



**SURFSIDE BEACH TOWN COUNCIL SPECIAL MEETING**  
**COUNCIL CHAMBERS / TELECONFERENCE**  
**115 US HIGHWAY 17 NORTH, SURFSIDE BEACH, SC 29575**  
[www.surfsidebeach.org](http://www.surfsidebeach.org) - ☎ (843) 913-6111 📠 (843) 238-5432

**TOWN COUNCIL SPECIAL MEETING MINUTES**  
**Monday, August 3, 2020, • 10:00 AM**

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

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- 1. PLEDGE OF ALLEGIANCE – led by Mayor Hellyer**

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Councilmember Scoles stated I feel like that on Friday, when we were polled, by the Town Clerk, regarding having an executive session, then there's a violation that occurred on your part. Regarding Section 2-39, that says, any council member can add an item to the agenda, so can the town clerk. We had a consensus, and you saw differently to move forward and not have an executive session. Mayor Hellyer stated it was put in, and it was by the advice of not only my attorney but also in reading the executive session statute, the reason for the executive session was not stated. I was only asked if I wanted an executive session? I asked numerous times about the reason for the executive session, and I could not get a satisfactory answer. You can see in the Mayoral update that I put in there that, if we want an executive session, that it can be brought up here at the meeting where we can explain why the executive session is about. Councilmember Scoles stated that information was given to the clerk. And you also had that information, sir, and I think the intent if the agenda got changed here today, that it required a two-thirds vote, not a majority. So I'm very disturbed and very upset that you saw fit as one individual on this Council of seven people to change an agenda when you had a consensus by your Council. Mayor Hellyer stated I disagree with your point there.

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- 2. MOTIONS PERTAINING TO AGENDA**

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Councilmember Scoles made a motion to add an executive session to the agenda and motions related to executive session, Councilmember Pellegrino seconded.

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Councilmember Drake asked, why do we need to go into executive session concerning the pier? Councilmember Pellegrino gave three reasons why; discussing the contractual agreement, receiving legal advice, and third, we had a majority who requested executive session from the start. Four Council members requested it. Councilmember Scoles also stated there's a pending lawsuit out there also, at this time, I don't feel it would be advantageous for us to discuss certain items that we could be discussing openly in public.

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Mayor Hellyer stated just to make the record clear, I did talk to the town attorney about this, and we've had a discussion about it Council requesting to go into executive session to discuss rescinding the vote. Because the notice process and the bid process was defective, had nothing to do with the lawsuit, and the procedures were not followed. This is something that the residents of the town deserve to know through transparency.

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Councilmember Scoles stated that when the Council resumes regular sessions and motions are made, the public would have been aware of why the vote was rescinded.

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Councilmember Keating stated it is time that the residents know exactly what has been going on with the pier bid process. I do not believe that we should be hiding behind the executive session. I don't think it's appropriate at this time.

*This agenda is published pursuant to the Freedom of Information Act Section 30-4-80(A) and (E).  
The public is invited to attend all meetings and events.*

Councilmembers Soles, Dietrich, Pellegrino, and Holder, voted in favor, Councilmembers Keating, Drake, and Mayor Hellyer voted against. **Motion Failed.**

Mayor Hellyer stated there would not be an executive session today, and one can be requested for the next regularly scheduled meeting.

**3. PUBLIC COMMENTS – Agenda Items only**

A. **Gail King**, read her email in person. It has been brought to my attention that three council members stopped the Council from going into executive session at last night's Town Council Meeting. I will be the first to say I did not vote for any of the three because of their inexperience and their not living in this town except for a short period. I am appalled that the three have filed a lawsuit which the Mayor mentioned in his newsletter. The majority of residents want this pier; our tourists want this pier, so let's move forward. Finally, do what is right, go into executive session and award the bid to Orion. As far as the lawsuit, how can you sue over a vote that you didn't like? This has been all over the news, and do the three realize how you are making this town look? Just because you have the same twenty people, who are organized by the same few that are continually flooding Facebook with their opinion, does not mean they are what the majority of residents in Surfside Beach want. Should Surfside Beach lose our FEMA money and the pier does not go forward, the three should be held accountable for their childish behavior.

