



**SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING MINUTES
NOVEMBER 28, 2017 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

Town Council Meeting

1. CALL TO ORDER.

Mayor Childs called the regular meeting to order at 6:30 p.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples, and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann; Deputy Administrator Harrah; Finance Director King; Fire Chief Otte; Police Chief Hofmann; Public Works Director Adair, and Events Supervisor Ellis.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Pastor Steve Fairchild, LCIII Community Church gave the invocation.

B. Pledge of Allegiance: Mayor Childs led the Pledge.

3. AGENDA APPROVAL.

Mr. Stevens moved to adopt the agenda as presented; no second offered. Mr. Courtney moved to adopt the agenda with amendments to delete Item 7.E. Parking Committee Recommendations, and to move Item 7.C. First Reading of Ordinance #17-0859 to discussion. Mr. Ott second. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL. Regular Meeting November 14, 2017.

Mr. Courtney moved to adopt the November 14, 2017 regular meeting minutes with an amendment to line 229 to include the sentence "Mayor Childs called for a vote on the motion to accept the infrastructure committee recommendations in block, and as amended to include the male/female bathroom." Mr. Ott second. All voted in favor. **MOTION CARRIED**

5. PUBLIC COMMENTS. Agenda Items Only. (3-minutes per speaker)

Mr. Nick Delaplane, 13th Avenue North: You heard me two weeks ago and I expressed my opinion regarding the subject that's brought up this week on item 7, B, which is how the decisions of the town manager are handled by the council, and since it's on the agenda this week, I just want to remind the people of Surfside that it's bad business for a part-time council try to second-guess a full-time town manager who is aware of the performances of the people that are hired to work for the city. It's Town Council, I understand, has the ultimate authority, because they hire the town manager and they can fire town manager and if it gets to be an issue, then they fire her and life moves on. But, it's rare that that's at issue, in my opinion, and it's better for a full-time professional like the town managers are that you select to play politics that apparently you are setting that up to avoid them being able to play politics, and I just want to say I think that's bad business. Thank you.

6. COMMUNICATIONS.

A. Proclamations.

53 **i. #17-118 Arbor Day December 7, Director Adair.** Mr. Adair presented the proclamation, a
54 copy of which is on file. He explained that the town has been a Tree City USA for several years. Mr. Ott
55 asked if trees were planted on Arbor Day. Mr. Adair said staff just planted 10 trees this past week; four at
56 the dog parks, and six along Martin Field. Arbor Day varies from state to state. This is the time to plant in
57 our area.

58
59 **ii. #17-119 School Choice Week, Mayor Childs.** Ms. Herrmann read the proclamation, a
60 copy of which is on file.

61
62 **B. The Noah Adoption Program with Ark Animal Hospital, Ms. Mistie Velasco.** Ms.
63 Velasco was not present.

64
65 **C. Department Reports.**

66
67 **i. Events.** Supervisor Ellis presented the written report, a copy of which is attached hereto.
68 Ms. Ellis updated the report saying that about 1,150 people participated in the Turkey Trot; the
69 Lakewood Steel Drum Band will perform at 6:30 just prior to the tree lighting service at 7:00 on
70 Thursday; the Christmas parade has been finalized with 94 entries, and most entries have more than one
71 vehicle. Breakfast with Santa has 68 registered; there are only four open reservations. The employee
72 Christmas luncheon will be Friday, December 15th at the civic center. She thanked Mr. Adair and Mr.
73 Simpson from public works for their assistance with holiday decorations. Mr. Courtney thanked Ms. Ellis
74 for all the work she did. He said we attended the Veterans Day Service; it went off very well. I see we
75 have our Christmas tree up. Ms. Ellis said decorations are not completed. Mr. Courtney said we look
76 forward to the Christmas parade. Ms. Ellis reminded councilmembers to be at 16th Avenue South on
77 December 9th by 1:30 p.m. to get on the parade float.

78
79 **ii. Finance.** Director King presented the written report, a copy of which is attached hereto. Mr.
80 Courtney thanked Ms. King for the report and asked what was included in the South Carolina grants for
81 \$33,941. Ms. King explained that is from PEBA (South Carolina Public Employees Benefit Authority); the
82 town has to pay more into retirement, but the state gives back 1-percent and it was received in
83 September. Mr. Courtney asked if the Lanier budget originally had \$25,000 for beautification. Ms. King
84 said I don't think that is in this year's budget, but I will check and let you know.

85
86 **iii. Fire.** Chief Otte presented the written report, a copy of which is attached hereto. Chief Otte
87 said that Captain Prentice Williams completed his bachelor's degree in fire science from Columbia
88 Southern University. He has been working on this degree for several years and received his diploma in a
89 ceremony October 27th in Alabama. Mr. Courtney asked if one shift was short a firefighter. Chief Otte said
90 one county shift has a paramedic on duty that does not have interior firefighter training; but he is trained
91 in the incident command system, which is a necessary part of a fire scene. In fact, that paramedic took
92 control of the scene at the Pickled Cucumber fire when our members made the attack on the interior of
93 the building. Mr. Courtney said the minimum requirements are that you have four on duty. Chief Otte
94 said yes, there are four people so you can start interior operations. Mr. Courtney said so you cannot do
95 that on the C shift. Chief Otte said no, we still have four people; somebody has to take command of the
96 situation. Mr. Courtney asked how many firefighters were needed to advance an interior line. Chief Otte
97 said two; two on the inside and two on the outside. Ms. Samples asked Chief Otte to please pass on
98 congratulations Captain Williams for earning his degree. That is an accomplishment. Chief Otte said it is
99 and he would be happy to do so. Mayor Childs said I think I can speak for council that we all send
100 congratulations.

