



SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING
Civic Center, 115 US Highway 17 North, Surfside Beach, SC 29575
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TOWN COUNCIL MEETING MINUTES
Monday, June 13, 2022, • 6:30 pm.

1. CALL TO ORDER – Mayor Hellyer called the meeting to order at 6:30 pm. Councilmembers Drake, Holder, Mayor Pro Tempore Keating, Kreklau, Kinken, and Stamey were in attendance. Others present were Town Administrator Shanahan and Town Clerk Medina.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

A. Invocation: Okey Landers, Pine Drive Gospel Church, gave the invocation.

B. Pledge of Allegiance: Mayor Hellyer led in the Pledge of Allegiance.

3. PUBLIC HEARING - None

4. MOTIONS RELATING TO AGENDA- Councilmember Holder made a motion to add employing compensation to the business agenda. Councilmember Stamey Second.

Councilmember Keating stated that based on the fact that the rest of us have no information about what that particular agenda item is, I don't think it's appropriate to put it on as a business item and blindsides two-thirds of the Council if that's an item that needs to be discussed further in Executive Session, that's one thing because we are talking about personnel matters.

Councilmembers Stamey, Holder, Kinken and Mayor Hellyer voted in favor. Councilmembers Keating, Kreklau and Drake voted against. **Motion carried.**

5. MINUTES APPROVAL - Councilmember Stamey made a motion to approve the minutes for the May 24, 2022, Regular Meeting, May 25, 2022, Special Meeting and May 31, 2022 Workshop Meeting. Councilmember Holder second. All voted in favor. **Motion carried.**

6. PUBLIC COMMENTS – Agenda Items Only (5 minutes per speaker)

A. Ron Ott, Seventh Avenue North, Ordinance, 22-0946 Chapter 12. At the workshop it was brought up that there's an easement that is owned by the town. Everybody that's ever moved here has had their property surveyed. That stake is about two feet, maybe 1.5 feet off the street on every Property. Let me also add that this doesn't just exist in the town of Surfside Beach. That's the way it's done everywhere. There's an easement. And it's called a utility easement. That gives the right to your electric, water, and sewer companies.

B. Tim Courtney, South Poplar Drive. Ordinance 22-0946, Chapter 12, If you look under sections, Chapter 7 - 18, in that section that states all owners, occupants, jointly, or separated of the Property shall maintain their Property. People do a fine job of taking care of your right away, And I understand what you guys are going through with this. I ensure my right of way has a clear view of the street. I put over \$12,000 into my Property to make it look nice. Instead of going after the people taking care of the properties, you need to look at the people not maintaining theirs. And if you took a ride around town, which I asked a couple of you to do, you would see that. It's devastating what's going on in this town. It's never looked this bad in the 18 years that I've been here. So, reconsider this very carefully.

C. Lannie Clemmer, 21 Palmas Drive, we have a great beach, we've done a good job here making it good, but certain things are happening. What I'm talking about is: pay for parking. I agree with the

parking lots, but there are about 16 accesses here at the beach, and we are paying to park at the accesses. This is unreal. I think it's wrong, and we must do away with it.

D. Harry Kohlmann, 10th Avenue North. Well, let's talk about the right of ways. And I will, first of all, preface it with, I'm all for parking in the right way. But you'll hear from people today how it's a safety issue. Well, my opinion, and most people's opinion, suggests that a car is a bigger obstruction, more of a safety hazard than a couple of PVC pipes with a plastic chain link fence. So please don't buy the story that it's a safety issue. It's not a safety issue. They want to do it, and they won't tell us why. The Public Works director was asked, and the Police Chief was asked, do you have any incidents with this right away? The Public Works, Director came up and said, we did, somebody put a fence in the right of way, and I lost in court because we are not enforcing it .

Then, at the public workshop, you discussed its right of way in the Towns. This subject comes up every six years. So, who owns the right of way in the town? Who is the town? The people who live here, not the public works director, not the administrator, not you, I mean, you own a little part of it, just like the rest of us, but no more than anyone else in this town. It doesn't make any sense what you folks are doing here, you're supposed to be going through the ordinances, and they don't make any sense.

