



**SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING Civic Center, 115 US Highway
17 North, Surfside Beach, SC 29575 www.surfsidebeach.org - ☎ (843) 913-6111
📞 (843) 238-5432**

TOWN COUNCIL MEETING MINUTES TUESDAY, September 14, 2021, • 6:30 PM.

- 1. CALL TO ORDER** Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Councilmembers Drake, Holder, Keating, Pellegrino, and Mayor Pro Tempore Scoles were in attendance. Others present were Town Administrator Shanahan, Town Attorney Crosby and Town Clerk Sheri Medina. Absent was Councilmember Dietrich.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE**
 - a. Invocation:** Kirk Lawton, Ocean Lakes Campground Ministries, gave the invocation.
 - b. Pledge of Allegiance:** Mayor Hellyer led in the Pledge of Allegiance
- 3. PUBLIC HEARING – None**
- 4. MOTIONS RELATING TO AGENDA** Councilmember Holder made a motion to add the Oath of Office for the new Fire Chief as a new item under Communications. Councilmember Drake second. All voted in favor. **Motion Carried.**
- 5. MINUTES APPROVAL** Councilmember Keating made a motion to approve the minutes from the August 24, 2021, Regular Meeting. Councilmember Holder second. All voted in favor. **Motion Carried.**
- 6. PUBLIC COMMENTS**
 - a. Lynn Livesay, 520 10th Ave.,** stated I was caught off guard by this temporarily suspending enforcement of an ordinance on the agenda tonight. My feeling on it is that I don't think we should take it upon ourselves to suspend ordinances anytime. We should consider the businesses that pay fees and licenses. I think they should be protected. Regarding the Waccamaw Market, I believe it will be set somewhere else. I think it should remain in the park, and I don't think it should take away from our downtown businesses.
 - b. Judy Henion, 11th Ave North,** I like to address the Waccamaw Market, a cooperative Holiday Market. It seems that we have different rules for different sites. I have discovered that people don't want to come to Surfside because they have different rules for different people. The rules continually change, and no one is treated the same. We have Discover Surfside Market in the park, and they pay the Town. Now we have the market cooperative who wants to come into Town and wants us to pay them. They want us to pay them a thousand dollars that someone else is doing for free. Also, the other market pays the Town, but all the vendors also purchase a town business license. It's my understanding that we're going to be doing a holiday market as well. So, why do we want to go out and seek ways to pay others.
 - c. Robert Bernhardt 119 N Ocean Blvd,** Mr. Bernhart spoke about an incident on September 11, 2021. I had a convertible top slashed. Nothing in the car was stolen. But that's an expensive repair. As we all know, we all probably have a large deductible on our comprehensive insurance. I want to compliment Chief Hofmann for doing a great job. But I would like to suggest cameras. They do not have to be active; they need to go back and look at the footage. Thank you very much; I appreciate it.
- 7. COMMUNICATIONS**
 - a. Oath of Office for the Surfside Beach Fire Chief, Robert Clemons.** Mayor Hellyer stated we had an interview panel that consisted of fire chief from Conway, staff, HR, and our firefighters. So, it was rather extensive process. Chief

Clemons is the gentleman we picked, and we are glad to have him. Mayor Hellyer asked Chief Clemons to step forward and administered the Oath of Office.

At the conclusion, Chief Clemons stated Thanks to all of you for sharing this moment with me, and I am so appreciative! I stand before you this evening feeling both HONORED and BLESSED to have been chosen as the next Fire Chief for the Surfside Beach Fire Department. The American Fire Service has a long and proud history, and the Surfside Beach Fire Department is no different. The high level of service delivery to the citizens and visitors of Surfside Beach through our combination career and volunteer members. This did not just happen. There have been extraordinary efforts and sacrifices of those who came before me. Because of these sacrifices – I feel HUMBLED to wear this patch and badge. Mayor Hellyer, members of Council, and Mr. Shanahan - THANK YOU for the confidence you have in me, and I accept this position fully comprehending the responsibility that comes with it. I will not let you down.

Chief Clemon further addressed the members of the Surfside Beach Community and his department. To the Community – While I take direction from the Mayor, Town Council and Mr. Shanahan; I, the members of the Department, and our volunteer members also understand that we have a commitment to all of you in delivering the best service possible each and every day. I will work tirelessly in continuing to build strong relationships with community members, our business community, and especially our volunteer members because COLLABORATION and TOGETHERNESS will ensure my goal of extraordinary service delivery. There is NOTHING that we cannot accomplish together.

