



**SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 11, 2014 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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6
7 **1. CALL TO ORDER.**

8
9 Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore
10 Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith, and Stevens were in attendance. A
11 quorum was present. Others present: Town Administrator Fellner; Police Chief Keziah; Fire Chief Cimini;
12 Public Works Director Adair; Recreation Supervisor Ellis, and Town Clerk Herrmann.

13
14 Mayor Samples said it was customary to introduce Town Council candidates and invited
15 candidates present to introduce themselves: Ralph Magliette, Bob Childs, Keith Dame, Carrie Johnson,
16 Sandra Elliott, Rod Smith and Beth Kohlmann were present.

17
18 **2. INVOCATION AND PLEDGE OF ALLEGIANCE.**

19
20 Father Ron Greiser, Church of the Resurrection, gave the invocation. Mayor Samples lead the
21 Pledge.

22
23 **3. AGENDA APPROVAL.**

24
25 Mr. Smith moved to approve the agenda with an amendment to discuss Business Item 7Dii
26 before Business Item 7Di, and to defer executive session until the next regular meeting. Ms. Mabry
27 seconded. All voted in favor. **MOTION CARRIED.**

28
29 **4. MINUTES APPROVAL.**

30
31 Ms. Dodge moved to approve the minutes of the January 14, 2014 meeting as submitted. Mr.
32 Stevens seconded. All voted in favor. **MOTION CARRIED.**

33
34 **5. PUBLIC COMMENTS – Agenda Items (3 minutes.)**

35
36 “The parking. Ron Ott, 7th Avenue North, and I wanted to talk about the a, adding more parking
37 spaces, parking meters, parking, parking, and more parking. We look at these gentlemen that are
38 hanging on the back wall, the first group of them, they had a, they had an agenda for this town and we
39 see it. It’s low density, and our beach was (**) to be low density. It, we don’t have high rises, so the
40 unique part of this town was that you could come here and you could come with your family and sit on
41 that beach and you could do things. Not like other areas, and I’m not gonna be specific, but we know
42 there are, I’m gonna say Myrtle Beach, you can’t even put a towel down during the summer in high rental
43 season. Here it was very unique and I thought that would also raise the price to have people come here
44 and stay, because you had that uniqueness. You didn’t have all that parking, but I have noticed since we
45 did put parking and parking meters last year, I guess, somebody put Surfside Beach on the map, because
46 we were pretty crowded most of the time on the beach. A lot more than it was ten years ago I’d say, and
47 if you listen to what happened in southern California and Judy Collins had a song, and I brought it up to
48 you [sic] once before that we need to look and see what we’ve got before it’s gone, put up a parking lot,
49 and that’s what it was about, and that’s what this is about. We want people to come here, but we want to
50 have that uniqueness, and that’s what our, our founding fathers did, they wanted the commerce to come
51 from this side. There’s commerce down there, but not the majority of it. Need to, and I know I’m on
52 parking meters, we need to stress let’s not go overboard. Let’s not put parking, you know, high rise
53 parking meters in parking lots and stuff like that. Let’s try to keep it the way it was, and keep the way we
54 live here. Thank you.”

