



**TOWN COUNCIL REGULAR MEETING MINUTES**  
**TUESDAY, AUGUST 11, 2020, • 6:30 pm.**

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11 **1. CALL TO ORDER** - Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Mayor Pro Tempore Scoles,  
12 Councilmembers Dietrich, Drake, Holder, Pellegrino, and Keating were in attendance. Others present Town Attorney Crosby,  
13 and Town Clerk Sheri Medina.

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15 **2. INVOCATION; PLEDGE OF ALLEGIANCE**

- 16 A. Invocation: Brian Peterson, Surfside Presbyterian Church, gave the invocation  
17 B. Pledge of Allegiance: Mayor Hellyer led in the Pledge of Allegiance.

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19 **3. PUBLIC HEARING** – None

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21 **4. MOTIONS RELATING TO AGENDA** Councilmember Keating stated with our news of the decision of our Town  
22 Administrator, we need to add a couple of things to the Agenda one is, under Communications, a discussion item about  
23 moving forward with posting and filling his position, as well as adding an item to the Executive Session, regarding the  
24 employment situation.

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26 **5. MINUTES APPROVAL** - Councilmember Keating made a motion to approve the minutes from July 28, 2020, meeting.  
27 Councilmember Pellegrino Seconded. All voted in favor. **Motion Carried.**

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29 **6. PUBLIC COMMENTS** – There were no in-person comments. All email comments read by the clerk. (attached)

30  
31 **7. COMMUNICATIONS**

32 **A. Lift Station at 4<sup>th</sup> and Dogwood Drive North & 15<sup>th</sup> Street South Canal** – Mayor Hellyer stated he had  
33 received numerous emails regarding the flooding. I went down and talk to them about the problem. Apparently, the flooding  
34 started at about 9 at 10 pm and went until about two o'clock in the morning. By seven o'clock in the morning, it had receded  
35 back to normal state. They didn't know whether it was the lake that overflowed or, it was the surge that came in from the  
36 ocean, or it was the pump station. I did see the damage, and their whole garage had approximately three feet of water in it.  
37 Their swimming pool was full of lake water and fish. I received a few e-mails from the people on Dogwood stating that they  
38 had flooded. It wasn't a significant amount of flooding. They contend that it's the town's stormwater that did it and that we  
39 should have to fix the damage.

40  
41 Councilmember Scoles also stated she had received a few emails about the flooding. I did go over the next morning, too, and  
42 also look at it. The huge problem they were complaining about, if there's no fix to this, and we anticipate this happening then  
43 again, is to block that road off there. With the vehicles driving through, they were flooding houses that probably would not  
44 have gotten flooded.

45  
46 Director Adair stated I'll start from the beginning of the storm that came ashore. We were fortunate as far as damage goes.  
47 Most of the town-wide damage that we usually experience from these storms comes from wind damage, trees, and debris  
48 falling. We didn't have to activate a debris removal operation. I was in communication with Ms. Scoles on the evening of the  
49 hurricane. I had my people in the field at 10:00 pm.

50  
51 There were complaints about the canal off of Lakeside Drive, between 14th and 15th South, that was overflowing. Because of  
52 the storm surge that came in, you had a high tide that was due about 8:30 at night, about 6.2 feet, because of the Full moon.  
53 Now, on top of that, you had over a 4.5-foot storm surge. The NOAA website you can plug in various levels up to 10 feet of  
54 inundation, and it'll show you exactly where it's going to flood based on topographical data. They use radar readings from the  
55 sky, and they can tell precisely the elevations all across the land. You will see where the will be potential flooding. The  
56 situation was a little bit different than the Myrtle Lake areas situation, because they just couldn't drain out. We only had 3.1  
57 inches of rain. Due to the incoming tide and storm surge, that canal could not drain out to the ocean. You can't move the  
58 appropriate amount of CFS or cubic feet per second with a 48-inch pipe if it's walled up at the end. That's why they had  
59 overflow problems. It was a very temporary problem.

