Executive Session - 6:00 p.m.

Mayor Childs called Town Council to order at 6:00 p.m. Tuesday, May 9, 2017 for the purpose of entering executive session pursuant to FOIA §30-4-70(a)(2) to discuss the proposed sale or purchase of real property. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Samples, and Stevens were in attendance. Councilmember Pellegrino was absent. A quorum was present. Mr. Johnson moved to enter executive session at 6:00 p.m. Ms. Samples second. All voted in favor. MOTION CARRIED. Mr. Johnson moved to reconvene regular session at 6:29 p.m. Mr. Courtney second. All voted in favor. MOTION CARRIED. Mayor Childs said for the record that no action was taken during executive session. Any motions and/or directions to the town administrator will be made during the regular meeting that begins at 6:30 p.m. as noted on the agenda under Business Item 7.F. Mayor Childs declared the session adjourned at 6:29 p.m.

Town Council Meeting - 6:30 p.m.

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, Samples, and Stevens were in attendance. Councilmember Pellegrino was absent. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann, and Planning Building & Zoning Director Morris.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Reverend Kirk Lawton from Ocean Lakes Campground Ministries 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.

A. Landscape & Tree Ordinance Workshop April 18, 2017, and B. Regular Meeting April 25, 2017. Mr. Johnson moved to adopt the April 18, 2017 landscape and tree ordinance workshop minutes and the April 25, 2017 regular meeting minutes as presented. Mr. Stevens second. All voted in favor. MOTION CARRIED

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

Ms. Patricia Magliette, Harbor Lights Drive: Hello, I will be quick. This [is a] little gem of a town. I’m seeing here on the agenda is landscape and tree ordinance workshop, and why am I thinking that there is about this work, landscape and tree ordinance that’s gonna contain something called a
misdemeanor. All I wanted do is say real quick that a misdemeanor, if you violate something by accident, it's gonna be a stain on your personal character. A misdemeanor can be offset with fines or jail time. A misdemeanor sticks with you, and that's harsh for township law. I can see state law or federal law, but to put a misdemeanor into township law it's gonna tank our real estate values. No one is gonna want to buy property here, if we have to be careful because of misdemeanor laws. It's gonna implode our property values and then we won't be able to sell our houses except for ten cents on the dollar. When all of us have that hardship of course people can buy it for ten cents on the dollar, and they can come back and get rid of that misdemeanor stuff. I'm not happy living in a place where things can be township misdemeanors. It sounds like too much big government. It sounds like big brother and it frightens me quite actually. So whatever we do with these tree ordinances let's not get heavy handed with the law and breathe down peoples' back and call misdemeanors. Thank you very much.

Mr. Bill Kingkon, Dogwood Drive North: I attended the workshop and found it very interesting. People put a lot of time into it, and I appreciate their work. By the way, I thank you all for your work. There are parts of it that I agree with. The fact that it establishes parameters for new construction. It tells you how many trees per zone you live in, and what kind of trees. That's very standard. I've seen that in other towns. What I haven't seen is having to go to get a permit to have a tree cut down. I have to speak against this. I think we've gone too far, and I think it should be up to the homeowner to decide what limb needs to be trimmed, and if a tree he thinks needs to be removed, he should be able to remove it. This is not a homeowners association. This is a city. I ask you all to vote against this, and let's get that part out of the regulations. Thank you.

Ms. Kathy Goddard, 15th Avenue South: I, too, am sort of against it, because I'd be misdemeanored [sic] to death for the limbs I've cut off my trees that I've pruned back away from our house to save damage to our roof in the storms we've hand. I've pruned many, many, many and I would be constantly misdemeanored [sic] to death. I think it's very wrong to apply that. Thank you.

Mr. Mike Holt, Yaupon Drive North: Well, councilmembers and Surfside residents, this evening could be a landmark evening. No pun intended. But, we could very well see an end to a much debated subject, the good old Surfside Beach tree ordinance. Many of us have spoken out against this ordinance, and for this ordinance and both sides have made many valid points, but the overriding point, in my opinion, is the number of restrictive regulations being imposed on the residents. Now these grand old oaks and other landmark trees, they should be protected from contractors that come in and clear cut all the trees in order to have space for just one more unit that we can build on. But eight or ten pages of rules, and ordinances, and regulations, and fines that council has put forth is just way too restrictive. A homeowner should not be afraid to trim a limb on his property because if I make a mistake and cut 7 1/2 inch limb, and I thought it was 7 inches, I could be fined and charged with misdemeanor, and have a criminal record. This could very easily happen. A much simpler solution would be to make the size of the tree limb say 16 inches in diameter, much like the Asheboro subdivision in Dorchester County. That's up [near] a Westvaco Tree Sanctuary neighborhood. This way, a homeowner could prune or trim his trees, but something 16 inches and larger would require professional tree service who could do it safely and would know all the rules and the ordinances. Many of the new members of Town Council ran their campaign on promises of easing burdens and regulations. Well folks, now's your time to act. Thank you.

Ms. Carol Holt, Yaupon Drive North: I just want to make a few comments regarding the tree ordinance. Everyone knows this tree ordinance has been debated here in Surfside for many, many years. Town Council has asked for an ordinance that would reduce the overregulation for the town residents. I believe the proposed changes have not reduced the overregulation and the possibility of heavy fines and misdemeanor charges remain a part of the ordinance. I guess I'm just naive. I don't believe that the majority the town's homeowners want to remove trees from their property unless it's a necessity. Many residents and voters are against the proposed tree ordinance. All the residents who spoke at the Town Council workshops and the public hearing were in opposition to the ordinance, with the exception of the planning commission members who actually wrote the recommendation. I don't believe any of the town
residents should be heavily fined and possibly charged with a misdemeanor because they mistakenly cut
a 7.5 inch limb without a permit, nor should new residents face the same issues because they were not
aware of the restrictions. According to Section 17-729 of the proposed ordinance, all applications for
zoning and/or building permits shall be accompanied by a tree protection plan. That means that the
homeowner who wants to prune a 7.5 inch limb must also submit a tree protection plan along with an
application for his zoning permit. Please correct me if I’m wrong, because this is some information I
received from a former town councilmember in a nearby town. He said actually it’s the permit
requirement that initiates the process for the mandated fees and penalties, et cetera. They’re regulated
by the South Carolina Code. So, if this is indeed correct, the permit requirements for homeowners could
be eliminated with the exception of maybe the specimen and landmark trees, and then the possibility of
residents receiving such fines and charges could be greatly reduced. As town residents, we should have
some control of our property and should not be required to obtain a zoning permit and submit a tree
protection plan if we have a 7.5 inch limb that is hanging over our home. Town residents are asking for
changes and I believe that Town Council wants to work with residents to find solutions. I know it’s not
easy. Each of you must weigh the pros and cons; put aside your personal feelings, and vote what you
believe is right for the town and its residents. Thank you for allowing me to speak.

Ms. Carrie Johnson, Harbor Lights Drive: I’m a member of the planning and zoning
commission. I hope you pass this ordinance as written. Planning and zoning had numerous workshops.
We spent many hours relaxing rules of the previous ordinance making it more lenient as possible and still
protecting our trees. I know one of the arguments is that the property owner should be able decide what
kind of trees they want and be able to cut and trim at will without many, if any, rules. So why do we
have other ordinances in place that tell us how we can use our property. If property owners were allowed
to do whatever they want just because they own the property, we could have a bed-and-breakfast, a
convenience store, or car lot right in the middle of a residential area. So ordinances are not made to
simply restrict the property owner from doing whatever they want, but to also protect adjoining property
owners and the value of the properties. The tree ordinance is no different. As far as allowing the
Palmetto tree to be a replacement tree, The Palmetto is the state tree because it was used during the
Revolutionary war to build a fort against attack from the British and thus, it was named the state tree.
The ordinance does not say you cannot plant a Palmetto tree. You can plant as many as you want, and
you can replace non-protected trees, but it should not be used to replace a protected tree. [The
Palmetto] is not a hardwood tree; it does not suck up the water a hardwood tree does, which helps with
our stormwater, nor do they have an umbrella of a hardwood, which not only provides shade, but also
protects against wind. Last but not least, I certainly hope you will not relax the fines for cutting trees.
Remember, they are only in place for someone that does not get a permit when one is required. As long
as they obey the ordinance there is no fine. It is no different than someone getting a permit to drive. If
you're caught driving without, there is a fine. If you obey the law, there is no fine. Also history has shown
us that with lesser fines trees will be cut without a permit and fines paid. You can never please everyone.
Planning and zoning did research; we checked what other towns do; we listened to the people, and we
feel that this tree ordinance as written is fair to all. Thank you.

