



**SURFSIDE BEACH TOWN COUNCIL EMERGENCY MEETING
TOWN COUNCIL CHAMBERS, 115 US HIGHWAY 17 NORTH
SURFSIDE BEACH, SC 29575
SEPTEMBER 8, 2017 ♦ 9:00 A.M.**

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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 would do so. If you're not able to, or you're going to be leaving, then I would assume that goes to pro tem. You are our elected officials. We're counting on 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.

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54 **3. BUSINESS.**
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56 **A. Resolution #17-183, Declaration of a State of Emergency for the Town of Surfside**
57 **Beach, Administrator Fellner.** Mr. Ott moved to adopt Resolution #17-183 Declaration of a State of
58 Emergency for the Town of Surfside Beach. Ms. Samples second. Ms. Fellner presented the resolution
59 and said there seems to be a misunderstanding about the last paragraph in the resolution. What that
60 authorizes is in the event the disaster is declared, approval of additional expenditures and appropriation
61 for debt incurred or use of fund balance, fund balance reserves or transfers for other funds will be by
62 resolution [motion and vote] of Town Council through a telephone vote. So if the storm does come to
63 town, this allows for a telephone vote if there is no choice but to evacuate the town. I don't think
64 anything is untoward. I think you all heard this in the training that we just received the South Carolina
65 Emergency Management Division person said this is one of the best they had ever seen, both the
66 ordinance and the resolution as it covered all contingencies. I think we did very well in Matthew. That
67 was not a fun experience, but I think all of the things we needed to do to protect property and to protect
68 lives were done. I also think because this was in place that we were able to make decisions about what
69 we were going to do for the town like having Scipio as a staging area, etc. Those are decisions that cost
70 money. Rather than get Jordan Phillips involved to haul debris; those are decision that need to be made
71 and they are decisions that can be delayed; they need to be made in the short term, but the after effects
72 of a hurricane can easily last 60 days, and that's why that 60 days is included for disaster recovery.
73 Those three items are the important things, I think, to protect property and life, and to be able to meet
74 the needs of whoever is still here, and to be able to make those that disaster recovery decisions that
75 you've been involved with. That's why the South Carolina Emergency Management Division said and told
76 you all in the training that these are very valuable documents, and they were one of the best they'd seen.
77

78 Mr. Stevens said *for the record*: "The amendment will be end of the last paragraph on page 2.
79 The amendment will simply say the town administrator and finance department shall furnish the town
80 Council and the public/citizens and taxpayers an itemized spreadsheet, by the way I want all of this on
81 the record, and any and all expenditures that been made by the town administrator and/or each
82 department during the stated emergency, and within 30 days of expiration of the state of emergency
83 during the time the stated emergency, the town administrator and finance department shall show in a
84 financial itemized report source of all expenditures from existing and/or borrowed funds. This report shall
85 be made available to the Town Council and the public citizens and taxpayers. Mr. Courtney second. Mr.
86 Stevens continued: The reason I made this amendment is very simple. Citizens in this town are asking
87 for transparency and I agree with them 1,000-percent. We need transparency. We need to make sure
88 that our money that is being spent, and I understand you took care of the Matthew, and you did a great
89 job, but that citizens need to know where the money is being spent. That it is not being wastefully spent
90 that is being spent wisely. I don't want to see money wasted anywhere during this emergency. As long as
91 you spend it wisely and you spend appropriately, I have no problem. That's why I asked for an itemized
92 spreadsheet showing any and all expenditures. I think this is the smart thing to do. If you're a
93 councilperson and you believe in transparency, if you sit on this council and you represent the citizens
94 and you believe in transparency, then you will vote for this amendment, because it's what the people
95 want. Not just the here [sic]; all over this town, because that's what they want. They tell me every day.
96 We want more transparency in government. This is a wise amendment. It gives council better knowledge
97 of what the money was spent for and it also gives our taxpayers and our citizens a better look at what
98 we did. And believe me, if you do a good job, they're going to applaud you, Ms. Fellner they will applaud
99 you every day, and they will applaud council for bringing this forth and voting for something like this that
100 is wise. I do not want to be fiscally reckless and financially irresponsible. I want make sure that our
101 money is spent wisely and that the staff in each department spends it wisely. I don't want to see money
102 spent on hotels and party rooms when we don't need 'em. Right now as it sits, according to the National
103 Weather Service, we are only going to have about 20 to 30 miles an hour winds, if the storm stays on
104 path. This was as of eight, February, September 8th, five a.m. So, yes, I agree that the storm could turn,
105 but right now they're forecasting it to go to Nashville, Tennessee. That's where they're forecasting, and

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106 this is, and we also have dropped, County has dropped from Defcon [sic] 4 to Defcon [sic] 3. That was
107 whatever they call it. Opcon [sic], I think it's Opcon [sic]. They dropped that this morning, so I'm sure
108 that we've dropped it, as well. Furthermore, the, the resolution is based on ordinance on state law that is
109 not applicable. You've got the state law; this resolution based; we passed this resolution; you based on
110 ordinance that is based on the South Carolina Code of Laws, Title 4 County, Chapter 9, County
111 Government, Article 1, General Provisions, Section 4-9-130, where it should be based under South
112 Carolina Code of Laws, Title 5, Municipal Corporations, Chapter 7, General Structure, Organization,
113 Powers, Duties, Functions and Responsibilities of all Municipalities Section 5-7-250. If anybody wants to
114 take a look at that, I'll pass it down. The state law you quoted wrong. You've got one of them right there.
115 So that's why I'm doing this amendment. (**several speaking at once.) ... my best and then you ...
116