B. **Chris Stamey**, 715 Cedar Drive. The agenda that you're talking about, you made a vote on July 1, and it was passed. As we all know, everybody in this audience knows that the vote was passed. Why not go ahead and award instead of bickering over that and this money that some people talk about, and our taxes are going to be raised, why aren't you coming up with a solution? Cover that money if we may. If we need that money, work on that. Instead of working on suing our town, they're not just watching the suit that we wound up paying for in that lawsuit me as a citizen of this town who pays tax. The other thing I have is we have some very smart people. I'm sure some of you are well overqualified. I know I'm not the smartest person in here, but I do know that if you can go ahead and vote and get to, started on our pier. We wouldn't need an extension from FEMA. We'll get it done. We'll get started. And once it started, we can say when we started our theme, and I got to come in here. This just gives us extra money or wait for us to do when they agreed with us. Back a long time ago that our other has worked out or a long time. But we elected these people, some of whom I didn't vote for and for some I did. Do the right thing. And you've asked the people of, do we want a concrete pier, and we said, Yes, We've got \$4 million that we know we can get, we got \$10 million? We know we can get from FEMA. If we don't mess around and lose it. They're just going to be some of you on the spot. And we're going to look at that real hard, some of the citizens of this town. So, instead of going in doing this vote again on what you've done voted on, working on getting it out to these people and telling them that they got our contract to build our faith. Good luck, Mr. Holder.

C. **Judy Henion**, 11th Avenue North. First of all, there's a lot of misunderstanding about what is going on. It was a procedural issue. You can't pass a vote by breaking the law, and that is breaking federal law and breaking South Carolina law, so you might want to go back and review that because that makes the vote illegitimate itself. Secondly, no one has ever said we don't want to a pier.

What we want is a clear and open process for the selection, If that comes out, that it's the same company, make it clear, make it the most responsive bidder. Do this an open Session. The money is money from FEMA, everybody in this room is FEMA. We all pay taxes. We all contribute to that fund. It is not one person sitting in Washington, DC, saying, this is your money. It is also a fluid document. FEMA has been known to give extensions in the past. They can give an extension to this one. If so, be it, because of all the delay in the previous Council, in addition to that, the bickering with this Council, it's not one side versus the other, it's Surfside versus the rest of the world. Everybody needs to stop, and think about what the issues are and start trying to make up issues that don't exist. The issues that exist are that we have to abide by State and federal law. Second, we have to have proper motions made. We have people here who are supposed to be seeing to it that that happens, Well, they failed us on a number of occasions. Let's go back. Let's do it, right.

D. **Guy Lanham** 1020 Hickory Drive. I have lived here for 27 years in this town. This is something that's bothering me about this pier. No, I don't come to the meetings anymore because we got too long and

115 drawn out, but I do read the minutes, and I listen to the audio. As far as I can determine, this is just  
116 a technical problem about when this vote was taken. There's an old farmer's saying: Don't worry  
117 about the mule dying, just load the wagon. Get the job done. That's all you have to do. Forget about  
118 this lawsuit, and this, whether it was taken in executive or they couldn't have the date that I don't  
119 care what, get the pier built. Just do it. That's all I'm asking, just do it. Build the pier.  
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122 E. **Teresa Stamey**, 715 Cedar Drive, I have a lot of things I wanted to say that it would be repeating a  
123 lot of the same things we've already heard. But I have to say a few things about the pier. Get it going  
124 now. Time is running out. The longer we wait, the more it will cost. One of our council members put  
125 out a survey on Facebook for the residents' opinions. The majority choice was for the concrete pier.  
126 Guess what? Now we don't say anything about that. Makes me wonder why it just disappeared.  
127 As for Facebook, sharing about a meeting or an agenda is fine, but all this negativity, telling us about  
128 other members of our Council or someone who has a different opinion than you needs to stop.  
129 Facebook is not the place that comments that are not nice about someone. You're making our small  
130 town that we love sound like a terrible place to live or visit.  
131 I would also like to say thank you to our fire department, Police Force and Public Works, and staff.  
132 You're elected to do what is best for our town. Show some professional theism and act like adults  
133 that are found back on a positive track. I heard someone say that they're not allowed to talk about  
134 what goes on in the executive session. I was here at a meeting and watched a council person come  
135 out and say something. Two. Their significant other with the group, about what all went on in the  
136 Executive session.

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138 F. **Email comments ready by the Town Clerk** (attached)  
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#### 140 4. **BUSINESS**

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142 A. **Extension of FEMA Grant** – Councilmember Keating made a motion that we approach FEMA with  
143 current justification and request an extension to our deadline. Councilmember Drake Second.  
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145 Councilmember Pellegrino asked Mrs. Keating, can you explain current justification? Councilmember  
146 Keating stated I think it's clear that this project has been postponed for various reasons, and I  
147 believe this is not the time to be rushing because of an artificial deadline. If we have the latitude  
148 then, it's in the best interest of the town that we fully vet all of the questions and understand what  
149 the potential consequences are so that we can move forward. And the month of August, we get all  
150 that done.