6. COMMUNICATIONS. Administrator’s Report.

Ms. Fellner presented the written report, a copy of which is attached hereto. She noted that
Director Adair was in negotiations with four contractors for the 3rd Avenue South swash repair.
Negotiations should be completed by the end of this week. A special meeting will need to be called to
authorize the unbudgeted expenditure and/or the scope of work once the responses are received so the
repair can begin.

Mr. Stevens said for the record, “You had mentioned the budget and I’ve got a question to ask
you, and this was in our administrative expenses. In 2015 the town spent $245,000 in salaries, which
included an assistant administrator, and then in 2016 and 2018, it was 205 and then you’re proposing
199,000, which does not include an assistant administrator. So there’s a difference in that of $46,000 less
that will be spending in the 2018. Yet, the operating expenses for 2015 were 99,000 and 98,000 but the
proposed budget for operating expenses is 150,000 which is a difference of 52,000. Some examples, for
example was the travel and training jumped from 15,000 to 31,000. An increase of $16,000. Professional
services jumped from 28,000 to 49,000, an increase of $21,000. Miscellaneous businesses in 2015 were
$600 and they jumped to $6,250 with an increase of $5600. Contractual expenses jumped from 10,000
to 16,000. An increase of $6,000. Altogether these total increases, a total of $55,000 in operating
expenses, which with a little creative financial juggling could pay for the assistant administrator. It seems
that these absorbent figures with no reason just because. I need an answer why there is a $55,000
increase in operating expenses, when we were at $98,000 in the time years before; 98, $99,000. We’ve
jumped up $55,000. I know that you’d like to have an assistant administrator, but you’re making $105,000
a year to manage a 1.6 square 9 square mile town [sic]. That is really grossly overpaid for a, that size of
a town. We, we have seen poor spending of our taxpayers money, and we have failed in the last five
years to bring any substantial business in the pot, that would have a positive impact on the revenues of
this town. So could you explain why we jumped from 99 to 98 thousand to $150 some thousand?” Ms.
Fellner said Councilman Stevens I didn’t come with my budget book prepared to answer those type of
questions tonight. I’d be happy to email the information to you. Mr. Stevens, “By the way, Ms. Herrmann,
I want everything I said on the record, because I think this is kind of strange that we’re jumping up that
much. We went back because we cut out (the former administrative assistant) and now were going to
spend an extra $50,000. Mayor Childs said Mr. Stevens, does this have anything to do with the
administrator’s report?

Ms. Samples called point of order. Mr. Stevens is actually calling out employee’s names, which is
the first no-no, and secondly, let me just say that we discussed this at the budget workshop. If you, Mr.
Stevens, would have been at the budget workshop… Mr. Stevens said, “I was there.” Ms. Samples
continued saying you came late and you left early. So when we discussed this, you were not there.

Mr. Stevens: “I was there and Mr. Pellegrino said we cut the budget salaries by $50,000, and
then I find out our operating expenses went up $50,000 during the same time.” Mayor Childs said, Mr.
Stevens, I think maybe you want to talk about that when we adopt second reading of the ordinance. (**)

Mr. Johnson called point of order. Mayor Childs said point taken.

Mr. Stevens said, “I have another question. We, you got on your administrator’s point, you’ve
been talking to financial entities, but I have no idea who the financial entities. Do you have any
information that you could share with the public on the financial entities that you, director of finance and
you are meeting?” Ms. Fellner said I don’t at this time. These are things that will be bid should council
direct that this be done. Mr. Stevens said, “We’re talking, we’re talking about when you say financial
entities, we’re talking about banks and things, right?” Ms. Fellner said a bond attorney and financial
advisor, thus far. Mr. Stevens said, “Just a bond, so we don’t know if we’re borrowing it from a bank or
borrowing from the government or whatever?” Ms. Fellner said at this point, no. That’s a decision council
has to make. Mr. Stevens said, “Has, has, have y’all looked; I know there’s several citizens said we can
get the loans as low as 1.4-percent. Have you, or 1.25-percent. Have you looked into those?” Ms. Fellner
reiterated that this is something that a financial advisor is going to have to be involved with. Mr. Stevens
said, “When will Town Council learn this information?” Ms. Fellner said probably be within the next two
months. Mr. Stevens said, “Okay. And you also have on the thing, you’ve got initial, you’ve discussion
with FEMA. When can council get some information on the discussion with FEMA and what is processed,
proceeding there? I think the citizens want to know, as well.” Ms. Fellner said I’m sure they do, and it’s
going to be within the next two months. Council will be told and then there are going to be two public
workshops on this to take input from the public, and see how they feel on it. Mr. Stevens said, “I have a
third question. You have met with Thomas and Hutton, our new engineer. Has there been a contract or
anything signed with them?” Ms. Fellner said no, there has not. Mr. Stevens said, “Isn’t that the proper
procedure?” Ms. Fellner said no, because we are a small town, and we’re not paying them a blanket fee
to work for us. Mr. Stevens said, “Did we sign contracts with the former engineers?” Ms. Fellner said we
only sign contracts on a project basis, and that’s the normal procedure. Mr. Stevens said “Okay, alright.
Thirdly, I’ve had this, a lot of people have been hitting me with this, and I have to ask the question. I
understand the Town of Surfside Beach is using TransUnion for background checks. I verified that
information from several sources. My question to you is very simple and I want this on the record. Has
this administration of the town ever ordered a background check on any town citizen, any town property
owner in Surfside Beach, any relative of a property owner, any member of this Town Council, or any
member of any committee without their knowledge? If this administration has done so, where did the
administration get the authorization to do such background checks?” Ms. Fellner said the police have
ordered them; that’s who orders and uses TransUnion. Administration does not do that. Mr. Stevens said,
“So your answer is the administration has never ordered a background check on anybody?” Ms. Fellner
said the only person would be Ms. Ellis who might order background checks for coaches, but that’s with a
signature. Mr. Stevens said, “So what you’re saying is nobody’s ever ordered from administration has
ever order a background check on any person, whatsoever, that I just mentioned?” Ms. Fellner said well,
I can speak certainly for me. I have never done that. Mr. Stevens said, “Okay, thank you.”

Mr. Courtney asked for an update on Mr. Adair’s work on Ocean Boulevard to replace pedestrian
crossover signage and repaint crossovers. I had asked him last winter to try to put up the South Carolina
State Law yield signs for pedestrians in rights-of-way. Our tourists should be able to cross Ocean
Boulevard in a safe manner. I would ask that he provide a list of his projects with updates. The second
question I have you is that I’ve heard rumors that is there going to be repaving 16th Avenue South. I’d
like to know why he would to be doing this in the beginning of the season. Many second homeowners
use that street. In my opinion, to start in summer I’d like a list of his projects and when they are
scheduled. Again, we have people coming from out of state for their second homes and they have boats
and trailers etc. and to have the road close at the start of the season would be foolish. Ms. Fellner said
yes, I’ll be happy to get those and provide those all of council.

Ms. Samples said Mr. Adair provided a list of the road projects at the budget workshop. Ms.
Fellner said he did. Ms. Samples said so we all do have that copy; we got it at the budget workshop. Ms.
Fellner said but I’m happy to email it to everyone again.

Mr. Ott said thank you for your report, Ms. Fellner. If I remember correctly from our budget
workshop, we did allow an assistant for a time period that would not be working, but reviewing what you
do before you retire, and to be introduced to other businesses entities in the area, town, cities, and the
county, so they can actually hit the ground running when you walk out the door and they sit in that chair.
Is that correct? Ms. Fellner said that is correct, yes, sir. Mr. Ott said that will be the reason for an
assistant here, so that we don't miss a heartbeat, and they stay there. The other thing is Mr. Courtney
said about the missing signs on the Ocean Boulevard; I did not stop for somebody the other day. There
are no signs there. If you go down Ocean Boulevard in Myrtle Beach, they have a sign at every
crosswalk. We need to step up. I counted them; there’s probably about 50 signs we need. Thank you,
Ms. Fellner, for your report, again.

7. BUSINESS

A. Second Reading Ordinance #17-0843 to amend the FY2016-2017 Municipal
Budget, Administrator Fellner.

Ms. Samples moved to adopt second reading of Ordinance #17-0843 to amend the FY2016-2017
Municipal Budget. Mr. Johnson second. The decision paper and ordinance are on file. All voted in favor.
MOTION CARRIED.

