



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES
MARCH 26, 2019
TOWN COUNCIL CHAMBERS**

Executive Session – 6:00 p.m.

1. Call to Order. Mayor Childs called Town Council to order at 6:00 p.m. on Tuesday, March 26, 2019. Mayor Childs, Mayor Pro Tempore Pellegrino, and Councilmembers Dietrich, Johnson, Ott, Scoles, and Stevens were in attendance. A quorum was present. Others present: Town Attorney Crosby; Town Administrator Pieper, and Town Clerk Herrmann.

2. Executive Session. Pursuant to the Freedom of Information Act §30-4-70(a)(1) to discuss the appointment or release of a person or persons to a public body, and §30-4-70-(a)(2) discussion of negotiations of incident to proposed contractual arrangements, specifically Ordinance #19-0891 month-to-month lease agreement for pier property, and also to receipt legal advice relating to a pending, threatened, or potential claim. (See Agenda Business Items.) Mr. Stevens moved to enter executive session at 6:00 p.m. Mr. Ott second. All voted in favor. **MOTION CARRIED.**

Mayor Childs declared executive session *in recess* at 6:31 p.m. until Agenda Item 11. Mayor Childs said for the record that no action was taken during executive session. Any action will be taken during the regular meeting.

Town Council Meeting – 6:30 p.m.

1. CALL TO ORDER. Mayor Childs called the regular meeting to order at 6:31 p.m. Mayor Childs, Mayor Pro Tempore Pellegrino, and Councilmembers Dietrich, Johnson, Ott, Scoles, and Stevens were in attendance. A quorum was present. Others present: Town Attorney Crosby; Town Administrator Pieper; Town Clerk Herrmann; Finance Director King; Planning, Building & Zoning Director Morris; Police Chief Hofmann; Public Works Director Adair, and Events Supervisor Ellis.

2. INVOCATION AND PLEDGE OF ALLEGIANCE. A. Invocation: Elder Willy Wilson from Wellsprings Fellowship Church was unable to attend. Mayor Pro Tempore Pellegrino gave the invocation. **B. Pledge of Allegiance:** Mayor Childs led the Pledge.

3. AGENDA APPROVAL. Mr. Stevens moved to adopt the agenda as presented. Mr. Dietrich second. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL. March 12, 2019. Mr. Stevens moved to adopt the March 12, 2019 minutes as presented. Ms. Scoles second. All voted in favor. **MOTION CARRIED**

5. PUBLIC COMMENTS. Agenda Items Only.

Ms. Patricia Magliette, Harbor Lights Drive, said the planning commission had done an outstanding job by representing our citizens, looking out for flood insurance and how buildings are built. She said it would be a dog gone shame for council to replace them or can them.

Ms. Ann Wescott, Cedar Drive North, said this room is full and we are watching.