7. COMMUNICATIONS - None

8. DISCUSSION (Motions may be made by Council)

A. PIER COMMITTEE RECOMMENDATIONS – Councilmember Keating made a motion to authorize the town administrator and the town attorney to enter into negotiations for prudent leases for the three primary properties on the pier, as recommended by the pier committee. Councilmember Drake second.

Councilmember Stamey asked if the town Administrator had obtained a Commercial attorney to negotiate the leases.

Mr. Shanahan stated yes that he focuses on Municipal law and economic development and is a specialist. In addition to that, he's worked for the local government before. He received his law degree from the University of South Carolina, so he understands our laws. His services cost \$350 an hour, and he anticipates it would take around eight hours to complete in reference to the contracts themselves. And then, of course, the individual tenant negotiations associated with lease revisions.

Councilmember Keating asked why we want to spend more money on more attorneys. I don't see why it's prudent to waste more money on more attorneys when you pay one attorney or the other attorney, and you're still getting legal advice. We just hired a new town attorney who is very well versed in municipal government commercial practices. Until we speak with her about what she recommends regarding standard lease templates and the negotiation strategy, we should put forward these potential vendors.

Councilmembers Stamey, Holder, Kreklau and Kinken voted against. Councilmembers Keating, Drake, and Mayor Hellyer voted in favor. **Motion failed.**

Councilmember Holder made a motion to authorize the town administrator to get a commercial attorney to negotiate the leases. Councilmember Stamey second. All voted in favor. **Motion carried.**

9. BUSINESS

A. RESOLUTION 22-0150 - A TAX FUNDING RECOMMENDATIONS – Mayor Hellyer said I heard some people ask questions about us doing a resolution for this, putting this in the budget, that we're spending money before we have it. The tax money was not there to do, and it won't be there until next year.

Director King stated that's true of every revenue source we have. It is something that we do. A tax is no different than a tax. It's based on the number of tourists and what comes in; we keep track. You anticipate how much you will get for taxes, how much you will get from franchisees, and how much you will get for Hospitality. And the accommodation side, especially there's a report from the State every month, that tells you how much was collected by the State for your area. So we keep track of that and ensure it's not way off from what we want it to be to reach the goal at the end of the year.

Councilmember Keating stated I haven't read the bylaws. Still, a resolution is typically in place for the governing body to pass the application of some one-off thing that applies across town. By State law, the Accommodation Tax Committee must provide its recommendations in writing. So this is no more than their recommendations in writing. This is purely a written notification to Council that this is their recommendation. And I think the bylaws should be updated accordingly.

Councilmember Kreklau stated I would like to recommend that the \$5,000 approved for Surf Dreams be increased to \$10,000. When they were here last time for their competition, they took up 36 rooms at the Holiday Inn, 12 rooms at the Quality Inn, and surfers from nine states and two countries. In my opinion, that is what A Tax is about, is bringing tourists here. And we did the same for the Guy Danielle's. And I think we should do the same for them.

Councilmember Kreklau made a motion to accept Resolution 22-0150, with the addition of an additional \$5,000 to Surf Dreams. Councilmember Drake second. All voted in favor. **Motion carried.**

B. SECOND READING ORDINANCE 22-0949 -MUNICIPAL BUDGET AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO ADOPT THE 2021-22 FISCAL YEAR MUNICIPAL BUDGET AND TO SET THE TAX MILLAGE FOR THE FISCAL YEAR ENDING JUNE 30, 2023. Mr. Shanahan stated the employee COLA rate would be 7% for those who pay less than \$45,000. There will be 10% for public safety, Fire and Police, and 6% for remaining employees. The administration changed the Deputy administrator position to an administrative assistant role. The facilities department would get a full-time employee, which is desperately needed.

Merit pay was added to the general fund, and the sanitation budget was \$110,000. So, when we get the program put in place, whether it's a merit or step raise, or however we get it, the money would be available for it, but we wouldn't spend without council approval, of course. The total operating budget for this budget is \$90,908,845, and our fiscal year begins July 1 and ends June 30. I recommend you adopt the second reading of Ordinance 22- 0949 as presented.