60  
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61 The situation on Myrtle, and the Myrtle Swash Crossing and Ocean Boulevard, is that they sit low. When you get that kind of  
62 storm surge with a high tide, that flooding is going to happen every time. We have talked about maybe blocking the roads  
63 ahead of time to prevent the sort of wake action. But as far as the town preventing it, I don't have the ability to do that.  
64

65 Any water in the lift station tank that sits in the ground is elevated. The water goes in there, and it gets pumped out towards  
66 the north, then it goes up 544 to their sewage treatment plant. That is an enclosed system. It takes it out of town. So that's  
67 not a factor in the flooding of this area. It's really low because it's tidally influenced because they designed it in recognition of  
68 the fact that the areas are low, if they were higher on that, it would spread out and flood Ocean Boulevard as the tide came in  
69 every day. The dogwood Lake system we were able to lower to about the same level as Myrtle. We lowered it about two feet,  
70 we take all the boards out and get it down as low as possible so that the town can accept as much rainwater as we can.  
71

72 The middle, for a reason, it doesn't do a particularly effective job of filtering out pollutants, which is the purpose of a retention  
73 pond and having a weir system is to filter out contaminants and pollutants that come into the system. So what you're  
74 discharging into the ocean is as clean as possible. But Myrtle doesn't function that way. It's brackish water. And it's very tidally  
75 influenced every high tide spills over into there, and that's by design. So the blockage over on 15<sup>th</sup> S that was due to the tide's  
76 coming in. The south end of town is a main artery. But it's only a 48-inch pipe which runs out to the beach. So that plugged  
77 up in the end, you can typically get 75 to 90 CFS out of a 48-inch pipe. And it's plugged on the end, and maybe you're getting  
78 five pushing out from head pressure, it's going to back up, but it's not plugged with sediment or nor debris. It's just because  
79 it's coming in at the same time. The water had nowhere to go. But again, it was a short-lived problem, particularly in that  
80 canal.  
81

82 Mayor Hellyer asked what they can do to help them rectify the problem?  
83

84 Director Adair stated they might be able to get mitigation money from FEMA or if there is flood insurance available. But I'm  
85 sure they don't meet the current flood building regulations that we have with the three-foot freeboard that we would now  
86 require. They're going to have a repetitive problem. The town doesn't go on private property to do repairs or anything like  
87 that. The Biggert Waters Act passed in 2012 to a point where they're not subsidizing flood insurance rates anymore. They  
88 want to bring everybody up to market rates, because they've lost their shirt with Hurricane Katrina and storms like that, Sandy  
89 in New York.  
90

91 Councilmember Scoles asked who maintains the pond by the Food Lion because it seems to always have debris in is that may  
92 be draining into the canal. Director Adair stated that belongs to the store, and the code Enforcement office can write a letter  
93 to the headquarters requesting they keep the pond clean.  
94

95 Councilmember Scoles also spoke about the pipes that run down to 13th S going out to the ocean. It looks like a couple of  
96 them may have gotten crushed during the construction process, which looks like it's not allowing the flow of the water to  
97 come down 16th, and then go out wherever it goes. Director Adair stated he spoke with the County, and they will be repaired.  
98

99 **B. Pier Cost Presentation – Director King gave the Pier Cost presentation (budget attached).** Director King  
100 stated this is based on an estimated pier build of \$13,400,000. After explaining all the line items, Director King adds that the  
101 parking lot will have to be repaired, and the anticipated cost would be \$100,000.00. Also attached is an amortization sheet  
102 with the different options for the repayment of the \$4-million-dollar bond. As of July 1 there is \$ 1,121,360 in the pier fund.  
103 The FEMA grant, which started at 9,947,221, currently sits at 9,129,000. A block of \$100,000.00 has been set aside for things  
104 that may come up between now and the start of construction. We probably want to think about having a person out there to  
105 watch over \$15-million-dollar pier a year. If we don't go forward, we owe the government back \$925,000.  
106

