



**SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
AUGUST 27, 2013 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

1. CALL TO ORDER.

Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith, and Stevens were in attendance. A quorum was present. Others present: Town Administrator Fellner; Finance Director King; Public Works Director Adair; Recreation Supervisor Ellis, and Town Clerk Herrmann.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Brad Bellah of Shepherd of the Sea Lutheran Church gave the invocation. Mayor Samples lead the Pledge.

3. AGENDA APPROVAL.

Mr. Smith moved to approve the agenda. Ms. Dodge seconded.

Ms. Mabry moved to amend the agenda to delete business item 11, "to discuss employment [Mayor Pro Tempore Mabry,] appointment, compensation, promotion, demotion, discipline, or release of an employee;". Mr. Smith seconded. All voted in favor. **MOTION TO AMEND CARRIED.**

All voted in favor. **MOTION CARRIED AS AMENDED.**

4. MINUTES APPROVAL.

Ms. Dodge moved to approve the minutes of the August 13, 2013 workshop and the August 13, 2013 regular meeting as submitted. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**

5. PUBLIC COMMENTS – Agenda Items (3 minutes.)

"Ron Ott, 7th Avenue North. Good evening. On the retention ponds, boating, on that particular issue and I know there's [sic] a lot of people that will make a comment about it, what we have in our lakes, and I bought on this, on the Lake Elizabeth 13 years ago thinking that I was buying, and it looked like a really nice lake front, except the trash that was coming in, and it, people who have been here long enough know I fought that for quite a while before they stopped the trash, but what we have is decades and decades of pollution that has been runoff, true runoff coming in and it's settled into the bottom of these lakes. It's, it, it attaches to the bottom, which is the detritus, and it stays there. We check the top of the water. (**) nice water like you pour water out of a glass out of your faucet, but if you let it settle, you can take a look at the bottom and see what's in there. Take a look at the bottom of these lakes and this, the reason why DHEC gets bad readings is after a rainfall and that's when they check it, this water churns up. What it churns up; we have some bacterias [sic] in there we don't know about. We have chemicals in there we don't know about. We have a mixture of every herbicide that Home Depot and Lowe's has in there. We, we don't know what's actually in there. Is the water touchable? Nobody's been; we don't have a blessing for that from DHEC or anything, and I know you're gonna, you're gonna review this tonight, and (**) approve it, think very carefully before you put your name on that piece of paper allowing people to go in this water. They're gonna fall in the water. They're gonna play in the water, and I wish, I really wish that water was clean. What do we do to (**) fix it? Do we have that money? Not right now, but maybe we can do something. Maybe we can ask the government to help us. There are ways. You know, we should look into stuff like that. Thank you very much."

"My name's Ron Whitcomb, 103 Harbor Lakes Drive. I just wanted to speak about the boats and the ponds in general. (**) got the water quality that was from this gentleman. I don't think this is an open sewer. Anytime you've got any where there's runoff that goes into the pond or the water, they all have sediment in the bottom. They all have different types of fertilizers and everything. Your reservoirs have it; every place has it. I

59 don't think we have quite as bad a situation as some people think. As far as the trash coming down in the
60 ponds, we live on the corner down by the spillway on Lake Elizabeth; I take care of your trash. I have tongs,
61 because it all floats right through my yard, and I'm fine picking it up, so I'm not worried about that too much,
62 either. Read over your draft, the draft here on your changes in the, the proposed situation of the, for the boats
63 on the ponds. I think it looks great and a lot of my neighbors, I know do also, and hopefully, you're gonna see
64 favorably on this and there are so many people that enjoy fishing in the ponds and I spoke last time I was
65 here, I counted 13 people boats just on Lake Elizabeth on the shoreline that people have and I live on the
66 corner near road where everybody brings their boats, so there's a lot of parking that goes (**) along the lake.
67 (**) fathers bring their kids down there, the little kids to teach 'em to fish and take 'em out in boats and teach
68 'em how to row. It's really not designed, I understand, as a, as a recreational waterway, but it sure does get a
69 lot of use from the town and the people in the town. So, I'm just hoping you vote favorably and I appreciate
70 your [sic] guys' time. Thank you."

71
72 "Good evening, Council. Mary Ellen Abrams, 311 13th North, about allowable boats. Sometimes our
73 new laws have unintended consequences. Sometimes they conflict with laws we already have on the books.
74 We've had that happen a lot lately. Whether you want boats on the lakes, or you don't want boats on the lakes
75 this ordinance has serious consequences. It isn't even about boats anymore. It's about floating docks and
76 how to have one, if you're special. You began with a reasonable resolution that allowed only small boats.
77 Then, some seemingly harmless amendments added the mother of all loopholes. As amended, this ordinance
78 allows floating docks disguised as pontoon boats. This is nothing more than a clever way to get around your
79 own law against docks. How'd that happen? You killed the requirement that boats must be removed from the
80 water at night, leaving the town wide open to perfectly legal 18-foot floating docks. All anyone has to do is say
81 it's a pontoon boat. There's nothing to stop someone from mooring a bunch of them side by side for a real big
82 floating dock. So, what's the difference between a pontoon boat and a floating dock? I found a website that
83 advertises 'think of your pontoon boat as a floating dock with a motor.' That's enough about that. Now, about
84 the penalties; Council, the penalty for feeding the ducks in this town is \$200. For boating, you began with a
85 penalty of \$500, and jail. You're now looking at \$25 and no jail. How did that happen? An amendment!
86 (*Speaker's emphasis.*) Lower the penalties to \$100 and the legal advice based on that amendment
87 recommended \$25. The consequence is that anyone willing to risk a whole \$25 can, indeed, have speed
88 boats, and jet skis, or anything they want. You may as well add a sentence that says feel free to ignore this
89 law. Councilmembers created this situation. If you approve it tonight, it's on you. Don't blame staff, and don't
90 tell the public that the train wreck was an accident, because it wasn't. Consequence one, floating docks
91 disguised as pontoon boats, and consequence two, a \$25 penalty to operate any kind of boat you want.
92 Thank you."

93
94 "Good afternoon. I'm Bill Thomas. 1013 North Cedar Drive. Like the other folks before me, I've come
95 to address this ordinance 13-0756 dealing with boating, the presence (**) boats upon the waters of the lakes in
96 the town. First of all, I say I don't have a great deal of problem with the ordinance. That is, the one that I saw.
97 I've not seen the final edition. But, I would like to offer some, some considerations to think about. I think we're
98 trying to fix what ain't broken. There was one incident in one storm in 1989, the famous, or infamous Hardwick
99 boat escape, and it went across an outflow. The town was right on the job. They got a backhoe in there; they
100 moved it out. There was no major consequence. So, as far as that difficulty, I think we're responding with
101 some overkill when we say no boats, because this can happen. Well, yeah, it can. But, it also is dealt with.
102 So, much as you might want council to do everything to protect citizens, you can't cover every conceivable
103 happening. You heard in recent months, and you've heard some here tonight about imaginable consequences
104 of what, so many what ifs. Again, I would say to you that my family and I have lived on one or, or, or the other
105 of the lakes in the town for over 40 years, and candidly, the, the worst boat related problem that I ever
106 witnessed was when the little boy of 10 or 12 relieved himself, stood up in his boat and relieved himself, and a
107 lady on the shore got excited. (*Laughter*) You know, folks, I'm not seeing any power boats. I've not seen any
108 jet skis. I've not seen any drunks lively partying on, on floating docks or pontoon boats. I've not seen FEMA
109 denying any claims. What I have seen is [sic] citizens and visitors quietly enjoying natural resources. Sitting
110 just one day recently, putting these thoughts together, and I was sitting where I could look out on the lake,
111 here two kids, I'm calling 'em 14 years old or so, on paddle boats, and I said why do we want to outlaw that?
112 Why would we want to outlaw that? We need to remember that the lakes are what they are, because of past
113 and present actions by the Town of Surfside Beach. They were not labeled stormwater retention ponds when I
114 bought (*time ended*), they were lakes. I did not buy property on Dogwood stormwater retention pond." Mayor
115 Samples interrupted saying time was ended, and there was an additional public comment time after business
116 when Mr. Thomas was welcomed to speak again. Mr. Thomas: "Thank you."