Councilmember Stamey made a motion to amend the budget to eliminate the Administrative Assistant and the merit raise funds. Councilmember Kinken second. I don't see that we need to hire somebody. I think we have a Clerk who can help with Mr. Shanahan's job and then work for us too. Then the \$110,000, we can go back and add this back in somewhere down the line, If we can come up with some plan. How to even distribute this money. We have no plan to allocate this money right now, and they undoubtedly have been working on this before.

Councilmember Kinken stated I thought we weren't going to add any employees at our last budget discussion, and we were holding off adding one for the police department. We're holding off adding an assistant administrator. We can look at these things in January after we know what this year will be like, and whether there's any money available. Because I'm pretty sure this \$110,000 will be pulled from hospitality and put in the budget. And if we don't need it, why do it? And once we have a program in place, and we need to fund it, I'll favor funding it.

Councilmember Keating stated that the purpose of having a budget is to have a clear picture of what your year is supposed to be. It's not intended to say this is what it is today. And we have a budget. We have it balanced. But at any point in the future, we'll pass any number of amendments to it. And whether

it continues to be balanced or not is up for grabs, because don't have very comprehensive reporting for our financial performance as the Town.

I'll go back to the objectives we set with prior Counsel in October that had the Merit Program, supposedly to be developed and implemented in January. To set aside that funding, it's not going anywhere. It's already in the budget; if we end up not approving the merit raise program, It's just in the general fund as part of the balance reserve. I don't see how it's material one way or the other, but it does give us some incentive to complete that directive that was given to the town back in October.

I recommend that we revisit the first reading, if we visit this at all this evening, because between the first reading, when the budget was presented, and this version of the budget, there is a \$728,000 difference. And it is much more than just an increase of 3 to 7% on the salaries. Because that comes out to about 300,000. Part of the challenge that I have had is that we've had probably about five different, at least four different, meetings on this budget. Each time, it's something different. We have a different packet of information. We're not consistently given the same quantity of data to validate what's in, out, and moved. We've got changing formats; we've got numbers that are added together, one time, not added together, next time, added together differently until I see that level of data and to be able to validate because I've not been able to reconcile one of the versions, and this, that we were presented in our packet, which is now needing to be changed again, to add, \$5,000 into the A Tax recommendations.

We, as a council, need to do a little bit more homework to understand what is in this budget and what we're anticipating spending. We still don't have a lot of accountability in the budget itself for the pier fund. But for some reason, we're showing a \$300,000 FEMA reimbursement without any corresponding expense. I recommend that we either defer the second reading or pass this as a first reading. We either revisit this as a first reading, not as a second reading, or we defer this to the next meeting after we have additional data to validate.

Councilmembers Stamey, Holder, and Kinken voted in favor to eliminate the Administrative Assistant and the merit raise program from the budget. Councilmembers Keating, Kreklau, Drake and Mayor Hellyer voted in the negative. **Motion failed.**

Councilmember Stamey made a motion to pass the budget as presented. Councilmember Holder second. Councilmember Holder, Kreklau, and Mayor Hellyer voted in favor. Councilmembers Stamey, Keating, Kinken and Drake voted against. **Motion failed.**

Councilmember Keating stated at this point since the second reading did not pass, what I would recommend our course of action would be is, between now and our meeting at the end of the month is, that the finance department provides the requisite detailed information that we got with one of our previous versions so that we can evaluate and discern exactly what has changed. Because when I went through the one version, that was supposed to incorporate the 3 to 7% salary changes. I've found out that some of them are three, some of them are four, some of them are six, none of them are seven, and some of them are five.

One department lost money in their salaries but not due to a person disappearing. I have little confidence in standing behind and justifying what's in the budget when one of our constituents would challenge something or ask me a question. I don't feel that I have the basis of information to be able to respond to a resident about what our budget contains. So, we now have two weeks to bring forward the second reading, once again, with some confidence that we all agree and understand what's in it.