107 Councilmember Keating stated with all the additional expenses, in addition to the \$13.4-million-dollar cost is not a realistic  
108 number. We are closer to \$15-16 million dollars. We've got at least three considerable expense items in the bid specifications  
109 that we have to plan for. One is an independent inspection company to confirm and monitor the structural components of the  
110 concrete work. The next is a geotechnical firm that monitors and ensures the rock socket installation in the bedrock is correct,  
111 and that's the Schnabel engineering. And also, the town, regardless of who will perform the work, is liable for any hazardous  
112 material that needs to be tested, abated, and disposed. So, in addition to the insurance number, that is understated. I believe  
113 the miscellaneous number of \$200,000 is considerably understated as well. So, we've had this project for four years, we were  
114 willing to award a bid a month and a half ago, but we still don't know what the cost of the project is going to be. That seems  
115 to be unacceptable to many people. So, we've got some considerable risk in our funding of this project, as it's currently  
116 structured.  
117

118 **C. Discussion of Pier rebidding process** - Councilmember Keating stated what I understood you to say that we  
119 would be taking our existing bid specification and putting it back on the streets for a minimum of 10 days. Now, the question  
120 becomes, as ill-advised as that is, without taking a little bit closer look at the Bid spec, understanding that there are FEMA  
121 stipulations that should be added to any imprudent bidding process for Value Engineering suggestions. Other types of things  
122 that we can go through that bid spec and remove kind of some of the Taj Mahal features. Some of the things that we've  
123 already had our bidders identify as some value engineering components that could lower our cost. I think we need to take a

124 moment and consider what to change and how to put this out a second time without creating an issue with the current bids  
125 we have in house. Meaning, as of yesterday, our current bidders could withdraw those bids because they were only valid for  
126 those 60 days. I think it's in our best interest to understand that the original design and the original bid spec produce bids that  
127 were above our budget and had significant impact on our ability in our planning. We should be looking at how we can change  
128 our design or modify requirements such that we get lower bids in response to this rebidding process. I think it's in the best  
129 interest of the town to start looking at some of these things as far as are they nice to have vs. need to have? We should  
130 challenge the bidders to actually incorporate value engineering into their bid specs. That's a very common practice. I know,  
131 I've heard others say that we can't do that until after we award the bid.  
132

133 Mr. Pieper stated that's not really how it usually works. You usually want to negotiate your scope first before you sign a  
134 contract with anyone. I think this is an opportunity to bring the pier project into something much closer to the original \$12  
135 million that was considered when all the financials were put together. I never recommended 10 days to rebid, and I only  
136 recited the code. That decision is for you, and that's why it's on here tonight, and I need to know the time frame of 10 days to  
137 30 days. As far as Value Engineering goes, you can go either way. I've talked to other people, and I've spoken to other  
138 consultants, I think one issue you need to consider is one timeliness of getting the bid out. We need to do that properly. If  
139 you do that, it's going to be a very lengthy process. I was asked to get this prepared as quickly as you can; they should have  
140 those documents ready for tomorrow. That is the policy decision. But, by doing that, you do have a bid spec that is there, and  
141 you can compare apples to apples up front. If you don't, I think your process will be much more difficult because now,  
142 because you're deviating from the base specifications, and again, I'm not saying you can't do that. I asked from the engineers  
143 when we were vetting the bids about Value Engineering, and I was told that we need to pick the bidder first, and then the  
144 Value Engineering will be something that we'll work on after that.  
145

146 Mayor Hellyer stated I sent you an e-mail on Monday, which is directly out of FEMA, regulations, and it says, that FEMA  
147 encouraged to use Value Engineering Clauses in contracts for construction projects of significant size to offer reasonable  
148 opportunities for cost reduction. Value Engineering as a systematic and creative analysis of each contract item or task to  
149 ensure that it's essential function is provided at the overall lowest cost. Contractors are incentivized, to submit change  
150 proposals, which reduce the cost to contract performance by promising the contractor a share of the savings. All I had asked  
151 is that you get in touch with them, and they're preparing the bid if they could put a Value Engineering clause on it? And you  
152 got back to me and told me, Yes, that can be done, but that would have to be voted Council. Well, we need Council's  
153 direction, and correct any changes to the bid specs will certainly cause additional time. I believe that there is some language  
154 in there, and I did mention that choice.  
155

156 Mr. Pieper stated, the one big question is getting the publication, and how many days we're talking about. That's something  
157 I'd like some direction. You can talk to the engineer who is preparing the bid to see what significant difference there is in the  
158 bidding documents that are being put out.  
159