101
102 **iv. Planning, Building & Zoning.** Deputy Director Harrah presented the written report, a copy of
103 which is attached hereto. Mr. Stevens asked if a homeowner could build his house, if he owned the
104 property. When I built my house in the early 90s, I was told by the building department that I could not
105 build my house, because I don't have a building license. I've called the South Carolina Residential

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106 Building Commission (SCRBC), and they tell me that I could build my house, because I owned the
107 property. After staff checked with SCRBC, they told me I could build my house, but I just had to take a
108 test to make sure I knew the laws. My understanding is if you own property that you can do work on
109 your own property, under State Law. Mr. Harrah said in reference to the owner's capability to do work, if
110 the work exceeds \$5,000, you have to do an owner's disclosure that is recorded with county to act as a
111 general contractor on your own property. There's some stipulations to that State Statute that if you
112 decide to build your own house, there are some requirements that you have to attain for two years to be
113 allowed to do that. Mr. Stevens asked if he would be allowed to get a permit to perform work for \$1,500.
114 Mr. Harrah said the International Residential Building Code allows you to perform some work, but any
115 electrical or plumbing work must be performed by a State licensed contractor. Mr. Stevens gave
116 examples of work and asked what had to be done to enable him to perform the work. Mr. Harrah said as
117 long and the cost does not exceed \$5,000 you, as an owner, can act as your own contractor. There are
118 some limitations. Mr. Ott said he wanted the addresses of the actions and investigations. He did not
119 understand why the fire department included addresses, but his report did not. Mr. Harrah said the
120 addresses in the fire report are commercial businesses. Mr. Ott said I want to know where these are, so if
121 one of the residents in this town has a violation, I like to be able to go and look at it. As a
122 councilmember, that is one of my jobs, and I need to have that. Mr. Stevens asked if council could get a
123 consensus to receive the addresses. Mr. Ott said the addresses just needed to be given to council. Mr.
124 Courtney said the addresses were in former reports. Council **CONCURRED**. Mr. Courtney said there is a
125 lot of rubbish signage in the rights-of-way like mattresses for sale, and similar. We've never had before,
126 but now it's popping up. Is code enforcement picking up these signs? Mr. Harrah said yes, actually as I
127 walked by the code enforcement truck today, I saw several signs in the back of the truck that he picked
128 up. Mr. Courtney said there used to be a pile of signs by the dumpster, but there are none now. We just
129 want to clean this up. You do know what signs I'm talking about? Mr. Harrah said absolutely. Mr. Stevens
130 said I have noticed that there are a lot of town signs that are leaning over, and are not straight. Mr.
131 Harrah said public works is responsible for town signage. Mr. Courtney asked Mr. Harrah if he was acting
132 as the planning and zoning director at this point or as the deputy administrator. Mr. Harrah asked in
133 reference to this report. Mr. Courtney said his position in town. Mr. Harrah said I was hired as the deputy
134 administrator. Mr. Courtney said you are running planning and zoning now. Mr. Harrah said they report to
135 me. Mr. Courtney asked Mr. Harrah if he was still a police officer. Mr. Harrah said no.

136
137 **v. Police.** Chief Hofmann presented the written report, a copy of which is attached hereto.
138 Mayor Childs said I think that all councilmembers should take time to go through the remodeled facility. I
139 did a couple weeks. Our facilities crew, under direction of Mr. Adair did as good a job as that could be
140 done. I was surprised at how large that space was. Mr. Ott said just a note for the public looking at these
141 numbers, and it is the off-season, but doesn't seem like crime takes a vacation day. Chief Hofmann said it
142 used to be quiet around town after Labor Day. We could sit out on the highway, and we wouldn't see a
143 car on the road for two to three hours at night. It's just not that way anymore. We don't really have an
144 off-season. It's a different kind of thing that were fighting out there now. Mr. Ott said thank you to Chief
145 Hofmann and to all his officers. Mr. Courtney said thank you very much for your report. I appreciate it
146 and I love reading it. I received an email in regards to my request on the cost to retain police officers.
147 Will you have for me at the next Town Council meeting? Chief Hofmann said yes, a rough draft is
148 prepared and I need to finalize a few things. Should it be included in the monthly report? Mr. Courtney
149 said that would be great. Mr. Courtney said I've been informed that we are having car break-ins. Chief
150 Hofmann said there's always a few every so often. We haven't had a rash of break-ins that I'm aware of.
151 Patrols were stepped up in areas where the few were reported, and officers are watching for suspicious
152 people or anybody out and about unusual times. Mr. Courtney said I'm very happy that they are doing
153 psychological testing. This should be done on a lot of people here. This is something that I'm surprised
154 that the state didn't do 25 years ago. Most police departments do a psychological written and
155 psychological evaluation with a psychiatrist. Chief Hofmann said a state fund was established for those
156 tests. The town will pay upfront and then immediately apply for reimbursement. It's a new program, so
157 we'll see how it functions. Mr. Courtney asked if current officer were grandfathered in on this. Chief
158 Hofmann said yes. Mr. Courtney said thank you for your report and thank you to the officers. I see