Ms. Fellner said for the public’s benefit that the purpose is just to amend the budget of all funds
with significant changes during the year due to beach renourishment, FEMA reimbursements, hurricane
Matthew cost, fund transfers, and also to amend the accommodations tax funds based on the accommodations tax committee resolution.

B. First Reading Ordinance #17-0839 to amend Chapter 17, §17-700, et seq.

Landscape and Trees, Director Morris.

Mr. Johnson moved to adopt Ordinance #17-0839 as presented. Mr. Courtney second.

Ms. Samples moved to amend Section 17-722 of Ordinance #17-0839 under zoning permit requirements for pruning and tree removal, owners of existing residents, no permit is required for pruning or trimming or removal of a tree, with the exception of a landmark tree. Mr. Courtney second.

Ms. Samples said that in general, no homeowner wants to cut a tree unless it is causing them an issue. No homeowner should be required to go to town hall to get a permit to trim a tree, to prune a tree. They want to do it for a lot of reasons, just to improve property values, or to ensure that that tree doesn't fall off at the next heavy wind. There are those people who do want to go in and cut a lot of trees down, and do a lot of work, but we cannot legislate for one or two people. We have to legislate for the group as a whole, and I feel that we all care about trees. We like trees. We don't want to get rid of trees. It's an expense to get rid of a tree. We typically want to do it if it's diseased, or again if it is hanging precariously over something on our property, or if it's close to our foundation, and we know it's going to create a problem. As residents, we want to maintain our property, and we want to maintain the value of our properties, and one thing we know is that this tree ordinance is heavily restrictive. I want to put the responsibility on the homeowner to be able to do what they want to do as it relates to pruning and cutting and removing a tree, with the exception of a landmark tree.

Mr. Ott said I would like to say that I agree with Ms. Samples. We do own this property. I don't believe, as she said, that anyone is going to just clear-cut the property. They're going to leave the tree. I live with a hickory tree from hell. In two and a half months of the year, I can't park on the west side of my driveway. The tree drops 2 inch diameter nuts that will dent your car. I haven't cut that thing down, and I don't think people will just go out and cut down their beautiful trees this town. Thank you.

All voted in favor. MOTION TO AMEND CARRIED.

Ms. Samples moved to amend Section 17-725.1, which is a table, to add the South Carolina State Tree, the Palmetto tree, to the list of approved replacement trees. Mr. Courtney and Mr. Stevens second.

Ms. Samples said it's our State Tree, it's a Palmetto tree. If you want to use it to replace something, go ahead.

Mr. Courtney showed a PowerPoint presentation to show why the Palmetto tree is so important in some areas. He said I'd like to show some pictures that clearly show why it is very important to support Ms. Samples' motion. I went to all of our areas around town and spent a lot of time looking at these areas. We have R1, R2 and R3. These districts have smaller lots, lot large lots, and there are some larger lots in the R1 district. (There was a pause while the projector was repaired.)

Mr. Stevens said while they're working on the projector, I might add that we had a citizen get up and say that the [Palmetto] tree was used for a fort. That's a pretty strong tree to take cannonball fire. If it's that's strong, I'm all for it. Mr. Ott said while we're waiting I could add that the reason is because it's like a stack of straws. If you look at it from the top, and that's why it compresses when hit with a cannonball, and springs right back.

The projector was repaired and the presentation continued. Mr. Courtney said starting off with the R3 district, this is why I want to bring this to your attention. I looked around a lot of your houses
to see how this tree ordinance would affect us. This is a very hard decision. Probably one of the toughest ones since I've been on council. When we're changing an ordinance, I was never a big fan about changing an ordinance. I always like to amend them, if I was going to do anything with them. But as we look into the R3 areas and this is new development that was built, as you'll see, this is R3. We have stormwater swales required on both sides of the home. The setback is 5 foot. Stormwater grate is located in the rear of the yard. Lots are typically 3,500 to 3,600 feet. He referred to a photograph and said you'll see if any of these Palmetto palms were to go down, and the homeowner had to replace it with an oak, there'd be no room for the roots to grow. As roots grow from a Palmetto tree, they go down in a small ball and actually absorb water. They love water; palm trees love the water. As far as shading goes, I particularly like the palm trees when I go on vacation. I like to sit underneath one. They're beautiful and I like it. These homes were built last year (showing more pictures). There is no way you could put an oak tree over there with the [spreading] of the root system, it's going to go underneath the foundation of that home. There is no way you can put an oak tree between those two houses with the setbacks. The property line over here runs right in between [the houses.] There is absolutely no room for it. So if this owner had to replace this tree from the replacement list he would not be able to do that. It would be impossible. [The roots] would crack their foundation. The other side of the house has a swale. An oak tree would rot out and fall over if it was in that swale, because it would be saturated. The owners put palm trees in here near the swale. They also have electrical here. In the R3 district it's not even possible to put a replacement tree that's on the list. The property shown in the picture had a patio and a drainage system running at the back of the lot. An oak tree would impact the drainage system. I just don't see how it's possible to not have the Palmetto tree on the replacement list.

Mr. Courtney showed pictures of the rental areas on Surfside Drive. This area is beautiful, and said this is where we make our money. It's where people want to come on vacation. They are coming here for palm trees. If they want to see oak trees, there are plenty of places to go, like Conway. But as you can see here looking at where those homes are there is no where you can put oaks in there. So if any of these trees go down, how is that you can put an oak tree there with the canopy and with the root system. It's just not happening. You put an oak as a replacement tree, it's going to break up the foundation, and even the drainage system. This is a major concern with that amendment that Ms. Samples added to it. Mr. Courtney continued showing other examples of lots upon which oak trees could not be grown and encouraged council to support the amendment to allow Palmetto trees as a replacement tree, and gave an example of how he tried to save an oak tree at his house which is in an R3 district, but was unable to do so.

Mr. Ott asked if the Palmetto was the only palm tree allowed. Ms. Samples said there are actually five palms trees that are indigenous to South Carolina, but they're all called Palmetto trees.

Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Samples and Stevens voted in favor. Mr. Johnson voted against. MOTION TO AMEND CARRIED.

Ms. Samples moved to amend Section 17-725 tree replacement, existing residents will only be required to replace trees if a landmark tree has been removed. Mr. Courtney second.

All voted in favor. MOTION TO AMEND CARRIED.

Ms. Samples moved to amend Ordinance 17-0839, to delete any reference to the tree mitigation; delete Section 17-730 in its entirety and replace it with 'Section 17-730 Penalties. Penalties for failure to comply with this article shall be determined by the current nursery market value, plus installation cost based on the average cost from three nurseries;' Section 17-740 delete the entire paragraph beginning 'All fines collected' and replace the paragraph with 'All fines and penalties collected as a result of enforcement of this article shall be placed in the general fund;' and finally to direct staff to transfer the current balance in the tree mitigation fund to the general fund. Mr. Courtney second.
Ms. Samples said this is just a housekeeping item to ensure that any monies that are collected from fines are placed into a tree mitigation fund, which is part of the general fund, which is where it should've been all along as opposed to a separate fund.

Mr. Johnson said I would just like to make the comment, I’m the kind of guy that sits up here and I don’t like changes at the last-minute, and this is what is happening now. Although this is the first reading, this is the first I’ve heard all of these changes, and I don’t know if it’s a lack of respect for fellow councilmembers or what. It is first reading, and we can always bring back.

Ms. Samples said I may respond to Mr. Johnson. Mr. Johnson please no disrespect intended. This is what we do. We get an ordinance. We review it, and we make motions to ordinances for those things that we would like to see changed. There’s no other opportunity to do that, except for these types of meetings. Mr. Johnson said that is correct.

All voted in favor. MOTION TO AMEND CARRIED.

Mr. Courtney moved to amend Section 17-740 to delete the sentence ‘Any person or entity who violates any provision of this article shall have committed a misdemeanor;’ and add ‘Any person or entity who violates a provision of this article shall receive an immediately stop work order on the project for a minimum of 30 days not to exceed 120 days.’ Ms. Sample second.