Councilmember Stamey made a motion to rescind the previous vote. Councilmember Kinken second. Councilmembers Stamey, Holder and Kinken voted in favor. Councilmembers Keating, Kreklau, Drake and Mayor Hellyer voted against. **Motion failed.**

C. SECOND READING ORDINANCE 22-0950- BUDGET AMENDMENT ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO AMEND THE FISCAL YEAR 2021-2022 MUNICIPAL BUDGET.

Councilmember Keating made a motion to accept Ordinance 22-0950 budget amendment to amend the 2021-2022 Municipal budget. Councilmember Kinken second. All voted in favor. **Motion carried.**

D. FIRST READING, ORDINANCE 22-0946, CHAPTER 12 – STREETS, BEACHES, OTHER PUBLIC PLACES

Councilmember Keating motioned to pass First Reading of Ordinance 22 - 0946, Chapter 12, pending any other amendments to be discussed.

Director Adair stated Chapter 12 consists of various items in public spaces, including special events, sidewalk cafes, and other items. We had a couple of workshops on the subject. Staff brought in some suggestions as to how it should be handled. The sticking point has been, till now, the structures in the right of way. It is currently unenforceable. So, Council has made some suggestions in the last workshop as to how they might want to handle that, and staff is open to any direction that Council gives us.

Every roadway in town has the right of way dedicated to the town. The vast majority are either 40, 50 or 60 feet overall. So that's about a 20-foot road, which may or may not be perfectly centered. Then you have either a 10-, 15-, or 20-foot space on either side of the road. That is town property.

An easement refers to something on private property they've granted to the utility or the town. We have certain drainage on private property in town that easements for everyone through Backyards and things like that. Utility companies, if they want to put an overhead wire over your Property. So, easement refers to the use of a private property. Right away refers to town-owned.

Councilmember Keating stated the enabling ordinance needs to be updated for the effective date it currently states, and it's effective immediately. We need to modify this after the notification and encroachment permitting process or some reasonable amount of time. I would recommend that it takes effect no earlier than November 1. We have to have the ability to evaluate the properties, provide notifications, and discuss with the homeowners what needs to be moved, how it needs to be moved, and if it needs to be moved. And if it's something that, an encroachment permit may be awarded for it to allow to stay there whatever it is, which is impractical.

I also think in the ordinance itself, and we talk about a three-foot, clear zone that does not have any obstructions, and I know people are saying, well, what bigger obstruction than a vehicle. If we push the landscaping back to three feet, three feet to the 10-foot mark, you may place low-level plantings. That's already going to detour people parking in your front yard, but at the same time, it is legal to park vehicles right away. The three-foot is preferable; pedestrians need a place to step off the road if traffic is coming in both directions and there's no sidewalk. Vehicles have a place to veer off if they can.

I also think this should be modified to say up to three-by-three areas for the mailbox. It's still got to be low-level planting that doesn't infringe or encroach on the line of sight.

Councilmember Kinken spoke about the surfing and fishing chapters in this ordinance. We are limiting the surfers because it all depends on the waves, which come at different times. Also, swimmers swim in the surfing zone, but the surfers cannot surf in the swim zone.

Chief Hofmann stated I'm not aware we have any problem with how the ordinances are written. We use the ordinance to protect our swimmers because when swimmers get hit by a surfboard. It's a safety thing that we're looking for there, but I'm not aware that we have had any problems unless you've heard something, but I'll be happy to meet with you to try to address that before it comes to second reading.

Councilmember Kinken made a motion to amend the motion to read encroachment permits may be granted for driveways, pathways, below-grade activities, plus any landscaping. Not to exceed 18 inches

in height. Consisting of flowers, gravel or rocks not to exceed three inches in diameter located on the 3 ft clear zone from the edge of the pavement. This permit lets the homeowner know that the town is not responsible for damage that may occur to their soft landscaping.

For homeowners with larger landscaping rocks over 3 inches in diameter, fences or other objects in the 3 ft clear zone, they will have to sign a different permit that the homeowner assumes responsibility for the items in the clear zone that may cause damage.