117 Mr. Ott asked Ms. Fellner if there was anything in that the request the councilman made that we
118 don't normally do in the accounting process. Ms. Fellner said no, and Town Council can ask for that at
119 any time. I believe Councilmember Courtney asked after Hurricane Matthew at numerous times for
120 different expenditures, and we gave him as those things became available and we had the FEMA
121 numbers and exactly everything laid out and we had the invoices in so we could lay that out to him. We
122 disseminated that information. Mr. Ott said then it isn't going to cost any more than you normally do day
123 to day.
124

125 Mayor Childs said you possibly could have a running tally at the end of 30 days. Ms. Fellner said
126 sometimes we don't even have the invoices by that time, especially in a disaster.
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128 Mr. Courtney said I have to disagree with that because I've been a first responder for over 25
129 years. I went to Hurricane Irene, Hurricane Sandy, 9/11, Hurricane Matthew, and I don't care if you
130 getting lunch, dinner, or breakfast. It really doesn't make a difference. The troops gotta be fed. But I
131 want an itemized list of what's going on. When I did ask you for that it took me months to get and it
132 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
133 care if you don't have an invoice. I've been involved in this over 25 years. There is no way; there is no
134 reason why you can't keep a tally of what it is costing per day. There were 25 people in my crew during
135 the summer time. I can tell you when we had an emergency we had lunch, breakfast, lunch, and dinner.
136 I had all the numbers figured out by the end of the week and so should this administration.
137

138 Mr. Pellegrino said that Hurricane Matthew was handled fairly well. Obviously, we spent a lot of
139 money, and we were reimbursed a lot of money. During that process we did have reviews from Director
140 Adair on different spending. He even came to some of the town council meetings and gave updates.
141 Anyone can call and request information. Saying that, I have no problem with Mr. Stevens' addition to
142 this. Basically, it will just make a formatted report for the spending. I don't see how that can hurt
143 anything. As far as the administrator's authority, it was detail very clearly in this that any changes in fund
144 balance, or transfer the fund balance would be voted on through telephone, if necessary, by council. So
145 that addresses the other issue that was talked about during public comments.
146

147 Mr. Ott said Mr. Stevens brought up that the resolution should refer to Chapter 5, and asked Ms.
148 Fellner to check that.
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150 Mr. Courtney asked what the changers were from the resolution for Hurricane Matthew. Mr.
151 Stevens said they were pretty much the same, but all councilmembers were required to sign, which is my
152 next amendment. Mr. Courtney asked why councilmembers signatures were not on the resolution. Ms.
153 Fellner explained that adoption is by motion and a vote, and there has been a problem getting
154 councilmembers to sign documents after meetings. Sometimes only two people will sign them, so it's
155 been easier to have the mayor or mayor pro tempore sign for the council, and it's an accepted format as
156 long as there's been a vote in public. Mr. Courtney was vehemently opposed to that and said the
157 resolution and ordinance should be changed to have all councilmembers sign the documents.
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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,

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

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

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226 All voted to approved Resolution #17-183 as amended. **MOTION CARRIED AS AMENDED.**

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

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

242
243 Mr. Stevens said the town's authority to act is under Title 5, Municipal Corporations, therefore,
244 Section 5-7-250(d) is correct and that's the way it should be written. I also amend that all members of
245 council be required to sign this, just as we did during Hurricane Matthew.

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

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

254
255 Ms. Samples said based on Mr. Stevens' motion, if I understand correctly, the intent of the code
256 doesn't really change, it's the code number that we're changing. Mr. Stevens said the code number. Can
257 this Council agree that once it is verified that the code number has changed, that the intent of the code
258 has not changed, and that we can go ahead and give authority to move forward once the code has been
259 corrected. I think it would be educational for all of us to know that. Ms. Fellner said li have no problem
260 with that and will verify it with the attorney. **COUNCIL CONCURRED.**

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

263
264 Mr. Stevens moved that the ordinance include all seven signatures and noted a scrivener's error

265 in number 1 where it states "the Town of Horry County," which the clerk said would be corrected. Mr. Ott
266 second. All voted in favor. **MOTION TO AMEND CARRIED.**

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

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270 **4. Town Council Comments.**

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

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

285
286 Mr. Ott: I also appreciate everybody's comments and I'd like to thank Councilman Stevens for
287 doing the fine tuning, shall we say, and adding the changes to the South Carolina Code of Laws and it
288 does say in both code of laws, it states there will be the 61st day, so it's not something the town's
289 putting in. This is a state law that they want to be levied on this. Again, thank you Mr. Stevens, for your
290 work.

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

313
314 Ms. Samples: Ms. Fellner, I am hopeful and prayerful that this hurricane does head to the west,
315 and my priority is that our staff remain safe, above all, and that we keep our residents as safe as we can.
316 So, anything we as a council can do to provide you and your staff assistance over the next few days, I
317 know I plan to stay; so, keep us posted as you have in the past and I know you will in the future. And

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318 again, my priority is to keep our safe and our residents safe. So, thank you.

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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.

330 **5. ADJOURNMENT.**

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

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Prepared and submitted by,

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Debra E. Herrmann, CMC, Town Clerk

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338 Approved: September 26, 2017

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Surfside Beach Town Council

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341 VOTE: Yes No

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Robert F. Childs, III, Mayor

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Ron Ott, Mayor Pro Tempore

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Timothy T. Courtney, Town Council

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Mark L. Johnson, Town Council

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David L. Pellegrino, Town Council

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Julie M. Samples, Town Council

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Randle M. Stevens, Town Council

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