57
58 "Alan Beck, 626 10th Avenue North. I'd like to address the item of the required engineering
59 proposals for the town docks. I'm sorry that we've had this dock issue floating around so much, and I
60 know some of you are, also that you started last July with an emergency meeting to outlaw docks and
61 that was based on, according to the paper, erroneous information about the lakes being polluted. We
62 know the facts that came out in our workshop here showed that they weren't polluted. It was based on
63 that there being liability rates, risks, the workshop also had an expert say there wasn't much of a liability
64 risk worry, and it's too bad that the council didn't earlier take action to simply rescind that prohibition, and
65 I would, again, urge that you do. On these proposals that you're asked to night, that's somebody trying to
66 put some bureaucratic roadblocks in the way of doing anything on docks by asking for two things: one is
67 to go to the Corp of Engineers, spend \$8,950 of our Surfside tax money to ask the Corp of Engineers to
68 determine if they have jurisdiction. I got curious about that and I went onto the web and I found out what
69 that whole study is about is the Corp of Engineers determining if our lakes are under their jurisdiction,
70 meaning they're TNRs. I didn't know what a TNR was. I went and looked up that. It's a traditional
71 navigable waterway, meaning a waterway that's used for interstate commerce. We don't have interstate
72 commerce barges going through Surfside Beach and we shouldn't pay \$8,950 to the Corp of Engineers to
73 make a big survey of every lake and then come out and determine that it's not a traditional navigable
74 waterway, which is all you get out of that as I can read on the web. The second thing is this request to
75 FEMA, \$6,800 to determine what the displacement would be of water in the lakes, if you put a dock in.
76 You put a dock in, you put maybe four 4x4 pilings in, how much does that displace the water and effect
77 our storm runoff? It'd be like if this whole room was filled with water up to here and we took a soda straw
78 and tried to put it in and measure on the wall how much the water level went up. I mean, the idea of
79 asking FEMA if a dock is going to affect the displacement of the water in Surfside enough to make any
80 difference at all in a storm is, is silly. It's just people that are trying to encourage you to put bureaucratic
81 roadblocks in the way of simply getting out of this whole mess. Rescind the action that you took
82 prohibiting docks. Thank you."

83
84 "Sandra Elliott, 5th Avenue North. Good evening, Mayor, and Council; staff and neighbors. I'm
85 concerned with the business item C, Resolution Number 14-141, item number 5 where it states permit
86 parking only on streets from Melody Lane to 16th North beginning at Dogwood and intersection with
87 Ocean Boulevard. As you know, you are the council, of course, you have stated many times that we the
88 people have rights. Has anyone notified the property owners of this new parking law? Is this not a
89 violation of the rights to use their public property? We the people did not participate in this subdivision of
90 the lots some 50 years ago. The lots are narrow with not enough parking for the owners. The space
91 must be used by them and their out of town guests and family. I vision one of the primary owners asking
92 grandma to come to Sunday dinner. Well, when she gets there, they will have to say to her go to the
93 boulevard and pay to park. No parking here, grandma. You do not have a blue sticker. We are one of
94 269 municipalities in the State of South Carolina, not a community with a homeowners association
95 dictating rules by the board of directors. I am strongly opposed to this new rule that you're trying to pass,
96 and I have one more on the agenda, please. That would be item D, number 2 that hasn't been scratched
97 for the night, has it, cause I heard Mr. Smith talking about it? It's additional parking committee
98 recommendations. That is exactly what they are, recommendations, not law. Under penalties you'll see
99 boot cars for outstanding fines of more than a hundred dollars. Really! (*Speaker's emphasis.*) We are a
100 beach community. That is the business, to attract tourists. This is our livelihood. Not a high crime
101 neighborhood. Enough is enough, Council. What are you doing to our Family Beach? Thank you."

102
103 "Ralph Magliette, 104 Harbor Lights. I have two items. The first one is item 7B, Business
104 Ordinance Number 14-0770 Appointment of Committees, to require a resume to be submitted by
105 volunteers. I do not support this ordinance. I am concerned about personal identity theft. I am
106 concerned that private and personal information may inadvertently be disclosed to unauthorized
107 individuals. It's already difficult to find citizens willing to volunteer for committees. This ordinance will
108 make the problem much worse. The current policy in place has worked well in Surfside Beach for many
109 years and does not need to be changed. My second item is item 7, Business item F Budget Retreat. I
110 am against the budget retreat at Wampee Conference Center, and against spending the \$5,820 on the
111 budget retreat. This is a frivolous expenditure and generates no value. Spend my tax dollars carefully

112 and frugally on high value programs and services. One of the fundamental goals of local government is
113 open and transparent governments. Conducting the budget process in Surfside Beach provides the
114 opportunity to make our municipal government open and its budget accessible to the citizens of Surfside
115 Beach. Thank you very much.”

116
117 **6. COMMUNICATIONS.**

118
119 **A. Santee Cooper 50th Anniversary Donation and Franchise Fee, Ms. Margaret Small.**

120
121 Ms. Small presented checks from Santee Cooper for the 50th Anniversary Commemorative Book
122 and also the annual franchise fee payment. Santee Cooper is glad to be a part of the 50th Anniversary
123 celebration and congratulates the town on its success. Santee Cooper was honored to partner with the
124 town. (*Applause*) Mayor Samples thanked Ms. Small and said Santee Cooper was good to partner with
125 the town.