160 Mayor Hellyer, but what I'm wondering, are there significant changes to the bid so that whoever is it is looking at the bid  
161 needs more time? Mr. Pieper stated no. I don't believe there's any significant change.  
162

163 Councilmember Keating stated there weren't any design changes. I'm not sure that's a prudent way to proceed because all  
164 the bidders know what the right answer is based on that bid specifications and, it does put into question, the validity of the  
165 bids we're putting forward.  
166

167 Councilmember Pellegrino stated that changes could take a considerable amount of time. If we make significant scope  
168 changes, enter their offering, there's no way they're going to be able to do it again.  
169

170 Mayor Hellyer stated I make a motion that in the light of the emergency, and by recommendation of the Town administrator.  
171 I'd like to set a date, that the bids be posted for 30 days. Councilmember Keating second.  
172

173 Councilmember Pellegrino stated, who knows how long it's going to take us to get the new specifications ready. We spent  
174 years getting these specs ready and getting everything ready for a bid process with FEMA, engineers, and contractors. So I  
175 disagree with that.  
176

177 Councilmember Scoles stated I agree with David. I think 30 days is too long. I think the 10 days would be sufficient because  
178 more than likely if we're fortunate enough to get those three bidders to bid again, they already know the scope of the work,  
179 and it's not going to take that long.  
180

181 Councilmember Pellegrino stated that the difference between 10 and 30 days is only 20 days. It's going to take us months  
182 before we even get to a point where it back out for every change we make. The town administrator just said that he had  
183 talked to the architect, and value engineering is being considered. So if that's being done, then then the point on waiting to  
184 put the bid out doesn't need to happen.  
185

186 Mr. Pieper stated that Value Engineering is a statement. There will be the AIA that allows you to negotiate Value Engineering.  
187 It's not asking them to bid their project with Value Engineering. Because if you're doing that, you're deviating from the  
188 specifications. Generally, the owner negotiates the Value Engineering with the contractor to determine what you want and  
189 what you're willing to make changes on.  
190

191 Councilmember Pellegrino stated I don't think the Value Engineering should go into the specifications I disagree with that. I  
192 think that Value Engineering should be done once the bids come in, and the Council decides, and then it can be negotiated for  
193 Value Engineering at that time.  
194

195 Councilmembers Keating, Drake and Mayor Hellyer voted in favor. Councilmembers Holder, Dietrich, Pellegrino and Scoles  
196 voted against. **Motion Failed.**  
197

198 Councilmember Pellegrino made a motion to place the bid specification out for rebid for a period of 10-days. Ms. Scoles  
199 seconded.  
200

201 Councilmembers Holder, Dietrich, Pellegrino, and Scoles voted in favor. Councilmembers Keating, Drake, and Mayor Hellyer  
202 voted against. **Motion Carries.**  
203

204  
205 D. Pier Review Committee discussion – Councilmember Keating stated what I had put in your packages were some of  
206 the criteria that the pier committee put together to do the evaluation and how each component was weighted. The criteria  
207 were established based on reference material, including the FEMA procurement regulations, the Code of Federal Regulations  
208 for some of the criteria used to determine what the lowest responsive bidder. Also, industry publications on how to evaluate a  
209 marine contractor versus a regular general contractor and a few other references. So the evaluation criteria that we used  
210 included the relevant experience of the contracting party or, in our case, the various contracting teams. Who is your  
211 contracting party? Do you have a central point of contact? What is their proposed project management? How available are  
212 they? Are they going to be on-site or remotely located? What is the past performance on similar projects and overall project  
213 knowledge? How much is subcontracted versus work that is self-performed by the contracting entities? The methodology to  
214 Any water in the lift station tank that sits in the ground is elevated. What has been **considered in their scheduling?** What  
215 kind of contingency of did they build into their scheduling? We all know that we're going to go through a couple of hurricane  
216 season. Have they considered that in their schedule? What is their plan for long-lead items? Other miscellaneous items that  
217 may have been highlighted, such as the laydown areas. Is the pier parking lot going to be sufficient for all of the equipment  
218 and supplies that they will have throughout the project? Of course, price, and then what are they using as far as technology in  
219 project management? Now, this category was, was a little bit lesser because our bid spec identified exactly what we expected  
220 in the way of project management and technology tools. Each one of those categories was assigned a weighted value from 1  
221 to 10 based on the importance and the critical nature of each of those items, as it would impact the success of the project.  
222