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159 them around the community. Officer Decker makes herself known on the south end of town. Mr. Stevens
160 said I just wanted to get an update on the undesirable massage parlor businesses that were in town.
161 Chief Hofmann said one business continues to operate. Police are doing regular inspections, continually
162 finding violations of South Carolina Labor Licensing & Regulation Board (LLR) requirements that are
163 subsequently reported to LLR. We will continue to work on that as that particular business is bad news.
164 The good news is that two of the businesses were closed. One of those businesses has reopened in the
165 Palm Plaza as an assuredly legitimate massage therapist business. The owners have invited us to come in
166 and do any inspections that we need. Unfortunately, they are getting some visitors that they don't want
167 who are stopping by for services that they don't render. I'm happy that there's a good business there
168 that is legitimate and has reached out to police department to assure us that they bring good things to
169 the town and opened their doors to us to check their licenses anytime. The bad news is that still
170 continuing to deal with this third business. Mr. Stevens asked what the chief recommends to completely
171 eradicate these types of business from town. Chief Hofmann said I think that the nuisance ordinance that
172 Mr. Harrah is presenting will bring us some assistance with that. I'd like to see the nuisance ordinance
173 and how the police department can utilize it to declare that business a nuisance in our town, and pursue
174 that those remedies. Mr. Courtney asked how many officers are currently on staff. Chief Hofmann said
175 the organization table shows 20 sworn Class I police officers. Mr. Courtney asked if that included rank.
176 Chief Hofmann said yes. Mr. Ott asked if the police dogs would be in the Christmas parade this year.
177 Chief Hofmann said the police department actually staff the positions to run traffic for the parade. So, we
178 don't generally participate in the parade, because it takes all of our staff to make sure the parade goes
179 off safely. We can certainly look at that, if it's the desire of council. Mr. Stevens asked if there is a K9
180 fund. Chief Hofmann said there are three different funds that canines have access to; one is a line item
181 that council provides in the regular budget. The other is what's called canine development fund, which is
182 separate fund that donations and other things like that go into. Then there is an independent canine
183 association that tries to help with fundraising. Mr. Stevens asked how a citizen would donate to one of
184 the funds. These dogs are absolutely fantastic, and they keep a lot of drugs out of this town. Chief
185 Hofmann said they can go to town hall and drop the donation off with finance personnel; and a donation
186 to the canine development fund would be deposited into that account. They are also welcome to stop by
187 police department and drop a donation off with me. We're very fortunate that our dogs healthy. They
188 don't have a lot of medical expenses, but there are needs that they have from time to time. The
189 department does not actively solicit, because that would be improper, but since you brought it up, that
190 would be great if they wanted to make a donation to the K9 development fund. We would appreciate it
191 very much. Mayor Childs said I feel pretty confident that Mr. Stevens will be coming with a check very
192 soon.

193
194 vi. Public Works. Director Adair presented the written report, a copy of which is attached hereto.
195 Mr. Johnson asked what happened to the benches in Harrison Park. Mr. Adair said they were destroyed;
196 I believe somebody drove a golf cart through the park and ran them over in 2012 or 2013. We just left
197 them off for a while. They aren't cheap, but we did replace them. We hope that people will use them for
198 their intended purpose. Mr. Johnson asked if the town would supply the paper bags for yard debris. Mr.
199 Adair said no; the cost is just a few cents more per bag for the paper. They can be purchased at the local
200 home improvement stores. The mulching-machinery at the Solid Waste Authority is being jammed with
201 plastics, and they will not accept plastic after July 1, 2018. Mayor Childs asked if the crossover on the
202 beach side at the 5th Avenue North swash would be rebuilt. Mr. Adair believed it was at the Myrtle Swash;
203 that pedestrian bridge will be scheduled for reconstruction now that the retaining walls are done. Mr.
204 Stevens asked Mr. Adair about the signage in town that was leaning. It looks bad. Can you address
205 those? If they are state signs, can you contact the state? Mr. Adair said absolutely. Signage is checked
206 regularly. Shifting sand and vandalism causes many of the problems with signs. We regularly fix them.
207 Mr. Stevens said thank you for the work you're doing in the expansion of the walkovers. I get a lot of
208 positive feedback from not just residents, but also the tourists. Mr. Adair said they have been really well
209 received and I will give credit to former councilmember Rod Smith who brought that to my attention
210 years ago. We permitted five of larger decks, which require a special permit from OCRM; advertising,
211 public notice, and mailings, etc. Each of the walkovers can seat between 12 and 15 people. Many people

