



SURFSIDE BEACH TOWN COUNCIL SPECIAL MEETING
COUNCIL CHAMBERS
115 US HIGHWAY 17 NORTH, SURFSIDE BEACH, SC 29575
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TOWN COUNCIL SPECIAL MEETING MINUTES
Monday, May 4, 2020 • 10:00AM

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11 **1. CALL TO ORDER.** Mayor Hellyer called the special meeting to order at 10:00 am. Mayor Hellyer,
12 Mayor Pro Tempore Scoles, Councilmembers Pellegrino, Drake, Dietrich, Holder, and Keating
13 were in attendance via telephone. Others present, Attorney Crosby, Town Administrator Pieper,
14 and Town Clerk Sheri Medina, also via telephone.

15 Councilmember Drake stated a correction needs to be made regarding the three minutes per
16 public comment, that needs to be changed to five minutes per the Ordinance. I would like to add
17 under the business section to add outdoor dining. Mrs. Crosby, Town Attorney, stated it know I
18 may be added to the agenda without additional notice, however, unless the public can be
19 present, which the public is, if the action is one upon which final action can be taken, it may only
20 be added to the agenda by a two-thirds vote of members present and voting and upon finding by
21 the body that an emergency exists or circumstance exists if the item is not added to the agenda.
22 Councilmember Drake stated addressing this Ordinance would allow our businesses to do as
23 much business as they can. Mayor Hellyer clarified the motion Councilmember Drake made a
24 motion to Councilmember Keating seconded. Councilmember Keating, Drake, Scoles, Pellegrino,
25 Holder, Dietrich, and Mayor Hellyer voted in favor. **Motion Carried.**

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28 **2. PUBLIC COMMENTS**

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30 A. To Surfside Beach Mayor and Town Council.

31 I continue to be amazed at the deliberate lack of clear open communication with bids for the
32 town contracts. The short time frame given for bidders to develop a bid was deliberate and
33 appears to conspire to limit the number of active bidders. I encourage Council to reduce the
34 length of this contract and require that ALL bids in the future be advertised with sufficient notice
35 to get the best deal for our Town. We deserve better representation by our administrator. This
36 is outrageous. Regards, Judy Henion
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38• **3. BUSINESS**

39 **A. AWARD OF CONTRACT FOR BEACH SERVICES-** Councilmember Keating made a motion
40 to provide modification for a counter-proposal. To change a couple of things in this contract,
41 including the term. This will allow us to have a competitive bid. Councilmember Drake seconded.
42 There are a few things that have not been processed correctly. Council discussed putting this out
43 late last year, earlier this year, that we split the scope of this contract. This did not happen now.
44 I don't appreciate being forced into a position where we have virtually no latitude in making that
45 decision point. Therefore, I request that you modify to a one-year term that we provide that the
46 lifeguard is solely focused on the position of lifeguarding. We should modify the certification of
47 each guard by either a Surfside Appointed Public Safety Officer or the Horry County Public Safety
48 Officer. Also, we should ensure each lifeguard does indeed speak English. Communication with
49 the lifeguards has been challenging. We are providing business space in the shed to store
50 equipment, and that is not addressed in this contract. Councilmember Pellegrino stated he is fine

51 with reducing the contract to one year, but he gave us this quote, and now you change the rules.
52 That can be very unfair to him as far as he gave us a bid based on the way he's been doing
53 business over past years. What those limitations are just to comment because those are
54 significant changes, hiring practices, as well as revenue practices, the umbrella, and Chairs, that
55 needs to be considered. Mr. Pieper stated just to make Council very aware, and to the comment
56 that was just received, procurement was followed, was advertised for several weeks in advance,
57 so I don't know where that information is coming from, but it also mirrors the Ordinance that you
58 have in place, it was advertised to coincide with that Ordinance. Mayor Hellyer asked Mr.
59 Bingham, owner of Beach Services LLC, are all the lifeguards certified by a Horry County
60 representative of the Police Department. Mr. Bingham stated, yes. He also monitors the training
61 and makes sure that all guards have proper certification. A Red Cross, instructor water safety
62 instructors, they are the ones that give Red Cross certification and Lifeguarding course and CPR.
63 Councilmember Holder stated, I just like to make a point; I think we're splitting hairs here, and I
64 think it's crazy to go to a one-year contract. Also, we've had a great relationship with this
65 company over the years. There's no reason for any of this. Councilmember Drake stated there's a
66 lot of services being done under one umbrella. I think that we could that maybe they could be
67 broken up a little bit and rebid. I just don't think we had the proper time for review. I think we
68 would do better for the Town and the residents to do a one-year right now and then move
69 forward in a year and do it again. Councilmember Dietrich stated I have to agree with Michael
70 and Mrs. Keating. Mayor Hellyer asked Mr. Bingham if his company would be willing to make a
71 one-year contract. Mr. Bingham stated, No, I've done exactly what I was supposed to for almost
72 50 years. I would not feel comfortable with the money that way, the money we have spent, or
73 that we are going to have to spend, for a one-year contract, it's not worth it. We've got a lot of
74 challenges that we've faced, and we've met, and we're able to perform right now. For somebody
75 else to come in here and do what I'm doing right now, they'd be bankrupt by the fourth of July.
76 Councilmember Keating stated we need to delay this so I can do more research. Councilmember
77 Drake stated we must make sure that our stuff is open to the public. Councilmember Pellegrino
78 stated there are other people out there to offer services, but we need lifeguards now. What kind
79 of quality of services are we going to get the last minute with all the leftovers since we have a
80 business relationship over a long time we've never received poor service from this company? So
81 I'm confused by all that apprehension. Councilmember Holder stated I agree with David, to take
82 a chance and not have beach services this summer, to go through all this now, is ludicrous. So
83 we have to stop this and go with the contract and get on with it. Councilmember Scoles stated
84 I've been listening to all the conversations, and I kind of agree. I don't think a one-year contract
85 is the way to go on that. We got one bidder, and that was for a four-year contract where it was
86 cost advantageous to the business owner. I can't even imagine trying to provide any of these
87 services based on one-year contract; I don't think you would get anyone to respond to that.
88 We're coming up on our season, and we need those lifeguards now. Mrs. Keating stated South
89 Carolina has been usurped in being able to modify or take a direction that may be in the better
90 interest of the Town. You have to realize that. A distracted lifeguard: It only takes 60 seconds for
91 a child to drown. What if he's busy taking money and setting up an umbrella and chair? We owe
92 it to the residents and our visitors to do a better job. And I would hope that beach services would
93 work with us and do what's right. I mean, there are a lot of gaps in this franchise agreement as I
94 read through it, and it is very concerning to me that we would be stuck in a four-year agreement
95 with no ability to change some of the things. We've heard complaints that the lifeguards don't
96 speak English. Councilmember Pellegrino stated I'm confused; do we have hundreds of
97 drownings? His safety record over the years has very, very good, you can't cover 100% of the
98 beach, and the lifeguards are spread out, we haven't had problems, and this is a lot of it is
99 because of the services they've offered over the years. After this, Mr. Bingham stated I'm starting
100 the 50th year, and I have not had one single drowning in the Town of Surfside Beach.
101 Councilmember Drake stated we need to we just need to go with the one-year contract. And
102 then after the one year, rebid. I hope to be able to get the information in a timely manner, and
103 also be able to have more input and more of a process with this cycle. Councilmember Pellegrino