126
127 **B. Horry Georgetown Technical College (HGTC) 2013 Projects, Professor Alan Bunal.**

128
129 Professor Bunal said that HGTC appreciated the opportunity to partner with the town to give its
130 students some practical experience and also to help the town. He was especially proud of Sherrie Spratt,
131 the student that worked on the commemorative book.

132
133 Mayor Samples presented Professor Bunal with a plaque on which projects over the next several
134 years can be added. Mayor Samples also gave Professor Bunal appreciation certificates for each of the
135 18 students that participated.

136
137 **C. 50th Anniversary Focus Group Update, Chairman Bob Childs.**

138
139 Chairman Childs presented Town Council with packets of 50th Anniversary souvenirs and said
140 that committee had planned several events throughout the year, the first of which will be Friday, March
141 14, 2014, when a 50th Anniversary Ceremony will be held from 5:00 p.m. to 7 p.m. at the Surfside Beach
142 Library. Former dignitaries will be recognized, a slide show will be presented, and there will be a
143 ceremony acknowledging the town's 50 years since incorporation. Light refreshments will be served, and
144 the public is invited. The schedule of events is published on the town website.

145
146 **D. Department Reports.**

147
148 **i. Fire.**

149
150 Chief Cimini presented the written report, a copy of which is on file. Volunteers and career
151 personnel dedicated 130 hours in training and 287 responding to calls this past month. Because of the
152 cold weather and the ice storm, the month of January was a challenge. From January 26th through
153 January 31st the department responded to 38 calls that included vehicle accidents, people falling on ice,
154 frozen sprinkler systems, and a fire at the water park. James Behrens will transfer from public works to fill
155 the vacant fire engineer position on February 15th. Mr. Behrens is a volunteer at the fire department; it
156 was good to promote an individual from within. Refurbishment of Engine 58 was completed; the engine is
157 in service. Costs were on budget and should provide about five more years of service from that truck.
158 Squad 56 was converted into a rescue and should be in full service on February 15th, which will allow
159 them to respond quicker and more efficiently with fewer units to scenes of motor vehicle accidents. The
160 self-contained breathing apparatus machines were received and all career personnel were trained and
161 certified in its use.

162
163 **ii. Planning, Building & Zoning.**

164
165 Ms. Fellner presented the report on behalf of Ms. Morris who was absent due to illness. A copy
166 of the written report is on file. Staff issued 107 building permits and 18 business licenses in January.

167 Staff continues to be busy working to lower the town's FEMA (Federal Emergency Management Agency)
168 CRS (Community Rating System). The town now has three certified flood plain managers on staff, and
169 this is one item that helps to lower the town's insurance rating. The planning commission held a public
170 hearing regarding the placement of docks on town retention ponds or lakes. After the hearing, the
171 commission agreed unanimously to the following: *The Surfside Beach Planning Commission is unable to*
172 *make a recommendation for or against approval of this ordinance without additional information.* The
173 commission requested that when staff receives all the information requested that it be placed on the
174 planning commission's agenda for formal recommendations to Town Council. She explained that more
175 information was received and two agencies require engineering before formal decisions were made.
176

177 Mayor Samples believed all members were aware that information was received as late as this
178 morning regarding the questions concerning docks. He asked if there were any objections to the
179 administrator sending the information to the planning commission members as soon as it is available so
180 those members have time to consider the information prior to the commission's next meeting. **There**
181 **were no objections.**

182
183 **iii. Police.**
184

185 Chief Keziah presented the written report, a copy of which is on file. There was less than a 1-
186 percent decrease in the number of arrests and calls for service from last month. There were three use of
187 force incidents. Two were take-down techniques during an arrest, and the other was pointing a weapon
188 at an armed arrestee. One factor in common with all three use of force incidents was narcotics arrests
189 and involved drug possession. The second session of the Citizens Police Academy began and it is in the
190 third week. There are 19 participants compared to eight at the first class. There is a lot of interest, good
191 comments and feedback from residents and business owners.
192