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212 just wanted to look at the ocean rather than walk on the beach so, it's really nice. We permitted an
213 additional 10 walkovers because the first ones were so well received. We are about halfway through that
214 list now. So ultimately down the road maybe all of them will have a lot of seating up on top. Mr. Stevens
215 asked Mr. Adair to clarify when the crew was finished on the beach during the season. Mr. Adair said the
216 crew begins about 5 o'clock in the morning during the summer season; generally it takes about three
217 hours to get off the beach. If the tide is low, there are more passes along the beach. When the tide is
218 high, it does not take as long. So the time varies. Mr. Adair said the crews are usually off the beach by 8
219 o'clock. Mr. Courtney said thank you for the report. I've notice on the right-of-way at 16th Avenue North
220 that the signage is an eyesore. Could staff please check that area? Mr. Adair that gentleman said he was
221 going to landscape that corner. Mr. Courtney said I am talking about simple maintenance; cleaning up
222 corners and end caps. Of all the departments, you have the largest budget, correct? Mr. Adair said I don't
223 really follow; public works and the police department are probably close. Mr. Courtney asked Mr. Adair if
224 he needed consensus from council to replace signs, or is that included in your budget. I tabled the
225 parking committee recommendation, but some of the requests that are on there are simple maintenance.
226 Things like signage, painting parking lots, end caps, the beach are all in your budget, correct? Mr. Adair
227 said to an extent. Signs and poles are budgeted and they are replaced as needed; spares are bought as
228 needed. For a large-scale project, if council wants all of the signs on Ocean Boulevard replaced at one
229 time, the cost could be as much as \$10,000 for about 200 hundred signs and poles. A project of that
230 scope is not in my budget. Town Council would have to authorize the expenditure for such a project. The
231 pedestrian crosswalk signs on Surfside Drive are a good example of what we can absorb in the budget.
232 Mr. Courtney said he did a great job painting the parking lot at town hall. Mr. Adair said the budget
233 includes repainting a couple of lots every year. Mr. Courtney asked for a list of upcoming projects for this
234 year, including street paving and everyday maintenance. Mr. Adair said okay. Mr. Courtney said he didn't
235 believe it was necessary to ask council for consensus to buy a \$37 sign. Mr. Adair said last week a citizen
236 was parked on top of the beach access drive over. When he was asked to move by the police officer, he
237 responded there is no sign prohibiting his parking there. I subsequently installed 'no unauthorized
238 vehicles past this point' signs at all of the beach drive overs. Mr. Courtney asked that the signs down by
239 the beach be refurbished for the upcoming season. Many of the signs are outdated. I think we discussed
240 this once before with using bullet points for the 25-some ordinances. Now we're collecting signs on the
241 beach that are not effective. Mr. Adair said I believe you. It's something we think about every single year.
242 The signs continue to grow in volume. We have signs that pertain to picking up after yourself; recycling;
243 no smoking; no unauthorized access; golf cart parking only and other messages. It's hard to pick one
244 sign that isn't needed. We replace them as they get faded. It is not in my authority to determine what is
245 not needed; Town Council would have to decide that. Mr. Courtney asked if the paint for the parking lot
246 was in stock. Mr. Adair said the painting was contracted out, because it had to be done over the weekend
247 so no cars would be in the lot. Last year the parking lot at Huckabee Complex and at 5th Avenue South
248 were repainted. We try to paint a couple of parking lots every year with the existing operating budget.
249 Mr. Courtney said thank you and I look forward to the project report. Mr. Adair said if you could be a little
250 more specific about what kind of projects you want. We are on every street in town at some point doing
251 the year doing some kind of maintenance. Mr. Courtney said there are still signs that were damaged by
252 Hurricane Matthew that should be repaired without council being involved, because I don't want to get
253 involved in day-to-day operations. Mr. Adair said after Hurricane Matthew we inspected every single pole
254 on every single residential corner in town to make sure they were straight. There was a list of a couple of
255 hundred that needed to be straightened, and that work was done. As soon as we are aware of a
256 damaged sign, we fix it. Mr. Ott said people are still dumping on vacant property, and I guess we'll never
257 find or maybe it's another sign to tell people that no dumping allowed. Mr. Adair said we do put up no
258 dumping signs on wooded lots very often. Mr. Ott said do you have any idea how to stop it; I don't think
259 we'll ever be able to stop it. Mr. Adair said we have minimal enforcement resources, this dumping activity
260 usually takes place at night or on a weekend when there's nobody around. The perpetrators know when
261 we're not working.