To the members of the Department and our Volunteers – As with any organization, we will face challenges. Some will be easy to overcome, and some will take much more effort. But, with HONEST and OPEN COMMUNICATION coupled with an OPEN MIND, I have no doubt that we will come up with creative solutions to those challenges. The dangers of your chosen profession are many. Your SAFETY and WELL BEING is paramount to me and will be considered in EVERY decision I make. That is my PROMISE to all of you and your families. As an officer, I learned many years ago the ONLY way I will be successful is to SUPPORT, MENTOR, TRUST, and to be PRESENT for all of you.

One a personal note, Chief Clemon stated that one of my heroes is John Wooten. He was the former basketball coach for UCLA, and during his tenure as a coach, he won 10 NCAA basketball championships, with 7 of those championships being consecutive. For him, it was not about the number of wins and losses – it was about how his players played the game and how they were as people. He developed the PYRAMID of SUCCESS that talked about leadership and how people and organizations can achieve success beyond their wildest dreams. Poise, Alertness, Enthusiasm, Friendship, Skill, Confidence and Loyalty are just some of the traits that are part of the pyramid. The Surfside Beach Fire Department will continue to build upon its existing Pyramid of Success. It starts with the phenomenal people that already work and volunteer for this Department. We have amazing members that do extraordinary things every day for the citizens and visitors of Surfside Beach. Having the right people is followed up by our Mission Statement and our guiding principles of HONOR, SACRIFICE, COURAGE, and BRAVERY. We are a small fire department made up of 7 career members and numerous volunteers. We are a small team, but we can be successful. Look at the success of the UCLA basketball team, a small team with just 12 to 15 team members all working together and toward the common goal of EXCELLENCE! I (we) are not going to let the number of members keep us from being looked upon as one of the best well-trained, committed, and progressive fire departments in this country.

To my Family and Friends – I would not have had this opportunity if not for all of you. I am a very lucky man to have a phenomenal support system both professionally and personally. To my wife Melissa – THANK YOU for your support throughout my professional career and in my life. You have been the stabilizing person in our family, and none of this would have been possible without you!! I love you very much and sorry for the curveball in our retirement plans!! To my sons Logan and Jordan, I am so proud of each of you, and you guys are the greatest gifts in my life.

In closing – I would be remiss if I did not recognize Acting Fire Chief Larry Carter. Larry – you should be very proud of the work you accomplished while leading and managing this Department and protecting this community. You are a valued member of this Department, and I am going to need you (and everyone) as I transition into this position. I have a lot to learn, and I feel fortunate to have someone like you to lean on. THANK YOU, Larry, and would everyone please oin me in a round of applause.

We all welcome Chief Clemon to the team.

b. Mayor Hellyer introduced the candidates running for Town Council.

1. Judy Henion
2. William Kinken
3. LaVerne Kreklau
4. Laurence Kinken
5. Alex Samsel
6. Chris Stamey

Shawn Shoemaker was not able to attend. Mayor Hellyer wished all the candidates good luck.

c. POLICE DEPARTMENT MONTHLY REPORT – Chief Hofmann gave the Police Department monthly report.

Councilmember holder asked if there has been a difference in the numbers from this year and last year. Chief Hofmann said yes, we have been very busy. We have been understaffed, but I feel it was a success.

8. BUSINESS

a. DECISION PAPER – LETTER OF COMMITMENT TO PURCHASE REFUSE TRUCK – Director Adair. Director Adair stated the need to request authorization for the administrator to sign a letter of intent to purchase the refuse truck in the next fiscal year to get us into the production with the manufacturer. The production turnaround time is about 500 days. This price increases next week, we thought this would be the best time to come to the Council for this Letter of Intent. This will not be an additional truck, just a replacement. The life span of a trash truck is approximately twelve years.

Councilmember Keating asked if there is any residual value to the truck being replaced. Director Adair stated we sell it on GovDeals and should receive between \$40,000 to \$50,00 in the sale.

Director Adair went on the state that the overriding reason to replace this truck is manpower. It takes two guys to operate it. Also, this truck has more breakdowns. We've had the busiest year. Even though these trucks may not have a lot of miles, they are always running, which is wear on the motor. Our numbers are up, and the loads are getting heavier. I'm looking to replace our 2013 refuse truck in the 2025-2026 budget.

Councilmember Keating asked if the funds for this truck come out of the Sanitation budget? Director Adair stated yes, it comes from an enterprise fund, not taxpayer dollars, and it's all funded by the revenues that pay for their trash service.

Director Adair stated, we have a fleet of nine. If you have a good 12 year, more or less, replacement schedule, you buy a truck almost every year. Councilmember Keating asked if that schedule could be posted for the residents? Because everybody seems to have the same issue, we are continually purchasing vehicles between Public Works, Fire, and Police. I understand there are valid reasons. I we can publish that kind of schedule that says our capital assets support Public Works, support the Fire Department, and support the Police Department; here's how we maintain them; and our replacement strategy. Director Adair agreed that he has a replacement schedule that can be published. He also noted that the last time we raised the rate for sanitation was in 2013. They will have to be raised eventually.

