



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES**  
**TUESDAY, MAY 14, 2019**  
**EXECUTIVE SESSION AT 5:30 P.M.**  
**REGULAR MEETING AT 6:30 P.M.**  
**TOWN COUNCIL CHAMBERS**

**Executive Session – 5:30 p.m.**

**1. Call to Order.** Mayor Childs called Town Council to order at 5:30 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, and Town Clerk Herrmann.

**2. Executive Session.** Pursuant to the Freedom of Information Act §30-4-70(a)(1) to discuss the appointment of a person or persons to a public body, specifically the planning commission and §30-4-70-(a)(2) discussion of negotiations incident to proposed sale or purchase of property. Mr. Stevens moved to enter executive session at 5:30 p.m. Mr. Ott second. All voted in favor. **MOTION CARRIED.**

Mr. Stevens moved to reconvene regular session at 6:10 p.m. Mr. Ott second. All voted in favor. **MOTION CARRIED.** Mayor Childs said for the record that no action was taken during executive session. Any action will be taken during the regular meeting under item 7, Business.

**3. Adjournment.** Mr. Stevens moved to adjourn executive session at 6:10 p.m. Ms. Scoles second. All voted in favor. **MOTION CARRIED.**

**Town Council Meeting – 6:30 p.m.**

**1. CALL TO ORDER.** Mayor Childs called the regular meeting to order at 6:30 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; Police Chief Hofmann, and Public Works Director Adair.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE. A. Invocation:** Reverend Franklyn Ward, Timberlake Baptist Church, gave the invocation. **B. Pledge of Allegiance:** Mayor Childs led the Pledge.

**3. PUBLIC HEARING to hear comments on Ordinance #19-0893 Stormwater Management Utility Fee; Ordinance #19-0894 to amend FY18-19 Municipal Budget, and Ordinance #19-0895 to adopt FY19-20 Municipal Budget.** Mayor Childs opened the public hearing at 6:32 p.m.

Ms. Betty Lowery, 4<sup>th</sup> Avenue North, supported the stormwater fee, but asked if the fee could be collected monthly, because it might be a hardship for those with limited incomes to pay annually. She urged council to ensure the fee was used solely for stormwater projects, and asked if the stormwater agreement with Horry County would be renegotiated since Deerfield golf course is being redeveloped as residential houses.

Mr. Bill Kinken, Dogwood Drive North, understood the project cost to bury the power lines was above budget, but he urged council to continue with the project to bury as many of the line as possible

53 with the funds on hand. Highway 17 is being improved, and in his opinion, not burying the wires would  
54 keep an eyesore.

55  
56 There were no other public comments. Mayor Childs closed the hearing at 6:36 p.m.

57  
58 **4. AGENDA APPROVAL.** Mr. Stevens moved to adopt the agenda as presented. Ms. Scoles  
59 second. All voted in favor. **MOTION CARRIED.**

60  
61 **5. MINUTES APPROVAL. April 23, 2019.** Mr. Stevens moved to adopt the April 23, 2019  
62 minutes as presented. Mr. Johnson second. All voted in favor. **MOTION CARRIED**

63  
64 **6. PUBLIC COMMENTS. Agenda Items Only.**

65  
66 Ms. Yvette Hellyer, 7<sup>th</sup> Avenue North, opposed adoption of Ordinance #19-0892 that restricted  
67 multiple family members from serving simultaneously. She believed that to be unfair, unethical and  
68 targeting someone like her who has already been appointed to serve on the stormwater committee, but  
69 may not do so now because her husband is on the planning commission. Neither she nor her husband  
70 should be put in the position of choosing which of them should serve. It is their civic duty and  
71 responsibility to contribute to the town utilizing their areas of expertise. This amendment was an attempt  
72 to force her husband to resign from the planning commission and she was being made a political pawn.  
73 Please do not adopt this. The town needs volunteers who want to dedicate time.

74  
75 Mr. Bob Hellyer, 7<sup>th</sup> Avenue North, said both he and his wife are retired and have 35 years of  
76 public service. After moving here, they decided to get involved to try to better the town. Since then, he's  
77 been stuck in a political nightmare and is the only remaining member of the planning commission. Now,  
78 the rules are changing so either he or his wife must resign. Ordinance #19-0892 has many problems. He  
79 believes it violates state law and has ethical problems; everybody [on council] was given notice.

80  
81 Ms. Beth Kohlmann, Ocean Boulevard South, was also concerned about Ordinance #19-0892.  
82 Based on her research the town has six statutory and five *ad hoc* committees. Some members serve on  
83 more than one committee; some serve on committees that affect their businesses. In her opinion that is  
84 improper, and the appearance of impropriety already exists. There is an appointed volunteer with years  
85 of experience, but if this is adopted, she will not be allowed to be sworn and serve. She opposed  
86 amending the paragraph stating a member could be removed 'for cause' and replacing it with 'by vote of  
87 council.' Council appoints the members, so it already has enough power.