193 Ms. Kohlmann shared that last January there were 12 burglaries. This January there was one.
194 Burglaries on vehicles were seven compared to zero this year. She noticed that the number of burglaries
195 steadily declined over the months. The hard efforts the department is making with its programs seem to
196 be working and people are happy with those numbers.
197

198 **C. Administrator's Report – Update on Current Events - Update on Current Events**
199

200 Ms. Fellner reported that
201

- 202 • Magazine ad sales remain at \$23,452.50. Ads will be sold until February 21. The Chamber of
203 Commerce was asked for additional assistance in selling the ad space and Brad Dean agreed. If
204 no additional revenue is realized, the shortfall would be \$12,547.50. She informed production
205 staff that in that case some additional changes will need to be made. The two changes needed if
206 this is the case are (1) \$6,680 saved by deleting eight pages, which would reduce the shortfall to
207 \$5,867.50, and (2) an additional \$3,205 can be saved by changing the binding from perfect to
208 saddle stitch, which would reduce the shortfall to \$2,662.50.
209
- 210 • The vacant grounds department light equipment operation position created when Mr. Behrens
211 transferred to the fire department will not be advertised until March 1st, which should provide
212 plenty of time to hire someone before the season begins. This decision was made in an effort to
213 conserve finances.
214
- 215 • A small wooden platform was built next to the most northerly handicapped parking space. This
216 was necessary because the engineered drawings did not include sufficient room for exiting the
217 vehicle on that side. Subsequently, the contractor agreed to pour, and did pour an additional
218 \$800 worth of concrete in this area at no charge to the town. This was to maintain the aesthetic
219 integrity of the project. This project is completed.
220

221 Mr. Johnson asked if this was at the pier. Ms. Fellner said yes, in the new handicapped parking
222 spaces closest to the new ramp.
223

- 224 • Regarding documents requested by Town Council at the last meeting concerning docks, Ms.
225 Fellner said for public benefit that the town's MS4 permit was posted on the town website on the
226 stormwater committee page; the letter from the MASC (Municipal Association of South Carolina)
227 regarding increased liability exposure, which in the event of a claim could serve to raise the
228 town's modifier, has been given to council and will be given to the planning commission. The
229 letter from Horry County stating that there would be no impact to the 70/30 stormwater agreement
230 between the county and the town because of docks has also been given to council. The email
231 from the town attorney stating that as long the encroachments granted for docks remain
232 temporary and the town retains the discretionary right to revoke the permit to protect the public
233 from potential public nuisances, the town would not be legally required to build public access
234 docks for recreational purposes has also been given to council. This morning she received and
235 transmitted to council an opinion from Chris Stout at OCRM (South Carolina Department of
236 Health and Environmental Services – Department of Ocean and Coastal Resource Management),
237 and Blair Williams, his supervisor, approved it. All of this information will be passed on to the
238 planning commission. Receiving a formal jurisdiction reply from the Army Corp of Engineers and
239 a formal reply from FEMA are being addressed at this meeting during business. Both of those
240 agencies required engineered information prior to delivering any formal opinion to the town. Ms.
241 Fellner said she did not contact the EPA (Environmental Protection Agency), because EPA
242 delegates state wide authority to South Carolina DHEC (Department of Health and Environmental
243 Control.) Ms. Fellner reiterated that all information would be sent to the planning commission
244 prior to its next meeting as directed.
245

- 246 • Town Council was asked at a previous meeting if the sunburn trailer could be placed where the
247 workers would have use of an electrical outlet for a fan. It was determined that the handicapped
248 parking space nearest the old ramp would be suitable for that purpose. The town would still be in
249 compliance with the ADA (Americans with Disabilities Act) regulations of one parking space for
250 25, because there would be two. The location is central and highly visible to beach patrons. An
251 electrical outlet is available and the trailer would be removed from the flow of traffic so patrons
252 would not have to stand in areas of active vehicular traffic while receiving service like they have
253 in the past years. Ms. Fellner said if there were no objections, she proposed that the sunburn
254 trailer be placed in that location for the ensuing season.
255

256 Ms. Kohlmann wanted to look at the area first; there might be another option. The trailer is not
257 going down there until summer, so it did not really need to be done tonight. Ms. Fellner said when they
258 look at the area to remember that the other side is where the snow cone hut is located. There is now a
259 new row of all golf cart parking where nothing can be placed.
260