Councilmember Pellegrino stated, keep in mind that this loader was not budgeted for next year. So, therefore, that's going to be an actual \$345,000.00 addition to next year's budget. So, keep that in mind.

Councilmember Keating motioned to authorize the administrator to issue the letter of intent to procure the refuse truck, sidearm, with the budget value of approximately \$340,000. Councilmember Drake second. All voted in favor. **Motion Carried.**

b. WACCAMAW MARKET COOPERATIVE HOLIDAY MARKET Ms. Samantha Tipton from the Waccamaw Co-Operative stated this would be the third year we've been able to offer the Holiday Market. It is essentially an extension to the market right now, and that system is designed to end the last Tuesday of October. The Holiday Market will start the first Tuesday in November, so there will be no disruption. We had a great turnout and success at the market.

Councilmember Keating stated I think from a perspective of all the events we now have going on in Town - we've got one arrangement with My Olive Shack that sponsors a market every Thursday and will do so through December. They are also doing the same craft market one Sunday a month. We've also instituted a Town-sponsored arts and crafts and music event in the park every Sunday. So, we already have two weekly events for arts and crafts product in the park. I don't feel it beneficial to spend \$1,000 to add a third similar in the park. It seems most of the vendors are the same.

Councilmember Drake stated I agree with Mrs. Keating. We would have to pay the Co-Op, and also, their vendors do not purchase a business license.

Ms. Tipton stated we would like to continue to offer the Holiday market on Tuesdays for your residents.

Councilmember Holder made a motion to approve the Waccamaw Holiday Market. Councilmember Scoles second. Councilmembers Scoles, Holder and Pellegrino voted in favor. Councilmembers Keating, Drake and Mayor Hellyer voted against. **Motion failed.**

c. RESOLUTION 21-0140 -TEMPORARILY SUSPENDING ENFORCEMENT OF CERTAIN ORDINANCES THAT PROHIBIT THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.

Lee from Benjamin's Bakery stated that they started this event as Rally in the Alley on 3rd Ave South. This was to celebrate the new 3rd Ave S promenade and the downtown merchants. So, the purpose of this is a nonprofit event, with all proceeds going to the South Carolina United Turtles Association of Garden City and Surfside Beach (SCUTA). This would be an opportunity for the downtown merchants to participate to highlight what they do every day. The alcohol sales are just being done by Borgota. It is going to be an extremely family-friendly event. There will be food trucks and music. The fee to participate in the event is \$50.00. The entire 3rd Ave S will be closed off from Floral to Poplar. That will be lined with vendors. Ms. Peek, from My Horry News, co-coordinator of the event, stated we would have barriers outlining the premises. Certainly, entryways will have signage posted, no alcohol in or out. Borgota has applied for the proper licenses. They will be using different cups when serving the alcohol, and anything that she sells in the bar will stay in the bar. Lee stated I've mentioned to Chief Hofmann that if there's overtime involved, and if we show any positive money after the event, I'd be happy to kick back towards the overtime costs of the police officers. Most of the policing will be done by our volunteers. Most of the proceeds will come from The Dunk Tank and raffle tickets. Surfside Resort has donated prizes and Malibu also. My goal was not so much profit, but to get some exposure to all the work that went into 3rd Avenue South.

Councilmember Keating stated again, and I think I say this at almost every meeting, my concern is that we have multiple arrangements for the event within our Town. Where is the agreement that you sign with the Town? We need an agreement that states what you're going to do, what you're going to charge, what your insurance coverage is, who's going to be liable if somebody gets hurt, what you pay for the Town for the use of the property, what do you expect the town to provide, etc. All those things need to be addressed in that agreement for the use of public property. We need to have it in place with whoever is the lead sponsor of this event. To be clear, I am not opposed to having an event. I 100% agree that we need to support our local businesses. I have a serious problem with the lack of consistency. We have an agreement with another 3rd party event that pays us a portion of their table fee – why do we not have the same thing for this event? We're treating everybody differently. Do they get special treatment because they're a charity organization that they're proceeds to charity? OK, maybe that's a valid reason to not share the table fees, but it should be written in that agreement that everybody signs. The liability is an even more significant concern. If somebody gets hurt at this event, who's responsible? Is that the Town's insurance (and deductible) that is expected to respond?

Councilmember Pellegrino made a motion to pass Resolution #21-0940 temporality suspending the enforcement of the ordinance governing sale and consumption of alcohol on public property, however, based on liability insurance being obtained. Councilmember Scoles second.