117
118 "Ron Saunders, 313 6th Avenue South. I spent most of the day on the phone with some people I work,
119 I'm, I'm on the stormwater authority for Horry County. I've been talking with Tom Garigan, who is the
120 stormwater director for Horry County and Ben Campbell, I mean, excuse me, Ben Powell, who is the Clemson
121 extension agent, and Dr. Susan Libes, who's director of marine studies at Coastal Carolina. Some of you folks
122 know her. She's been here before and made presentations in the past. Despite what everybody's saying,
123 those ponds, those lakes, are stormwater retention ponds. That's what they are designed, engineered to do.
124 They're designed to hold that water long enough for the impurities in it to settle out into the ground and what
125 flows out into our ocean is pure water, as pure as we can get it. We know it's not always pure, and of course,
126 after a rain, we always get bad readings, and that's because it's churned, and I spoke with a, a couple of you
127 tonight before the meeting, and I understand that we're not gonna be having gasoline powered engines. It's
128 gonna be just a, a 80 (**) electric motor is the strongest engine you can put in there. But, I caution you very
129 much that the things in that lake are very dangerous. Heavy metals, in fact, I would encourage this council to,
130 to work with these people I just mentioned and Susan Libes, Dr. Susan Libes will be glad to come over here,
131 and they have a piece of equipment that goes down in that soil and it'll tell you what's in it. Right now, we just
132 read the water. We read the water, and you know what's on top, but you have no idea what's down in that
133 mud. You really need to know what that is before you start extending this particular ordinance. Right now, it's,
134 it's, it's, it's kind of safe, I guess. But, if you allow power, power on those boats and the bigger they get the
135 more power it's gonna take to move 'em, and some council somewhere is gonna say what's this, let 'em use
136 gasoline engines, and when you do, you're gonna shut our beaches down, and that's just something I want
137 you to think about. The ordinance as it is right now, it's safe, I think, but you're getting really close to a line.
138 Thank you."
139

140 "Testing, testing. Can everybody hear me? My name is Holly Watson. North Oak Drive in Surfside.
141 You have heard over the past month several important and valid objections to the ordinance you're
142 considering tonight concerning the boats and previously considered docks on our stormwater retention basins.
143 To review, please note the following objections, which you have been aware of, and choose to ignore by
144 passing this ordinance. The pollution of these stormwater retention basins has been documented and referred
145 to repeatedly, and my objections to the council, as well as other people, these test results are verified by Dr.
146 Susan Libes with Coastal Carolina University as the testing source for South Carolina DHEC. Tests results
147 are available on line, readily available to you, and you have been made aware of these test results in the
148 previous 30 days, at least. Myrtle Lake, for one, has exceeded standards over 62-percent of the time. Five
149 beach areas are, are on the EPA 303(d) list of impaired waters. Our own stormwater committee has test
150 results indicating pollution, and you are aware of these results. You are aware of and can verify all monies
151 exceeding \$5 million that the Town of Surfside Beach taxpayers have spent on infrastructure for our
152 stormwater program over the past nine years. You are also aware that there is no longer funding available to
153 do major remedial work on any malfunctions of the same. You are aware of and can verify that flooding due to
154 a boat being lodged in a weir previously has caused damage to property downstream and you are also aware
155 that FEMA says they will not pay any claims for any damages caused by stop-ups or by stopped [sic] to the
156 weir in our stormwater system. You are aware and can verify that the LPA Group engineers, who designed
157 the system for the largest basin, has not been contacted by this council to do further studies of what will
158 happen in the future, if any stop-ups to their designs occurs. You are aware of the objection and concerns of
159 the Municipal Association, the organization that holds our liability insurance for the town. You have not
160 exercised due diligence in investigating the additional costs to insure us if we allow and encourage public
161 access to these polluted and unknown areas and you have not considered nor purchased a scan of the bottom
162 of these lakes for objects or the wildlife within and around the water, which is of concern to them. You have
163 not authorized, (*time ended*) discuss, or applied for funding or any testing, and you are in violation of the
164 town's comprehensive plan."
165

166 "Anita Hopkins, 712 Cedar Drive North. I guess I'm here to (**) and to straighten everything about
167 ordinances, because, and what I'm holding here tonight is the last, ever since we started having problems with
168 anything that everybody has missed. It's not about the ordinance that everybody has quoted, it's about the
169 ordinance that made us come into compliance with NPDES, the National Pollutant Discharge Elimination
170 System. The town had to apply to [sic] some stormwater water regulations, and a checklist for, to be
171 permitted. That meant that the town had to come into compliance with state and federal regulations. Yes, we
172 own that lake. But, no, we don't have any business in it, because this ordinance I'm fixing to tell you about
173 preempts anything that has been done since February the 10th of 2004 to the present date and from now until
174 the rapture happens, okay. So, there's nothing that has happened since 2004, February 10th when the

175 ordinance was signed here, and let me tell you the ordinance number, and it's not the one you've been
176 hearing. It is ordinance number 04-0516, 2-10-04, and it says specifically and we had 60 days to get it in,
177 because we received, and I have the letters and all of the documentation here to prove what I'm saying is 100-
178 percent. We had 60 days from the time that Mr. Michael Kovacs, we were dragging our feet, we had 60 days
179 to get it in and that, that letter in here is dated December the 11th, 2003 and we made the deadline on the 59th
180 day. Everybody, whoever was on council then, and Mr. P. L. Mabry was on council then, he signed it. Ms.
181 Judy Tuttle signed it, and I don't know, our current mayor may have or may not have been, but he was in
182 transition. He was on the stormwater committee meeting [sic] and he was shortly thereafter, if he was not
183 already on council, he signed it also, so that, when that ordinance went it, it took every bit of what we're talking
184 about tonight and put it asunder forever. We don't have to deal with anything, because now, the federal
185 regulators and DHEC own the, the, floodway and the flood plain. In other words, that's under their jurisdiction,
186 and we're accountable to 1,115 residents (*time ended*) and I have more, and I'll be seated tonight, if you need
187 it."

188
189 "Lonnie Hopkins, 712 Cedar Drive North. In December 2003, I was a member of Surfside Beach's
190 stormwater committee, when Mr. Kovacs, the town administrator informed stormwater committee that a
191 National Pollutant Discharge Elimination System, N-P-D-E-S, SMS4 permit application had to be completed
192 within 60 days from that date. To reach this deadline, Mr. Kovacs also got Earthworks personnel involved;
193 Reid Hilliard and Gene Euchar. The 60th day limit was met. The ordinance number, which Anita just gave you,
194 went into effect, and now this ordinance is one of the most important ordinances that Surfside has; it's 51
195 pages. I've got it all right here, too. (**) it has flood damage prevention; Article 1, general provisions,
196 paragraph 14-11422; Article 2, appearances procedure, 14-23, 14-45; Article 3, stormwater management, 14-
197 46 and 14-75, and that's divided into two divisions, one's a division in general, 14-46, 14-75; division two,
198 design requirements, and so forth, and I guess this is just a few of the examples that's listed in this, in this
199 ordinance. It talks about the flood way, flood ways located through that area, a special flood hazard (**). The
200 flood way is an extremely hazardous area due to the velocity of water. This can carry debris, and potential
201 projectiles and that could be boats or anything else. (**) and natural topography or removal of vegetation may
202 increase the rate and volume of stormwater runoff. Increase in soil erosion and sediment basin integrating
203 water quality, and I have seen a clear cutting along the banks of Lake Elizabeth. If these (**) practice in the
204 absence of stormwater management techniques, most often resulting in increased flooding and (**) in property
205 damaged. Uncontrolled surface water carries pollutants, extra nutrients, heavy metals, debris, oils, and (**)
206 into receiving bodies, thereby degrading the water quality. Stormwater Phase II file, we will require small
207 municipal stormwater system to obtain NPDES permit coverage, because their stormwater discharges are
208 considered (**) pollution. Now, the runoff from the adjacent, our upstream lands shall be considered a
209 provision from unimproved conveyance of such runoff shall be in the drainage plan. For example, there's 700
210 acres from the county that's Deerfield, Caropines, Mallard Landing, and so forth, and that flows through Lake
211 Elizabeth and Dogwood, Palmetto, and Myrtle. So, therefore, you have to prove to the federal regulators that
212 there is no other place in America to park your boat. That is why there are boat slips for you to rent (*time*
213 *ended*) in the marina. Thank you."

214
215 "Judy Tuttle, Surfside Beach. Mayor, Council, and others, regarding the allowing the boats item,
216 agenda number, ordinance number 13-0756, the opposition to boats on our ponds is for safety and health
217 reasons. The town has a 50 page stormwater ordinance that was adopted in 2004. It's an excellent resource
218 with pertinent information for managing our stormwater. It explains the importance of pond holding capacity
219 and the unobstructed flow of water, and the consequences if tampered with. Yes, the town does need laws
220 regarding uses on the lakes. Allowing and promoting recreational use of polluted retention ponds is unwise,
221 and by the way, those 18-foot boats, I thought that must be, I'm missing something there. I think maybe earlier
222 that was clarified a little bit. I hope not. But, you do need to take a look at anything 18-foot. That's a big
223 structure. By knowingly creating hazardous situations, the town's liabilities increase. The seriousness of
224 those liability and ~~inherent~~ issues need to be considered long and hard. Lakes are for the purpose of
225 stormwater management, not recreational purposes. I respectfully request the responsible action to take is to
226 table second reading of ordinance number 13-0756. Thank you, Council for your consideration of this issue.
227 Thank you."

*"health" changed at speaker's request.
D. Heerman CMC Town Clerk*

228
229 Mayor Samples said he thought Council had heard enough anti-boating comments, and asked if there
230 were speakers in favor of boats, to please come forward to speak.
231

232 "My name is Dianne Narcy. I live 103 Harbor Lights Drive. I'm hearing a lot here about how bad this
233 water is, this stormwater retention problem, and my concern is, is that I think that most of the people on lakes
234 right now have little boats. They would like to go out and enjoy them. They're small boats, and I don't think
235 they're all gonna be out there swimming in these retention ponds, and if this water is as bad as everybody in
236 this room is stating, then I think you should be closing your beaches down, because it's running right from
237 these ponds into your beaches. My concern is, is that you move forward with allowing the small boats. A lot
238 of the information that's brought forward today is very old. They're talking about 2004, we're into 2013 now.
239 So, I would like you to reconsider allowing the boats, and the people that have moved to these lakes, and let
240 us use them and go fishing. If you're not going to move forward with this, then I think that you need to put
241 gates along the area along the roads there and not allow people to fish off, into, into the ponds, also, if this is
242 such a hazardous [sic] to people. So, my concern is that it's not as bad as it sounds, and that you allow us to
243 use our lakes. That's why we moved there, and that's why we purchased property in Surfside on these small
244 lakes. Thank you."