Beyond the 3-foot clear zone (distance to pavement). Homeowners may install landscaping features that could prohibit a golf cart from parking in their yard.

Encroachment permits shall not be granted for obstruction in the drainage system. Most important is to recognize and correct the line-of-sight interruptions.

Councilmembers Stamey, Holder, and Kinken voted in favor of the amended motion stated by Councilmember Kinken. Councilmembers Keating, Kreklau, Drake and Mayor Hellyer voted against.

Motion failed.

Director Adair stated that he receives calls from residents complaining about what their neighbor is doing in the right way. We need to have something on the books that is enforceable.

Councilmembers Keating, Kreklau, and Drake voted in favor of deferring until the next meeting. Councilmembers Stamey, Holder, Kinken and Mayor Hellyer voted against. **Motion failed.**

E. FIRST READING, ORDINANCE 22-0947, CHAPTER 8 – MISCELLANEOUS OFFENSES –

Councilmember Keating made a motion to defer until the next meeting. Councilmember Drake second.

Councilmember Keating stated that based on the information we received with our packets, we had not yet received confirmation from the town attorney that what we were proposing was considered a reasonable restriction and would be deemed legally enforceable and consistent with state law. There was also a change to the language consistent with the Good Samaritan Law, which was also not incorporated in our packet.

Chief Hofmann stated the recommendation based on those conversations from the Town attorney is to leave it as-is for now. There is some discussion in the legislature regarding this particular statute and how it relates to aiding police if police request assistance. So the recommendation is to leave it as is, let us address it as the legislature moves through it, and pass it as written.

The Fireworks Ordinance presented to You tonight has been reworked based on the workshop we had last week. It takes into account what your citizens want. And it considers what the majority of the Council expressed at the workshop. I would submit that the ordinance presented to you tonight only allows one extra day, fireworks, discharge. And the only other changes made to it is cleaning it up to take out the verbiage about selling distribution manufacturer, which we know is preempted. So really, the ordinance is extremely similar to our current ordinance with just the minor exception of adding some discharges on New Year's Eve. It's a little more restrictive because they can only discharge fireworks on the Fourth of July from Sunset until 11, which I think we can all agree, is a safety issue. We don't want people discharging mortars at noon on our beach on the Fourth of July. I ask that you consider passing this way while we continue monitoring it.

Councilmember Keating amended the motion to pass the second reading of Ordinance 22-0947 based on the additional information provided this evening. Stipulating that fireworks can be discharged from sunset to 1:00 am. Councilmember Kreklau second. All voted in favor. **Motion carried.**

F. FIRST READING, ORDINANCE 22 - 0948, CHAPTER 9 – MOTOR VEHICLES AND TRAFFIC

Mr. Shanahan read through the Ordinance stating the changes due to the Parking Committee recommendations.

Councilmember Keating made a motion to accept ordinance 22 - 0948 to adopt the amendments necessary to implement the parking committee recommendations. Councilmember Drake second. All voted in favor. **Motion carried.**

G. DECISION PAPER -KSBB – GOLF CART PARADE AWARDS, Robert Blomquist Events Supervisor stated the town has planned a golf cart parade for July 4th. It will be on July 2nd at 10 am on Ocean Boulevard. In the past, we've had awards for the best decorator, that sort of thing. It states under Chapter 4, Section 4-30, the town shall have authority to authorize solicitation, solicitation of funds for town-sponsored events, IE, awards, gifts, that sort of thing. I am just trying to get us in line and coming to you for permission for myself and KSBB to go to businesses and solicit those gifts for this golf parade prizes.

Councilmember Keating motioned to accept the recommendation to authorize Keep Surfside Beach Beautiful and the staff to solicit donations in support of the July fourth golf cart parade with the proviso that such solicitations are for donations for the prizes to be awarded to the parade participants. Councilmember Drake second. All voted in favor. **Motion carried.**

H. EMPLOYEE COMPENSATION – Councilmember Keating made a motion to approve a \$1500 bonus for the employees out of the current budget. Councilmember Drake second. All voted in favor. **Motion carried.**

10. PUBLIC COMMENTS – None

11. TOWN COUNCIL DISCUSSION AND/OR COMMENTS

A. Councilmember Stamey, Thanks again for everybody coming out and voicing their opinions. Sometime it goes the way we would like and sometimes it doesn't. Still glad to see you here and tell us what you think about what's happening in town because that's how we learn. So, with that, thanks.