88  
89 Mr. Ron Mask, 10<sup>th</sup> Avenue North, commended council for bringing the stormwater management  
90 utility fee forward. The stormwater committee has three [sic] members with spouses on other  
91 committees, so adoption of Ordinance #19-0892 may affect its membership.

92  
93 Mr. David Bergner, 16<sup>th</sup> Avenue South, opposed the meeting time being changed. He asked how  
94 the public would know when the meeting would begin if it was after the end of the executive session and  
95 how that would comply with the Freedom of Information Act that requires the meeting time to be  
96 published.

97  
98 Mr. Laurence McKeen, 6<sup>th</sup> Avenue South, said much of Ordinance #19-0892 was focused on  
99 making us more like the rest of the state, regardless of the town's size. He referred to a document as he  
100 held up a copy and said it interprets South Carolina Law so you can understand it. He read some from  
101 the document noting that planning commission must be appointed for staggered terms; members may be  
102 removed for cause. The proposed ordinance allows you to remove members because it's your pleasure.  
103 In his opinion, that is illegal. He cited codes about membership expertise and asked if council had  
104 considered that.

106 **7. COMMUNICATIONS.** Administrators Report. Mr. Pieper reported:  
107

- 108 • South Carolina Emergency Management Division reported that the biological opinion for the pier  
109 is in final review; he expects an update within two weeks.
- 110 • Architects, engineers and planning staff met to discuss pier plans. There are two or three code  
111 issues to be resolved, and they should be submitted this week so the planning department review  
112 can be completed.
- 113 • The Municipal Association Annual Meeting notices were sent out; if you plan to attend, please  
114 send your registration information to the clerk, if you have not already done so.
- 115 • Horry County adopted final reading on the ordinance to accept management of the town's  
116 election function. Filing dates for the November election will be August 23<sup>rd</sup> at 12 noon until  
117 September 6<sup>th</sup> at 12 noon. More information will be published as the filing dates approach.
- 118 • The rescue pumper (fire truck) preconstruction meeting was held with the Farrara Group. Our  
119 comments will be submitted and then the truck will go into production.
- 120 • Painting continues inside town hall. Staff is doing a great job, and it's looking nice.
- 121 • Director King and he met with the county auditor to discuss reassessment and adding the  
122 proposed stormwater fee to the property tax bills.
- 123 • There were various meetings with residents and business owners on constituent matters.
- 124 • Proposals for the auditors for next year are currently being reviewed.

125 **8. BUSINESS.**  
126

127 **A. Second Reading Ordinance #19-0892 Chapter 2, Administration, Councilmember**  
128 **Dietrich.** Mr. Dietrich moved to adopt second reading of Ordinance #19-0892, as presented, which  
129 includes the amendments put into writing in our packages. Ms. Scoles second. Mr. Dietrich said second  
130 reading is presented with an approved amendment to change the meeting time to 6:00 p.m.; a three  
131 minute limit for councilmembers' comments, that he supported; if there is a matter of urgent business,  
132 council can move to suspend rules to allow more discussion, and the mayor's amendments that clear up  
133 questions about service on committees. The decision paper and ordinance are on file. Mr. Ott opposed  
134 the ordinance, because in his opinion it was "hiding the family element." Mr. Pellegrino had multiple  
135 concerns; one was the 6:00 p.m. meeting time. In his opinion it would make it difficult for those who  
136 work to arrive on time. Mr. Johnson had several issues, particularly not allowing family members to serve  
137 simultaneously; there has been and is a problem getting volunteers. Mayor Childs, and Councilmembers  
138 Dietrich, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino, and Councilmembers Johnson  
139 and Ott voted against. **MOTION CARRIED.**  
140

141 **B. Second Reading Ordinance #19-0893 Stormwater Management Utility Fee,**  
142 **Director Adair.** Mr. Stevens moved to adopt second reading of Ordinance #19-0893 as presented. Mr.  
143 Ott second. Mr. Adair presented the decision paper and ordinance, copies of which are on file. Ms. Scoles  
144 and Mr. Ott asked if the revenue would be used only for stormwater. Mr. Adair said the ordinance is  
145 specific about uses; it will be in a separate fund and used only for stormwater, which is why the fee is  
146 defensible in court. Ms. Scoles asked if the fee could be collected monthly. Mr. Adair said Grand Strand  
147 Water and Sewer would not collect the fee. Mayor Childs, and Councilmembers Dietrich, Johnson, Ott,  
148 Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino voted against. **MOTION CARRIED.**  
149