Mr. Courtney said I want to be honest with you, in all my years of law enforcement, I’ve enforced laws and ordinances. When you go to fill out a job application and are asked if you ever committed a crime, what they’re talking about is a misdemeanor or felony. To have someone charged with a misdemeanor [for cutting a tree or limb] to me is a little excessive. It’s absurd. You’re talking about someone that could come from out of state who owns a second home here that does not know the ordinances and by accident cuts a limb, and then they are charged with a misdemeanor. Are they going to be taken down to J. Ruben [Detention Center] and put an orange jumpsuit? Is their picture going to be put on the public page and be sitting inside the jail asking why I am here, because I cut a tree branch down. If it’s a misdemeanor, it goes on your permanent record, and I don’t think it’s right, and just don’t see how it could be. I’ve heard conversations that this has to be according to the state law. We are our own municipality. We’re setting the ordinances. I don’t see why it has to be any more than a stop work order. By doing the stop work order this whole ordinance was originally started because the contractors were clear cutting. It really didn’t have much to do with the homeowners, and it was to stop the contractors from clear cutting by hitting them with a fine. [The contractor who developed my neighborhood] took down every tree around me to build homes they put 12 new homes. They had no problem paying a fine of $200 a tree; they made $1 million on those houses. To pay a $6,000 fine was nothing to them. Giving a homeowner a stop work order for 30-120 days would really hurt them, because they’ve gotta stop the job, and those guys gotta move on. That’s how you stop it. I cannot support giving someone a misdemeanor for this.

Mr. Ott said I need to clarify that in the past amendment that all fines have been removed, except the fine for removing a landmark tree, which remains at $10,000. The other ones were removed because the amendment stated we can cut any diameter tree without a $500 fine, because we don’t need a permit the removing of un-protected trees. Fine for removing a protected or specimen tree without a permit for 4 inch caliper tree is removed, because you don’t need a permit. Fine for failure to obtain a permit is removed, because you do not need a permit. Am I correct with that?

Ms. Samples said Mr. Ott, we have not made a motion to remove fines. Penalties should not be an issue for an existing homeowner, because we’ve just made it easier for an existing homeowner to go in and take care of business.
Mayor Childs said discussion should be on Mr. Courtney’s amendment. Mr. Ott said he’s amending 17-740 penalties. I need to understand this before you vote. Mr. Ott continued saying that said that we didn’t remove fines, but we removed the object of obtaining a permit, for which most fines are incurred. Ms. Samples said as I understand Mr. Courtney’s motion was to only change the misdemeanor infraction. His motion did not include any fines. Mr. Ott said he did bring up Section 17-740 penalties and these articles within that article have been removed so that needs to be included in Mr. Courtney’s amendment. Ms. Samples said the previous motion as it related to the housekeeping item in the tree mitigation fund, Section 17-740 deleted the entire paragraph beginning ‘all fines collected and replaced’ and replace the paragraph with ‘All fines and penalties collected as a result of enforcement of this article shall be placed in the general fund.’ We were talking about where the money was going. Mr. Ott said the only the only monies that’s going to be going into a mitigation fund is the only fine left $10,000 for cutting a landmark tree, so you might as well throw that one out.

Ms. Samples said there are fines that exist (**) as stated in Section 17-730 penalties for failure to comply with this article shall be determined by the current nursery market value. Mr. Ott said he was talking about the amendment that allows a homeowner to cut down any tree on their property without a permit that effectively eliminated fines.

All voted in favor. MOTION TO AMEND CARRIED.

Mr. Stevens moved to amend Section 17-725 tree replacement for permitted tree removal, paragraph (c) new construction must meet a minimum diameter of 7 inches or 22 inches in circumference to add ‘for a minimum of three trees 2 inches in diameter 6 inches in circumference are greater on the property can count towards any required replacement.’ Mr. Courtney second.

Mr. Stevens said this is real simple. We are putting one standard on existing residents and then were putting another standard on new construction. So a contractor who comes to build in Surfside has to put in a 7 inch tree under retained trees and 22 inches in circumference, which runs a cost of $4,000 to $7000, but existing residents can put three trees 2 inches in diameter. This gives the person the option to put a 7 inch tree or they can put it in three trees 2 inches in diameter, just like the existing residents. This is fair to the new owner who’s building a house, but we’re given an option.

All voted in favor. MOTION TO AMEND CARRIED.

Mr. Stevens moved to amend Section 17-741 mitigation required for removal of trees without a permit to delete ‘any tree removed without a permit must be replaced with twice the inches removed, and shall be replaced with species listed in Table 17-725.1 of the Town Code of Ordinance’ and replace it with ‘any tree removed without a permit must be replaced with equal the inches removed, and shall be replaced with equal the inches removed and shall be replaced with species listed in Table 17-725.1.’ Mr. Johnson second.

Mr. Stevens said it was very simple. After reading this ordinance, I thought if I was building a house and a tree was in the middle of my property right where my house sits, or my commercial property has a tree where the building sits, it would be a costly burden for owners to replace twice the inches cut. I realize there are people that come here that do not know our laws. (**)

Mr. Ott reiterated that permits were no longer required, so in his opinion the point was moot. Mr. Ott said the ordinance should include that you may not cut a landmark tree.

Mr. Courtney asked if the amendment applied to a new home being built on a vacant lot. Mr. Stevens said it could be a new or existing home or a business. You will be fined if you cut a landmark tree without a permit, and currently you would have to replace it with 36 2 inch trees. That’s a jungle. If you plant ten 7 inch trees, that would cost $40,000 - $70,000.
Mayor Childs, and Councilmembers Courtney, Johnson, Samples and Stevens voted in favor. Mayor Pro Tempore Ott voted against. **MOTION TO AMEND CARRIED.**

Mr. Stevens moved to amend Section 17-724 guideline for remote pruning or removal of protected, specimen and landmark trees in the third column of the table, sentence number 2, to state the planning, building and zoning department and code enforcement officer will allow a tree to be cut when it is determined by a professional surveyor who is licensed to do business in the Town of Surfside Beach, or an engineer for the owner of a residential or commercial property when the following conditions are present: (1) That the protected tree or landmark tree cannot in any way escape the building footprint of a residential building or a commercial building by movement of the building in any direction; (2) That protected or landmark trees would prevent the land from being used either residentially or commercially by the owner, builder, or contractor; (3) A minimum of four replacement trees shall be planted with at least two trees being the same species of the protected or landmark tree removed; said trees shall meet the guidelines set forth in Section 17-725; (4) A release shall be given to the owner, builder, or contractor releasing them from any liability created by cutting of the protected or landmark tree. (5) Replacement trees shall be planted prior to final inspection and issuance of a certificate of occupancy.” Amended by approved motion to state (verbatim; Mr. Stevens’ written correction is filed with the approved minutes):

G: IF IS ASCERTAINED AND DETERMINED BY A PROFESSIONAL SURVEY BY A LICENSED LAND SURVEYER [SIC] LICENCED TO DO BUSINESS IN THE TOWN OF SURFSDIE BEACH OR A [SIC] ENGINEER SO LICENSED; OF A RESIDENTIAL PROPERTY OR COMMERCIAL PROPERTY THAT THE FOLLOWING CONDITIONS ARE PRESENT AND THESE CONDITIONS ARE PRESENTED TO THE DIRECTOR OF THE BUILDING DEPARTMENT AS DOCUMENTED.

1. That a tree, be it a Protected Tree or Landmark Tree, cannot in anyway escape the building footprint of a Residential Building or a Commercial Building by Movement of the building in any direction, and that Protected or Landmark Tree, would prevent the land from being used either Residentially or Commercially by the owner, builder or contractor; then the following will take place.

A) The Director of Building and Code Enforcement Official **Shall Verify the Survey Data by the License Land Surveyor, Engineer or Landscape Architect as Factual.**

B) The Owner, Builder or Contractor **Shall Not Be Required to appear before the Board of Zoning Appeals** and the Director of the Building Department and Code Official **shall issue a release excusing the Owner, Builder and or Contractor from the BOZA Hearing.**

C) The Owner, Builder or Contractor **Shall plant at a minimum 4 trees,** with at least two shall be the same Species as the Landmark Tree that was removed. The Trees that are planted as replacements shall meet the guidelines set forth in SECTION 17-725. Tree replacement For Permitted Tree Removal of Ordinance 17-0389, and shall be planted prior to Final Inspection and Certificate of Occupancy are issued.

Mr. Ott second, and said that everyone needs to understand that this tree is in the building envelope and cannot be saved.

Mr. Stevens said an owner, builder or contractor should not have to go to the board of zoning appeals and waste time when a tree is stopping construction. But planning building and zoning director and the code enforcement officer have to agree that the tree cannot be saved. Why waste a man’s time going to board of zoning appeals when he could just go ahead build his house. It doesn’t make sense to
require somebody to waste their time when it could take up to three months; time is money in the
building industry.