B. Councilmember Holder, I like seeing a crowd like we have tonight. It's awesome, I think it is great to see Vacationers here now. The rentals are full and that's a very good thing. Everybody have a great week, and I'll see you next time.

C. Councilmember Keating, thanks everybody for being here and voicing your opinions. Nothing is easy. Everybody has an opinion about something and a perspective about everything, and our job is to protect the town and your interests as much as possible. It may not always be evident, but we're trying to do that. We don't want to have things on our books that are illegal or something that we cannot enforce or that we do enforce will ultimately get us sued. With the summer upon us, I think we're going to have a great year. We've got some great events lined up, and I thank KSSB and Robert for coordinating and supporting our town in such a spectacular manner. It shows your love in your heart is here, so thanks to everyone. Thanks for all the comments and the input. And thanks for showing up. I always appreciate it. Stay safe, stay healthy. See you in a couple of weeks.

D. Councilmember Kreklau, I also would like to thank everyone for coming out. It's good to see a lot of interest in what we're doing. We're on Monday night because tomorrow is a voting day, and if you so desire, you can take part in the primaries. With that being said, have a good night and a good week.

E. Councilmember Kinken, I want to thank everybody who has come out, especially those who stand up and speak. It's good to hear your opinions. I love Surfside, I think we all do, but I also want to hear other opinions. Several people have reached out to me over the weekend, I really appreciate that. I

understand that we got recommended in the Southern Living magazine as the best beach. Thank you to everybody that's listening in and out. It's been a good night and look forward to seeing you all again in two weeks, and it's nice to have this big crowd.

F. Councilmember Drake I'd like to thank everybody for tuning in and coming out tonight. Nice to see a full house. And thanks to the Police Chief and our Fire Chief here tonight for what they do. We'll see you in two weeks.

G. Mayor Hellyer We've gone through a lot and, we talk about the fireworks, the easement, and the budget. We've been working on this since April, and we keep kicking it down the road. We had an application with the Planning Commission a while back about putting the storage bins on 17 when there was a planned development. The residents stepped forward and said, no, we don't want storage bins on 17. That was a heck of a fight. We finally got it all accomplished. We do listen to the residents and what they have to say.

We have a lot going on in town. The market on Tuesday and Thursdays and music in the park on Sundays. So, there's something for all of us to do. We have the Community Garden and the dog park. It's the perfect place for residents to get together and talk. Feel free to contact us if you need anything. Thank you very much.

12. EXECUTIVE SESSION Motion to adjourn Regular Meeting and enter Executive Session pursuant to the Freedom of Information Act Section 30-4-70 (a)(1) Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.

Councilmember Keating made a motion to enter into executive session for the Freedom of Information Act Section 30-4-70 (a)(1) at 8:37 PM for discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee. Councilmember Drake second. All voted in favor. **Motion carried.**

Councilmember Keating made a motion to re-enter the regular session at 10:18 PM. Councilmember Holder second. All voted in favor. **Motion carried.**

13. Motions resulting from Executive Session. Mayor Hellyer stated there are no motions resulting from executive session.

14. ADJOURNMENT Councilmember Keating made a motion to adjourn at 10: 19 PM. Councilmember Drake second. All voted in favor. **Motion carried.**

Surfside Beach Town Council

Robert Hellyer, Mayor

Cindy Keating, Mayor Pro Tempore

Chris Stamey, Town Council

LaVerne Kreklau, Town Council

Michael Drake, Town Council

William Kinken, Town Council

Paul Holder, Town Council

Attest: _____
Sheri L Medina, Town Clerk

Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you, provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local media and interested parties via the Town's email subscription list. The agenda was posted on the entry door at Council Chambers.