150 **C. Second Reading Ordinance #19-0894 to amend FY2018-2019 Municipal Budget,**  
151 **Director King.** Mr. Stevens moved to adopt second reading as presented. Ms. Scoles second. Ms. King  
152 presented the decision paper and ordinance, copies of which are on file. Mr. Ott said the underground  
153 wiring project on Highway 17 was only for lines running east to west. Mr. Pellegrino said in response to a  
154 public comment that there was consensus that the underground paving on Highway 17 is a priority, and  
155 it would continue as part of the overall underground wiring project, but it would be bid at a later date. All  
156 voted in favor. **MOTION CARRIED.**  
157  
158

159 **D. First Reading Ordinance #19-0895 to adopt FY2019-2020 Municipal Budget,**  
160 **Director King.** Mr. Stevens moved to adopt first reading of Ordinance #19-0895 as presented. Mr. Ott  
161 second. Ms. King presented the decision paper and ordinance, copies of which are on file. She noted that  
162 there is no tax increase. Reassessment being done by Horry County, but staff does not expect that to  
163 cause a tax increase. The actual tax millage cannot be determined until the county completes  
164 reassessment, which is expected sometime in August. If the tax rate must be changed, it will be  
165 presented to Town Council. The total budget is \$12,367,790. Ms. Scoles asked when the assessment  
166 would be completed. Ms. King said staff met with the auditor this week; the notices will be sent in early  
167 July. Mr. Pellegrino said the stormwater fee is basically a 16% tax increase for the average taxpayer.  
168 Stormwater is important, but in his opinion, departments have not done enough to tighten their budgets  
169 and should be challenged to do so. Mr. Ott said homeowners recoup that money through the 25 percent  
170 reduction in flood insurance because of the town's Community Rating System rate. Mayor Childs, and  
171 Councilmembers Dietrich, Johnson, Ott, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino  
172 voted against. **MOTION CARRIED.**  
173

174 **E. MOU Renewal with City of Myrtle Beach Police Department Mutual Aid, Chief**  
175 **Hofmann.** Mr. Stevens moved to authorize the town administrator to execute the two-year renewal as  
176 presented. Mr. Dietrich second. Chief Hofmann presented the decision paper and agreement, copies of  
177 which are on file. All voted in favor. **MOTION CARRIED.**  
178

179 **F. Planning Commission Appointments.** Mr. Stevens moved to appoint Mr. Casey Brown, Ms.  
180 Melanie Lane-Laveglia, Mr. Michael Pesce, Mr. Sammy Truett, and Mr. Cody Sluder to the planning  
181 commission. Mr. Dietrich second. Mr. Ott said two appointees now serve on the accommodations tax  
182 committee. He believed the appointments violated the ordinance just adopted that prohibited serving on  
183 multiple committees. Ms. Herrmann said both individuals acknowledged that they would have to resign  
184 from the accommodations tax committee before being sworn to the planning commission. Mr. Johnson  
185 said staggered terms were not discussed. Mayor Childs and Councilmembers Dietrich, Scoles and Stevens  
186 voted in favor. Mayor Pro Tempore Pellegrino and Councilmembers Johnson and Ott voted against.  
187 **MOTION CARRIED.**  
188

189 **G. Motions and/or directions to Town Administrator resulting from Executive Session.**  
190 Mr. Johnson moved to direct the town administrator to negotiate and execute an agreement for Parcel A  
191 in the Town of Surfside Beach. Mr. Stevens second. All voted in favor. **MOTION CARRIED.**  
192

193 **9. TOWN COUNCIL DISCUSSION.** Any matters of concern or information to be discussed.  
194

195 Mr. Ott said he would have gladly voted for the individuals if they weren't already serving on  
196 another committee. All they needed to do was submit a letter that they would resign. We only have  
197 hearsay. We don't know that they agreed to resign. I've never seen an ordinance violated that quickly.  
198

199 Ms. Scoles disagreed with Mr. Ott. Council appointed the individuals and we should take their  
200 word that they will do what they said. She believes a person's word until it is broken. If that doesn't  
201 happen, then council has the right to remove them from the committee.  
202

203 Ms. Crosby said this relates to dual office holding that is prohibited by state law. The individuals  
204 cannot be sworn to the planning commission until they resign from their current appointment. This  
205 situation happens frequently at all levels of office when an appointee has to resign first before accepting  
206 a new appointment.  
207

208 **10. PUBLIC COMMENTS. General Comments.**  
209

210 Ms. Betty Lowery, 4<sup>th</sup> Avenue North, was concerned that the town has many very experienced  
211 retirees who could not serve on committees, because a family member already served on a committee.