245
246 **6. COMMUNICATIONS.**

247
248 **A. Waccamaw Farmers Coop Update, Blake Lanford, Regional Lead Agent.**

249
250 Mr. Lanford said he is the regional director for Clemson Cooperative Extension, which was mostly
251 known for working with farmers and home gardeners. The extension also works with communities on local
252 food systems development, which is why he was addressing council. The extension was approached by staff
253 and committee members earlier in the year about starting a farmers market in town. A program was
254 developed quickly, even though they had not anticipated adding a new market this year. Over the course of
255 four years a network of markets along Horry County's coastal areas have opened. There is a hub market in
256 Conway. Markets are located in North Myrtle Beach and Myrtle Beach. The Surfside market represents the
257 south end of the network strategy. Starting on May 28th, a 10-vendor market opened, and the anticipation was
258 that that level of participation would hold for the remainder of the season. By week two and during subsequent
259 weeks, the number of vendors ranged from 15 to 20, much to their surprise. The average is about 17 vendors
260 per week. The market is open air located at the corner of Surfside Drive and Poplar Drive. Staff worked
261 closely with them to equip the market and they were pleasantly surprised with the turnout. There were a lot of
262 positive comments from vendors and citizens at the market. Mr. Lanford said they were excited to have a
263 presence in Surfside Beach. He explained the market in North Myrtle Beach had grown to a stable 25 vendor,
264 \$150,000 facility in just two years. He anticipated tripling the size of the Conway market and creating a food
265 hub, which would operate like a market and demonstration kitchen type facility. The hope was to grow the
266 Surfside Beach market, and to work diligently to address the various issues, which are the same at every
267 market. There is an on-site manager at the market to control the vendors to insure they abide by the rules and
268 to assist customers. Parking is a concern, but that is a limitation of the site, and would be an issue if the
269 market grew to a certain threshold. Mr. Lanford welcomed questions, and distributed a "Market Portrait" report
270 to Town Council, a copy of which is on file. A surveyor will attend the market weekly until the end of the
271 season to collect data from the customer base. At the end of the season, an economic impact report will be
272 made to Town Council. Attendance was about 200 people on an average day. On a good day there are about
273 500 people.

274
275 Ms. Kohlmann said this project was developed through the recreation/special events committee. Ms.
276 Ellis worked the event every Tuesday. She said it was a great event and appreciated all the time Mr. Lanford
277 spent with the committee and for speaking at this meeting.

278
279 Mr. Ron Ott asked whether Mr. Lanford could assure him these were local farmers. Mr. Lanford said
280 the definition of local as applies to the market is 150 miles. There were guidelines in place that dictate how far
281 the produce could come from that was sold by the vendors. Emphasis is placed on South Carolina grown
282 products.

283
284 Ms. Holly Watson asked if any thought had been given to organic produce. Mr. Lanford said they are
285 seeing growers transitioning to organic, because they realize there is now a demand.

286
287 Mr. Ron Whitcomb said he goes to the market, because it is fun and he always ends up buying
288 something. He was glad the market was there. Mr. Lanford said the number one comment heard as to why
289 folks value the market is because they see their friends there; it is a social experience.

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B. Department Reports.

i. Finance

Ms. King presented the written report, a copy of which is on file, and said July was a very unusual month. Because July 1 is the beginning of the fiscal year, tourist revenue from July would not be reflected by the town until August; revenue received in July for the month of June was credited to the previous fiscal year. The general fund took in \$118,679, which is more than last year, because the Lanier parking funds were not in the general fund last year. The parking monies were moved from hospitality to general funds, which contributed \$55,000 in revenue for the month. Expenditures were \$104,000; salaries of \$219,000 for a total revenue under expenditures for the month of \$205,000. The revenue breakdown on page two showed all amounts were a little less than last year, except the parking revenue that was already explained. Horry County sent the town \$2,000 that was allocated to capital projects; \$15,000 was spent on the lakes for pesticides and treatments. The pier brought in \$74,000 for the month, which was more than last year and the increase was also attributable to parking revenue from Lanier. The net for the pier this month was \$69,000. The sanitation fund took in \$140,000 versus \$118,000 last year. The increase was due to summer service, and also the rate increase. The net for sanitation was \$65,000. As these two funds, pier and sanitation, go forward after the audit was completed, they will reflect depreciation each month so there is a better idea of where the fund really stands. The accommodations fund did not collect any revenue this month; local accommodations collected \$5 interest income. The hospitality fund collected \$42 interest income. Lanier Parking had a net of about \$55,000. February to June 2013 receipts were for the last fiscal year, but calendar year to date shows revenue of \$164,000; expenses \$73,000, netting about \$91,000, which was divided between the two funds. Ms. King reported that work continues on the audit and it was going fairly well; she hoped it would be completed soon. The department has been busy setting up records for Fiscal Year 2013-2014.

Mr. Smith said general fund expenditures state "Meters-Lanier \$13,191." On the last page, the expenses show \$12,358. He asked what approximate \$800 the difference was. Ms. King said that report nets out the bank merchant fees that are charged for using credit/debit cards. Mr. Smith said public works reported income of \$810 for scrap metal and asked where that was stated in the report. Ms. King said that the finance report was based on the previous month, but she believed public works reported based on what was received since the last meeting. She would confirm and send a message to Town Council. Mr. Smith thanked Ms. King for reporting about the monies spent on pesticides, as he was going to ask about that expenditure.

Ms. Kohlmann had questions about salaries on pages 2 and 5 that were higher than last year, but no raises were approved. Ms. King guessed it was over time.

Mayor Samples said that salaries that were previously charged to hospitality and/or accommodation tax funds were properly transferred to the general fund. There were no raises. Ms. King said general fund would be up all year compared to last year, because salaries that were formerly charged to hospitality were rightly being charged to the general fund.

Ms. Kohlmann asked if there were separate breakdowns for each department's overtime. Ms. King said yes; that information was readily available.

Mayor Samples asked if the state accommodations tax money was being received timely. Ms. King said a check was just received; all funds were received and the state remittances were current. Revenue for last year exceeded the budgeted amount. As long as no problems were found in the audit, it should be good. Expenditures were also less than budgeted. Those items will be adjusted once the auditors were finished.

ii. Recreation

Ms. Ellis presented the written report for the month of August, a copy of which is on file. The beach luau was held Monday, August 12th, from 6 p.m. to 10 p.m. This was the first year for the event and it was a huge success. Over 500 people attended. Latitude provided musical entertainment. Chief Kamu gave a fire and hula show that showcased local students. Lessons are offered at the civic center, if anyone was interested. Concession were prepared and sold by staff; gross income was about \$747. Staff assisted a

348 public works crew setting up tents and a stage for the Guy Daniels Memorial Surf-Off. The Surf-Off paid the
349 town \$500 for staff's labor. SAFER (Surfside Area Fire and Emergency Responders) cooked and sold hot
350 dogs at the event. The Sandlot is scheduled for Movies After Dark this coming Thursday evening, August
351 29th. It is the last movie of the season. Four dates were rained out; the movies scheduled for those cancelled
352 nights will be shown at the beginning of next movie season. Sophia's prepared and sold concessions this
353 season. They were very pleased with participation. Average attendance ranged from 100 to 125 people each
354 week. The recreation/special events committee held its organizational meeting, as all members were now
355 seated. Erin Adams was elected chairman; Ashleigh Justice was elected secretary. Meetings are scheduled
356 the 3rd Wednesday every month at 10 a.m. at the fire station. Preparations are underway for the October 5th
357 Family Festival. Applications were sent to all vendors. To date, there are over 20 arts and crafts; around 15
358 information vendors, and 9 food vendors. Dennis Seman, the president of the Youth Association, received a
359 job promotion and has moved to Charleston. Vice president Dan Flood is acting president until an election can
360 be held. The association's first annual meeting will be held September 3rd, 6:30 p.m. at the Surfside
361 Presbyterian Church. The board will provide an update on the past season, the upcoming fall season and take
362 comments and suggestions. Registration for fall baseball is over; there was not as much participation as
363 expected. Only two teams were filled, but registration will continue until leagues are full (40 children per age
364 group.) Upcoming events include the beach sweep on Saturday, September 21st, Surfside Pier, 9 a.m., gloves
365 and bags will be provided for participants; Skyhoundz Disc Contest, September 28th at Martin Field, 10 a.m.;
366 Sunday Serenades has its grand finale September 1st, this coming Sunday, 2 p.m. to 5 p.m. at the passive
367 park, and the Farmers Market continues every Tuesday, 10 a.m. to 3 p.m. until October 29th.

368
369 Ms. Kohlmann asked how many teams were filled when the town handled the fall baseball. Ms. Ellis
370 said staff did not do any better than the Youth Association for fall baseball. Ms. Kohlmann said thank you very
371 much to staff that helped and to Ms. Ellis, because it had been a really fun summer. Recreation/ special
372 events had struggled, but the group brought a lot of great things to the town. She hoped that everyone
373 attended some of the events, if not all of them, because there really were enjoyable.