104 stated I'm very against that because it after we see that there hasn't been drowning and all the
105 years. That's positive and good. And I don't support this. Mayor Hellyer restated the motion: To
106 accept the contract as written with the exception of the term being one year to be renegotiated
107 in the future. Councilmember Drake, Keating, Dietrich, and Mayor Hellyer voted in favor.
108 Councilmembers Pellegrino, Scoles, and Holder voted against. **Motion Failed.** Mrs. Crosby stated
109 the Mayor pro tem is authorized to act in the absence of the presiding officer. Councilmember
110 Holder made a motion that we approve the bid for Beach Services for four years. Councilmember
111 Pellegrino seconded. Councilmembers Keating Drake and Dietrich voted against. Councilmembers
112 Scoles, Pellegrino, Holder voted in favor. **Motion failed**

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114 **B. OUTSIDE DINING** – Councilmember Drake made a motion and an oral resolution, in
115 accordance with the 2/75 to temporary suspend the enforcement of our code, 17 -396. 34 D,
116 Restriction of the outdoor dining and infringement on the public right of way, until full restaurant
117 bars are open via the Governor's order. Provide, however, such public right of way infringement
118 will not block public egress or ingress. All voted in favor. **Motion Carried.**

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120 Councilmember Pellegrino asked if there could be an update from the administrator and how to
121 move forward? Mr. Pieper stated it looks like to me that the commentary means that you need to
122 change your Ordinance. If that's the case, you'll have to amend that and then decide what you
123 want to bid out. Mr. Pellegrino asked how many weeks we have to put it out to bid for? First,
124 we're going to bid for six weeks and then awards lifeguards for September? Mr. Pieper stated it
125 would take somebody else quite some time to mobilize and hire people and have enough certified
126 people to do what they are offering. Councilmember Pellegrino stated, keep in mind, we get a
127 good rate. We're not going to get that with another company. Mr. Pieper stated that somebody
128 should consider possibly a different term if he's even willing to do that. Councilmember Keating
129 stated this should be taken offline, and the Mayor and the Town Administrator work with Mr.
130 Bigham as to come to a resolution of the items that have been raised that may be critical and
131 negotiate this next contract, such that your Ordinance of the franchise agreement can be
132 updated accordingly after that. And in the future, when we go out to bid these surfaces, at the
133 end of whatever, the contract term becomes, that we are not held bound to an existing franchise
134 agreement, but that our bid can be open, so that multiple vendors may apply to individual scope
135 items. That will be a choice of the bidders at that time. And if it ends up being in the best
136 interest of the Town, that we consolidate all 6 or 7 services to one bidder, and continue with the
137 services at that time. But I think right now we need just to take this offline and negotiate the
138 terms of this contract extension.

139 Councilmember Keating made a motion that Mayor Bob Hellyer and Town Administrator Dennis
140 Pieper negotiate the terms of the extended Beach Services contract and return to Council for final
141 approval. Councilmember Dietrich seconded. Councilmembers Drake, Dietrich, Pellegrino,
142 Keating, and Mayor Hellyer voted in favor. Councilmembers Scoles and Holder voted against.
143 **Motion Carried.** Councilmember Dietrich asked Mrs. Crosby if the Town was liable for no
144 lifeguards on the beach. Mrs. Crosby stated I don't want to speculate on that, and this is not a
145 closed meeting. That might be an Executive Session material at Council wanted to close the
146 meeting to speak about that. Still, right now, I don't think we're there in the process to even get
147 to that question because all of you have just authorized contract negotiation with the bidder.
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150 **4. ADJOURNMENT.** Councilmember Keating made a motion to adjourn at 10:57 am.
151 Councilmember Drake seconded. All voted in favor. **Motion Carried.**
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Surfside Beach Town Council

Robert Hellyer, Mayor

Bruce H. Dietrich, Town Council

David L. Pellegrino, Town Council

Cindy Keating, Town Council

Michael Drake, Town Council

Debbie Scoles, Mayor Pro Tempore

Paul Holder, Town Council

Sheri L Medina
Town Clerk