262
263 **C. Administrator's Report.** Ms. Fellner presented the written report, a copy of which is
264 attached hereto. Mayor Childs said we had a good conversation with FEMA (Federal Emergency

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265 Management Agency). We have pulled out all political favors owed. This is the last phone call. This one
266 will tell exactly where we stand and they assured us, hopefully, by Friday the 30th they would give a
267 decision. It sounded very favorable at the time. I can assure you every single thing that could be done
268 has been done up till today. This next phone call from FEMA will absolutely tell us exactly what direction
269 we're going. We are finally off of dead center on this Clemson landscaping. We are finally going to do
270 what we been trying to do now for I guess a couple years, and hopefully, this project will carry on as
271 monies are appropriated and as the underground wiring is completed. Obviously, we can't get involved
272 where the underground wiring project is tearing up everything. I think that if we do the west side of the
273 boulevard; our soil is a big thing. Everybody knows that we have here is sand. Not a lot grows in sand, so
274 preparing the soil so we can have some nice shrubs on Ocean Boulevard. It should be a really
275 aesthetically beautiful area in the years to come. That's a project even when this council is gone, I'd ask
276 the administrator to please leave all the directions for the future administrator, and for future councils, so
277 they can carry this project on until it's completion, so it doesn't drop at any point. I hope everybody's
278 happy about this landscaping as I am, because it's something that I've pushed for years. Mr. Stevens
279 asked if there was any additional cost for the Clemson landscaping project. Ms. Fellner said no. The
280 extension is the local outreach of Clemson University; they perform that at no cost. Mr. Stevens said Ms.
281 Fellner said in response to a public comment that at present there are no approved changes to the
282 Huckabee Complex. Do you foresee any changes? Ms. Fellner said no, and I think to be fair, I know that
283 there are a couple of council people, at least one from the dais, that has talked about having an indoor
284 sports facility, or a meeting facility, possibly at some time. I think that's what this person might've been
285 referring to, but council hasn't authorized any change. It can only be outdoor recreation according to the
286 restrictions on the deed right now. Mr. Stevens said in regard to part of the C3 area being changed to an
287 entertainment area, I haven't read the minutes of the planning commission, but it was my understanding
288 that they're talking about raising the height limit in that area. Mr. Harrah said the height limitation set
289 forth in the current zone is 55 feet. It may need to be raised another 10 feet, or whatever distance
290 needed to fit the rebuilding of the pier. Mr. Stevens asked why the height limit would be raised. Mr.
291 Harrah said because rebuilding of that pier requires meeting the current flood regulations, as we
292 discussed before. Mr. Stevens said the C3 goes up Surfside Drive to about Yaupon, and south and north.
293 Is that going to raise the height for the whole district? Mr. Harrah said it's only going to the area of
294 rezoning, if it's approved. When we determine that the pier construction needs another 8 feet or other
295 measurement to allow for the roof, then that's when we will looking at that height limitation. Roof
296 measurement are taken at full peak height. That height limitation would only be in the E Entertainment
297 district. Mr. Stevens asked if he had considered mirroring the measurement style used by Myrtle Beach,
298 Horry County and Georgetown. Mr. Harrah said that was Town Council's decision. Our code states full
299 height. Mr. Stevens asked if he was recommending that. Mr. Harrah reiterated that it was a decision for
300 Town Council. Mr. Stevens asked if the planning commission would recommend using mean height. Mr.
301 Harrah said it's an option that could be brought forth to you, but again, it is a council decision. Roof
302 height will be part of the planning commission's discussion. If we do measure by mean roof, it may allow
303 us the capability to establish the structure. Mr. Stevens asked if adopting the mean roof measurement
304 would enable people to build an architecturally designed roof. Mr. Harrah said it would give you a little
305 more ability to have more details. Mr. Stevens said it would not actually change the height. Mr. Harrah
306 said our ordinance limits you to the ridge peak, which would shorten the height building. If you measure
307 midway between the top floor and the peak, it would allow you to build a taller building. Mr. Stevens
308 asked if this would stop the use of flat roofs. Mr. Harrah said it is possible. Mean roof measurements
309 gives the resident or building owner more flexibility where somebody may want 10 foot walls that mean
310 roof measurement gives them the 10 foot walls where the top of the peak may only accommodate an
311 eight foot wall. Ms. Samples said you are expecting to hear from FEMA around November 30. Considering
312 that we have only one meeting in December, can council be prepared, once we get that information, if
313 maybe be a special meeting will need to be called so some decision regarding the pier. Ms. Fellner said
314 one way or another, a special meeting will be requested once the decision is received. Mayor Childs said I
315 think Ms. Samples is right to have a special meeting so everybody could ask questions and find out
316 exactly what is decided, so we don't hear bad rumors. Ms. Samples said especially if the information is
317 not good, then we certainly have some decisions that we need to make. Mr. Courtney said our fire

318 department is understaffed, correct, and we've been pulling volunteers as the chief is been working on it.
319 We have huge firehouse and we have 20 police officers and (**) firefighters. The C shift has three
320 firefighters on duty. Ms. Fellner said there are four on C shift. Mr. Courtney asked if incident command
321 really counts as an interior. Ms. Fellner said yes, it does. Mr. Courtney said I thought it was four in. Ms.
322 Fellner said it is two and two. Mr. Courtney said he asked because Marion County Council, its fire chief
323 and administrator were indicted for knowing that there was asbestos in the building, but did not do
324 anything about it.