223 The project risk component, project knowledge, their Insurance, Bonding, and Safety rating, which is indicative that they have  
224 the wherewithal to perform the project and be there for us throughout the project and once the project's completed, and, of  
225 course, the price. Those were all rated as 10.  
226

227 Past performance was given a weighted score of nine, as important, but not as significant as some of the others.  
228

229 The items between 5 and 6. I'll call them logistics type of items, what's the proposed methodology? Their scheduling  
230 capability, their project management proposal, the availability of the contracting party, and the single point of contact.  
231

232 For this particular project, since the very nature of the project is a little unique, we chose to providing ratings by giving a  
233 numerical score from 1 to 10. To get the evaluation score - you then multiply the rating by the weighted factor. To determine  
234 the best value to the town, we would the take the offered price divided by the total score. That would have given us the best  
235 value to the town. Now, since we're going back out for bid, I didn't feel it was appropriate to disclose the actual ratings and  
236 rankings  
237

238 Mayor Hellyer asked does anybody have an idea, or can you give us an idea about how long the vetting process and the  
239 evaluation is going to take from the time we get the bids, and so, that we can move forward with this.  
240

241 Councilmember Keating stated as long as we have the same three bidding teams, and they have the same assumptions going  
242 into their bids, they have the same schedule commitments, as the original bids - the rankings should not change considerably.  
243 The value calculation may change if they choose to change their price. Unless they make some drastic assumption that's  
244 different, like I said in their scheduling, in their inclusions or they've taken on another contract that now has a potential of  
245 conflicting with our schedule, that may change that component. But their capabilities, their bonding capacity, their safety  
246 ratings, those kinds of things are not likely to change. If it's just updating or incorporating additional input, it will probably  
247 take an afternoon.  
248

249 Councilmember Pellegrino stated I looked at this list over the weekend, and some of them are very objective. You can look at  
250 your insurance, their EMR, safety rating, and all that. Some of them are somewhat subjective, between the people who are  
251 grading this, you get numbers all over the board. The miscellaneous inclusions there, everyone is going to look at different  
252 things for that. So, there are some that I think need to be a little bit more objective. My, my biggest concern with this is the  
253 timing. If it can be done without delay, that's much better. But, I do think we need to look at some of these points and make  
254 them more objective.  
255

256 Councilmember Keating stated just 1 to 2 address the methodology. As far as the methodology to build the pier, if you go  
257 back to the interviews that we conducted at the end of June. You will find that all three bidders have virtually the same  
258 methodology to construct the pier. They were all rated about the same because they're using the same process.  
259

260 **E. Increasing R1 lot size minimum square footage** – Councilmember Pellegrino stated I mentioned this last  
261 meeting. I just wanted to bring this up, because they were in a situation where we don't have that many empty lots  
262 anymore, most of them are getting built on. So the next stage, over the next, who knows 10, 20 years, people are going to  
263 start buying these older houses and tearing them down and build bigger, new houses. But, we need to decide whether we  
264 want the R1 District, which many parts of our town districts are, very nice trees, and big lots and whether we want to look like  
265 the R3 district, and we want to keep it looking like R1 district. There's a lot of big lots, in the R1 District. Right now, the  
266 minimum square footage to build is 9000 square feet. So, if you have an 18,000 square foot lot, they can build two houses  
267 and so on, multiple houses and most likely, they're going to be raised houses. So, I just want to bring it up, because, to me,  
268 that's something that, over the next five years, is certainly going to start happening. Because we're limited on lots, and that's  
269 I think, that's some direction that Council needs to provide. So, I'm asking for a consensus to send it to the Planning  
270 Commission.  
271

272 Councilmember Scoles stated I think that's an excellent idea. I understand David's comment that lots are getting purchased. I  
273 don't want to see multiples put on a single lot there, but I do agree with you about sending it to Planning Commission and  
274 letting them discuss it and get some advice.  
275