Ms. Samples said I support that. The only thing that I would like to address is you mentioned the
PB&Z director ‘and’ the code official; should it not be ‘and/or’? Mr. Stevens believed two people should
verify the facts. Ms. Samples said sometimes that was difficult, but I have no problem sending it to
second reading.

Mr. Ott said it was a person's property and they should not be made to move their house on a
weird angle to save the tree, if it is not to their liking. It's their property; their home being built, they
would want to save the tree, then they could do it, but it should not be mandatory to move it and have
the house sit all the way over the other side of the setback.

Mr. Stevens said I understand Mr. Ott's comment. I had a big oak tree in front of my house and I
did everything possible to save that a tree, because that gave character to my lot. Most people will do
everything they can to save the big oak tree, and anybody that has a nice house or is building a nice
house wants a beautiful tree beside their house, and you do everything you can to save it. But if they can
get out of footprint, why waste your time.

Mr. Courtney said I have to agree with that because there have been many times that we heard
on the board of zoning appeals when houses had to be moved to accommodate trees and the
homeowner had no choice but to lose their backyard to meet a setback, or even to move it forward to
the street line.

Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Samples and Stevens
voted in favor. Councilmember Johnson voted against. MOTION TO AMEND CARRIED.

Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Samples and Stevens
voted in favor of adopting the primary motion as amended. Councilmember Johnson voted against.
MOTION CARRIED AS AMENDED.

C. First Reading of Ordinance #17-0840 to add §17-222, Paragraph 5, Board of
Zoning Appeals to Hear and Decide appeals to remove a Landmark Tree, Director Morris.

Mr. Ott moved to adopt first reading of Ordinance #17-0840 to add paragraph 5 to Section 17-
222 that the board of zoning appeals has the permission to hear and decide appeals on the removal of
landmark trees. Mr. Courtney and Ms. Samples second.

Mr. Stevens said I move to amend Section G, when a landmark tree cannot be out of the
footprint of a building, the same criteria apply, i.e. ['the planning, building and zoning department and
code enforcement officer will allow a tree to be cut when it is determined by a professional surveyor who
is licensed to do business in the Town of Surfside Beach, or an engineer for the owner of a residential or
commercial property when the following conditions are present: (1) That the protected tree or landmark
tree cannot in any way escape the building footprint of a residential building or a commercial building by
movement of the building in any direction; (2) That protected or landmark trees would prevent the land
from being used either residentially or commercially by the owner, builder, or contractor; (3) A minimum
of four replacement trees shall be planted with at least two trees being the same species of the protected
or landmark tree removed; said trees shall meet the guidelines set forth in Section 17-725; (4) A release
shall be given to the owner, builder, or contractor releasing them from any liability created by cutting of
the protected or landmark tree; (5) Replacement trees shall be planted prior to final inspection and
issuance of a certificate of occupancy.' Amended by approved motion to state (verbatim; Mr. Stevens'
written correction is filed with the approved minutes):
G: If is ascertained and determined by a professional survey by a license land surveyor licensed to do business in the town of Surfside Beach or a licensed engineer so licensed; of a residential property or commercial property that the following conditions are present and these conditions are presented to the director of the building department as documented.

1. That a tree, be it a protected tree of landmark tree, cannot in any way escape the building footprint of a residential building or a commercial building by movement of the building in any direction, and that protected or landmark tree, would prevent the land from being used either residentially or commercially by the owner, builder or contractor; then the following will take place.

A) The director of building and code enforcement official shall verify the survey data by the license land surveyor, engineer or landscape architect as factual.

B) The owner, builder or contractor shall not be required to appear before the board of zoning appeals and the director of the building department and code official shall issue a release excusing the owner, builder and or contractor from the BOZA hearing.

C) The owner, builder or contractor shall plant at a minimum 4 trees, with at least two shall be the same species as the landmark tree that was removed. The trees that are planted as replacements shall meet the guidelines set forth in section 17-725. Tree replacement for permitted tree removal of Ordinance 17-0389, and shall be planted prior to final inspection and certificate of occupancy are issued.

Ms. Samples second.

Mr. Ott asked Ms. Morris if the tree was out of the building envelope, but still within where a swimming pool could be put. Ms. Morris said a swimming pool could be five feet from any setback. Mr. Ott said if the tree was located in the area for a swimming pool, the owner would need to appeal to the board of zoning appeals. Ms. Morris said that is correct, unless it is amended to say that. Right now, the code requires a permit to be issued before any tree removal.

Mr. Stevens said for clarification, the amendment only applies to buildings; it does not apply to swimming pools, driveways, or anything else.

Mr. Ott said he was clarifying that there were reasons to appeal to the board of zoning appeals.

Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Samples and Stevens voted in favor. Councilmember Johnson voted no. MOTION TO AMEND CARRIED.

Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Samples and Stevens voted in favor. Councilmember Johnson voted no. PRIMARY MOTION CARRIED AS AMENDED.

D. First reading Ordinance #17-0841 to amend Chapter 13 fees as relates to Ordinance #17-0840, Director Morris.

Mr. Ott moved to adopt first reading of Ordinance #170841 to amend Chapter 13 fees as relates to Ordinance #17-0840. Ms. Samples second.

Ms. Morris said the planning commission recommended waving the fees for existing residents for the removal of trees, once approved by the enforcement official. The commission also recommended waving fees for those having to request an appeal for trees from the board of zoning appeals, and during
the review of the ordinance, Chapter 13 ordinance for fees was found to contain errors and omissions that need to be corrected, and request that those also be approved. The business committee also recommended the removal of fees for tents and temporary signs, and Mr. Pellegrino is the liaison for that committee, and he asked that I add that to this ordinance as well.

Mr. Ott said as I read this it says it does not just pick out any particular trees; it says all trees. I’m not so sure that we didn’t know how this will apply anymore, since the amendments were put in, but you’re removing all fees. It cost what, between $40 and $50 for each hearing, because it’s mandatory to advertise in all local newspapers. If there could be multiple hearings, now that would end up costing the town quite a few dollars on each hearing, if you could have the five or six hearings a month, and over a period of the year, you be in the thousands on that. I want council to understand that that could happen, and there were other things in there. Fees associated with tents and temporary signs, too. You’re not bringing the tents to the board of zoning appeals? Ms. Morris said no. Mr. Ott said but they’re all wrapped into this one ordinance. Ms. Morris said while we were making the recommended changes to the trees, we found that there were some errors in Chapter 13, so we just made them all at one time, so we wouldn’t have to come back. Mr. Ott said I understand the dropping of the fees, and I just didn’t know if the citizens of this town want to handle the cost for every hearing, because somebody wants to have a request to appeal a tree, but I believe that if I recognize the amendments that have been made tonight, I don’t think there will be any hearings. Ms. Morris said right, and we’ll make those amendments on this, as well.

Mr. Stevens asked for clarification on the use of tents, and open display temporary signs, that’s only for the business district. Ms. Morris said that’s correct; the tents, portable banners and things like that have nothing to do with the board of zoning appeals. The amendment is to waive the $30 permit fee for a business to have a temporary tent or banner.

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

**E. RFP Award – Pier Design, Administrator Fellner.**

Ms. Fellner presented the decision paper and explained the purpose is to award the RFP (request for proposals) for design and engineering services and construction support services for the pier. This company would be our structural engineer. The recommendation is to award to Collins Engineers, Inc. They were not the lowest bidder, but they were very close to the lowest bidder. The rationale for the decision is Collins team has had much requisite experience in the evaluation design of overwater structures, and in water structures. Collins team has outstanding referrals for quality and responsiveness from Charleston County and the South Carolina Ports Authority. Collins team has had key staff working together on large projects for many successive years. They have a very deep bench and Collins team of key personnel required for the project utilizes fewer subcontractors than their competition. I might say that I asked our team of FEMA specialists to look at the four bids received, and to point out anything that Mr. Adair or I might not consider, since they have engineers on staff to do that.

Ms. Samples said I support staff’s recommendation. Mr. Johnson agreed. Mr. Courtney said I do, as well.

