1. CALL TO ORDER. Mayor Childs called the emergency meeting to order at 9:00 a.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Pellegrino, Samples and Stevens were in attendance. Councilmember Johnson was absent. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann, and Deputy Administrator Harrah.

2. PUBLIC COMMENTS - AGENDA ITEMS. (3 minutes).

Ms. Holly Watson, Oak Drive North: Good morning, Mayor and Council. I am against page 2 of Resolution 17-183, which will give the town administrator the ability to identify and to establish a budget for emergency expenditures, budget amendment. I don't agree with that at all. The last time we had Hurricane Matthew we used very bad judgment. We were using questionable contractors. Job costs escalated before [the] job even started and that type of thing. So I wish that you would do away with page 2 that gives unfettered access to the bank accounts without any Council oversight. In the issue, in the interest of transparency, I would like for you all to be involved in these disbursements. And I totally disagree with the 61 day hurricane emergency. I don't know any hurricane that has lasted for 61 days. I feel like you all will be on the job sooner than 61 days. I would like for you to give it a five day instead [sic] of 61. I feel like we can assess our damages and make the arrangements after five days. The hurricane will be out here next week; 61 [sic] days is long enough. As far as our representation to the Governor and others, anybody else, Mr. Mayor, we elected you to represent us. I would appreciate it if you were not to leave. We elected you to represent us and not an administrator. Thank you.

Mr. Tom Dodge, 8th Avenue South: I completely agree with Ms. Watson. Is the mayor going to leave town during this hurricane? That's a question. Mayor Childs: This is your time to speak, Mr. Dodge. Mr. Dodge: I'm asking you a question that I'd like to know if you're leaving town, you're abdicating your authority. We elected you as the mayor to lead the town, not run away. Mayor Childs: To answer your question, I usually never leave town. Mr. Dodge: Well, that's my answer. How can you put Ms. Fellner in charge? Some of you tried to fire her three weeks ago for not doing the right thing. This would be a horrible thing to put her in charge of the town for 61 days. No, this is a council form of government, not a mayor form of government, not an administrator form a government, a council form. Council has been elected by the people to run this town. We did not elect the administrator to run this town. Are any of you people up here going to leave town? If you are, it's wrong. I'm going to stay, and I don't have anything to do with leading the town. You're our leaders. We elected you to stay here. This would be like the captain of the ship jumping before all the people get off the ship. Your job is to lead, not to leave.

Ms. Janet Gambino, South Hollywood Drive: Well, number one, thankfully, if it stays as it is, we're gonna have the effects anyway, except for wind. They're gonna look at one or two more noodles as I call it as they come in, but it appears that it just really; Florida is really going take a hit and Georgia, and very little of South Carolina, thankfully. I hate it for Florida, but better than us. So, I really do not think that we're gonna have that much of a severe effect from it. So I agree with the other two that you guys are gonna be here. We elected you, and certainly 61 days is just too far-fetched, and who drafted this this thing anyway? Surely to goodness some of y'all didn't. And I'm sorry you know, I need to say this too, but when certain ones of us get up here certain ones don't even pay any attention, so we get it. Don't think we don't get it. Thank you.
3. BUSINESS.

A. Resolution #17-183, Declaration of a State of Emergency for the Town of Surfside Beach, Administrator Fellner. Mr. Ott moved to adopt Resolution #17-183 Declaration of a State of Emergency for the Town of Surfside Beach. Ms. Samples second. Ms. Fellner presented the resolution and said there seems to be a misunderstanding about the last paragraph in the resolution. What that authorizes is in the event the disaster is declared, approval of additional expenditures and appropriation for debt incurred or use of fund balance, fund balance reserves or transfers for other funds will be by the resolution [motion and vote] of Town Council through a telephone vote. So if the storm does come to town, this allows for a telephone vote if there is no choice but to evacuate the town. I don't think anything is untoward. I think you all heard this in the training that we just received the South Carolina Emergency Management Division person said this is one of the best they had ever seen, both the ordinance and the resolution as it covered all contingencies. I think we did very well in Matthew. That was not a fun experience, but I think all of the things we needed to do to protect property and to protect lives were done. I also think because this was in place that we were able to make decisions about what we were going to do for the town like having Scipio as a staging area, etc. Those are decisions that cost money. Rather than get Jordan Phillips involved to haul debris; those are decision that need to be made and they are decisions that can be delayed: they need to be made in the short term, but the after effects of a hurricane can easily last 60 days, and that's why that 60 days is included for disaster recovery.