374
375 Mayor Samples also appreciated the comment, and said thank you. He wanted to make sure that
376 everyone knew that the end of summer celebration was cancelled.

377 378 **iii. Public Works.**

379
380 Mr. Adair presented the written report, a copy of which is on file. Hours continue to be updated based
381 on business needs for commercial services. Six accounts required extra pickups due to overflow. The
382 supervisor explained schedules to four new businesses: ABW Golf Carts; Coastal Bible Church; Wicked
383 Fitness, and Hungry Howie's. Julie's Beach Café closed. Over four tons of recyclables were collected off the
384 beach between July 1st and August 7th. A payment of \$810 was received for scrap metal from Allen's Scrap
385 Metal. Three times a week summer service ends on Sunday, September 8th. He noted that using larger
386 recycling cans along the summer route resulted in more efficiency that increased recycling participation and
387 reduced overflow. July collections included 740 tons of solid waste; 52 mixed debris; 131 tons of yard debris,
388 and 61 tons of recyclables. The amounts collected in July were 7-percent higher overall from July 2012, and
389 20-percent higher than July 2011, without Caropines. Hopefully that was an indication of economic activity at
390 the rental and retail levels. Mr. Adair attended the American Public Works Association/SC Chapter and the
391 Stormcon National Conference. Both were held in Myrtle Beach. The Yaupon parking lot was showcased to
392 about 50 conference attendees as an example of low impact development in coastal South Carolina.
393 Emergency sidewalk repairs were made to the 1500 block of South Ocean Boulevard. Crews continue to trim
394 trees and remove overhanging branches throughout the town. Trimming and maintenance was still being
395 done on ditches and town rights-of-way. Mosquito spraying continues on Tuesdays and Fridays, weather
396 permitting. Seven reports were sent to Santee Cooper identifying malfunctioning street lights. Grounds crews
397 replaced the light bulbs at the Dogwood Lake fountain. The outfield fence at Huckabee field number two was
398 underway; he added that it was also well under budget. Mowing, trimming and weeding were taking place at
399 all town properties. Fleet maintenance from July 18th to August 20th included 86 repairs on town vehicles; 4
400 flat tires repaired; 9 tire replacements, and 36 vehicles had preventive maintenance performed. The hanging
401 flower baskets were ordered for the two pier parking lot light poles and should be delivered any time. Effective
402 Monday, September 16th, public works will return to winter hours of 7 a.m. to 4 p.m., Monday through Friday.

404 Mr. Smith asked when he expected the outfield fence to be completed, and how much it was under
405 budget. Mr. Adair said within the next few days; \$5,000 was budgeted, he expected cost to be well under
406 \$3,000.
407

408 Mayor Samples asked what the timeline was for bidding the 3rd Avenue channel and the expansion of
409 the pier parking lot. Mr. Adair said the signed agreement for the channel was sent to DDC Engineers to begin
410 engineering about ten days ago. It should not be a long process; hopefully September or October. The pre-
411 bid conference for the pier parking lot was scheduled September 13th, with bid openings September 20th. The
412 "major players" were notified.
413

414 **C. Administrator's Report – Update on Current Events.**
415

416 Ms. Fellner said there was some speculation about what precipitated the need for the ordinance 13-
417 0760, Section 4-30, Solicitations. She wanted to clarify that it was in no way associated with the 50th
418 anniversary focus group or any of its members. Someone had said that that was the case, and it was not the
419 case, and she wanted to make sure that was clear to the public.
420

421 **7. BUSINESS.**
422

423 **Second Readings of Ordinances, Administrator Fellner.**
424

425 **i. 13-0754 to amend §2-20(b) Travel Per Diem.**
426

427 Mayor Samples said information was included in the package from the town attorney who stated that
428 in his opinion that it would be much cleaner for the council to submit receipts and be reimbursed for receipts.
429 The ordinance could be voted on tonight to count the per diem as income, but it would not take effect until after
430 the next election.
431

432 Mr. Johnson moved to adopt second reading of Ordinance Number 13-0754. Ms. Dodge seconded.
433

434 Ms. Mabry thought this was the fifth time this topic was discussed. There was only one more out of
435 town meeting and then the next election would be held. It had been pretty hard to get to second reading, and
436 she had to support it to get it cleaned up and out of the way. There would be an election and then the
437 ordinance will go into effect after the election. She had no problem with the ordinance as presented.
438

439 Mayor Samples said he did not support the ordinance.
440

441 Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith and Stevens
442 voted in favor. Mayor Samples voted against. **MOTION CARRIED.**
443

444 **ii. 13-0756 to add Chapter 12, Article 5, Stormwater Retention Ponds allowable boats on town**
445 **stormwater retention ponds.**
446

447 Ms. Kohlmann moved to suspend rules to allow discussion. Ms. Dodge seconded. All voted in favor.
448 **MOTION CARRIED.**
449

450 Ms. Kohlmann said she had struggled very hard with everything that had to do with the lakes or
451 retention ponds. She said many councilmembers had done a lot of research, but people presented different
452 facts and the truth was somewhere in the middle. It took a lot of time and consideration. Reading the
453 ordinance the first time, it appeared to be acceptable. Then after considering and doing research, she found a
454 picture of an 18 foot pontoon boat. When she was talking to people, she said 80 pounds of thrust did not
455 sound like much, but 80 pounds of thrust from a non-gas powered engine can push an 18 foot pontoon boat,
456 which could be moored in the lake to be used as a dock like Ms. Abrams said during her comments. Ms.
457 Kohlmann said she did not like to over-regulate, and she did not believe any of the councilmembers did. She
458 did not think that fines and penalties make the town very welcoming. They were not productive. There was
459 nothing in the ordinance that prohibited someone from mooring an 18 foot pontoon boat in the lake, and \$25 a
460 day fine was not a deterrent. She was told this was the most ridiculous thing someone had ever heard, but
461 she was sharing, because she did not think it was ridiculous. Someone rents a house on Dogwood Lake and

462 brings their 18 foot pontoon boat and slides it in the lake and moors it for seven days. The town is going to
463 charge them \$25 a day fine. Ms. Kohlmann said she called a marina and was told that the charge to moor an
464 18 foot boat at the cheapest marina she could find was \$11 a foot; \$198 a night at Wacca Wache Marina.
465 Marlin Quay charges \$40 a night, regardless of size. Ms. Kohlmann personally did not feel comfortable with
466 the ordinance and thought a lot more information was needed. She was not happy with the ordinance. She
467 wanted to share what she learned with the council.
468

469 Mr. Johnson said this council, and he included himself, had a propensity to "stick our nose where it
470 doesn't belong." He thought the council should have left well enough alone, because there were no problems
471 to begin with. He had lived here for 28 years, and there was one problem on one lake. The speakers were
472 right; the retention ponds were branded as lakes. There is a difference in a lake and a retention pond. Mr.
473 Johnson agreed with Ms. Kohlmann. He was torn and thought they should have left well enough alone. Now
474 that the ordinance was presented, he suggested deferring action until Town Council was sure of what it
475 needed to do.
476

477 Mr. Stevens said many people spoke. He was a property rights believer and he would like to have a
478 copy of the ordinance mentioned so he could read it. Hearing both sides of the argument, he did some
479 research and found the 11th Avenue swash on the beach, which swimming was not advised if enterococcus
480 measurement was greater than 104, on July 2nd it was 5,172. On 5th Avenue swash, it was 2,990. When he
481 checked further, he learned that there was 7.5 inches of rain during the previous four days. He thought Mr.
482 Saunders spoke about this that all the bacteria from the 29575 area washes through town. Mr. Stevens fished
483 in Dogwood Lake as a child, and duck hunted here before Surfside had paved roads, so he knows about
484 Surfside. The fact is that South Carolina DHEC (Department of Health and Environmental Control) said that
485 swimming is not advised within 200 feet of any outfall in Myrtle Beach or Surfside Beach. He agreed with Ms.
486 Kohlmann and Mr. Johnson and thought the ordinance should be deferred. There were unanswered question.
487 He wanted to read the ordinance mentioned and be well informed.
488

489 Mr. Smith was in favor of the ordinance, because he thought the town needed order on the lakes. As
490 it was now, it was governed by rumors, and to keep those rumors from spreading, he thought it would be nice
491 to have an ordinance that specified what was allowed as it did in the document presented. He thought the
492 boats described in the ordinance would be just fine. Many people use the lakes, as had been stated, and are
493 having a good time on them. He did not see any problem with that, and the reason he was in favor of the
494 ordinance was, again, to bring order to it. He did not like the town being governed by rumors and innuendo,
495 and so forth. He was in favor of order, and that was why it was called an ordinance. But, because the other
496 members of council were not ready to make a decision, he would agree to defer it tonight.
497