Mr. Stevens asked where Collins Engineer was located. Ms. Fellner said Charleston. Mr. Stevens asked if they ever built piers before. Ms. Fellner said yes, they have done many pier projects before. Mr. Stevens asked for locations where Collins built piers. Ms. Fellner said Boston, and Charleston are the only place I remember, but I will be happy to go back through the RFP and send the information to you. Mr. Stevens said he would like to know, because I have to go to Charleston and I would like to go and look at the pier.
Mr. Courtney asked if there is a timeframe for completion. Ms. Fellner said no, and what's going to happen very quickly in the next two months is when you bring on your structural engineer that starts all the processes working. Like I said, I think within the next two months is a reasonable timeframe when they will start talking to council, and we will have two public workshops at least to show people financial options, possibly rough renderings, and also to give council and the public the time to ask any questions so that council can make an informed decision on this, and determine how they want to proceed.

Mr. Stevens asked if materials were chosen to rebuild the pier. Ms. Fellner said no, we would be guided by our structural engineer.

Ms. Samples moved to award the RFP to Collins Engineering, Inc. Mr. Ott second. All voted in favor. **MOTION CARRIED.**

**F. Motions and/or directions to Town Administrator from Executive Session.**

Mr. Johnson moved to direct the town administrator to enter into land purchase negotiations as directed by council. Mr. Ott second.

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

**8. TOWN COUNCIL DISCUSSION – Any matters of concern or information to be discussed.**

Mr. Stevens said I have an announcement, Coffee with a Cop will be held at the Far Rockaway restaurant on 8th Avenue South on or around the first or second week of June. I just wanted to let the citizens know that if they want to attend Coffee with a Cop, the coffee will be free. Some other refreshments might be available, too. Far Rockaway also offers a breakfast menu.

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

Ms. Sandra Elliott, 5th Avenue North: I'm going to hit on a few subjects. I haven't been here too much in the last nine months because I've been studying the Bible at my church. But for the last two meetings that I have seen, I really don't see transparency here. I mean, we had a contract the last meeting concerning our engineer, and finally by Mr. Stevens, I'm sorry to call his name out, we got a price. All right, we were tonight talking about Collins Engineering that were going to award. I hope you knew a price, but I think as a taxpayer we the audience would like to know. You talked about the IT contract last time. We don't how much the price was and it's for five years. I think you talk around the subjects, and I find it very offensive as a town representative and as a retired municipal, county and state employee. Where I came from we at least give the whole report to the people. You're like leaving us out of the conversation, but you want us to pay our taxes so that you can do these things. There's another thing, I realize you're the council, you can do what you want with the tree ordinance, but my question is as a homeowner are our people and our residents going to make sure that the contractors coming in to do the trees are licensed in Surfside, that they're bonded and insured, so that we as a municipality, we do generate income from that, and if we're not gonna have income generated from that type of contractor, are we going to make all the other contractors have a license in our town to support us, because you're looking at large sum. I don't think from tree contractors. I don't know what exactly what the tree contractor's license bring, but I do know license locally brings in $700,000 and I do know that permits bringing around $250,000. I'm not saying that's from trees. I'm just saying that's what it is.

Mayor Childs speaking to Ms. Sherry Wardle: Ma'am, would you please have a seat. The last two meetings I've asked you to stop talking about personnel matters. You continue to do it. I had to have a police officer stand behind you at the meeting before last, and I'm sorry I will not recognize you tonight.
Mr. Ott called point of order. I don't think you can stop anybody according to the Bill of Rights. Mayor Childs said I can stop it. I'm the moderator. Mr. Ott said you can't punish a person forever. Mayor Childs said I'll [recognize you], but if you mention personnel names, I'm gonna have to have you sit down. I'm the moderator, Mr. Ott, and I can recognize who I want.

That is also interesting because at the last meeting I got up after Ms. Holly Watson who specifically talked about a personnel issue when she mentioned public works director John Adair in signing these multimillion dollar contracts and that she felt that that was, that he didn't have the credentials to do so. I don't know if you were all asleep during that, but not one of you stopped her. Not one of you said anything, and I get up and I start to speak Councilwoman Samples has to stopped me maybe three or four times. So you know what, not only is this censorship, but it is discriminatory. (**)

Ms. Herrmann asked the speaker to please identify herself for the record.

My name is Sherry Wardle, and I'm on 1st Avenue North: Now you can tell me that I can't speak. But that's okay, because I will find a forum that will listen to me that censorship is alive and well in Surfside Beach. Now, which do you prefer? Mayor Childs, ma'am, I just don't want you to use names. You can continue use names. Ms. Wardle: Why can't I Use names? We all have names, I had to give my name. I just had to give my name. Mayor Childs: We just want to know who is speaking. Ms. Wardle: I think everybody has a name. At the last meeting before I was interrupted I was about to discuss the issue we were made aware of regarding a junior firefighter who performed CPR on a man who later died. When asked if this was true, that she indeed knew about the incident, and kept it secret from...

Ms. Samples called point of order, asked Mayor Childs to please instruct the officer. Mayor Childs said ma'am. Ms. Wardle: Apparently want to hear what I have to say. Ms. Samples: You're still talking about a personnel item. Mr. Ott said well, she's making reference to something that was spoken about in open forum. Ms. Wardle: I'm making reference to an incident that was posted in the newspaper. Mr. Courtney said I would allow her to speak (**). Ms. Wardle: Am I able to get my time clock started because I've been interrupted a couple times here. The incident was kept secret from the town and the administrator did hesitate and eventually answered yes. She stated that she wanted to explain privately to council her reasons. We still don't have a legitimate reason as to why the town wasn't informed that town policies were violated in this incident and that the junior firefighter shouldn't have been allowed to perform the emergency procedure on the patient and wasn't even supposed to be within 25 feet of the patient on a medical call. According to the article, former mayor Samples knew about it and former fire chief Anthony Fox was relieved of his position because of it. I'm still rather confused as to why the fire chief was terminated when the article stated he wasn't even present. Once again more unanswered questions. I think it was obvious by the way people reacted at the meeting when this article was revealed that this incident was kept secret for two years. You had to know that we were outraged. Was this the first time this happened or was it just the first time that someone died? Just because the junior firefighter was CPR certified it doesn't mean that she performed it correctly. In the absence of trained medical professionals, I would want someone to do whatever possible to save the life of my loved ones, but if I call the professionals you best believe I would expect that they would administer the life-saving procedures. Now what if your teenage daughter, what if it was your teenage daughter who was put on the spot in that emergency? Our town had an obligation to protect her. Not to put her at risk, or allow her to use an individual in a life-and-death situation as a guinea pig. I'm guessing that we should have had some sort of policies in place regarding the junior firefighter program and I'm asking council now to investigate the issue and share with us information on what policies were in place, which were violated to violated them; what were the consequences to the staff involved; what were the consequences to the town, and what measures are being taken to prevent harm to the citizens of this town and the youth who participate in this program. The taxpayers in this town pay the salaries of this administration. I believe we have a right to know what's going on and a right to our opinions. And speaking of opinions, thank you Councilman Stevens for your article regarding the Aldi grocery store chain. It's too bad that our town is more concerned with securing five-year contracts for engineering and IT services than it is for economic development. It seems to me that those services are for the administrator's benefit and not for this town.
Quite frankly, I’m a little confused at what I heard tonight that we don’t, or that the administrator did not
issue a contract for the engineering firm or was it the IT firm that council voted on accepting, So I’d be
little perturbed about that. Furthermore, I’m still alarmed by the number of weeks now months that have
passed since the conscientious citizen who came up here brought up the matter of the check 72167 for
$9,999 to Clemson University Foundation written 12/9/16 [sic]. Perhaps this is why you don’t want me to
speak. There’s still no proof that it’s legitimate. Isn’t council the least bit curious why the administrator
wrote a check to a charitable organization, and she wrote it just under the amount needing council
approval? (Time ended) Mayor Childs said continue, we owe you a minute. Ms. Wardle: Thank you. Well,
I’d like answers to that question, and I’d like written proof of what we received for it. And lastly, I’d like
to recall Councilman Stevens’ concerns regarding the police chief focus group where he asked why no
members of council were asked to serve on the group. Administrator Fellner responded with something
about some sort of ordinance. I’ve been searching the website, and I haven’t found anything or any
ordinance which addresses the focus group for a contracted executive position in this town. Frankly, I
don’t see the need for focus group. I don’t know how much it’s going to cost. Again we’re talking
transparency. How much this gonna cost the town? And you know, I don’t see the need for it, because in
a council form of government, such as we have here in Surfside, the administrator may make a
recommendation but council has the final say through voting process. So this practically eliminates the
need for a focus group. Well, thank you all for listening, and I hope my concerns are gonna be addressed
at the next meeting.

