



SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING

Civic Center, 829 Pine Drive, Surfside Beach, SC 29575

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TOWN COUNCIL MEETING MINUTES

Tuesday, July 25, 2023, • 6:30 PM.

1. **CALL TO ORDER** – Mayor Hellyer called the Meeting to order at 6:30 PM. Councilmembers Drake, Holder, Kinken, Kreklau, Stamey, and Mayor Pro Tempore Keating attended. Others present were Town Administrator Vincent and Town Clerk Medina.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**
 - A. **Invocation:** Mr. Tom Mahaffey, Discovery Church, gave the invocation.
 - B. **Pledge of Allegiance:** Mayor Hellyer led in the Pledge of Allegiance.
3. **MOTIONS RELATING TO THE AGENDA** - Councilmember Kinken made a motion to remove Chapter 12 from the agenda until the line-of-sight issues can be resolved. Councilmember Stamey second.

Councilmember Keating stated the ordinance's content and enforcement would not be changed. The content of the policy would remain the same.

Councilmember Kinken stated the focus should be on the safety issue of the rights of way. Just coming over here, you stop at the stop sign, you've got to drive almost into the road to see who's coming. There are many of these in the town.

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

4. **MINUTES APPROVAL** – Councilmember Drake made a motion to approve the minutes from the July 11, 2023 meeting. Councilmember Kinken second. All voted in favor. **Motion carried.**
5. **PUBLIC COMMENTS** – Agenda Items Only (5 minutes per speaker)
 - A. **Robert Krouse**, 4th Ave North - This meeting's executive session contains an item to discuss negotiations related to the RFPs for pier space. I urge Council members not to enter executive session on this issue until the pier committee has reviewed the RFPs. If the executive session is held, I ask you to vote against the final approval of the RFPs until the committee reviews them. The July 17th committee meeting had an agenda item with two requests from the committee. The administrator could not come to that meeting, so I contacted him afterward. He said that, according to the pier committee charter, potential uses had been identified by the committee and communicated to the Council as our recommendation. My response was that view of our charter is extremely limited, much more so than we believe it should be. The administrator asked that the liaison weigh in. We never heard anything from him. So, I don't understand why the town council would want to bypass the committee appointed to review these things to

assist the town in soliciting and executing strategy and policy. In many of our meetings, we've been told to wait until construction is done, and then you can bring your ideas forward. We reviewed every RFP for the available spaces from the beginning. This Council responded very favorably to all the work your committee did through its presentations, professionalism, comprehensiveness, well researched, et cetera. So, I don't see any loss in allowing the pier committee to review these RFPs and do its job. Our recommendations are not binding. You're free to do what you want. We understand that the Council makes the decisions; we don't. But we've been living and breathing this project for 18 months. The last time I was here, council generated a formal statement accusing the committee of simply an attempt to embarrass the town Council.

Town Clerk Medina, meeting parliamentarian, called Point of Order. Town Clerk Medina stated you can't come forward and disparage the Council.

Mr. Kraus continued to state, if people see it differently than we do in the pier committee, I will urge a different action in the executive session. If you don't think we're doing a good job, don't think we're helpful anymore, I say, go ahead and vote and disband the committee.

B. Rod Shilling, 220 North, Yaupon Drive. Mr. Kinken, thank you for bringing up the fact that the Town at the possibility of making sure that we look at the city's business as far as the line of sight. I go to work every day. You stop at a stop sign. Somebody can be standing there waiting to cross a crosswalk, and you can't see him. You can hit them for where the stop line is. Those are the things that he's talking about. Those are the things the city needs to look at to say, have we cleaned our garbage out before we go after the homeowners. It's either the ordinance or it isn't the ordinance. Either do it, or you don't. They have an ordinance where we can put our rocks and movable objects?

6. COMMUNICATIONS

A. MYRTLE BEACH AREA CHAMBER OF COMMERCE – Ms. Karen Riordan, President and CEO of the Myrtle Beach Area Chamber of Commerce presented a PowerPoint presentation (attached).

B. PIER UPDATE – Town Administrator Vincent gave the Pier update. Mr. Vincent stated the punch list is still ongoing. The handrails are being powder coated. The shade structure is being corrected. There are still questions about the insulation under the pier. Public Works will stain the shade structure later, after the wood meets proper dryness standards. There are code issues with the stairwell.