151 My experience in people being receptive to the due diligence that's already been done to this.  
152 I question that we can complete it by then. Because I have tried, since we opened the bids, and I've  
153 been stonewalled at every opportunity to discuss the different options, ask for the financial  
154 arrangements, et cetera. How are we paying for this? Do we have a financial estimate at all? I still  
155 don't have those answers. I asked, what is our absolute total budget, and if we run over at, where  
156 are we getting the additional funding? I don't have an answer. I was hoping to speak to Director  
157 King at our last meeting, but she did not attend. Well, there are real questions out there that pose a  
158 significant risk to Our Town. And I don't think we can continue ignoring them.  
159 Councilmember Pellegrino stated I called Mrs. King early last week, and we had an extensive talk  
160 about the budget, and she gave me the exact number of what the maximum town can spend.  
161 And a very conservative number, without risk to the town. So she has that number. Could the  
162 independent Pier Committee be able to present to us during this delay?  
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164 Mayor Hellyer asked if we apply to FEMA for an extension, can still operate as soon as possible.  
165 Mr. Pieper stated, it depends on how long they take the grant that, in respect to, how you looked at  
166 that, as. They want to see progress, then ask for an extension. Previously, they wanted to see that  
167 we, at least award, and had someone under contract, then they said they would consider an  
168 extension at that time.  
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170 Councilmember Scoles stated I believe that it's not appropriate at this time to ask for that extension  
171 like Mr. Pellegrino said, we've got time, and I did understand that from talking with Mr. Pieper, that  
172 as far as the extension, FEMA wants to see that we are making progress. And like today, we're kind  
173 of stalemated here. But I think at this time we do not need to be extending the FEMA monies, and

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we can ask for that extension that anytime. The best time would be once we award this bid to someone.

Councilmember Pellegrino stated I don't know that I'm actually against the extension because I'm not sure whether this Council can agree to move forward any time soon. We are blessed with the finance director, who understands the numbers, has a ton of experience, and understands budgeting and understands how this pier is going to affect our budget and has been working on this for four years, she's the expert on it. I'm very confident with her involvement, her direction. I don't see the need for an extension, because we have plenty of information to move forward.

Councilmember Pellegrino asked Mr. Pieper when the deadline would be to apply for the extension. Mr. Pieper stated the sooner you ask, the sooner you will receive a response. They want to know you are moving forward with the project.

Mayor Hellyer stated We're going to need to put out the bid again, and we are starting over and not because of the lawsuit, but because there was a flaw in the bid process.

Mr. Piper stated we could put this out to bid for as little as ten days up to thirty.

Councilmember Scoles stated Mr. Mayor, now that I'm aware of that you've spoken with Fema, would you like to share that information with Council and the residents as to what your discussion was about.

Mayor Hellyer stated I asked them two questions; the first one was what does it takes to get an extension, and they sent me the requirements on it, which is 44 CFR 206.204. This tells us that what we need to do, and that the regional administrator will take a look at our circumstances and see if they will approve it or not approved. I don't think an extension can hurt us, but it can't help us if we don't have enough time given that we have to put it out for bid again, I don't think that we could run into a problem where we're short.

Councilmember Pellegrino said that's, that's good information. My hope is we asked FEMA for an extension, and they say no because then we'd be forced to do our jobs and move forward.

Councilmember Drake stated I think we're dancing around a pink elephant in the room today. We had a flaw in the bid process. And then Diana King, I wish she'd have been at the last meeting. I'm sorry, she was sick, but there's a lot of questions that would be asked to her from the dais where it is recorded, documented, and I'd like to see, or at one of our meetings, so we can ask the questions.

Mr. Pieper stated Diana, and I have already run through the numbers and provided provide them. We can build this pier without any tax increase. We have other things coming that will produce more revenue.

Councilmember Drake asked for the explanation for the flaw in the bid process. Mr. Pieper stated the first part it was one advertisement. We followed State Law to a T. I came to all these meetings and announced it was in Skibo; unfortunately, the town's procurement code does not mirror the state. The state has gotten rid of any legal requirement put an illegal section of the paper because one no one reads it. They're very expensive. Even the state of South Carolina and all your other jurisdictions out there that follow the state code has eliminated any reference of a newspaper ad. We need to do the same thing.

Councilmember Scoles stated that Ms. King has brought to us numerous times at the council meeting about the budget and was questioned by several council members. She has stated the numbers. You can call Ms. King; she will give them to you. I'm sorry that people don't want to accept it. Number two, what I'd like to know from our attorney, if she's able to give this advice at this time, now that it has been announced that it was overlooked going into that newspaper. Can Council make an exception to the Ordinance so that we don't have to waste time going back to rebid when no one looks at the newspaper for a major project like this? Town Attorney Crosby stated she was not comfortable giving that advice at this time.

Councilmember Pellegrino stated that we need to follow our Ordinance.

Councilmember Drake also agreed that this process needs to be done correctly and move forward with the FEMA grant extension.