Ms. Holly Roesing, 11th Avenue South: Good evening, council. I’ll be on the agenda in two weeks
for a Lyme Disease awareness event that we’re gonna be doing September 30th, so I’ll be seeing you for
that with some more information. What I wanted to talk about was the recent spring break. We just had
a lot of our Surfside residents have been complaining about holes being left on the beach, so it’s more of
a responsibility to our eco-culture of our sea life, so several of us wanted to know if we could have
education put in place for the upcoming tourist season, possibly in the form of the rentals; the people
who have the rentals, if they leave like a brochure for their rental tourists that come in that maybe they
can put some education in there, and have Surfside sponsor some kind of a campaign that talks about
the holes being left on beach, which is not only for the safety of the residents walking at night and some
of these wholes are rather large. I took some pictures of them and posted them on the Surfside page.
But of course [the holes] trap the sea turtles coming in, and if they get trapped in the holes then they
can’t get back out. So if there is a way that the council can propose or do some type of a campaign for
that and then the other option was maybe underneath the lost child signs, which may be the people who
are digging these holes are kids and families, maybe underneath the sign, because they’re gonna be
looking for that lost sign, maybe there can be some type of the little sign added about filling in your holes
before you leave at the end of your beach day. And that’s just something for protecting our environment.
Thank you.

Mr. Tom Dodge, 15th Avenue North: Could we the citizens be told if there are any current,
pending, or possible lawsuits against the town. It’s been about six months since I asked that question
before, so I’m asking it again, and are the Cahill and Sifonios lawsuits still pending? If not, what was the
outcome? If so, where does it stand? It’s called transparency. Will the town receive restitution pertaining
to the town employee who embezzled my money and the money of the people sitting behind me. What is
the status of that case? Can you tell the town anything? It’s called transparency, and finally thank you
council for getting rid of DDC.

Mr. Ken Podraza, 10th Avenue North: I’d like to thank Town Councilmembers tonight for
modifying the tree ordinance. I think it’s gonna allow homeowners to better maintain their property and
actually improve the look of the property and the value of the property. Thank you.

Ms. Kathy Goddard, 15th Avenue South: I haven’t been here for a while because my husband
and I were both ill. We’re feeling a little better. But in the last two weeks, we’ve had a problem on our
street. We have a lawn service, Pritchett, Travis Pritchett. A good Christian boy. Mr. Mayor is well
acquainted with him, and a few others in town. But he's got a big rig. and he does five of my neighbors',
elderly neighbors, yards. He comes in. He's there 15 minutes and he's gone. Friday before last, I watched
him. I was at the window. He pulled up and there was a patrolman right behind him. He pulled against
the berm, and he wasn't even out of the truck and I saw the officer not get out the car by he said, 'hey
you've gotta move that thing off the road.' Well, with a big rig and a big truck and nowhere in our
neighborhood to move the vehicle, we need to make a little ordinance change on parking on the road for
some of these vehicles, because when there's no place to put the vehicle what is he supposed to do. He
can't fly it. He can't elevate it. He can't move it, and he can't drive it around the block when his workers
are trying to cut five lawns. He can't keep moving it. It's got to be parked to get the equipment on and
off. He doesn't block the road. But I spent the morning with Ms. Fellner yesterday, and I was showing
her some pictures [taken] up the road. Not a word said to them; the whole road was blocked, non-
passable. I haven't seen a policeman on the south end forever. But on my house they're there; targeted.

Purely targeted. Last week again, Bill and I went out. There they are again as soon as the boy pulled up
they were there right behind him again to tell him again, you're gonna get a ticket this time. Now I'm not
going to put up with it. I'm not going to be bullied, and somebody with the spine better come up to what
they're pulling. If you want me, you come for me. I'll gladly meet you, but I am not gonna be bullied by
somebody that still has a hard case of something, because of a political sign or a vote, or whatever. I'm
at the point with an attorney that I will end this. I don't need anybody looking in my background. I don't
need anybody from this town doing anything. If you want to know something you come get me. I'll
gladly lay it out, but somebody's gonna be in big trouble if they keep it up, and that's a promise not a
threat; a pure promise. That's all I have to say, but I think this town better get a little ordinance change
because a man cannot pull up and stay off the road. If he goes off the road, he's going in the ditch with
a big rig. He wasn't blocking traffic. He wasn't doing anything; just trying to make an honest living, he
pays his business license to this town; that does a good living in this town; that tries to do things
legitimately, where my neighbors have fly-by-night's come in here and leave their garbage on the side
the road for the town to pick up. That is illegal. This boy takes every stick away with him. He does it
right, and he's the one somebody's chasing. Wrong; it's just wrong, and I'm not gonna stand for it. So I
would ask you to at least put a little twitch and that little amendment and try to fix it for some of these
people that that have these rigs. Thank you.

Ms. Carrie Johnson, Harbor Lights Drive: Well, I don't know if anybody else is confused as I am
about this tree ordinance, but I don't know which end is up and what's back and what's front. So, I'll be
interested to find out once I look at all the changes after it's kind of been torn apart. Glad to know we
have an arborist now on council that can tell us what trees need to be planted and where they don't, and
which ones are going to damage foundations, and which ones aren't. It's good to know that. As far as
the Palmetto tree goes, you're talking out of both sides of your mouth, which is not unusual for some on
council, as well. The reason that we took it out was because it is not a protected tree. So now you're
replacing a protected tree with an un-protected tree, and so that's contradictory. I'm not sure that a
couple things you did are even legal. They may be, I don't know, but I would question it. By overruling
the state with the misdemeanor, and also giving the planning and zoning department the authority to
grant variances; it may be legal, I'm not sure. But I hope the whole thing doesn't come back to bite you
like to overlay did. We sent the overlay to you. You tore it apart. Relaxed it all. Consequently, the
businesses went elsewhere. They didn't come to Surfside because they liked the strict overlay. So they
went to the county. So now you're sending it back to us [the planning commission] to make it strict
again. So, I hope the same thing doesn't happen with the tree ordinance. Thank you.

10. TOWN COUNCIL COMMENTS.

Mr. Ott said I believe the question was about the structural engineer; you can't start anything
without having a structural engineer on the job. We have no idea yet how much money were going to be
receiving, so we can actually do a pure design. The questions about the focus group, I don't believe the
focus group is needed. I did the state that before. I don't know how we brought in the ex-police chief
who quit and left. Now were going to bring him in here to pick his replacement. I don't agree with that at
all. The people need to have a good police chief brought in here. That is essential, and I believe that the
guy that sitting in there now and is our interim is a pretty good police chief. Lawsuits. I would love to
know, too, what lawsuits are active, what has been brought back, or has never been closed, or whatever.
I'm sure our planning and zoning officer will give us that information. As for somebody being targeted in our town, I
really hope that hasn't happening at all. I can't see that we are; I would like the change this town to the
'Friendly Family Beach' and just not the 'Family Beach.' The overlay, yes, we did. There's a couple of
people here that weren't on the council, and we agreed with the original overlay, and there needs to be
much more besides it an overlay brought here to bring businesses here and have people that want to
invest money. As for the bloodletting on the tree ordinance, some things had to be done. We'll see it
before the second reading, and we're going to be able to read this now, and see what it looks like when
it's in print. Thank everybody for coming out and we will always allow people to speak at that microphone
as long as on here. Thank you very much.