Councilmember Keating asked are we are giving the architects and engineers deadlines for their responses. I find it ridiculous that we're still debating details over insulation for 2.5 years. Are we still debating about the proper color of white paint for the railings?

Administrator Vincent stated there were deadlines, but none of the three parties complied.

Director Adair spoke about the dedication plaque and the commemorative plaques for the pier available for the public to purchase. The plaques for sale to the public will be made of resin and different sea life shapes and will probably run \$200 to \$300.

C. FINANCE REPORT – Town Administrator Vincent indicated by Director King was not in attendance, and asked that any questions regarding the June Finance report be submitted to him.

Councilmember Keating asked if we were going to receive the update pier project financial worksheet like we've received in the past.

Mr. Vincent indicated it was not complete at the time the packets were put together, but will be forwarded to council when available.

7. DISCUSSION

A. COPYRIGHTS OF THE MURAL "LADY" – Town Administrator Vincent stated that Mr. Tommy Simpson, artist of the mural, has submitted a proposal for the Town to consider purchasing the mural "lady" copyrights. The proposal for the " lady " copyrights is \$3,500. This would allow the Town to use this image on items to promote the Town.

Councilmember Keating asked if any research was done to see if he holds a valid copyright on this image. I have heard that the image was first used in the 1950s for a railroad. There are a couple of other entities in Town that have also been granted the right to use this image by Mr. Simpson.

Administrator Vincent stated that he has not but will investigate it.

8. BUSINESS

A. FIRST READING- ORDINANCE 23-0957 - CHAPTER 12 STREETS, SIDEWALKS, BEACHES, OTHER PUBLIC PLACES. Councilmember Keating made a motion to accept the first reading of Ordinance 23-0957 making some editorial changes to Chapter 12. Councilmember Drake second.

Director John Adair stated Chapter 12 was passed for second reading on 9/13/22. Since then, minor adjustments have been identified that could cause interpretation problems.

The first item is to remove the word "permanent" from the first sentence of 12-21(b) and the third sentence of 12-21(d). The word permanent can be subjective. Things can be put in the right of way and then argued if they are permanent. The removal of the word will make this Ordinance more enforceable.

The second item is in 12-67(d), identifying emergency lane distances from the pier more accurately. Beachgoers regularly sit in the shade of the pier without blocking the adjacent emergency lane. The chart is updated to reflect more appropriate clearances from the emergency lane. The North Side Edge will be reduced from 150 feet to 50 feet. The South Side Edge will be reduced from 100 feet to 25 feet.

A final item, identified by Chief Hofmann, is to clarify in 12-68 that glass bottles, etc., are not to be possessed on the beach and not merely discarded.

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

B. FIRST READING – ORDINANCE 23-0958- CHAPTER 9 MOTOR VEHICLES AND TRAFFIC– Administrator Vincent started there was a conversation with Council at the June 27, 2023, meeting regarding Pivot Parking. There was an opportunity presented by Pivot Parking to collect outstanding fines. Also, there were a few minor changes to their contract for clarification purposes. There are approximately \$28,000 in outstanding fines. Should Council approve, these fines could be turned over to a collection agency that shall be authorized to collect all payments due and to levy any additional charges as allowed by South Carolina law.

Councilmember Keating made a motion to accept the first reading of Ordinance 23-0958 with the modifications to Chapter 9. Councilmember Kinken second. All voted in favor. **Motion carried.**

9. PUBLIC COMMENTS

A. Rod Shilling, Yaupon Drive. I urge you to have a conversation of Pivot Parking. They do not seem to spend much time looking into the beach accesses. Also, the time needs to be changed from 9 AM-9 PM. The time change would help with the Hula show with the parking.

B. John Hiatt, 515 Lakeshore Drive, Earlier in the meeting, public comment was on the agenda. A resident came forward to speak, and someone not on Council interrupted him. I looked up the state law, and that person does not have the authority to interrupt Council. So, I would urge you to reprimand people who interrupt your job.

10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS

A. Councilmember Kreklau stated thanks to everyone listening; I want to mention something. We are a small community, and we have a lot of vacationers and vacationers' pets. They get loose sometimes. On July 4, I found one of these pets on an evening walk. Since I was close to the police station, I always said to take the pets and put them in jail until the owner can be found, and if no one claims, take them to human society the next day. I was told they no longer do that. I think that we should be more accommodating. Especially on the 4th of July with dogs that are scared. I think that maybe not the police should be responsible, but somehow the Town should have a place where lost pets can be taken at least overnight until the owner can claim them. So, with that, see you next time.