Those three items are the important things, I think, to protect property and life, and to be able to meet the needs of whoever is still here, and to be able to make those disaster recovery decisions that you've been involved with. That's why the South Carolina Emergency Management Division said and told you all in the training that these are very valuable documents, and they were one of the best they'd seen.

Mr. Stevens said for the record: "The amendment will be end of the last paragraph on page 2. The amendment will simply say the town administrator and finance department shall furnish the town Council and the public/citizens and taxpayers an itemized spreadsheet, by the way I want all of this on the record, and any and all expenditures that been made by the town administrator and/or each department during the stated emergency, and within 30 days of expiration of the state of emergency during the time the stated emergency, the town administrator and finance department shall show in a financial itemized report source of all expenditures from existing and/or borrowed funds. This report shall be made available to the Town Council and the public citizens and taxpayers. Mr. Courtney second. Mr. Stevens continued: 'The reason I made this amendment is very simple. Citizens in this town are asking for transparency and I agree with them 1,000-percent. We need transparency. We need to make sure that our money that is being spent, and I understand you took care of the Matthew, and you did a great job, but that citizens need to know where the money is being spent. That it is not being wastefully spent that is being spent wisely. I don't want to see money wasted anywhere during this emergency. As long as you spend it wisely and you spend appropriately, I have no problem. That's why I asked for an itemized spreadsheet showing any and all expenditures. I think this is the smart thing to do. If you're a councilperson and you believe in transparency, if you sit on this council and you represent the citizens and you believe in transparency, then you will vote for this amendment, because it's what the people want. Not just the here [sic]: all over this town, because that's what they want. They tell me every day. We want more transparency in government. This is a wise amendment. It gives council better knowledge of what the money was spent for and it also gives our taxpayers and our citizens a better look at what we did. And believe me, if you do a good job, they're going to applaud you, Ms. Fellner they will applaud you every day, and they will applaud council for bringing this forth and voting for something like this that is wise. I do not want to be fiscally reckless and financially irresponsible. I want make sure that our money is spent wisely and that the staff in each department spends it wisely. I don't want to see money spent on hotels and party rooms when we don't need 'em. Right now as it sits, according to the National Weather Service, we are only going to have about 20 to 30 miles an hour winds, if the storm stays on path. This was as of eight, February, September 8th, five a.m. So, yes, I agree that the storm could turn, but right now they're forecasting it to go to Nashville, Tennessee. That's where they're forecasting, and
this is, and we also have dropped, County has dropped from Defcon [sic] 4 to Defcon [sic] 3. That was whatever they call it. Opcon [sic], I think it’s Opcon [sic]. They dropped that this morning, so I’m sure that we’ve dropped it, as well. Furthermore, the, the resolution is based on ordinance on state law that is not applicable. You’ve got the state law; this resolution based; we passed this resolution; you based on ordinance that is based on the South Carolina Code of Laws, Title 4 County, Chapter 9, County Government, Article 1, General Provisions, Section 4-9-130, where it should be based under South Carolina Code of Laws, Title 5, Municipal Corporations, Chapter 7, General Structure, Organization, Powers, Duties, Functions and Responsibilities of all Municipalities Section 5-7-250. If anybody wants to take a look at that, I’ll pass it down. The state law you quoted wrong. You’ve got one of them right there. So that’s why I’m doing this amendment. (**several speaking at once.) … my best and then you …

Mr. Ott asked Ms. Fellner if there was anything in that the request the councilman made that we don’t normally do in the accounting process. Ms. Fellner said no, and Town Council can ask for that at any time. I believe Councilmember Courtney asked after Hurricane Matthew at numerous times for different expenditures, and we gave him as those things became available and we had the FEMA numbers and exactly everything laid out and we had the invoices in so we could lay that out to him. We disseminated that information. Mr. Ott said then it isn’t going to cost any more than you normally do day to day.

Mayor Childs said you possibly could have a running tally at the end of 30 days. Ms. Fellner said sometimes we don't even have the invoices by that time, especially in a disaster.