212 You're trying to keep one family from having undue influence on a particular issue, but at the same time  
213 you're negating all the experience that could benefit the town. Council should reconsider that rule, and  
214 control membership by its appointments.  
215

216 Ms. Ann Wescott, Cedar Drive North, wanted the former planning commission members to know  
217 how grateful she was that they saved the town's FEMA flood insurance. These people are due a vote of  
218 thanks; not to be replaced by someone who has no idea what to start with.  
219

#### 220 **10. TOWN COUNCIL COMMENTS.**

221  
222 Mr. Stevens wanted everybody to know that the town was the only municipality in the area that  
223 didn't have a stormwater fee. The cost is 23 cents a day to ensure the town has proper stormwater  
224 management. Another hurricane could happen; that money is to prevent flooding. Thank you for coming.  
225

226 Ms. Scoles thanked everyone for coming and voicing their opinions. Special thanks to Mr. Pieper  
227 who was very helpful last weekend during the heavy rains. Have a good evening.  
228

229 Mr. Pellegrino thanked everyone for coming. We have great services and staff that manages  
230 them. The budget has some positives: the disaster fund will be \$1.2 million by the end of this cycle; four  
231 years ago there was nothing. Beach renourishment funds are being reserved. However, revenue has  
232 been flat for many years; within a few \$100 thousand annually during his six years on council. It's  
233 recommended that we have three months of town expenses reserved. We remain right at the three  
234 month standard in the unassigned fund after about a \$350 thousand reduction this year. That is why it is  
235 very important to understand expenses. He did not agree with another tax like the stormwater fee. We  
236 discuss many things at the budget workshops, but we don't dig into opportunities inside the departments.  
237 I will keep pushing for that along with new revenue sources. The E district and the pier will provide some  
238 opportunities, but they are a few years away. We need to capitalize on those areas, because they could  
239 provide more revenue than in the past. Have a great night.  
240

241 Mr. Ott reminded everyone that the adaptive surfing event will be on Saturday at 13<sup>th</sup> Avenue  
242 South. He encouraged every able-bodied person to volunteer and invited everyone to watch the event.  
243 Today is the last day to walk your dog on the beach until September 16<sup>th</sup>. Thank you for coming. Enjoy  
244 your day.  
245

246 Mr. Johnson said the E district could have progressed, except that council erred and the  
247 ordinance had to be cleaned up. He was concerned that the names of the volunteers for the planning  
248 commission were not made public prior to the meeting, because during the past 12 years that he served  
249 they have always been made public. He did not agree with the six o'clock meeting time. It makes it hard  
250 for working people like himself to get here. Thank you all for coming out. God bless. See you next time.  
251

252 Mr. Dietrich agreed with Ms. Scoles that Mr. Pieper was very helpful during the rain event last  
253 weekend. He was there for us then and always is. He was much obliged that Mr. Pieper is always  
254 available. Thank you to Chief Hofmann for bringing the mutual aid agreement. He agreed with Mr.  
255 Stevens's comments regarding the stormwater fee. Thank you to everyone who spoke and for coming out  
256 tonight. God bless you all. Have a safe trip home. See you in a couple of weeks.  
257

258 Mayor Childs said in response to Mr. Stevens's comments, we've been very fortunate during  
259 hurricanes and rains. This town has not experienced any major flooding. We have about \$3.5 million  
260 dollars in possible stormwater projects. We just do not have that money, which is why we need the  
261 stormwater fee. We have to generate the revenue to do those projects so we can keep the town free of  
262 flooding. Neighboring communities just a few miles away just got rid of water from a storm last year.  
263 This is a good fee. I don't think there is any other matter that generates more complaints than flooding in

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264 town. Until money is available to work on the problems, there is nothing the town can do. I think it is a  
265 good decision, and everybody will be pleased with the results.

266  
267 **12. ADJOURNMENT.** Mr. Stevens moved to adjourn the meeting at 7:31 p.m. Mr. Johnson  
268 second. All voted in favor. **MOTION CARRIED.**

269  
270 Prepared and submitted by:

271  
272  
273  
274 \_\_\_\_\_  
275 Debra E. Herrmann, CMC, Town Clerk

276 Approved: May 28, 2019

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278  
279 **Surfside Beach Town Council**

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281 \_\_\_\_\_  
282 Robert F. Childs, III, Mayor

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284 \_\_\_\_\_  
285 David L. Pellegrino, Mayor Pro Tempore

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287 \_\_\_\_\_  
288 Bruce H. Dietrich, Town Council

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290 \_\_\_\_\_  
291 Mark L. Johnson, Town Council

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293 \_\_\_\_\_  
294 Ron Ott, Town Council

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296 \_\_\_\_\_  
297 Debbie Scoles, Town Council

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299 \_\_\_\_\_  
300 Randle M. Stevens, Town Council

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