B. Councilmember Kinken Thank everybody for coming in and tuning in. We still have a problem with the line of sight in many places. But we also have a problem that a second businessman that came to us. You all heard what Lee had to say about the letter he received. He gotten days to jump through hoops. I understand if you've sent them a friendly letter, and they refuse to do it. That's different. In these cases, they're more than willing. Why don't you tell them there is a violation? They're more than happy to correct it. I feel that this Town is not treating our businesses fairly. There should be an explanation. If nothing's done, they can go to step two. There needs to be a much smoother process instead of being adversarial. I think that an adversarial approach is

wrong, whether it be for our business or anybody in the community. So, I feel very strongly about this. We live in a great Town with a staff that does a wonderful job. We have representatives from Fire Department here tonight, and I'm glad to see you. I enjoy being here in the summer. The water is as blue as I've ever seen. I've been here swimming in the same spot for 62 years. I've never been able to see my feet. Thank you.

C. Councilmember Drake Thank you, everybody, for joining us and the people online, too. I think more work needs to be done regarding the rights of way. We're in a tourist area. Parking areas are getting smaller and smaller and smaller. The rights of way belongs to the Town, not the homeowners. We had to make it a pay-as-you-go to park, but it needs to be available to our tourists, so they have a place to park. That's about it, and we'll see you next time.

D. Councilmember Stamey We need to do more as a Town, get more friendly. We have the worst reputation. When we have someone who has been in this Town for many years and comes in and complains that they've got a letter when the Town could have just called him and explained the issue, we won't keep these businesses. Why can't we send them a friendly letter? If you let them know there is a problem, most would fix it. Thanks for coming again.

E. Councilmember Holder, It's nice to see all of you here. We had an excellent presentation from the Chamber of Commerce. It's very important. The relationship with the Chamber will help us attract more businesses.

F. Councilmember Keating Like everyone else, I want to thank everybody for coming out; it was nice to see our men in uniform, both from the police and fire departments. I appreciate you being here. Just a side note about a couple of things. I agree with all the statements about line-of-sight issues, cleaning up the intersections. I have a big SUV and a little tiny Forte. You're right; if you get in a smaller car, you can't see around many of the corners. If it's a homeowner that needs to maintain the vegetation, let's send the letter. However, I also agree with Mr. Stamey, let's be polite about it, not threatening. That should be our first step. I mentioned earlier, I don't think we need to hold up modifying the policy or the ordinance for clarity's sake. We must ensure our ordinances are as clear, concise, and understandable as possible.

I'd also like to address the other comment made. Our Town Clerk is designated and appointed as our parliamentarian for this meeting. It is her job to make sure that the meeting is conducted in accordance with the ordinance and the ordinance requirements for decorum and respectful comment. So, it was not appropriate to say she was out of line as to be reprimanded. Stopping inappropriate comments is her job as a designated Parliamentarian. I commend her for the job she did here tonight.

Also, I want to thank everybody, I've been busy on Facebook typing "Thank you" 50,000 times today for the birthday wishes. I appreciate it. It's not exactly how I wanted to spend my birthday, but it is what it is. So, with that, I want to thank everybody, and as always, stay safe, stay healthy. We'll see you in a couple more weeks.

G. Mayor Hellyer Well, we've heard a lot of progress on the pier and what's going on over here. Much progress is being made in everything we're doing in Town. This is getting work done. We've still got a lot of work to do. So basically, bear with us. We're going to get it done.

- 11. 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. (employee compensation) Section 30-4-70(a)(2) Discussions of negotiations incident to proposed contractual arrangements. (Beach Services)

Councilmember Keating made a motion to enter executive session at 7:47 PM for a Section 30-4-70(a)(1) discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee (employee compensation) and Section 30-4-70(a)(2) discussions of negotiations incident to proposed contractual arrangements (Beach Services). Councilmember Drake second. All voted in favor.

Motion carried.

Councilmember Keating made a motion to re-enter the regular session at 9:58 PM. Councilmember Stamey second. All voted in favor. **Motion carried.**

- 12. MOTIONS MADE FROM EXECUTIVE SESSION** – There were no motions from Executive Session.
- 13. ADJOURNMENT** Councilmember Holder made a motion to adjourn at 9:59 PM. Councilmember Kinken 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

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parties via the Town's email subscription list. The agenda was posted on the entry door at Council Chambers.