498 Mayor Samples believed this ordinance had been presented to the planning commission twice. A
499 clean ordinance was presented for first reading; there were no motorized boats included. He recognized the
500 type of uses that was going on in town. There was no order, because there was no ordinance to address it.
501 He did not think that the fact that families and kids were taking canoes or kayaks out bothered anybody.
502 Mayor Samples said because of the day and age in which we live of liability, liability goes along with
503 encouraging recreational use, which was what was happening with adoption of this ordinance. He said the
504 governing body needed to take seriously the journey on which it was going to embark. He had no problem
505 deferring or tabling. He had a problem with houseboats; the idea of the size and the motorized portion came
506 from Town Council. Speak loud and defend what you propose or think long and hard about what you propose.
507 Regardless of the action council chose, it was clear to him that members were not ready to address it. More
508 information needed to be gathered. He said that Mr. Beck spoke loudly and clearly about his position at a
509 previous meeting. This council appointed Mr. Beck to the stormwater committee, and they had discussed the
510 matter. Mayor Samples suggested to Mr. Beck that a joint meeting be held with concerned parties to discuss
511 the facts and impacts.
512

513 Mr. Johnson thought the fines were too low and he also could be concerned about allowing an 18 foot
514 length, if his arm was twisted. He could agree with meeting with the stormwater committee and the
515 professionals. He understood that as long as the "bad" things were in the ground underneath the water, that it
516 was a good thing.
517

518 Ms. Mabry said no matter what was decided that half the room would be upset. There was no way to
519 "split this baby" and make everybody happy. There was one group of people that did not want anything ever

520 on the lakes; no recreational uses of any kind. Then another group that either own property on the lakes or
521 are citizens believe the town should not limit use and let it self-regulate. Her goal was to concentrate on
522 bringing it to the middle, because they were the citizens' lakes; living on the lakes was not required to enjoy
523 them. She wanted everyone to be able to enjoy them to some degree. She said there were portions in the
524 ordinance that she could not support and would like to see the ordinance deferred.
525

526 Mr. Smith moved to reconvene regular session. Ms. Mabry seconded. All voted in favor. **MOTION**
527 **CARRIED.**
528

529 Mr. Smith moved to defer second reading of Ordinance Number 13-0756 to gather more information
530 and to not try to solve a problem that does not exist. Ms. Kohlmann seconded. All voted in favor. **MOTION**
531 **CARRIED.**
532

533 **iii. 13-0758 to amend §9-7 to add Paragraph (7) No parking against traffic flow.**
534

535 Ms. Fellner said this ordinance would prevent parking against the flow of traffic, and adds paragraph
536 (7) that states "in any metered space, pay station area, or upon any public right-of-way with the vehicle facing
537 against the proper flow of traffic, unless directed by a law enforcement officer."
538

539 Mr. Stevens moved to adopt second reading of Ordinance #13-0758. Ms. Kohlmann seconded.
540

541 Mayor Samples asked if this would apply to state roads in town.
542

543 Ms. Kohlmann said it would not apply to state roads.
544

545 Mr. Smith said that at the last meeting Chief Keziah said it would apply town wide.
546

547 Ms. Kohlmann said to clarify, the state roads in the town do not have curbs, and the state law applies
548 to curbed roads. It would not apply to state roads in the town, because they do not have curbs. It would only
549 apply to local roads, and that was what Chief Keziah was saying.
550

551 Mr. Smith asked if Surfside Beach police would issue tickets for speeding on state roads.
552

553 Ms. Kohlmann reiterated the state code specifically stated where curbs exist, and the state roads in
554 the town do not have curbs.
555

556 Mayor Samples said Highway 17 was a state road, and he did not believe there were any curbs on it.
557

558 All members voted in favor. **MOTION CARRIED.**
559

560 Mr. Smith asked if the administrator could clarify how this applied in town and to inform council by
561 email message, and he also wanted to know that the chief agreed with her assessment. Ms. Fellner said she
562 would do so.
563

564 **iv. 13-0760 to add §4-30 Solicitation for town Sponsored, Charity and Nonprofit Events.**
565

566 Ms. Fellner said there was one typographical error on the next to the last line in the second paragraph
567 of (i), ... Town and is citizens should be Town and its citizens, which was already corrected on the final
568 document presented for signature.
569

570 Mr. Smith moved to approve second reading of Ordinance #13-0760. Ms. Mabry seconded.
571

572 Mr. Smith asked Ms. Fellner to repeat her comments made earlier about the 50th anniversary focus
573 group not being the committee with questionable activities.
574

575 Mayor Samples said he was visited on Sunday morning by a former member that was very, very
576 agitated about the way the comments were written. The individual wanted to make certain with him that in no

577 way would he have ever solicited checks and then asked the administrator to endorse them over to him, which
578 was how the comments were written.
579

580 Ms. Fellner said that was how it was written, and it was not anyone on the 50th focus group, not
581 anyone who is serving. She said the circumstance was not nefarious; she believed the individual that made
582 that request was well-meaning, and well-intentioned. But, there was no procedure in place and the individual
583 did not know how to go about it. As public servants there are specific things that are allowed, and now with
584 this ordinance the process was clearly stated for everyone so that no one should ever have a problem
585 understanding the procedure.
586

587 Mayor Samples expressed appreciation to Ms. Fellner for working quickly and diligently to prepare the
588 ordinance. He spoke with her about the need to have a procedure in place as the town tries to raise funds to
589 support not only the 50th anniversary, but also special events. The goal from the outset was trying to defray
590 taxpayers' costs. He said when handling money, a procedure should be in place.
591

592 All voted in favor. **MOTION CARRIED.**
593

594 **8. DISCUSSION – Any matters of concern or information to be discussed by Town Council.**
595

596 **Senior Citizens Committee, Councilmember Dodge.**
597

598 Ms. Dodge said Ralph Magliette is chairman of the senior citizens committee and asked if he could
599 present information.
600

601 Mayor Samples welcomed Mr. Magliette.
602

603 Mr. Magliette discussed the hope for a new senior center for the residents of Surfside Beach and the
604 surrounding areas. Meetings were held beginning in April 2013 on the future status of the senior center, which
605 is located on 10th Avenue North, with a goal of expanding programs for area seniors. In summary of those
606 meetings he said
607

- 608 • Horry County Council on Aging (HCCA) is an independent, tax exempt, non-profit 501(c)
609 corporation that is funded from 0.4 mil property tax
- 610 • Current South Strand Senior Center facility is too small
- 611 • Renovations to the current facility were not recommended
- 612 • HCCA plans to continue its lease of the current facility
- 613 • If a new facility is built, HCCA plans to use the current facility as administrative offices
- 614 • HCCA does not have funds to purchase lands for a new facility
- 615 • It is up to Surfside Beach to provide land for the construction of a new senior center
- 616 • HCCA would construct a new facility with 7,500 square feet at a cost of \$1.5 million that
617 includes construction and furnishing through grants and other means with no cost to the town
- 618 • Staffing of the new center would be by HCCA and no cost to town residents
- 619 • A new senior center would enhance the quality of life by providing a community focal point that
620 promotes and encourages wellness through comprehensive recreational (weight room,
621 aerobics room), educational cultural, creative art programs, prep kitchen, dining area, social
622 opportunities (card room), and offices
- 623 • A nonbinding recommendation was made that land might be available at the Huckabee
624 Complex for construction of a new senior center
- 625 • Area seniors believe the Huckabee location is more centrally located in the community

626
627 Mr. Magliette continued saying the South Strand Center would like to implement programs that were
628 successful in other area centers; i.e. AARP safer driving, drawing classes, exercise classes, calligraphy,
629 rumba, strength training, Pilates, Ti Chi, low impact aerobics, group games, card games and so forth. He
630 asked for a resolution of support for a new senior center, and if acceptable to Town Council, to utilize or
631 provide the Huckabee Complex as a potential location for construction of a new senior center. Mr. Magliette
632 hoped that a committee could be established to work collaboratively to try to move the program forward, with
633 an expectation of two to three years before construction starts. The project needed to be prioritized to be in
634 the number one position when funds were available or if someone donated funds as was done where he
635 previously lived.

636
637 Ms. Kohlmann said she fully supported what Mr. Magliette did in the town. She appreciated his efforts
638 and thanked him very much. She needed to see what limitations were placed on the Huckabee property, if
639 any, before she was willing to commit.

640
641 Ms. Dodge pointed out that the town had to work with the county, because they provide funding for the
642 senior programs, and we do not want to step on their toes. She said perhaps the next step, if council chose to
643 consider it, would be to meet with the county representative Mr. Paul Price. Ms. Dodge said she would be
644 happy to meet with Mr. Price to assess his opinion to see how to move forward.

645
646 Mr. Stevens asked Mr. Magliette to elaborate on the comment "no cost to the Town of Surfside
647 Beach." Mr. Magliette said the senior centers were operated through the county through a .4 millage, and
648 there was no cost for the senior center from our town. The county pays for the senior center lease; its utilities;
649 staff costs, and other associated costs. Mr. Stevens asked about the actual construction. Mr. Magliette said
650 construction costs would be paid by Horry County Council on the Aging. His goal was to move the project
651 forward. Discussions were held with Mayor Samples and Councilmember Dodge; there were many moving
652 pieces and parts. He believed that the path forward should be defined, move slowly and surely towards the
653 goal; otherwise, there may never be a new senior center. There are people in town and in the area that
654 desperately want a new senior center where the additional programs could be developed and provided. Mr.
655 Stevens said the comprehensive plan was recently received and said it states that 50- to 60-percent of the
656 town's population was either senior citizens or approaching senior citizen status. He congratulated Mr.
657 Magliette on the work he had done, and the fact that he addressed this. Mr. Stevens hoped that Town Council
658 would seriously consider this.