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Councilmembers Keating, Pellegrino, Drake, and Mayor Hellyer voted in favor. Councilmembers Scoles, Dietrich, and Holder voted against. **Motion Carried.**

I'd like to ask the town administrator to look into this, speak to the necessary people and find out the requirements and report back to us on our regular meeting on Tuesday,

**B. Motion to Rescind Town Council's July 1, 2020, affirmative vote on the Motion to award the bid to Orion/FBI as no action has been taken.**

Mayor Hellyer made a motion to rescind the vote from July 1, 2020, to award the bid to Orion/FBI as no action was taken. Councilmember Keating seconded.

Councilmember Drake stated this motion needed to comply with State law.

I want to have the pier built. That's why I moved here. And we just want to move forward.

I think it's going to be beautiful. It could be a great addition to our area, but the system has got to get fixed.

Councilmember Keating stated this motion is placed on the table, and it goes far beyond how we did our due diligence to make a choice and how to award. This goes back to a default that's a flaw in our process from the beginning. Unfortunately, this is not the first time we've had this same issue. We've got to start being much more open and honest with what we're doing and why we're doing it. I think we as a council need to come together and understand what is right, and what is the role, and do what's right and not for other personal agendas. Ms. Scoles, as I already said, she has no interest in knowing what the pier review committee determined. Yet, we all agreed that we were going to get that into an independent assessment, is it so difficult, just agree to allow that presentation to be made. It doesn't have to change your mind, but at least let it happen. The communication needs to be out there and let the residents understand what we're basing our decision on. We have to do better to serve this town.

Councilmember Scoles stated I never made that statement. But, I think, as the chair of that pier committee, you should have stepped forward and provided that information.

Mayor Hellyer stated I just want to make one thing clear that the reason that we're resending the vote today is that the bid process was defective. It has nothing to do with a lawsuit that's coming up.

Councilmember Pellegrino stated I do agree, we need to rescind renewed to redo it because we didn't follow the proper procedure, but it was by mistake not by any intentional motive to be distrustful or hide information.

Councilmember Keating stated we could easily make the presentation as long as the data upon which it's predicated does not change, it's a matrix of about 15 or 16 different parameters value propositions provided by the bidders and their bidder interviews. So, as long as all of the data remains the same. All voted in favor. **Motion Carried.**

**C. Extend the Declared State of Emergency, specifically authorizing participation by Councilmembers remotely for 60 days or until the State of Emergency is lifted by the Governor whichever occurs earlier.**

Councilmember Pellegrino made a motion to extend the current state of emergency, authorizing the remote participation of Council members for 60 days or until the date is lifted by the Governor. Councilmember Dietrich seconded.

This is so the people can participate by calling in like Mr. Holder is today.

Councilmember Keating stated we have determined that we are officially conducting our business from chambers, it's not that we are precluded from being in a public location as we were with the first outbreak of COVID. The concept of a quorum is established to say the minimum available people, that you can conduct your business, So, medical reasons, I mean, there's any number of reasons a council member is not going to be available, you know, they might be on vacation that particular way. I have a cold, unfortunate medical situation that we've had a rash of recently, but I think we are still conducting the business in chambers, and I think all voting numbers that constitute

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the quorum need to be in chambers. So, there need not be remote participation by council members.

Councilmember Scoles stated I'm not in total agreement with that. Suppose COVID gets bad, or we have another situation that we cannot meet in Chamber, so we're just going to stop town business? I think we need to consider remote, because none of us setting up here, know what's going to bring our way tomorrow. I think it would be violating someone's Constitutional rights by doing that. Councilmember Drake stated I think the call-in is a good idea, but with COVID, I think that the actual concept of that could be addressed if it did pop back up and get worse. Councilmember Pellegrino stated that if you show symptoms, and you think you have it, you have to get tested and self-quarantine. You may not even have COVID, but you're not going to be able to come to a meeting. The people voted for us to come and represent them and vote on issues for them. So I do think you shouldn't be able to be involved in the meetings remotely. Scoles, I agree with that, because just recently, Michael couldn't make it into Chamber, and he called in and was able to vote, So, I don't think we need to change that. Councilmembers Scoles, Dietrich, Pellegrino, Holder, and Mayor Hellyer voted in favor. Councilmembers Keating and Drake voted against.  
**Motion Carried.**

- 6. **ADJOURNMENT** – Councilmember Keating made a motion to adjourn at 11:16 PM. Councilmember Scoles seconded. All voted in favor. **Motion Carried.**

### Surfside Beach Town Council

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Robert Hellyer, Mayor

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David L. Pellegrino, Town Council

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Bruce H. Dietrich, Town Council

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Cindy Keating, Town Council

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Michael Drake, Town Council

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Debbie Scoles, Mayor Pro Tempore

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Paul Holder, Town Council

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