325
326 **7. BUSINESS.**
327

328 **A. Second Reading Ordinance #17-0857 to amend §12-67 Obstructions on the Beach**
329 **to Repeal the Ban on Tents and to Stipulate Tent Usage, Mayor Pro Tempore Ott.** The decision
330 paper and ordinance copies are on file. Mr. Courtney moved to adopt second reading of Ordinance #17-
331 0857 with an amendment to state amendment to paragraph (d) to change six (6') feet between tents to
332 ten (10) feet between tents, and also to add "there shall be no obstructions, including beach
333 paraphernalia, between the tents" after "tie-downs" at the end of that same sentence. Mr. Ott second.
334 Mayor Childs explained that the police department requested, because the gators used on the beach
335 were unable to maneuver a 6 foot turn in between tents. The reason to include the elimination of beach
336 paraphernalia between the tents is the gators couldn't get through if the space is filled with coolers,
337 chairs, and other beach paraphernalia. That is a safety issue. That is a must, and it's a very little change.
338 Mr. Stevens moved to change the space between tents to 15 foot. **Motion failed, no second.** Mr.
339 Stevens continued saying I think the distance between tents should be 15 feet. This gives more space.
340 It also gives the emergency vehicles plenty of room to get in between, if somebody has a heart attack or
341 somebody has some problem at the beach. This would still provide space for about 400 tents. Mayor
342 Childs said 10 foot would still allow families to be close to each other. I think 10 foot is certainly is
343 something that everybody could agree to. The police department is happy, the tent people are happy,
344 the umbrella people are happy, everybody's happy. Mr. Stevens asked who would enforce this. Mayor
345 Childs said once we do our job, the police department will handle that part. Mr. Stevens said I just feel
346 like that that you not only able to enforce it. That 10 feet will be congested with everything under the
347 sun. I know how people are. They get down to the beach and they just put everything they can on the
348 outside of the fence [sic.] Mayor Childs said thank you for your input, Mr. Stevens. In the future will be
349 reviewing this ordinance. If it does become an issue, then will certainly refer back to these minutes. Mr.
350 Courtney asked Chief Hofmann if his department would enforce this ordinance. Chief Hofmann said yes,
351 and that's why I went down to the beach yesterday and did some tests with some cones and a gator to
352 see what was possible, so that we didn't ask for too much and didn't put something in place that wasn't
353 reasonable. It's easier to educate the public with a 10' x 10' tent with a 10 foot space between them. It
354 will be a little easier to enforce. It may not be ideal for families that want to be close together, but it will
355 help the safety factor. I think that this is a good compromise, and I think it is something that we can
356 enforce. We will try to focus on education rather than enforcement. If this is agreeable to council, I think
357 this is something we can handle. Mr. Courtney asked if the attorney was consulted about liability issues
358 on these changes. Mr. Fellner said I actually did not ask the attorney about the liability for this. I will call
359 him tomorrow. Mr. Battle spoke to me; he is aware of it, but he did not issue an opinion for council. Mr.
360 Ott asked if there was liability with umbrellas, or surfboards; there are liabilities everywhere. Mr. Stevens
361 asked if the beach will be marked to indicate so many feet from each access, so the police don't have to
362 get out with a tape measure. Mayor Childs said I really think if the police department has an issue like
363 that they'll come back to council to make changes. To sit here tonight and try to anticipate every little
364 thing that is going to happen on the beach is tough to do. The question is on the second reading, as
365 amended, on ordinance #17-0857. All those in favor say aye. Mayor Childs, Mayor Pro Tempore Ott, and
366 Councilmembers Courtney, Johnson, Pellegrino and Samples voted in favor. Councilmember Stevens
367 voted against. **MOTION CARRIED AS AMENDED.** Mr. Stevens said *for the record*, "My reason for
368 voting no is I don't believe that we have enough guidelines for this to be enforced correctly. When we
369 come back with some guidelines, then I'll be glad to vote for it."
370