Mr. Courtney said I have to disagree with that because I’ve been a first responder for over 25 years. I went to Hurricane Irene, Hurricane Sandy, 9/11, Hurricane Matthew, and I don't care if you get lunch, dinner, or breakfast. It really doesn't make a difference. The troops gotta be fed. But I want an itemized list of what's going on. When I did ask you for that it took me months to get and it wasn’t a break down on what I was looking for. I’ll be quite honest with you. There is no reason, I don't care if you don't have an invoice. I’ve been involved in this over 25 years. There is no way; there is no reason why you can't keep a tally of what it is costing per day. There were 25 people in my crew during the summer time. I can tell you when we had an emergency we had lunch, breakfast, lunch, and dinner. I had all the numbers figured out by the end of the week and so should this administration.

Mr. Pellegrino said that Hurricane Matthew was handled fairly well. Obviously, we spent a lot of money, and we were reimbursed a lot of money. During that process we did have reviews from Director Adair on different spending. He even came to some of the town council meetings and gave updates. Anyone can call and request information. Saying that, I have no problem with Mr. Stevens’ addition to this. Basically, it will just make a formatted report for the spending. I don't see how that can hurt anything. As far as the administrator’s authority, it was detail very clearly in this that any changes in fund balance, or transfer the fund balance would be voted on through telephone, if necessary, by council. So that addresses the other issue that was talked about during public comments.

Mr. Ott said Mr. Stevens brought up that the resolution should refer to Chapter 5, and asked Ms. Fellner to check that.

Mr. Courtney asked what the changers were from the resolution for Hurricane Matthew. Mr. Stevens said they were pretty much the same, but all councilmembers were required to sign, which is my next amendment. Mr. Courtney asked why councilmembers signatures were not on the resolution. Ms. Fellner explained that adoption is by motion and a vote, and there has been a problem getting councilmembers to sign documents after meetings. Sometimes only two people will sign them, so it’s been easier to have the mayor or mayor pro tempore sign for the council, and it’s an accepted format as long as there’s been a vote in public. Mr. Courtney was vehemently opposed to that and said the resolution and ordinance should be changed to have all councilmembers sign the documents.
Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Pellegrino and Stevens voted in favor. Ms. Samples voted against. **MOTION TO AMEND CARRIED.**

Mr. Stevens moved to amend the resolution to include signatures of all councilmembers. Mr. Courtney second. Mr. Stevens said for the record South Carolina Code Chapter 11 Section 5-11-10 saying we are a council form of government; Section 5-11-30 Legislative and Administrative Powers of the municipalities vested in municipal council, all legislative and administrative powers of the municipality and the determination of all matters of policy shall be vested in the municipal council. Each member of council, including the mayor, shall have one vote. Under the emergency management law ordinance of the Town of Surfside Beach, basically it covers the emergency declaration of power mayor in the event of a state of emergency, threatening or endangering the life, safety, health, welfare within the town or threatening damage to our structure. The mayor is hereby authorized and empowered to issue a public proclamation declaring all persons the existence of a state of emergency, which I think that's what we're doing here. We're declaring a state of emergency. In order to be more effective, to protect life and safety, the mayor may define and impose a curfew applicable to persons within the jurisdiction of the town. At this moment, I don't think we have to have a curfew. The mayor is authorized to empower to limit the application of such curfew to any areas specifically designated describing in the jurisdiction of the town to specific hours a day. The mayor may exempt from the curfew police officers, firemen, doctors, and nurses, and such others that may be essential for the preservation of public or immediately necessary to serve the needs of the people. In the emergency, Section 2-18, 2-218 emergency management plan adopted in order to protect provides safety welfare of the town citizens of the town during an emergency or disaster, town council does adopt by reference emergency operations plan dated February 8, 1989, as amended, which is on file with the town clerk, if anybody wants to see it. So, therefore, being a council form of government, it is imperative that we act as council form of government and that all seven members have an opportunity to sign the resolution stated as we did in Hurricane Matthew, which you can see right there are seven things. This one has one. We have not changed into a mayor form of government; we are a council form of government, therefore, all councilmembers should have a say in this matter.

Ms. Samples said I don't have a problem with that resolution at all, because even though the past five or six meetings we haven't had our signatures on anything. It's just been the mayor's. The reason why that occurred, it's a common practice, by the way, it's not anything wrong. They were having difficulty getting all of the councilmembers to sign once we took a public vote. So this was just to expedite and streamline the process. I don't have any problem signing; I always signed the documents anyway. This is nothing unusual and certainly we have been doing it that way for the last five or six meetings. I just want to get that point out there.