659
660 Mayor Samples thanked Mr. Magliette for his efforts and said he was absolutely right that if the town
661 did not take the first steps, it would never get to the last step. He believed Ms. Kohlmann had a very important
662 point that council needed to receive legal research with respect to the Huckabee Complex. Broadly defined,
663 he believed a senior citizens centers included recreational components, which would meet the Huckabee
664 requirements. It Town Council agreed, he said the administrator should be tasked with researching.

665
666 Ms. Kohlmann asked if that could be assigned to Ms. Fellner tonight.

667
668 Mayor Samples asked if there were any objections. There were no objections.

669
670 Ms. Kohlmann said that was the first step.

671
672 Mr. Smith believed information should be provided before moving forward.

673
674 Mayor Samples said the specific suggestion was to contemplate the use of the Huckabee Complex,
675 and if the property could not be used for a senior center, then other options need to be considered.

676
677 Ms. Dodge thought they should move forward on Mr. Magliette's recommendations. She would love to
678 be able to support that and the thought of using Huckabee was good, because the town owns that land and
679 would not have to look for a site. Ms. Dodge hoped that everyone on Town Council would vote to do that.

680
681 Mayor Samples said the directive was to have the administrator research the deed restrictions on the
682 Huckabee Complex, because grant monies with stipulations were involved with which the town must comply.

684 Mr. Johnson said he agreed.

685
686 Mayor Samples said direction was given to the administrator.

687
688 Mr. Smith said he did not have enough information on this; it was the first time he heard it. It seemed
689 some councilmembers had already heard about it. He did not want to give his approval until he got more
690 information.

691
692 Mayor Samples understood and said there was a committee set up, and Ms. Dodge sat on the
693 committee. He knew that she had been actively pursuing an improved senior center. Mayor Samples
694 believed that all councilmembers had been to the existing senior center.

695
696 Ms. Kohlmann did not think everybody had been talking about it that she was aware of. The
697 presentation was great; it was how she heard about it. She did not see anything wrong with, as he said,
698 stepping forward, the town was not making a commitment. They were simply making sure that we were not
699 going to waste a lot of time and energy; all that would be done is a review of the legal documents to see if the
700 property could be utilized for a senior center. She saw no harm at all in asking the question.

701
702 Ms. Dodge said from her standpoint, if she wanted to get anything done, she would want Mr. Magliette
703 working with her. He was dedicated; strong, and pursued the task.

704
705 Mayor Samples appreciated Mr. Smith's comments; however, the majority agreed to have the deed
706 restrictions researched.

707
708 **9. PUBLIC COMMENTS – General Comments (5 minutes.)**

709
710 "Sandra Elliott, 5th Avenue North. My comments are something that's bothered me since I read it in
711 the paper. I'm also concerned over the storm basins, but I'm not here to talk about that. I cannot believe that
712 Surfside has been dealt an injustice. The case on the trash was cancelled. It not only affected the accused,
713 but also affected every resident in this town. What message does this send to others in the community about
714 (**) our local ordinance was created by our forefathers and many times your council says you do not enforce
715 our ordinances. Our reputation cannot take more of this negativity. Council, you are elected officials. We all
716 need to be good stewards of the law, especially our councilmembers. If not, how can you expect our tourists
717 to abide by the laws and our children? I don't know whose decision this was. Who decided for Surfside to
718 stop the prosecutor? Was it management or was it some of the council? Then who was it? We the people
719 deserve to know. The court system would have worked the problem out to the benefit of all parties concerned.
720 But, they were denied, not because of lack of evidence, what was it? I want to tell you a true story about my
721 husband and I, and trash. When we moved here, we left some items in a rented storage unit. Well, after a
722 year of paying monthly rent, we decided to get the stuff, and that's what it looked like after a year, stuff. We
723 rented a U-haul truck, borrowed a pickup truck from an old neighbor, and the neighbor said anything you don't
724 want, you can put it in the back of my lot for trash. We said thanks. So, off we went to the unit, opened the
725 door, looked at the mess, and loaded the pickup truck with some of the old stuff. We then took it to our
726 neighbors back lot and started putting it on the edge of the road, and then our new neighbor came out
727 screaming at us...illegal dumping! Stop! Illegal dumping! (*Speaker's emphasis.*) Well, we stopped. (**) said
728 this is your neighbors, look his name's on the truck. He gave us permission. She went in the house. In two
729 minutes we had two cop cars and code enforcement there ready to summons us. We had one hour to pick up
730 that trash, and of course, we did, because I didn't want my name in the paper, or my husband's. We're too
731 well known in that district. So, that's all I have to say, except in closing, I'd like to read a few lines from the
732 approved August 10th, 2010 minutes. This is a citizen who was concerned about obeying the law. It's line 111
733 and 112: It's time for that elected to stand up and support the laws that you vote on. Line 114 and 115: You
734 can break laws all day, but it doesn't do us any good. All you're doing is you're filling the belief of elected
735 people. Line 118 and 119: Let's keep this council following the law. Let's make sure our staff follows the law.
736 That's all we want as citizens. And, this is the real one, line 775 through 779: I've run for office twice and
737 believe me if I ever get on council, you can bet everybody in this town will know that I will follow the letter of
738 the law. I won't bend any rules, and I won't do anything, nobody can buy me. Nobody can do anything for that
739 so just obey the law, that's all I ask of council and all I ask of town staff. So council, as Mark Twain would say,
740 always do right, this will gratify some and astonish the rest. Thank you."

741

742 "Anita Hopkins, 712 Cedar Drive North. Now, maybe, I can read what I couldn't read in three minutes.
743 Let me add to that that I'm holding a June 24, 2008 regular meeting where a citizen standing here addressed
744 council and he said because the city violates their ordinances, and because it's time that the council makes
745 everybody from the top down responsible to the citizens, how do you expect me to honor your ordinances
746 when you and the whole district administer whatever, you can't honor your own, (**) you can't be above the
747 law. You have to. You've got to be above the law first, and then you can ask the citizens to obey the town's
748 act [sic.] I moved here, because I thought this would be a good place and now, I'm wondering if that, if I made
749 a wrong mistake. So, lately I should've moved somewhere else where I didn't have a city that ran over people.
750 That's all I'm going to ask from you; just keep yourself straight, and that gentleman is seated tonight, Mr.
751 Randle Stevens. Now, I say that to say this, when you talk about boats of any size, being rumored that they
752 stopped that weir and, and, get in this flood way and flood field; it's not a rumor, because I am the one that
753 called the town when this happened, and it was in 1998, right before the flood. I had 40 feet of water in my
754 back yard at 712. Now, I say that to say this, when you say that it, no one has ever had an incident, Mrs.
755 Virginia Campbell that lived, and she's deceased now, her grandchildren fell in that lake and I am the one that
756 called town hall and said send somebody quickly. We have two teenagers that have turned over in canoe, and
757 they need help, and they came, and they rescued them, and they brought 'em to the bank and did whatever
758 emergency services they needed to get them back in shape, and she was very upset when those
759 grandchildren came home. Now, let's get back to this ordinance that I told you about. When it was signed and
760 sent, it had to accompany an application to be permitted by, to satisfy the federal act NPDES, and if you're not
761 familiar with it, I have the copy here. I have the 51 page ordinance that council had to sign and in it, it
762 specifically says what a right-of-way is, what a flood way is, what a field plain is, and under no circumstances
763 are you to put anything in it. The town is obligated, because we had to pay \$2,000 to get permitted; \$2,000
764 had to accompany this application. Here is that (**) ordinance that I told you about. It's ordinance number for
765 the record again, 04-0516, February 10th, 2004 and in here, you cannot change it. You can't do anything
766 whatsoever as of this date. You can sign any legislature [sic], but it's tamper proof, because it committed us to
767 get permitted, and until you ask their permission, it's their right-of-way, not ours. We have to accommodate
768 the county. We have to protect our self from FEMA, and the only protection we have is this ordinance that's
769 attached to the application. Here's the application letters to Columbia from Mr. Kovacs, and then back to us
770 stating exactly what we have to do to come into compliance. So anything, I'm telling you any ordinance,
771 anything that we mess around with from that point in time until today and until you call them and tell them you
772 can do anything up here you please, it's like Mr. Stevens said, you got to, you got to follow it, and you got to
773 follow it, because that's dictated and mandated to us, and every boat and every dock and everything that's in
774 there now that's been permitted (*time ended*) is illegal."