371 **B. First Reading Ordinance #17-0858 to amend §2-113 Duties of Town Administrator,**
372 **to amend requiring Town Council Approval when Appointing and Removing Department**
373 **Directors, Councilmember Johnson.** Mr. Johnson moved to adopt first reading of Ordinance #17-
374 0858 as presented. Mr. Stevens second. Mr. Johnson presented the decision paper and ordinance, copies
375 of which are on file. Mr. Johnson said we received an opinion from our town attorney. I have received an
376 opinion from the executive director of the Municipal Association, and an opinion from my personal
377 corporate attorney. It was a 2:1 opinion. Our town attorney said that it would be a breach of contract to
378 make this amendment. The other two people that I highly respect said no it would not be. So I present
379 this to council for its consideration. The change is to add paragraph "(f) The town administrator shall
380 recommend department directors to Town Council and appoint the recommended director upon approval
381 by Town Council. The town administrator shall terminate department directors for cause after presenting
382 cause to and receiving approval from Town Council." In my opinion is it was stated by another
383 councilmember outside of these chambers, if you bring the reason for cause to Town Council it's 99.9-
384 percent of the time that we're going to approve and in the past, we have approved; everything has gone
385 through Town Council in hiring, or firing department directors. It was changed in 2012, and I just think
386 we need to bring it back to the way part of it was back then. Mr. Stevens said I agree and concur with
387 Mr. Johnson. There's no reason for us to terminate a person unless we have cause. If we don't have
388 cause, then we keep that person. If a person is terminated without approval of council, and there's no
389 justifiable reason for doing it, then we subject ourselves to lawsuits. The attorney said were spending
390 \$25,000 on one lawsuit. We've been sued by three different employees: Andy Christiansen, Ty Taylor,
391 and Jackie Donevant. The Donevant case is in the South Carolina Supreme Court and we're spending big
392 money with attorneys. That case was originally a verdict of \$500,000. It was reduced to \$300,000, now
393 it's before the South Carolina Supreme Court. They were fired without cause, and when you fire
394 somebody without cause, we have seven people here that represent the citizens. We need to do our due
395 diligence for the citizens of Surfside Beach to make sure that when we terminate somebody, the t's are
396 crossed and the i's are dotted. If we fire somebody without cause, you can bet your bottom dollar there
397 are lawyers out their waiting to sue us. Let's face us, the insurance company refused to handle one case
398 and our town attorney said it may cost \$30,000. If you want terminate somebody, terminated 'em with
399 cause. As Mr. Johnson said, that's what the administrator has to do; show us just cause. We have to do
400 our due diligence and protect the taxpayers in this town. Our insurance company has already refused to
401 handle one case. How many more cases will they refuse to handle. Mr. Stevens said I support this
402 completely. Ms. Fellner said just to clarify a couple of things, the lawsuit you're talking about that the
403 attorney talked about tonight is planning, building and zoning related. Mr. Stevens said I understand that.
404 Ms. Fellner said the three personnel suits you mentioned all occurred prior to the change being made to
405 the ordinance, so council was in charge and it was a council vote. Mr. Stevens said I was not on council.
406 Mr. Pellegrino said I think in the public comments at the start of the meeting one of the citizens summed
407 it up very nicely. Our responsibility is to hire the administrator. The administrator responsibility is to
408 manage daily activities. I disagree with this 100-percent, and the motive of this change was in response
409 to the current administrator. We don't have any employment-related lawsuits with the current
410 administrator. Mayor Childs called for a vote on first reading of Ordinance #17-0858. Mayor Pro Tempore
411 Ott, and Councilmembers Courtney, Johnson and Stevens voted in favor. Mayor Childs, and
412 Councilmembers Pellegrino and Samples voted against. **MOTION CARRIED.**

413
414 **C. First Reading Ordinance #17-0859 to amend Chapter 7, Nuisances, Deputy**
415 **Administrator Harrah.** This topic was moved to discussion during the agenda approval. (See #3
416 above.)

417
418 **D. First Reading Ordinance #17-0860 to amend §8-68 Advertisements on Property,**
419 **Deputy Administrator Harrah.** Mr. Johnson moved to approve first reading of Ordinance #17-0860.
420 Mr. Stevens second. After discussion by several members that a 6 square foot sign was too large, and the
421 4 square sign was preferable, Mr. Johnson and Mr. Stevens withdrew the motion and second,
422 respectively. Mr. Johnson moved to send §17-623(D) back to the planning commission to reduce the size
423 of political signs. Mr. Stevens second. All voted in favor. **MOTION CARRIED.**

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E. Parking Committee Recommendation: Proper State Code Signage Installed for Pedestrian Crosswalks and Repainting on Surfside Drive and Ocean Boulevard, Councilmember Courtney. This item was removed from the agenda during the agenda approval. (See #3 above.)

8. TOWN COUNCIL DISCUSSION. Any matters of concern or information to be discussed.

First Reading Ordinance #17-0859 to amend Chapter 7, Nuisances, Deputy Administrator Harrah. This topic was moved to discussion during agenda approval. (See #3 above.) Mr. Courtney asked that the nuisance ordinance be deferred to a workshop. Ms. Samples said we just had two workshops on this nuisance ordinance. Why is a third workshop being requested? Mr. Courtney said I want the full council to be involved. I read this nuisance ordinance. I found a lot of errors, and unfortunately, the second workshop was on a holiday weekend. Three councilmembers were not present. I think this is a seven member council up here, and they really need to look at this, because it affects all of you. What's in this nuisance ordinance is very, very harsh. It is something that we should really carefully look at, because it impacts all of us. Mayor Childs said Mr. Ott suggested that we have a two-hour evening workshop so all members can attend. That will be the final workshop. Ms. Samples said she could agree to that. Mayor Childs instructed councilmembers to please respond to the clerk when she calls to schedule the workshop. He reiterated that it will be a two hour workshop. The gavel will go down at the end of two hours.

9. PUBLIC COMMENTS. General Comments. (5-minutes per speaker)

Ms. Liz Bradley, Juniper Drive: I was in the Turkey Trot on Thanksgiving, and I noticed that this year the roads weren't closed to traffic, which made it kind of dangerous for people who were walking and the runners. I'd also like to suggest; it was wonderful day, and otherwise is a great event, and I've done it for the last three years, and it's wonderful. It's a great way to show the town. It's a great way for people to walk around the community and see the beautiful houses and all the wonderful houses around here and the streets in the town. It's a great thing to put forward as a pride moment for our town. I'd also like to see some kind of; I know you talked about advertising, and putting Surfside out there. I know when we did the Diva Run at Market Common one of the giveaways that they gave us were aluminum water bottles that had Market Common on it. It's great, and I use it over and over again, and every time I do, I bring it out and people get a little Market Common advertisement. So, I might want to suggest something like that for the Turkey Trot for next year.