Mr. Ott asked for the motion to be read before the vote. Mr. Stevens said the amendment is simple; that all members of council are on the resolution and all members of council sign the resolution that are in favor of it.

Mr. Courtney said just because we haven't sign anything in five or six meetings, I'm sorry make sure you get my signature before I leave, because sometimes I don't get to leave these meetings to 10 p.m. I can come in the next morning and sign documents, but this is not common practice; this is not something that's been done. I've seen this before in the old documents, all councilmembers signatures will be on this. You're opening up the door to something you don't want. Again, it wasn't too long ago we all signed for Hurricane Matthew.

Mr. Ott said there is no council person that lives more than a mile and a half from my town hall; because of the size of the town, we will be able to get here.

Mr. Stevens said one final thing, anytime we vote for an ordinance, whether we vote yay or nay,
we have normally when an ordinance or resolution is passed the people who voted for it are the people who should sign it. The people who voted against it should not sign. That is a no vote. Therefore their name should not be entered into the record as a no vote unless you want us to put a yes or no on each and every ordinance, and then that way you can actually have accurate record of whether each council person voted yes or no on any issue that comes before the Town of Surfside Beach. If you do not believe in having all peoples’ names on this, councilmembers, probably you don't believe in a council form of government. Maybe you believe this should be administrative council form of government or maybe they believe the mayor administrator. This is a council form of government and the only way it can be changed is by public referendum, and I will citizens to know that, and I want that on the public record, the only way our form of government can be changed is by public referendum.

All voted in favor. **MOTION TO AMEND CARRIED.** Mayor Childs instructed the clerk to have all signatures on all documents.

**MOTION CARRIED AS AMENDED.**

**B. Ordinance #17-0851 to Declare a Localized State of Emergency in the Town of Surfside Beach and to Authorize the Appropriate Action Be Taken in Connection Therewith, Administrator Fellner.** Mr. Ott moved to adopt Ordinance #17-0851 to declare a Localized State of Emergency in the Town of Surfside Beach and to authorize the appropriate action be taken in connection therewith during the Hurricane Irma storm event. Ms. Samples second.

Mr. Stevens moved to amend the ordinance by deleting references to Section 4-9-130 and inserting Section 5-7-250(d), which states to meet public emergency affecting life, health, safety and our property of the people, council may adopt emergency ordinances; such ordinances shall not levy taxes, grant, renew or extend a franchise or impose a change in service rate. Every emergency ordinance shall be enacted by affirmative vote of at least two thirds of the members account present. An emergency ordinance effective immediately upon reading, without regard to any reading public hearing, publication requirements of public notices; the emergency order shall expire automatically as of the 61st day following the date of enactment. Mr. Ott second.

Mr. Stevens said the town’s authority to act is under Title 5, Municipal Corporations, therefore, Section 5-7-250(d) is correct and that's the way it should be written. I also amend that all members of council be required to sign this, just as we did during Hurricane Matthew.

Mr. Ott said from is looking heading, he is correct is it is South Carolina Code of Laws. It doesn't change that much.

Mr. Pellegrino asked Ms. Fellner if she had anything to add. Ms. Fellner said I don't. She asked Ms. Herrmann, who responded that the county gave the documents to us for Hurricane Matthew and it was amended to reflect the current event. The same content was used, except for signatures. Mr. Courtney said we will make sure people sign them now.

Ms. Samples said based on Mr. Stevens' motion, if I understand correctly, the intent of the code doesn't really change, it's the code number that we're changing. Mr. Stevens said the code number. Can this Council agree that once it is verified that the code number has changed, that the intent of the code has not changed, and that we can go ahead and give authority to move forward once the code has been corrected. I think it would be educational for all of us to know that. Ms. Fellner said I have no problem with that and will verify it with the attorney. **COUNCIL CONCURRED.**

All voted in favor to amend. **MOTION TO AMEND CARRIED.**

Mr. Stevens moved that the ordinance include all seven signatures and noted a scrivener’s error.
in number 1 where is states “the Town of Horry County,” which the clerk said would be corrected. Mr. Ott second. All voted in favor. MOTION TO AMEND CARRIED.

All voted in favor to adopt Ordinance #17-0851. MOTION CARRIED AS AMENDED.

4. Town Council Comments.

Mr. Pellegrino: Thank you very much for coming. Thank you for your input and that’s pretty much all I have. Have a great day.