276 Councilmember Keating stated I have a couple of questions. Have we done any kind of evaluation as to how many lots that  
277 really would be impacted? If a lot is less than 18,000 square feet, it's not going to be impacted. My concern also is on the  
278 other side, are we creating a more significant population in the town of non-conforming lots? How many lots are non-  
279 conforming already in the R1 district, or, for that matter, all of the residential districts? Why just limited to R1? I think we  
280 need, and maybe this is what the Planning Commission is supposed to do for us, to evaluate what is the overall impact.  
281 Because if we start creating, 90% of our lots in our zoning districts are now non-conforming. When you get into the  
282 permitting process where if you want to do something more than a certain percentage, you have to bring it within compliance.  
283 Well, now you have no way of bringing it in compliance because you're going to have to buy your neighbor's yard. I guess,  
284 the question is, have we done any evaluation on it, has Carol given us only input at all?  
285

286 Councilmember Pellegrino stated that's what the Planning Commission is appointed to do, this exact thing to do this type of  
287 study, and then go through this process. So, I'm willing to make the recommendations, but I think we should kick it to them.  
288

289 Councilmember Keating stated I would just not restrict it to R1. I would look at all Residential lots, understanding that R3 and  
290 density of the rental units. Mayor Hellyer stated we would be sending that over to the Planning Commission for review.  
291

292 **F. Update on FEMA Extension** – Mr. Pieper stated you covered that earlier, but just for the public, we did make a  
293 formal request. They have assigned a person to work with us. So, working on that with them,  
294

295 Mayor Hellyer asked if they give us any idea when, when we would be getting an answer. Mr. Pieper stated, no, not yet.  
296

297 **G. Town Administrator Position** – Councilmember Keating stated I think we need to get that posted ASAP. We have  
298 the job description, and I wouldn't think we have to create anything different. It should be easy to get that out there, on  
299 whatever mechanisms are the most prudent.  
300

301 Councilmember Pellegrino stated that I agree with Ms. Keating. We need to get that posted as soon as possible, but we also  
302 need to look at an interim Administrator.  
303

304 Mayor Hellyer stated the conclusion is that the town administrator's position will be advertised effectively tomorrow.  
305

306 **8. BUSINESS – None**

307 **9. PUBLIC COMMENTS – Town Services or Business Conducted – Read by the Town Clerk**

308 a. John Draughn, Thanks for the update, but if you're really concerned about safety, get these children out of the golf  
309 carts immediately.  
310  
311

Councilmember Drake stated that I live in the rental district. I see kids of all ages driving golf carts. I would love to see more law enforcement in the area. To just keep an eye out for that, not to pass out tickets. Just to bring it to their parent's attention that they can't be doing that. I saw several of the other day. We also have driving them after dark. But one thing I have noticed a lot of them are the rentals.

Councilmember Scoles suggested that the golf cart rental companies put information on the golf carts of the laws for driving a golf cart. Visitors don't understand that this is a state law, it's not something just in Surfside. You can't drive them after dark. You can't drive it if you're not a licensed driver. Maybe that might help cut down on some of this.

Councilmember Keating stated that they are handed a document with the rules and restriction. I've before rented a golf cart a couple of times. You are given a document, and it lists all of what the state laws and requirements. So, and they're notified.

Councilmember Scoles stated that whether they listen to it or not, I think if it's staring them in the face on the windshield, they can't deny being aware of the law.

Councilmember Drake stated I would prefer the police department to when they stop someone if they could give them a warning.

Chief Hofmann stated I'll give you a little history. We did go around to the golf cart Companies some time ago and pleaded with them to please put more information on these golf carts to let people know. It's an ongoing problem, we've been doing warnings for years, and years, and years. And we've had an accident this year with a 14-year-old driving a golf cart ran a stop sign and hit a vehicle. Parents know children should not be driving golf carts on the highway. I'll do whatever Council wants, if there's a consensus that we write warnings and that's what we'll do, someone's going to get seriously hurt. I've issued about six tickets to parents this summer myself, for seeing children driving a golf cart. We are enforcing it. We're trying with limited resources. I promise you were on it, and I do recognize dangers of it and will continue to enforce it. I want to do it in a way that Council supports, sometimes there's a warning - sometimes there are tickets. But this is dangerous. Personally, I just hate to see somebody get a ticket that is on vacation. We try to enforce and take each one on a case by case basis. Some more likely, if you have an underage driver driving a golf cart, that parents are going to get a citation for that, because of the dangers of it.