Mayor Hellyer asked Chief Hofmann his opinion of the event. Chief Hofmann stated he does not have a problem with it, and he is short-staffed but can make it work. He mentioned the event on the 4th of July and how there were no incidents there with a similar suspension of enforcement.

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

9. PUBLIC COMMENTS

a. Veronica Collins 713 N Ocean Blvd – Thank you for supporting this event. I have lived here for some time, and Benjamins Bakery has always been such a ray of sunshine, and I have been watching his business grow. I think this is a good thing.

b. Lynn Livesay, 520 10th Ave South – the last meeting, you talked about parking. I think that golf carts do not need to be in front of Neal and Pam's, which is dangerous. Also, code enforcement is very busy, but I don't think the police should enforce tree issues. People seem to ask for forgiveness instead of permission. Also, we need to encourage our code regarding feeding the geese. RVs in the neighborhood is becoming a nuisance. I hope we have a positive campaign. We need to project a positive attitude.

c. Chris Stamey, 720 Cedar Drive – I want to thank you for working with the Town's businesses. I appreciate the ones who voted for the event to move ahead.

10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS

a. Councilmember Scoles, stated good evening everyone, we have a great turnout. I stated last time, let's campaign on what you can bring to Surfside. I appreciate all the employees. I hope everyone stays safe and enjoys your evening.

b. Councilmember Holder – Thank you to everyone who came out tonight. Welcome to the new Fire Chief. You had a great introductory letter, and thank you to Larry Carter for all your hard work. Also, thank you to the Police Department for all they do. It seems as though everyone is short-staffed.

c. Councilmember Keating stated, Thank you to everyone who came out. Thank you to our Candidates for stepping up and wanting to help our Town. I look forward to working with the people who are elected. I want to make it clear, and I am 100% behind the business' idea and support this event! I appreciate those that have worked to bring this forward – it shows great support of our local businesses. What I voted against WAS NOT the event, it was the suspension of our ordinance to serve alcohol for such a short period of time between 10 or 11 and 3? I don't think it's necessary. When we had the 4th of July event, it was over the evening hours, and there were no other businesses around it. So, we waived the ordinance for the participants to enjoy and stay there with all vendors. That is not the case on the 3rd Ave S promenade. There are places you can go for an adult beverage should you so choose. So, again, I want to clarify that I am 100% behind the event and will participate; I was against suspending our rules to serve the alcohol. As always, I appreciate all the comments, the private messages, and feedback on Facebook to my posts and all the compliments I receive regarding the information that I share. It's very humbling for me to see how many people follow me, and how so many people take the time to show appreciation for information and have such kind words to say. I appreciate the acknowledgment of the additional effort and hard work I put in to provide that information to you. Please, stay safe and stay healthy, and we'll see you in two weeks, if not before.

d. Councilmember Pellegrino Thanks for coming. I do agree with Zoning Department, and we have a huge opportunity here right now. We are understaffed, so they're doing what they can do. The administrator has a very good, structured plan to fill those positions. We are having an issue with trees. There are so many being taken down. We need to work on our enforcement. Huge trees are being taken down. As far as the candidates, I do appreciate your courage. I'd love to see everything stay positive. I'm not sure everyone is capable of being positive all the time. After eight years, my rap sheet of accusations, it's huge. Anyways, I very appreciate people stepping up. It's a thankless job.

e. Councilmember Drake thanks to everyone who came out. Welcome to the new Fire Chief. We are looking forward to the 3rd Ave event. We need to make sure we protect the Town. To all the candidates, I wish you luck. Thank you for coming out.

f. Mayor Hellyer, we have a lot going on. The event on Sunday with the crafts and music was great. We have the market on Tuesday, the Discover Surfside on Thursday, and the family festival on October 2. To the candidates, we wish you good luck.

11. EXECUTIVE SESSION pursuant to the Freedom of information Act §30-4-70(a)(1), Discussion of employment, appointment, compensation, promotion, discipline, or release of an employee.

Councilmember Keating made a motion to enter into executive session at 8:14 pm pursuant to the Freedom of information Act §30-4-70(a)(1), Discussion of employment, appointment, compensation, promotion, discipline, or release of an employee. Councilmember Drake second. All voted in favor. **Motion Carried.**

Councilmember Keating made a motion to re-enter the regular session for Tuesday, September 14, 2021. Councilmember Drake second. All voted in favor. **Motion Carried.**

Mayor Hellyer stated there are no motions from the executive session.

12. ADJOURNMENT – Councilmember Keating made a motion to adjourn at 9:11 pm. Councilmember Drake 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

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