Mr. Courtney said I'd like to thank everybody for coming out. As far as the tree ordinance goes,
when I was campaigning everybody that was out there was talking to me about making changes. They
wanted a little bit more freedom with cutting the trees, and letting them prune their trees, and take care
their property. I don't think there's anyone in this town that really want to cut down a tree. As I said
earlier, the ordinance came to play in regards to the contractors that were doing clearcutting.
Evidently, it didn't work. Why, it came back on the residents. The residents were the ones that were
being fined. I sat on the board of zoning appeals. I saw people getting heavy fines, and they didn't know
what they were doing. Again, it was poor education from our part, so it is the first reading of the
ordinance. It was a big task thrown at everyone on this council. It was not easy. Again, we'll go through
it. We might make some changes on second reading, we're not sure. We'll see. It was a very hard
decision to go through. As far as holes in the beach, yes, I see them out there. I think it's a good
suggestion that we post signs that covering these holes is necessary. There are a lot of them and some
of them are pretty deep. And someone could actually break a leg in them. I actually fell into one a couple
days ago. I covered it up, so it is something that has to be addressed. As far as the parking vehicles
on some of our roadways, there are ditches where a landscaping truck cannot pull over. Again, this
cannot be a selective enforcement. This has to stop. On Surfside Drive I've seen beer trucks parked 30 to
45 minutes unloading and they take up all the parking spots. They've gotta make the deliveries. We have
people who have licenses to do business in this town. They should be able to do. Again, this goes back to
what I told you earlier, I called a contractor and he asked where I live. When I said Surfside Beach, they
said 'don't want to come there.' That's because we make it hard for these contractors to come out here.
If it's obstructing the roadway where cars can't get around that's a different issue, or if it's blinding the
site, but I do believe that most these the contractors pull over on the right-of-way, and some of these
roads have ditches, which makes it more difficult to park. The overlay, yes, I'm the one who's pushing
Ms. Morris to it. I started this 12 months ago, and I saw Garden City taking off, and I brought it to
council. Council agreed, and everyone on here took part in it. We need to do something with our
overlay, because we're losing businesses. Go down to Garden City; take a ride right now, you'll see the
lights, you see the businesses. They're doing well. You'll see the businesses going up. On the south end
of town you're seeing abandoned buildings, and you see people leaving, and it's not a good sign. We
need businesses to stay strong. We need to look good. We get tourists in here, and we've gotta make it
tourist friendly. But we've also gotta make it safe. That's pretty much all I have to say. Again, I thank you
very much for coming out. Have a good night.

Mr. Johnson said as far as the parking on the roads that is not the first complaint that I've heard.
I think all of council received an email [message] this week concerning the temporary parking situation. I
think it was on Ocean Boulevard where one person's to left tires were on the pavement and they ran into
the house, and got a ticket. That's our police department, and I give them all the benefit of the doubt, I
just don't know what the situation is there. I would like to thank the planning and zoning commission for
bringing this ordinance to us. I just hope and pray that it doesn't get blown up like it could be after
tonight. There are a lot of people in town that would like to cut trees that have lived here for many,
many, many, many years. They like to cut trees and they'll burn the trees in their fire pit in the back
Ms. Samples said Ms. Wardle, I really appreciate when you come to town council and I do like when you get up and speak. I want to encourage you to do that. This is a business meeting, however, and the last few times, this is to the mayor's point, you did want to discuss personnel matters and we just can't allow that to happen for a lot of reasons, whether it be they're in the courts or we're trying to protect the privacy of people involved. So I do want you to speak, but when it comes to personnel matters, you can criticize us all you want, I'm ready. We can handle it. But those people are not here to speak for themselves or protect themselves, and that's our job to do that. So I will shout loud when people are talking about personnel matters. Ms. [Morris], business license are still required if you're gonna come in and cut a tree. You still required to get a business license, so any changes we made in the tree ordinance are not going to have an impact on whether somebody needs a business license to come into town to do business. The tree ordinance, to Mr. Courtney's point, yes, when we were out we did hear a lot of complaints about the fact that the tree ordinance was overregulated, and certainly too complicated, and we felt that we could simplify it. Back in September, we talked about it at a council meeting about the fact that we needed to simplify the tree ordinance, and that not that there were people who didn't want to cut trees down, because we know people want to cut trees down, but the majority of the homeowners don't want to lose their trees. They just want to maintain their property, and improve upon its value. And so we asked planning and zoning to take a look at it. They did. They made a great impact on it. They worked hard. They did their job. So did staff. We are appreciative of all that effort and what you gave us I thought was a good document. It just wasn't simplified enough. I felt, and I know others felt that it was still just too regulated. So we forged ahead and took what the planning commission gave us, and then it was our job to make the changes that we felt would improve upon it. You may not agree. I want existing residents, and that's what my motion said, existing residents. I want you to be able to go out and trim and prune as you see fit. If there is a tree that is bothering you for whatever reason it's bothering you, and you want to bear the expense of removing it, I want you to be able to remove it without somebody telling you can or cannot. Then I don't want it to be dictated to you how you have to replace it. So I think we have made great effort tonight. I'm very pleased with the support of council in doing with the constituency wants. I can assure you I do not have a tree I want to trim, or a tree I want to remove. This isn't about what I want. It was about what the constituency wants; what the citizens have asked us to do. I think we've made steps forward in doing that. I appreciate the hard work of council in reviewing this most complicated ordinance. Thank you very much. It's our job to do it, and I think we are doing so. Thank you all for coming out. Hope you have a lovely evening.

Mr. Stevens said thank everybody for coming out tonight. What it gets down to basically is using common sense. You make your decisions using plain old common sense. It was evident that Mr. Courtney showed that the palm trees were a valid thing to have. I think Ms. Samples made the motion for the palm trees. I'm not sure which one you did, but it was a good thing. Penalizing people as a misdemeanor. Can you imagine a preacher getting a misdemeanor, and having to go to another town and being told oh, you've got a misdemeanor, you can't preach here. We've tried to solve that. Some of the things we did tonight made common sense. If the tree is in your footprint, and you can't get it out, why should you waste your time? Ms. Wardle, I believe in freedom of speech. I believe that is the most important right that you have in the world. It's one of the Constitutional Amendments. So I support you. By the way, you can talk about me all you want to. I don't have any problem. Mr. Dodge said lawsuits against the town, I think we need to find out who is suing us, and how many lawsuits are out there. I really don't know what is happened with the Sifonios and Cahills and all that that. I don't recall, but I would like to know an update. Also the lady who embezzled, there's still a lot of things I think SLED (South Carolina Law Enforcement Division) is still working on it. I'd still like to know what the final [outcome.] Thank you for, I think one of the fellows said good work on the trees. Ms. Goddard, I agree with you a hundred percent. A
man's trying to make a living. As long as he's parking in the flow of traffic, he should be able to stop at
your house and get his work done. If he's blocking both lane of traffic, I've got a problem. But if it's only
blocking one lane of traffic, and he's halfway on the right away and halfway up, he should be able to do
his job; get the job, and not worry about it. It's just plain simple common sense. Why send somebody
out to fine the guy? These are things that we have to do as council. We have to make decisions and as
long as we use common sense, we won't have any problem. I thank you all for coming out. I thank Ms.
Morris for her hard work on the tree ordinance. I look forward to your overlay that you're going to bring
to us. I know that Mr. Courtney's been talking my ears off about the overlay, and we need to possibly
look to see how we can bring businesses into town. I'd like to see some business coming down and like I
said before, name a business, a major corporation, that's come in this town in the last 40 years. We need
the revenue, because I don't want to raise your taxes, and I'll vote against it. We need good solid
leadership bringing in new businesses in this town. Y'all have a good week, and I hope you enjoy the
sunshine. It been nice and have a good evening.

Mayor Childs said Ms. Goddard, I do agree with you on the trucks, but I don't think you meant
anybody up here or in town hall. It sounds like to me, maybe a disgruntled neighbor is the one calling the
police. I don't think anybody in town; I've never heard anything like that. Sometimes we get neighbors
that get irritated over little things, I've got a sneaking suspicion that's probably behind it. I don't know.
(**Ms. Goddard responded from the audience.) Mayor Childs said well, I know that trucks park all over.
Even on Ocean Boulevard when I walk trucks are parking blocking the sidewalks, so I understand your
problem. Holes of the beach, I would hope that if a hole goes over 4 feet deep, Ms. Fellner would have
the beach patrol tell them they'll have to fill it. I've read in the paper where people actually had gotten in
the hole and sand caved in on them. I have seen some holes out there that had to be five or six feet. The
bigger the kids, the bigger the hole. But all the same, kids get in them and they don't realize that sand
collapses. It's heavy and smothers them. I would like you to ask chief to reminder beach patrol to not
allow holes over two fees, which what I think council said. Mr. Johnson agreed saying two feet was deep.
Mayor Childs said we know children are going to dig a hole, and that's perfectly good. But I think some of
the bigger kids try to see how deep they can dig a hole, and it's very dangerous. I think the beach patrol
reminding them [would be good] as they are up and down the beach all day. Mr. Dodge, the lawsuits, I
think Ms. Fellner was taking notes, and she'll probably report back on those lawsuits at the next meeting.
Thank everybody for coming out.

11. ADJOURNMENT.

Mr. Johnson moved to adjourn the meeting at 8:50 p.m. Mr. Courtney second. All voted
in favor. MOTION CARRIED.
Clerk’s Note: This document constitutes summary minutes of the meeting that was digitally recorded, and 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 marquee.