6. COMMUNICATIONS.

A. Department Reports.

54 **i. Events.** Supervisor Ellis presented the written report, a copy is attached hereto. She noted
55 that the Surfside Beach Youth Association along with public works staff had added two T-Ball fields at
56 Huckabee Complex. Mayor Childs and Mr. Ott both commented on the success of the BBQ Festival. Mr.
57 Johnson appreciated the T-Ball fields being added for younger players.
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59 **ii. Finance.** Director King presented the written report, a copy is attached hereto. Mr. Stevens
60 encouraged everyone to patronize the town's businesses, saying that without their tax and license
61 revenue the town couldn't survive very long.
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63 **iii. Fire.** Chief Otte was absent. The written report is attached hereto.
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65 **iv. Planning, Building & Zoning.** Director Morris presented the written report, a copy is
66 attached hereto. Ms. Scoles asked for an update on Ordinance #19-0885 regarding sheds (accessory
67 buildings.) Ms. Morris said neither the CRS nor the state flood coordinators could say how many points
68 would be lost regardless of the square footage. The only review agency does not comment on sections;
69 only the ordinance as a whole. Mayor Childs said there are thousands of sheds in town and asked how a
70 few more would affect anything. Ms. Morris said the town is inspected every three years. Staff provides
71 all the engineers' letters for stormwater and stormwater plans. If council wants the ordinance brought
72 forward, she would do so. Mayor Childs said wait until there is an answer. He asked for an update on
73 Pickled Cucumber. Ms. Morris heard this week that it will not reopen on Surfside Drive; but, another
74 restaurant is considering the location.
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76 **v. Police.** Chief Hofmann presented the written report, a copy is attached hereto. Mr. Johnson
77 said the new speed signs were effective; he personally is driving slower. Mr. Stevens asked if another
78 citizens' police academy would be held. He believed they are beneficial. Chief Hofmann said yes; maybe
79 in the spring. Mayor Childs asked if the beach patrol could be reminded to fill in holes on the beach. Chief
80 Hofmann said that would be included in their training; shovels for that purpose are part of the beach
81 patrol equipment. Mr. Ott asked if Chief Hofmann had problems with the tent ordinance. Chief Hofmann
82 said there were significant challenges from that ordinance. Staff discussed options for better
83 management, including changes to the beach service schedule, flags to mark the 8-foot line, and
84 signage. Ms. Scoles asked why rental agencies were not passing this information to tenants; what could
85 the town do to help. Chief Hofmann suggested contacting the rental companies, but the usual response is
86 there are so many rules they are ignored. Mr. Johnson said the town tried to work with the rental
87 agencies and even furnished magnets for rental units in the past. Mayor Childs remembered that, but the
88 information seemed to stop at the front desk. Chief Hofmann said education is the first role of the beach
89 ambassadors; he will look into other options.
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91 **vi. Public Works.** Director Adair presented the written report, a copy is attached hereto. A
92 Project Update was distributed to councilmembers, a copy of which is attached hereto. **Town Council**
93 **CONCURRED to award the electrical bid award for the 3rd Avenue South Promenade in the**
94 **amount of \$48,719 to BNV Builders.** Mr. Adair said this project should begin this week and be
95 completed in less than 45 days. Mr. Adair explained that both Stantec and Santee Cooper recommend
96 withdrawing from the Highway 17 Underground Wiring (ECT) project, because the contractors bid was
97 almost equal to the original amount after the county's portion of work was deleted. The town could
98 perform the ECT project individually after the highway work is completed, and anticipates getting a much
99 lower bid. The street lights will be put in using franchise funds, which will still have a balance after the 3rd
100 Avenue South project is complete. **Town Council CONCURRED to withdraw from the ECT Project.**
101 Mr. Adair noted that the FEMA environmental review was well underway. Mr. Stevens complimented
102 public works and other departments on good work. Mr. Ott appreciated the crosswalks being installed at
103 Willow and Myrtle on Surfside Drive.
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105 **C. Administrator's Report.** Administrator Pieper said
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- 107 • Staff continues refining and preparing a balanced budget for the April 11th budget workshop
- 108 • Much time was spent over the last week and today following up with regulatory agencies, the
- 109 design team, and others involved on the pier reconstruction project to ensure the project is on
- 110 tract
- 111 • Senator Lindsay Graham's office is always very responsive, and contacted FEMA on behalf of the
- 112 town and got a response
- 113 • HGTV is coming to town to film an upcoming episode of Beachfront Bargain Hunt in April
- 114 • A 5-year lease extension is being drafted for the parking lot at 4th Avenue North. The property
- 115 owners are elderly; another extension is not expected after this extension expires
- 116 • Day-to-day operations and activities continue, and matters are addressed as they occur.
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118 Mayor Childs said Senator Graham's office has been beyond the call of duty to help the town. His
119 office was very instrumental in getting the money to rebuild the pier. Mr. Ott expressed appreciation for
120 Mr. Pieper's hard work.

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122 **7. BUSINESS.**

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124 **A. Second Readings of Ordinance**

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126 **i. #19-0888 to amend Section 14-51 Stormwater Definitions, Director Morris.** Mr.
127 Stevens moved to adopt second reading of Ordinance #19-0888 as presented. Mr. Ott second. Ms. Morris
128 presented the decision paper and ordinance, copies of which are on file. Mr. Pellegrino recused; his
129 statement is attached hereto. Mayor Childs, and Councilmembers Dietrich, Johnson, Ott, Scoles and
130 Stevens voted in favor. Mayor Pro Tempore Pellegrino recused. **MOTION CARRIED.**