261 Mr. Smith liked the proposal. He was very familiar with the parking lot since he spent a lot of time
262 in the parking lot looking at things; watching construction. He thought this was a very good solution, if the
263 council wanted to defer the decision it was fine, but he liked the idea and he would vote to go ahead with
264 it. Ms. Fellner said the location suggested was the only place that electricity could be provided without
265 the town having to put in a meter or another outlet.
266

267 Mayor Samples believed that Ms. Fellner's comment solidified the decision for him also. Mr.
268 Stevens had mentioned the need for a fan in the trailer in a past meeting. He asked Ms. Fellner to bring
269 the matter back. Ms. Fellner said she would bring the matter back, and asked councilmembers to
270 consider the comments made when they look at the parking area.
271

272 Mr. Smith expressed his appreciation to the contractor for pouring the extra concrete free of
273 charge. He assumed that the town had expressed appreciation for that. Ms. Fellner said yes, sir.
274

275 Mayor Samples said he was there when it was poured. They are good people.

276
277 Ms. Dodge asked what the gray stone going into the sand was. Mr. Adair explained that stone
278 was base stone similar to what was used under the asphalt. The new pervious concrete strip would clog
279 with sand, so those stones were laid to shake sand off equipment tires before it reaches the asphalt.
280

281 **7. BUSINESS.**

282
283 **A. Second Reading Ordinance #14-0769 to amend §9-50 Wrecker and Tow Services, Police**
284 **Chief Keziah.**

285
286 Mr. Smith moved to adopt second reading of Ordinance #14-0769. Mr. Stevens seconded.

287
288 All voted in favor. **MOTION CARRIED.**

289
290 **B. First Readings of Ordinances**

291
292 **i. #14-0770 to amend §2-61(b) Appointment of Committees to require resume to be**
293 **submitted by volunteers, Administrator Fellner.**

294
295 Ms. Fellner said this issue was discussed previously. The ordinance is presented so that staff
296 can require resumes from volunteers before names are presented to council for consideration for
297 appointment. The reason is that there may be new people in town or there are people that
298 councilmembers just do not know. The feeling was that this would be helpful for council to make
299 decisions.
300

301 Mayor Samples asked if the content of the resume was specified. Ms. Fellner said no, the
302 content was left open. Mayor Samples said the town would not prescribe specific details to be provided.
303 Ms. Fellner said no; the change specifically states "volunteers seeking appointment to any board,
304 commission, or committee shall submit a resume to the town clerk."
305

306 Mr. Johnson moved to adopt first reading of Ordinance #14-0770. Mr. Smith seconded.
307

308 Mr. Stevens wanted to make sure that this would not require social security numbers or any kind
309 of identification that could be used for identify theft. Ms. Fellner said she knew of no resume format that
310 included that type of information.
311

312 Ms. Mabry had an issue with the word resume. It sounded as if the volunteers were applying for
313 a job. Even though we know that the word resume does mean brief summary, she thought the implication
314 was the town was being very unfriendly. These are volunteers and if brief summary was used, she
315 thought it would allow the volunteers to give their names, where they live, how long they lived in town. In
316 her opinion, resume sounds like a job application and she would have to provide information for the past
317 20- to 35-years. Ms. Mabry reiterated that resume sounded unfriendly.
318

319 Ms. Dodge agreed. If she were volunteering her time, she thought that would be enough. She
320 did not think a formal resume was necessary. Everyone knows most of the people in town. She thinks
321 resume is very off putting.
322

323 Mr. Johnson believed that most residents were intelligent enough to create a resume that was
324 conducive to the position that they were volunteering for. He did not think that someone who was in a
325 position like dog catcher for 20 years was relevant to service on the beautification committee. He
326 believed volunteers were intelligent enough to include relevant information on a resume.
327

328 Mr. Stevens agreed with Ms. Mabry and Ms. Dodge and said that volunteers did not need to put a
329 lot of information. But, the council needs some information about their qualifications and who they are.
330 Recently a volunteer came forward that no one knew. It would help present and future councilmembers
331

331 to get information about the volunteers. A brief summary of what they are doing and their qualifications
332 would be great. We don't need any personal identification other than who they are, where they live, and
333 some history on them.
334