b. Gail King, 810 N Hollywood Drive After attending the special town council meeting yesterday, I would like to bring a major concern to your attention. I know there is not required mask ordinance in our town, but since that vote, Governor McMaster has requested that everyone wear a mask. Since we are in confined space, I am requesting that all attendees wear a mask as they enter town chambers for any meetings. I observed a councilmember had a cough that continued during the meeting, and which required her to pull her mask down during one of her episodes of coughing. It was voted that the Council can continue teleconferencing during meetings, due to illness. I am requesting when a person has a dry hacking cough or any other symptoms such as temperature, runny nose, etc. that they do not attend a meeting. Meeting CDC guidelines can help to stop the spread and better protect our citizens, Council, and town employees. Your attention to this matter would much be appreciated so everyone can stay healthy.

Mayor Hellyer stated I received an e-mail this afternoon from some people that were at the Farmer's Market today. There wasn't a single person, the vendors, the attendees, and there wasn't anybody wearing a face mask. It was my understanding, Debbie Ellis said that all of the vendors are supposed to be face masks.

Chief Hofmann stated we issued a few citations for the Mask Law this weekend. What we did for the citizens to know, is to help our local businesses, last week, I sent a police officer to every single restaurant and bars in this town with a copy of the Governor's Executive Order, sort of a cheat sheet, with some bullet points from the order that applied specifically to restaurants and bars to make sure that they were fully aware. So, we were hoping to prevent any enforcement at a local level, but everybody's been put on notice every restaurant and bar in towns. We feel like we've got a very strong level of compliance. But the Governor did say that he expected local law enforcement to be proactive in enforcing.

**10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS**

- 11. EXECUTIVE SESSION** – Motion to close the meeting under SC Code section 30-4-70(a)(2) for receipt of legal advice and discussion related to pending litigation (2020-CP-26-04336). Sections 30-4-70, (a) (1) Discussion of appointments to the A-Tax Committee and Surfside Beach Community Garden Committee.

**The Council may take action on matters related to the Executive Session and any motions related to Executive Session.**

Councilmember Keating made a motion to appoint Sonja Hutton to the Accommodation Tax Advisory Committee satisfying the statutory requirements for art and culture member and Ken Kennedy to The Surfside Beach Community Garden Committee.

We will accept his voluntary labor in helping establish that committee. Councilmember Drake second. All voted in favor.  
**Motion Carried.**

Councilmember Scoles made a motion to authorize the Town Administrator to identify a candidate and negotiate a contract for an interim town administrator and advertise for the position of town administrator. Councilmember Dietrich second. All voted in favor. **Motion Carried.**

Councilmember Keating stated I think we just need to quantify that while there's no expiration date on the contract that once you're comfortable with his handling that you can also choose to leave early if you choose to do so.

Councilmember Pellegrino stated I make motion to authorize the Town administrator to use unbudgeted public monies of the town, to negotiate a contract for professional services with outside counsel, Attorney, Andrew Lindeman as necessary, and required to provide a defense to the town in the lawsuit: Hellyer, Keating, and Drake versus Pellegrino, Scoles, Holder and The Town of Surfside Beach. Councilmember Holder second. Councilmembers Holder, Scoles, Dietrich, and Pellegrino voted in favor. Councilmember Keating and Mayor Hellyer voted against. Councilmember Drake recused himself. **Motion Carried.**

**12. ADJOURNMENT** Councilmember Keating made a motion to adjourn the meeting at 9:33 pm. Councilmember Dietrich second. All voted in favor. **Motion Carried.**

**Surfside Beach Town Council**

\_\_\_\_\_  
Robert Hellyer, Mayor

\_\_\_\_\_  
David L. Pellegrino

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

\_\_\_\_\_  
Cindy Keating, Town Council

\_\_\_\_\_  
Michael Drake, Town Council

\_\_\_\_\_  
Debbie Scoles, Mayor Pro Tempore

\_\_\_\_\_  
Paul Holder, Town Council

Attest: \_\_\_\_\_  
Sheri L Medina  
Town Clerk

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