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132 **ii. #19-0891 Lease Extension Pier Outfitters, Inc., Administrator Pieper.** Mr. Stevens
133 moved to adopt second reading of Ordinance #19-0891. Ms. Scoles second. Mr. Pieper presented the
134 decision paper and ordinance, copies of which are on file. Mr. Dietrich moved to amend the motion to
135 include that the monthly rental will be \$6,000 per month. Ms. Scoles second. All voted in favor of the
136 amendment. **MOTION TO AMEND CARRIED.** All members voted in favor of the primary motion as
137 amended. **MOTION CARRIED AS AMENDED.**

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139 **B. Resolution #19-196 to clarify Personnel Handbook Section 402 Award Time, HR**
140 **Mattingly.** Mr. Stevens moved to adopt Resolution #19-196 as presented. Mr. Johnson second. Ms.
141 Mattingly presented the resolution, a copy of which is on file. All voted in favor. **MOTION CARRIED.**

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143 **C. Inmate Housing Contract, Police Chief Hofmann.** Mr. Stevens moved to authorize the
144 town administrator to execute the inmate housing contract. Mr. Dietrich second. Chief Hofmann
145 presented the decision paper, a copy of which is on file. Ms. Scoles said the agreement was for a two
146 year period, but the request is for a one year trial. Chief Hofmann said that would lock the rate in for two
147 years, if the town decided to continue the agreement. Mr. Stevens said this would save over \$500
148 thousand, and reduce the town's liability. Chief Hofmann said based on previous history, the maximum
149 paid to Myrtle Beach would be \$15,000. Mr. Pieper said there is also cost when prisoners are taken to J.
150 Reuben Long. After discussion, Mr. Stevens restated his motion to include Options 3 and 4. Mr. Ott
151 second. Mayor Childs, Mayor Pro Tempore Pellegrino, and Councilmembers Dietrich, Ott, Scoles, and
152 Stevens voted in favor. Councilmember Johnson voted against. **MOTION CARRIED.**

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154 Mr. Johnson called *point of order* and asked if council could discuss this. Mayor Childs accepted
155 the point and recognized Mr. Johnson who asked if a written presentation could be given to council to
156 show how Options 3 and 4 meshed together. Mr. Pieper understood that operationally the chief wants to
157 transport inmates to J. Rueben, the preferred location, when staff is on duty. If transport staff is not
158 available, officers will take prisoners to Myrtle Beach, which is much closer and will allow officers to get
159 back on the road quickly.

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D. Highway 17 Mast Arms Agreement, Director Adair. Mr. Stevens moved to approve the additional mast arm expense (\$24,124.20) on Highway 17. Mr. Dietrich second. Mr. Adair explained during his report that the town would own the mast arms and its responsibility was simply for the structure. South Carolina Department of Transportation (SCDOT) will provide light bulbs, control boxes, wiring, etc. SCDOT recommends having an extra mast arm in storage, because of the time required to get replacements. Mr. Pieper said the mast arms would be insured; but if a vehicle runs into one, the vehicle insurance would cover cost. The decision paper is on file. Mr. Ott asked if that was the final price. Mr. Adair said yes, to his knowledge. Mr. Pellegrino asked why the price increased. Mr. Adair explained that bids were let twice by SCDOT, because they were so high. The second round of bids caused SCDOT to request additional funds from GSATS (Grand Stand Area Transportation Study Group). The project is up to about \$12 million; original estimates were \$5 to \$6 million. Both GSATS and the Policy Committee agreed to amend the budget to fund the project. All voted in favor. **MOTION CARRIED.**

C. Committee Appointments. i. Keep Surfside Beach Beautiful Ms. Ellen Delaplane, and ii. Stormwater Committee Ms. Yvette Hellyer. Mr. Johnson moved to appoint Ms. Hellyer to the Stormwater Committee, and Ms. Melanie Mask, and Ms. Delaplane to the Keep Surfside Beach Beautiful Committee. Mr. Stevens second. All voted in favor. **MOTION CARRIED.**

8. TOWN COUNCIL DISCUSSION. There was no discussion.

9. PUBLIC COMMENTS. General Comments.

Ms. Patricia Magliette, Harbor Lights Drive, expressed appreciation for the police chief's and the town administrator's efforts to protect the town and reduce liability by housing prisoners elsewhere. The cost is nothing compared to a lawsuit because a prisoner claimed harm due to our negligence. Thank you to the planning commission for doing an excellent job looking out for us, and to Ms. Morris for doing whatever she could to maintain our flood insurance at a reasonable cost. Because of them, our town is affordable and safe.