335 Ms. Kohlmann moved to amend the ordinance to replace the word resume with a brief summary
336 of background. Mr. Stevens seconded. Ms. Fellner asked if the amendment could state a brief summary
337 or brief biography including qualifications, as Mr. Steven mentioned. Ms. Kohlmann said that was fine
338 with her.
339

340 Mayor Samples asked the clerk to restate Ms. Kohlmann's motion. Ms. Herrmann said, "Ms.
341 Kohlmann moved to amend to replace resume with brief summary of background."
342

343 Mayor Samples did not believe council wanted a biography. Council wanted to make it as simple
344 as possible. He believed the goal was to change the issue of getting just a name and address submitted.
345

346 Ms. Kohlmann was trying to make it simple so council could move on and asked Ms. Fellner to
347 repeat her suggestion. Ms. Fellner said brief summary of qualifications. Ms. Kohlmann moved to amend
348 her amendment to state brief summary of qualifications. Mr. Stevens seconded.
349

350 Ms. Mabry asked how a housewife that managed a home and raised five children for 40 years
351 would be considered. She asked if council would you say she had no qualifications. The town sends its
352 volunteers to school for planning and zoning; stormwater, and board of zoning appeals to make sure they
353 get the proper education. She still believed it the phrase was off putting. Volunteers should simply have
354 to tell the council a little about themselves; that they live in town; how long they had lived here. She did
355 not like "qualifications." There were many people serving on boards that were not qualified in the resume
356 sense. They never worked in that job, but they turned out to be wonderful volunteers. She had big
357 concerns about closing a door on anyone, and she believed that asking for qualifications would do that.
358 She said just a brief summary was sufficient.
359

360 Ms. Kohlmann offered to withdraw her motion if someone wished to offer another motion.
361

362 Mayor Samples asked if Ms. Mabry would offer a motion to amend to say that a brief summary of
363 personal...
364

365 Ms. Kohlmann said that was her original motion; she was a little confused, too.
366

367 Mr. Smith liked Ms. Kohlmann's original motion, which was brief summary of background.
368

369 Mayor Samples asked if "brief summary of background" was the motion to amend.
370

371 Ms. Kohlmann said her original amendment was "brief summary of background."
372

373 Mr. Stevens said he seconded.
374

375 Mayor Samples said that was the motion under consideration.
376

377 Ms. Kohlmann withdrew the motion to amend the amendment. Mr. Stevens withdrew his
378 seconded.
379

380 Mayor Samples asked Ms. Kohlmann to restate the original motion to amend.
381

382 Ms. Kohlmann said the motion was to replace resume with brief summary of background.
383

384 Mr. Stevens concurred [sic.]
385

386 All voted in favor. **MOTION TO AMEND CARRIED.**

387
388 Mayor Samples called for the vote on the primary motion as amended.

389
390 All voted in favor. **MOTION CARRIED as AMENDED.**

391
392 **ii. #14-0771 to amend §9-8 Definitions, Dates and Times of Enforcement, to change hours**
393 **to 9 a.m. to 7 p.m., Administrator Fellner.**

394
395 Ms. Fellner presented the ordinance explaining that Town Council approved the parking
396 committee's formal recommendation at the January 14, 2014 Town Council meeting. This housekeeping
397 ordinance was presented for Town Council's consideration, because the code currently reads 7:00 a.m.
398 to 7:00 p.m. Approval of this ordinance will enact council's approved recommendation of the parking
399 committee and reduce the hours for all paid parking by two hours daily.

400
401 Mr. Stevens moved to adopt first reading of Ordinance #14-0771. Ms. Dodge seconded.

402
403 Mr. Stevens moved to amend the ordinance to strike under the section dates and times 9:00 a.m.
404 to 7:00 p.m. and change that back to 7:00 a.m. to 7:00 p.m. and then after the words Monday through
405 Sunday, have these words, except for the pier parking lot the hours of enforcement shall be 9:00 a.m. to
406 7:00 p.m. Monday through Sunday. In other words, what we're doing is we're changing the time of the
407 pier parking lot from 9:00 a.m. to 7:00 p.m. and we're keeping the rest of the parking from 7:00 a.m. to
408 7:00 p.m. Mr. Smith seconded.