Mr. Tom Dodge, 8th Ave., South: I would like to thank council for the entertainment you provide. You are better than The Big Bang Theory. Thank you.

Mr. Gary White, Lakeside Drive: My wife, Julie, and I would just like to express our satisfaction with Mr. Adair and his crew. Fall, spring, and summer Floral Lake is always clear and beautiful. Then this month, they cleaned up the brush and the trees on 3rd Avenue at Floral Lake. I just wanted to say it's a great job. I wish you would pass that on to your crew. (Mr. Adair acknowledged his request.) Thank you.

Mr. Boyd Sadler, 8th Avenue South: The tent ordinance, I mean it's probably better than what has been happening, but you noticed in the news this week they celebrated in North Myrtle Beach and in Myrtle Beach no drownings, because they can see the beach. That should be considered. They really should consider that. Our police department, our chief, your people who have the lifeguards. It's a safety issue. It's a safety issue. Almost every time I come here, there's some kind of comment about the lawsuits against this town, and are insurance companies not wanting to back it up. I don't blame 'em. We never really hear what happens to the settlements or to the issues with these lawsuits. It's really a sad to admit that. And to duck your responsibility of checks and balances; it's a system that's supposed to by

477 our federal government. Unfortunately, it doesn't always work. But you guys are the checks. You're the
478 ones that make it balance. You need to be in control of what happens; what happens in this town. Not to
479 take anything from the administrator, but when you're talking about heads of departments, you need to
480 pay attention to that. I'd really like to know how many lawsuits have been won by the town. Of all the
481 ones that I've heard about, I'm hearing that we don't win any lawsuits as a town. Maybe we have the
482 wrong lawyer, maybe our insurance company has the wrong lawyers. If that's the case, we need to look
483 around for better insurance companies. But it's still you guys. I know that you're here for a term, maybe
484 two terms or several terms. You need to earn those terms. You need to earn that right to sit in that chair
485 up there and represent the Town of Surfside Beach and citizens, and protect our taxes. Thank you.

486
487 **10. TOWN COUNCIL COMMENTS.**
488

489 Mr. Ott: Thank you for your opinions. Thank you for coming out. That's it.
490

491 Mr. Courtney: Thank you all. I hope you have a happy holiday, and I hoped you enjoyed your
492 Thanksgiving. I appreciate you coming out. God bless you. Have a good night. Thank you.
493

494 Mr. Johnson: Thank you citizens for coming out once again. We appreciate all of your input and
495 I appreciate all of council's input and all the work that they do. Thank you. Be blessed. God bless you.
496 Thank you.
497

498 Mr. Pellegrino: Thank you very much for coming out. I don't really have any comments. I'd just
499 like to thank our staff, because I've been dealing with the staff a lot more recently, and we do have
500 opportunities, obviously, like any organization, but I think the majority of staff really wants to always
501 continue to improve. So I do appreciate that.
502

503 Ms. Samples: First, Ms. Fellner, you and staff, again, thank you for the multitude of hours you all
504 put in, and I appreciate that you sit here through these council meetings. Thank you. We really do
505 appreciate it. Ms. Bradley, the Turkey Trot is not sponsored by the Town of Surfside Beach. It is a
506 collaboration between nonprofit Rotary Club and Festival Promotions out at Market Common. I appreciate
507 your suggestion, and I will certainly pass it on to those people that are involved in that. Most importantly,
508 Mr. White, when how nice of you to get out and complement Mr. Adair and his crew. They are the best.
509 We know it. We appreciate it. We tell Mr. Adair that often. Those guys work hard and it's nice to have
510 someone come up and show your appreciation. So thank you very much. Everyone have a good evening.
511

512 Mr. Stevens: I'll try to make this short. Town Council needs to keep doing our due diligence and
513 doing what's right for the taxpayers. That's all I'm gonna say on that. I want to give congratulations to
514 the Clemson fans over there; Mr. Johnson, and they beat Carolina again for the fourth time in a row. Mr.
515 Johnson: 34:10! Mr. Stevens said I saw it. By the way, if you, your local boy played for Clemson. He
516 scored the touchdown championship in the national championship last year. Hunter Renfrow from
517 Socastee. There's a lot of folks that went to Socastee High School from the Surfside area, and let's hope
518 that Clemson, once again, wins the national championship. That brings another national championship to
519 the state of South Carolina, even though I'm a Gamecock. Thank you for coming out and I hope you all
520 had a good Thanksgiving. Have a good week, and made the sun shine on you and God bless you.
521

522 Mayor Childs: I want to thank everybody for coming out. Thank you to council.
523

524 **11. ADJOURNMENT.** Mr. Courtney moved to adjourn the meeting at 8:29 p.m. Mr. Pellegrino
525 second. All voted in favor. MOTION CARRIED.
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528 *See page 11 for signatures.*
529

Town Council Regular Meeting
November 28, 2017

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Prepared and submitted by:

Debra E. Herrmann, CMC, Town Clerk

Approved: December 12, 2017

Surfside Beach Town Council

VOTE:	Yes	No
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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

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