonna be spending the day tomorrow looking over it  
928 as well. It's gonna be a fun day. It is open to the public. You're welcome to attend. Thank you all again.  
929 Have a lovely evening.

930  
931 Mr. Stevens: Thank you, Mr. Mayor. I wonder how many people sitting here in this audience has  
932 gotten something in the mail that said get free Chick-fil-A, or free this? Sometimes there are things that  
933 are free. It's my fiduciary duty as a councilman to look for ways to save you money. Every councilman up  
934 here should be trying to figure out how to cut cost, cut expenditures, and make government leaner. Not  
935 bigger, leaner. We don't need to be spending money all the time, and we don't need to be wasting  
936 money, and if I can find a way to save it, if it's only \$673 a month, that's still money. I don't care how  
937 you label it, you're saving money. [S&S Salvage] was not my idea. It was a citizen's idea. He brought it to  
938 me, so I brought it to you. If I can save you \$673, and by the way, if you multiply that over 120 months,  
939 that's a lot of money. We need to make changes in this town. We need to make positive changes. We  
940 need to make changes, and if it's getting a better engineer, so be it. If it's getting a new police chief, he's  
941 right over there, so be it. That's things that we have to do, we're elected. This is your seat; you put me  
942 here. If you don't want me here, you can vote me out. That's your prerogative. That's the nice thing  
943 about America. Freedom. It's liberty, believe me this is what we have to do. We have to use common  
944 sense in government. We have wasted way too much money in the past. I've seen it wasted in this town.  
945 I am not going to vote for any wasteful spending anymore. Thank you, and y'all have a good week.

946  
947 Mayor Childs: I like to thank the staff for everything they do. I'm a big supporter of staff. But I'd  
948 also like to thank council for their calm demeanor this evening on some controversial issues. You see how  
949 much more we can get done when everything just calms down. *(Laughter)* I appreciated it very much,  
950 and thank you for coming.

951  
952 **11. ADJOURNMENT.** Mr. Johnson moved to adjourn the meeting at 9:29 p.m. Mr.  
953 Pellegrino second. All voted in favor. **MOTION CARRIED.**

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Prepared and submitted by,

\_\_\_\_\_  
Debra E. Herrmann, CMC, Town Clerk

Approved: May 11, 2017

\_\_\_\_\_  
Robert F. Childs, III, Mayor

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Ron Ott, Mayor Pro Tempore

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Timothy T. Courtney, Town Council

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Mark L. Johnson, Town Council

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David L. Pellegrino, Town Council

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Julie M. Samples, Town Council

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Randle M. Stevens, Town Council

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APPROVED