409
410 Ms. Kohlmann asked if there were any revenue figures or could an explanation be given as to
411 why this would be beneficial to the pier. She asked if that question was allowed.

412
413 Mayor Samples said yes, it was a *point of information*.

414
415 Ms. Kohlmann said *point of information*.

416
417 Mayor Samples said he was going to ask the administrator the same question. Ms. Fellner said
418 when it was done town-wide, when the violation revenue was included the amount was approximately
419 \$16,000. Mayor Samples said there were also cost implications; his recollection was, and it might be
420 wrong, that council and the committee desired to reduce the enforcement from 7:00 a.m. to 9:00 a.m.
421 time frame on the boulevard, because he recalled that the total amount collected throughout the town was
422 about \$16,000. Ms. Fellner said that was right. Staffing was required throughout the year, even though
423 there was very little activity under way. Ms. Fellner said savings for staffing over those two hours is
424 between \$4 and \$6 thousand. Mayor Samples asked if this was discussed with Lanier. Ms. Fellner said
425 yes; it is one of the options in the Lanier budget package.

426
427 Mr. Smith said it was in the additional recommendations, 7.D.ii, look at the last few pages. He
428 said the 7 a.m. to 7 p.m. at a dollar per hour, which is what the town currently has, the net income would
429 be \$136,874. If the time is 9 a.m. to 7 p.m. the net income is \$126,461, it is about a \$10,000 loss by
430 starting at 9. That includes the amount of savings for reduced staffing. Keeping the times 7 to 7 versus 9
431 to 7 gains the town about \$10,000. If the pier parking lot is allowed to start at 9, then the amount of
432 revenue would be a little less than what was projected, but it would not be the full \$10,000.

433
434 Ms. Kohlmann thought that the numbers worked out a little differently. The pier would be \$9,814;
435 everything else in the town would be \$3,488. Was the original amendment to just change the pier parking
436 lot, instead of the whole town?

437
438 Mr. Stevens said yes, the pier from 9, because one thing the parking committee wanted to give
439 the business the ability to have people park free while they eat breakfast in the pier area. There were no

440 other businesses that need parking anywhere else in town. He did not see any reason to close the entire
441 town down from 7 to 9, rather than just put it on the pier.
442

443 Mayor Samples said one reason why that might be a problem was that the premise was parking
444 was being changed in the pier parking lot to make paid parking begin at 9 a.m. As you said the hope was
445 that it would increase business at the restaurant. Now, it would be changed, but everybody else would be
446 charged who parked on the street. Why wouldn't they park in the pier lot?
447

448 Mr. Stevens said there would be some parking in the pier lot, but there would also be people who
449 did not.
450

451 Mayor Samples was asking prior to the vote to make the change; you have to think it through.
452

453 Mr. Stevens said we have.
454

455 Mayor Samples said he understood, and everyone would have a vote. The idea was to
456 encourage people to park in the parking lot and to do business in that man's restaurant. But you're going
457 to charge people who are parking on Ocean Boulevard, so why would they park on Ocean Boulevard.
458 Many times he did not agree with the parking committee proposals, but he did know the members spent a
459 lot of time and effort in considering the different angles. Mayor Samples said he would be very reluctant
460 to start picking apart what they had done.
461

462 Mr. Stevens said to clarify some of the mayor's comments Mr. Stevens explained that he had
463 spoken with the parking committee members about this. One of the reasons they wanted 9 a.m. to 7:00
464 p.m. was to give the businesses an opportunity to have free parking there. The same thing is done in a
465 lot of places. The town does not have the ability to give free parking tickets if they eat. Many towns do
466 that, but we don't have actual the mechanics to do that.
467

468 Mayor Samples said the discussion was about the amendment, not the primary motion.
469

470 Mr. Stevens understood and said he was discussing his amendment. The reason they were
471 doing this was they were closing one area to benefit the pier businesses; it was not to change hours in
472 the whole town. We're allowing the company to collect parking revenue from 7 to 9 in the other parts of
473 town, with the exception of the pier parking lot.
474

475 Mayor Samples still believes that once the word is out, everyone would take advantage of the
476 free parking in the pier and become the most heavily used parking area in town. That could have the
477 unintended consequence of taking away free parking from the businesses that everyone wanted to help.
478 There is no question that we would like to see them all be successful.
479