Mr. Courtney: I want to thank everybody for coming out this morning. Again, this is not personal. I’m not here to beat up staff or anybody else. I’m here to watch your government run properly. I asked that the administration watches every dime; puts it on a spreadsheet. I want to see every penny spent. There is no reason why; if you can hand out three meals a day, you can put it on the spreadsheet. I want to see it on a spreadsheet. I want to see what we’re spending for a hurricane, but the spreadsheet that I got for [Hurricane] Matthew I could’ve gotten a lot better. Again I want to see day-to-day expenditures. I want to see what it’s costing us. It seemed that we’re subcontracting a lot of stuff out, and I want to make sure our taxpayers’ money goes the right direction. Again, I thank everybody for coming out. Hopefully, we will not have the storm. Hopefully, you’ll have nice sunny days. Thank you very much. God bless you.

Mr. Ott: I also appreciate everybody’s comments and I’d like to thank Councilman Stevens for doing the fine tuning, shall we say, and adding the changes to the South Carolina Code of Laws and it does say in both code of laws, it states there will be the 61st day, so it’s not something the town’s putting in. This is a state law that they want to be levied on this. Again, thank you Mr. Stevens, for your work.

Mr. Stevens: Thanks everybody for coming out. Anytime we have a hurricane, and I’ve lived here all my life, I’ve been through every one from Hazel up to now, and it is important that we take care of our citizens. Our first job as a council is public safety of our citizens. We have to take care of and do whatever's necessary, but at same time we have to be fiscally responsible, and we have to be financially prudent with our money. We should never give anybody a blank check without checks and balances; that's way government works. We are a legislative and administrative form of government; we're a council for the government. It is very important that people understand that we all have an equal vote. Every one of us up here are equal and anybody out there out there that may run for office and get elected, you’re gonna be in the same shoes that we are. It is imperative that we watch our money and make sure it spent wisely. That’s why I asked for itemized expenditures. You see the horror stories all across this nation where people wasted taxpayers’ money. I don’t want to see that here, and I certainly don’t want anybody getting in trouble for doing that. I’m certainly sure that our administrator will do her best to make sure our money is spent wisely, effectively, and is prudent. She would do everything, everything possible. She did a great job during Hurricane Matthew. I will have to give her that. Some of the amendments I made were purely clerical. We need to make sure county government does not tell us what to do. We tell us what to do. We’re the council. County government can’t send us something and say here’s what you use. We have to be prudent when we look up our laws. We have to be diligent and we have to do the right thing for all of the citizens out here. You pay taxes just like I pay the taxes and we know it to you to do that. Thank y’all for coming out, and the news for coming out and getting the information for this. I believe in freedom of the press, and freedom of information and the news, the news people have every right to know exactly what our town is doing. Thank you.

Ms. Samples: Ms. Fellner, I am hopeful and prayerful that this hurricane does head to the west, and my priority is that our staff remain safe, above all, and that we keep our residents as safe as we can. So, anything we as a council can do to provide you and your staff assistance over the next few days, I know I plan to stay; so, keep us posted as you have in the past and I know you will in the future. And
Mayor Childs: Ms. Fellner, you did do a good job on that last storm. I don't think there was anything dishonest; you got the prices, and you got record cleanup during the [Hurricane Matthew.] I think we got a lot of kudos for how fast the town was cleaned up, and how wisely you did spend the money. I want to thank you for that, and I'm sure this will be no different. I also would like to remind council that we made a big deal about signing these things. Well, it's up to now nobody would sign ‘em. So let's try to, you know, since we all think now all seven, or the six of us here, Mr. Johnson is not, that we do sign these things. The clerk has tried numerous times to get people to sign [documents], and she was just trying to expedite it. So from now on, I'm sure that every member here is really be trying to sign these things before we leave at night.

5. ADJOURNMENT.

Ms. Samples moved to adjourn the meeting at 9:46 a.m. Mr. Pellegrino second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: September 26, 2017

Surfside Beach Town Council

VOTE: Yes No

Robert F. Childs, III, Mayor

Ron Ott, Mayor Pro Tempore

Timothy T. Courtney, Town Council

Mark L. Johnson, Town Council

David L. Pellegrino, Town Council

Julie M. Samples, Town Council

Randle M. Stevens, Town Council

Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and are 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.