776 "My name is Steven Schwartz. My address is P. O. Box 15495, Surfside Beach. I'm here this
777 evening, and by the way, I think I became a senior citizen here tonight, (*laughter*) seems like I've been here
778 quite some time. My recommendation is to keep the air conditioning on throughout the proceeding, so you
779 make keep the air fresher and people would be able to stay up and listen, I think, better. Number one, is this
780 proceeding recorded in any manner?" Mayor Samples replied yes. Mr. Schwartz: "It is. Okay, and two; I
781 assume that this is the attorney for the council." Mayor Samples replied no, Ms. Fellner was the administrator.
782 Mr. Schwartz: "Is there an attorney for the council? Could I have his name?" Mayor Samples said there was.
783 Ms. Fellner could provide his name. Mr. Schwartz: "Certainly. That's not a problem. I don't ask in a, in an
784 antagonistic manner, just to learn. I'm here this evening, I guess, because I personally became involved in the
785 situation having lived in 15 or 20 states over the last ten years of my life, and travelled to half the countries of
786 the world, and been a practicing lawyer in New York representing the Columbian mafia for many years. I
787 decided to take a, a reprieve from activity and try some calmer ventures, so I owned a basketball team at one
788 time in New York. I started a golf packaging company in California. I was general manager of a minor league
789 basketball team in Florida. I taught school in California. I've taught law school in California; coached
790 basketball in California. To say the least, I think my experience is somewhat broad. Not to say that I have any
791 greater experience than anyone else or any greater knowledge than anyone else, but I'm comfortable in what I
792 know and what I do. Over the last couple of days, I've become aware of an ordinance that Surfside Beach has
793 on its books. It says it's Section 8-2, Sleeping in Automobiles, and today I went to the police station and got
794 the ordinance from the police department, so that's some verification that this particular ordinance is what I'm
795 talking about. The ordinance really addresses, in my way of thinking, a couple of different viewpoints. There
796 are a couple of different points. One, the period from 9 p.m. to sunrise where it said you can't sleep in your
797 car, and then the rest of the day, where apparently you can without any problem. Unfortunately, the
798 interpretation of the police, and this is why I ask, your honor, that perhaps the council be made aware of this,
799 your honor, is the, is the police department's executive. It directs the police department. The police

800 department does what the council will tell it to do; otherwise, you would have a situation where the police
801 department was running itself. But, in fact, it says in this particular rendition of the ordinance, it shall be
802 unlawful for any person to sleep in, on or around any automobile or other motor vehicle or licensed
803 recreational vehicle upon any of the streets, sidewalks, alleys, or on the beach in the town before the hours of
804 9 p.m. and sunrise, which in effect means, that you can stay in your vehicle and not sleep. However, the
805 police do not interpret that to be so. I am sick and tired, really, sick and tired of police around this country
806 interpreting the law. They're not lawyers. They didn't go to law school. They do not go for advanced law
807 courses. They want to tell you what the law is and they get people and friends of mine in trouble on a daily
808 basis. Now, I'm asking you, please to take a look at this ordinance. Show it to your counsel. Talk to the chief
809 of police. Someone made a mistake, and more importantly, when it comes to the period of time from 9 p.m. to
810 sunrise, that law is unconstitutional, because people who come and live in Surfside can be members of the
811 community and not have homes." Mayor Samples said "Sir," and indicated to Mr. Schwartz that he should
812 lower his voice. Mr. Schwartz: "Okay. They don't necessarily need to have homes. When the preacher was
813 walking out, I shook his hand and I said to him, preacher, you said that someone without insurance should be
814 prayed for because he needs our help, and I said to him, preacher, what would you say about someone who
815 lives in this community and doesn't have a roof over their head, and he said God help them, we need to help
816 them. Don't turn your heads to people who do not for the moment have homes to stay in. They are the ones
817 that we need to help. You are the lucky ones, and you are the lucky ones. Now, I will tell you one other thing,
818 and I'm (*time ended*) glad I turned around, because, I'll quickly wrap this up." Mayor Samples said one
819 sentence, please. Mr. Schwartz: "A sentence. This police officer right here..." Ms. Kohlmann called *point of*
820 *order* saying that a public speaker could not speak about a police officer. Mr. Schwartz: "Well, I tell you
821 what..."
822

823 "Good evening, Council. I'm one of the 40-percent of this community that live here year round. My
824 name is Timothy Courtney, 15th and Poplar Drive. (**) full time residents here. Okay, our police department
825 do [sic] a great job. They're very transient. We've got a lot of people that come and go. We got a lot of
826 criminal activity that goes on here. So, for the rest of the people that live here, they know our police
827 department does a great job. On the boating, I'm very neutral on the position of the boating. As to this
828 council, one thing I ask, I have a six and 12 year old, and a day's gonna come that my 12 year old is gonna go
829 down to one of those lakes that you call a lake or a pond or a retention pond, and they're gonna go swimming
830 in it. I just want to assure us as a resident here that it's gonna be safe for my children. That's all I ask. Thank
831 you."
832

833 "Hi. I'm Ron Whitcomb, 103 Harbor Lights Drive. I spoke earlier. Came here tonight feeling pretty
834 good about the boats. Not so good now. This seemed to be a slam dunk to me from last meeting we had a
835 couple of weeks ago, and after speaking to a number of the town authorities, I thought we were looking good
836 on this. Now, I'm pretty afraid to eat on my patio, which is 50 feet from the water, because I'm gonna catch
837 some horrible disease that's coming out of this lake. But, lakes, like every other pond, and lake everywhere,
838 the sediment has got stuff in it that you don't want to drink or eat or roll in. We all know this. This is a fact with
839 all water that has water flowing into it. It's any kind of drainage. As far as what people have done in the past,
840 these, I've been here 18 years and either owned property on the lake, around the lake or whatever, these
841 boats have been here since I've been here. There are no big pontoon boats that people rent out or anything
842 else. I haven't seen any water planes land on Dogwood Lake. There's room for it, but that hasn't happened. I
843 don't see anybody swimming in the lakes. Nobody wants to swim in the lakes. No one wants to drink the
844 water out of the lakes. They just want to put their little boats in and go out and fish. This is not something that;
845 all I'm hearing is people going in the water, everybody's gonna go in the water. All that stuff's gonna happen,
846 because of (**). Nobody's gonna go swimming in the water, and nobody's looking to put some monster boats
847 on there. I've lived here 18 years. I have never seen a boat, I don't think, over 12, 14 feet. I mean, and those
848 are like long canoes. Most of the boats are 8, 10, maybe 12 feet John boats or something like this. As far as
849 the motors go, you don't see any motors either, and this is pretty much uncontrolled. I mean, nobody's
850 bothered with this all these years. The motors; a little electric motor, 80 pounds of thrust is a little larger than
851 most people have on their boats, little boats. It will push a pontoon boat. I could push a pontoon boat with a 3
852 foot paddle, okay. It's not that big of a motor. You want to crank it back a little bit? Make it a 55 pound motor
853 limit. I've got a 30 on my boat. I make margaritas with it. It's, it's just, we have so over thought this and over
854 blown this, and everybody's got this horror thing on; you're worried about liability; you've got a skateboard park
855 right out here. Talk about liability. You've got a tennis court over there. You've got a dog park. You can be
856 afraid of everything you want to be afraid of, and people are more than happy to feed into that, and this is what
857 I've been watching going on here. Nobody wants to see anybody get sued. Nobody wants to see anybody get

858 hurt, but this has been going on for as long as I can remember. It's been fine. There's no big problem.
859 People keep bringing up things that have happened in the past. In 1998 this happened. In 2005 this...really!
860 (*Speaker's emphasis.*) There's probably been ten kids falling in that skateboard park in the last month. It's
861 insane. All I'm asking you to do is please not feed into everybody's fears and all this craziness. These are
862 nice little lakes. People have been using boats on 'em for many, many years. There've been hardly any
863 incidents. Nobody's getting sick from the water. I haven't heard of any big epidemic where people have
864 gotten sick from the water. Nobody swims in it. Please, let's just get back to a little sanity. Think about the
865 thing. Check it out as much as you want. Maybe roll back the motor size; maybe roll back the footage a little
866 bit, and see if we can't use the lakes like we have all these years. Thank you very much."
867

868 Mr. Ralph Magliette: "Just let me say that I'm sorry that I'm up here talking again, but there's just one
869 item I would like to talk about, and I'm very passionate about, and I have sent and there's been publicity on
870 flyers about the Neighbor to Neighbor program, and I just want people to know that there's a new executive
871 director, Joe Kunkle, who is trying to expand the program, and the important thing about the programs that we
872 talk about, the advocacy of it is these programs are no good if people don't spread the word, and these are
873 programs to help people; homebound seniors who need transportation and can't afford to go to the doctor,
874 can't afford to go to the grocery store, and it's a free program of volunteers who provide rides. So, what I
875 would like to do very, very briefly is a little sheet that I have. I made some copies. I would hope that anyone
876 who's here tonight would please take one. If you have an elderly friend who maybe can't drive or shouldn't
877 drive, if you know someone outside of Surfside Beach, anywhere in Horry County who might be able to use
878 this service, it would transform their lives. I have a lot of stories from people who've told me people who
879 haven't been able to go to the doctor for five or six years, because they lost their license. They could not
880 drive. They didn't have the \$45 for the taxi. They just did not go to the doctor, and this program was a life
881 saver to get people to go to the doctor, get them medication, and to get them groceries and prescriptions. So,
882 very, very briefly please. Neighbor to Neighbor, just two rides a month will transform the life of a neighbor in
883 your community. Neighbor to Neighbor, a program of Grace Ministries, offers volunteer supported
884 transportation to medical appointments, grocery shopping, other life sustaining and life enhancing activities. It
885 will help our neighbors maintain their dignity, remain independently living in their homes for as long as
886 possible. As a volunteer support program, Neighbor to Neighbor cannot accommodate neighbors who have
887 wheel chairs or are not ambulatory. However, Neighbor to Neighbor has an umbrella insurance policy to help
888 in emergency situations. To date, there has never been a claim made for a volunteer a driver and it also has a
889 (***) to be filed claims. Feel safe and secure knowing that you are helping your neighbors. In 2012, Neighbor
890 to Neighbor provided over 5,000 trips to more than 300 homes based chronically ill neighbors. Transportation
891 is the biggest need in our area, and Neighbor to Neighbor is just scratching the surface. You, too, can become
892 a volunteer and be a good neighbor just by providing two rides a month. For further information, or details,
893 please visit our website www.gracefullyaging.org, or call Grace Ministries Neighbor to Neighbor today. We ask
894 you to give us a minimum of three days notice when scheduling a ride, and I also have the phone number and
895 handouts, so please, these programs are here to help your neighbors. They're here to improve the quality of
896 life for people. I have the handouts. Please take one. The number's there. Give it to someone that could use
897 a ride. You would really be doing a wonderful miracle to help people and to also provide an enhanced quality
898 of life. Thank you and God bless you."
899