Mr. Tom Davis, representing Neal and Pam's, Ocean Boulevard, said they had been trying to build a small deck addition for several months. A Freedom of Information request was made on February 14th. A deposit was paid as requested, but not had a response. They believe it would be beneficial to have that information prior to their appeal filed because they disagree with staff's interpretation that a stormwater plan for the entire site had to be prepared. He urged councilmembers to encourage the responsible staff to provide documents that were requested.

Ms. Mary Beth Mabry, 15th Avenue North thanked the mayor and councilmembers who attended the historical sign unveiling. There were over 150 people there. Thank you to the public works crew; the park was beautiful. We fed over 75 people, and compliments are still coming in. Our Facebook page had 120 new likes, because they didn't know the park was there.

10. TOWN COUNCIL COMMENTS.

Mr. Ott thanked everyone for their comments. He was sorry putting on a simple deck was so much trouble. I hope it doesn't affect their business. Thank you for coming out.

Mr. Dietrich thanked everyone for attending and their comments. See you in two weeks, God bless. Have a safe trip home.

Mr. Johnson thanked everyone for coming out. I think it's ironic that we have two executive sessions in the same meeting; we'll see what happens. Your guess is as good as mine. Thanks. See you next time.

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Mr. Pellegrino said thanks for coming. Regarding the police department, the speed signs are great. They work. I was going over 30 the first time on 5th Avenue and now I'm in the 20s every time. We've been looking for something to slow traffic and they do work. I think Chief Hofmann did a very good analysis on the jail problems, risk, and options. I appreciate that, and using options 3 and 4 I think we can resolve that. Have a great night.

Ms. Scoles thanked all the department directors and the administrator for their hard work to keep the town running and safe. Have a good evening. See you next time.

Mr. Stevens thanked everybody for coming out. Thank the media for coming; we must be important. He proceeded thanking each department director and the administrator for their respective work. He also thanked the Keep Surfside Beach Beautiful Committee for its work. He encouraged everyone to support the town's businesses, because without them the town couldn't exist. Have a good week. I hope the sun shines on you every day.

Mayor Childs said next time motions should be written out so council can look at them to stop this mass confusion. We need some proofreading on some of this stuff that's not on the agenda.

11. Executive Session Reconvened. Mayor Childs called executive session back to order at 8:09 p.m. (Councilmembers adjourned to executive session.)

Mayor Childs called for a motion to reconvene regular session. Mr. Ott moved to reconvene regular session at 9:11 p.m. Ms. Scoles second. All voted in favor. **MOTION CARRIED.** Mayor Childs reiterated that no action was taken in executive session.

12. Motions and/or directions to Town Administrator from Executive Session.

Mr. Dietrich moved to authorize Administrator Pieper to engage outside counsel to provide legal advice relating to the accommodations tax and hospitality tax suit filed by the City of Myrtle Beach, and to execute agreements related thereto, including but not limited to engagement agreement of confidentiality. Ms. Scoles second. All voted in favor. **MOTION CARRIED.**

Mr. Stevens moved to declare vacancies on the planning commission for the seats held by Carrie Johnson, Janet Gambino, Al Lauer, Nicole Mastrosante, Larry McKeen, [and] Mary Beth Mabry for cause of adversely affecting the public interest and further that we direct the town administrator to have the positions advertised. Ms. Scoles second. Mr. Johnson said this is crazy. Absolutely ludicrous, crazy. This council is so discombobulated. The words escape me. The way things have gone down. I understand their frustration, but they created the frustration. So that's all I have to say. Mayor Childs, and Councilmembers Dietrich, Scoles, and Stevens voted in favor. Mayor Pro Tempore Pellegrino, and Councilmembers Johnson and Ott voted against. **MOTION CARRIED.**

13. ADJOURNMENT. Mr. Stevens moved to adjourn the meeting at 9:14 p.m. Mr. Ott second. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by:

Debra E. Herrmann, CMC, Town Clerk

Approved: April 9, 2019

Surfside Beach Town Council

Robert F. Childs, III, Mayor

David L. Pellegrino, Mayor Pro Tempore

Bruce H. Dietrich, Town Council

Mark L. Johnson, Town Council

Ron Ott, Town Council

Debbie Scoles, Town Council

Randle M. Stevens, Town Council

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Approved