900 Ms. Holly Watson: "I've been a resident of Surfside Beach for 28 years. It is never my intention to
901 fight with my neighbors or create any chaos or any problems for any resident of this town. I love my little town.
902 However, I did have to bring this to y'all's [sic] attention, and the reason that I'm so upset about this ordinance,
903 it just seems it's been going on since May, number one. We still don't have any answer to it all. We need an
904 answer, and we need it to be finalized. We don't need the, one minute be one thing, and the next week
905 something else. This is an email I've gotten from DHEC. It says although this ordinance modification does not
906 reference swimming directly, it's important to note that this type of stormwater retention pond is not monitored
907 for swimming or fishing. Stormwater ponds are considered NPDES treatment works, and water quality in the
908 pond would not be required to meet recreational water quality standards, thus we do not consider these
909 stormwater ponds fishable or swim-able [sic.] This is South Carolina DHEC. There was a gentleman who said
910 well we could put a cage around the weir. I am a licensed general contractor in streets and roads, stormwater,
911 asphalt paving, concrete paving. Okay, I would never attempt to put anything around any function of any
912 town-owned property. We need to get a licensed engineering firm like LPA Group to approve anything that we
913 do with our NPDES approved facilities. This is our infrastructure. I'm almost pretty sure that we got some kind
914 of funding from NPDES or some kind of help in order to be able to get our flood plan going. If not, we at least
915 certified to FEMA that we would keep it clean. These are MSDS (manufacturer's safety data sheets) reports of

916 the toxic chemicals that our own public works department puts in our retention ponds, and there's not just one
917 or two. We talk about Lake Elizabeth and Dogwood. We have ten stormwater retention basins. Myrtle Lake,
918 mine, exceeds pollution standards 62-percent of the time in the past year. Not four or five years ago; the past
919 year up until July. Okay, these are the things, this is toxic. This is harmful if inhaled or swallowed. I mean,
920 this other chemical here that they're using causes skin irritations. It's harmful if swallowed. It causes liver
921 jaundice, blood disorders, anemia, urinary system problems with your kidneys, behavior, nervous system. I
922 mean these are the stuff [sic] we're putting in there. This is a whole list of stuff we should be testing for, if you
923 put any body contact in these ponds. We can't afford the testing. I'm sorry the people bought a home and
924 thought that they could have a dock, but they should've checked it out before they bought the property. If they,
925 if somebody has misrepresented to them that they can have a dock in violation of our 2004 ordinance, I
926 suggest that they call the attorney general's office for the state. My compassion goes out to them, but this is
927 not the answer. Thank you."

928
929 **10. COUNCIL COMMENTS.**

930
931 Mr. Johnson: "Thank you, Mr. Mayor. I really don't have that much to say this evening. Thank you for
932 coming out. I appreciate all of you, and have a great evening."

933
934 Ms. Kohlmann: "Thank everybody, and I appreciate all of you coming forward with your thoughts, your
935 opinions, and some of your facts, but remember that as you were [sic] one person, we get many people
936 bringing a lot of information, so sometimes it does take us time, and you're not gonna like what we do
937 sometimes, and sometimes you will. That's just a matter of fact, and that's never gonna change. We're never
938 gonna make everybody in town happy. On a lighter note, tomorrow night at the Myrtle Beach airport, which is
939 the new terminal, it'll be the Honor Flight for World War II Veterans. They will be landing at 7:30 tomorrow
940 night and if any of you get a chance to go there, it's a wonderful experience to welcome them home. So, that's
941 how I'd like to end this."

942
943 Mayor Samples: "And I can't help myself, if you want to join anybody when they take off, they, they
944 leave at 7:30 in the morning, so you gotta be down there real early; at six, and I'll be there, so."

945
946 Ms. Kohlmann: "You know, I'm not gonna be there early. But the one coming home is when you get
947 the emotion of their day. It's just amazing, and they will talk to each of you, and it's..."

948
949 Mayor Samples: "I just want 'em to know..."

950
951 Ms. Kohlmann: "You go early, and I'll do the later one."

952
953 Mr. Smith: "I apologize for my cell phone going off, and I think we need to bring order to the boats on
954 the lake, and therefore, I think we need a boating ordinance. Exactly how it comes out, we'll have to work it
955 out amongst ourselves. Since I'm a senior, someday I'll probably'll [sic] need a senior citizens center, but I
956 don't like to take a position until I have the information. Thank you."

957
958 Ms. Mabry: "Thank you, everybody, for coming out, and I know sometimes things do seem like they
959 take forever to get resolved, but when something is this important, it would be better to step back, and look at
960 it again; make sure that it's correct, and then make an ordinance that's gonna be effective, and that we're not
961 gonna have to come up here and then start changing our ordinance every other time that we're on this dais.
962 So, let us step back. Let us rework it, if it needs reworking. I, I don't know, and take everybody's comments to
963 heart and, and do our job. So, please be patient on this one issue, and thank you."

964
965 Ms. Dodge: "I don't have any comments. I can't believe that I don't have any comments." *(Laughter)*

966
967 Mr. Stevens: "Thank you, Mr. Mayor. One that I wanna talk about is the police academy. If you
968 haven't signed up for that, you should. My wife just finished that and she said it's the most exciting thing she's
969 every done; most informative thing, and, and I think everybody that lives here in town ought to sign up for it.
970 The ordinance on the dock [sic], I think we've gotta look at, or the boats, we have to look a little bit further on
971 that, and go from there. One other thing is I don't have, I appreciate some of the people's comments on my
972 personal situation, but I don't have any control over that. There are three branches of government: executive;

legislative, and courts. The courts made their decision. I have to live with that. Other than that, I want to thank you all for coming out, and have a good, and have a good night, and have a good week."

Mayor Samples: "I'm glad that it was mentioned tonight about the 2004 ordinance and NPDES. I can't remember what it says. It's been a long time ago, since you know, 50 some odd pages, but I think it would behoove council to have staff to be up to speed on it and prepared to address the issues. We certainly don't want to be stepping beyond our authority or I hate to use that word again creating another liability that we have to backtrack on. So, it's clear there's general agreement amongst the members that additional information will be helpful. The last item I want to mention is in our package, council, you, we all received the draft comprehensive plan. It is quite voluminous. So, it would be I think, behoove all of us to begin the process of trudging through it, if you will, and making note of what is in that plan so that when we do convene workshops that we all have the same basis of information, and that we don't waste a lot of time talking about what is in the plan, but what is it that we, we to address the specific issues and changes that the body needs to make, and I know that means that you're gonna have to talk with the administrator, and, and, and Ms. Sabrina Morris, and so I want, I would hope that everybody would take the time to collect their questions or issues and to address them before we get it to a public setting. Okay? I think that would be very helpful."

11. EXECUTIVE SESSION

Pursuant to FOIA §30-4-70(a)(1) to discuss employment [Mayor Pro Tempore Mabry], appointment, compensation, promotion, demotion, discipline, or release of an employee, to perform the town administrator's and the town clerk's performance reviews.

Mayor Samples said that even though Ms. Mabry amended the agenda to delete her request to discuss an employee, the performance evaluations required an executive session.

Mr. Smith moved to enter executive session at 8:56 p.m. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.** Mr. Johnson moved to reconvene regular session at 10:10 p.m. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.** Mayor Samples said that no action was taken during executive session.

12. ADJOURNMENT.

Mr. Johnson moved to adjourn the meeting at 10:11 p.m. Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

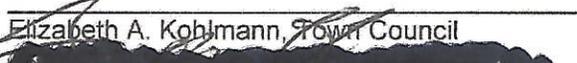
Approved: September 10, 2013


Douglas F. Samples, Mayor


Mary Beth Mabry, Mayor Pro Tempore


Ann Dodge, Town Council


Mark L. Johnson, Town Council


Elizabeth A. Kohlmann, Town Council


Roderick B. Smith, Town Council


Randle M. Stevens, Town Council

*Clerk's Note: This document constitutes minutes of the meeting that was audio taped. These are detailed minutes documenting each member's comments. Appointments to hear audio tapes may be scheduled with the town clerk. In accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. The agenda was posted on the town website, the entry door at Town Council Chambers, and in the Town Hall reception area. Meeting notice was also posted on the Town marquee. Public Comments and Town Council Comments are transcribed as close to verbatim as possible. When (**) is used a section of the tape is inaudible.*