480 Mr. Johnson called for the vote. Councilmembers Dodge, Smith and Stevens voted in favor.
481 Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Johnson and Kohlmann voted against.
482 **MOTION TO AMEND FAILED.**
483

484 Ms. Fellner said the original motion was to change the dates and times of enforcement for meters
485 and pay stations areas would change from 7:00 a.m. to 7:00 p.m. to 9:00 a.m. to 7:00 p.m. Mayor
486 Samples, Mayor Pro Tempore Mabry, and Councilmembers Johnson, Kohlmann and Stevens voted in
487 favor. Councilmembers Dodge and Smith voted against. **MOTION CARRIED.**
488

489 **C. Resolution #14-141 to Affirm and Document Actions taken in regards to Parking**
490 **Committee Recommendations, Administrator Fellner.**
491

492 Mr. Smith moved to defer Resolution #14-141 with direction to the administrator to the
493 administrator to rewrite using concise language with a format similar to other town resolutions and to

494 catalog parking changes and those related to parking enforcement with explanations for clarity. Mr.
495 Stevens seconded.

496
497 Mayor Samples saw the resolution as unnecessary. The minutes that were adopted tonight
498 reflect the actions which council took with respect to the parking committee recommendations. He would
499 not support the amendment, nor would he support the resolution.

500
501 Ms. Mabry said asked why someone could not offer changes to the resolution, why it could not be
502 done right now. She did not understand, number one, why a resolution was presented. If the
503 recommendations were going to become part of the ordinance, then they should be in ordinance form. It
504 certainly shouldn't be in a resolution form. The town should not spend money on anything that was in a
505 resolution. It should be in an ordinance, and an amendment is, of course, to add things, take away things
506 or change things. She could not support anything in a resolution where it would require any type of
507 monies, because that just was not the proper place for it. If somebody wanted to see the parking
508 ordinance, you should be able to show them an actual ordinance and not just minutes or resolutions. Ms.
509 Mabry thought it was inappropriate to begin with the way that they were doing business on this item.

510
511 Mr. Johnson said *point of order*, since the council was obviously in discussion, a motion to
512 suspend the rules should be made to allow discussion as per *Robert's Rules of Order*.

513
514 Mayor Samples said he was absolutely correct. Mr. Johnson moved to suspend rules to allow
515 discussion. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

516
517 Mr. Smith said he thought it was unnecessary to suspend the rules since a motion was on the
518 floor and that motion was being discussed. The reason that he would like to have a resolution to clarify
519 these things was that there would be a number of changes to the parking rules and they would not be in
520 an ordinance. The parking by permit only signs will not be in an ordinance. If somebody wanted to refer
521 to that they would have research minutes to find it. Mr. Smith said he was asking for was for the
522 administrator to clearly identify and put in a resolution the things that were changing as relate to parking
523 that would not be in an ordinance. He thought it was important that some document that could be used
524 for Lanier and others to document the changes. Mr. Smith said it would be nice to have the information
525 on one nice piece of paper and a resolution was the form for that.

526
527 Mayor Samples took exception. If there were specific changes made to the parking rules, which
528 result in fines in new areas, then they need to be codified. They need to be spelled out in ordinance form.

529
530 Mr. Smith said if they need to be spelled out in ordinance form, then that was probably the better
531 approach. When he asked the administrator the question about placing signs that say permit parking only
532 on the side streets, does that need to be in an ordinance, she said no. He asked if the changes made
533 relating to parking needed to be in an ordinance. If not, let a resolution be prepared or prepare an
534 ordinance that clearly identifies where parking is allowed.

535
536 Mr. Johnson was taken back, because there were a lot of assumptions going on concerning the
537 parking.

538
539 Ms. Mabry said if there was any kind of enforcement, the recommendations had to be in
540 ordinance form and needed to be codified. Clearly, there would be enforcement, not that she would vote
541 for any of this, because she wanted everyone to make sure to know that she would not; she would
542 certainly want to have it in the proper format. When there is enforcement; when you can write a ticket, it
543 needs to be in a codified ordinance. It needs to become the law of the town. Resolutions do not do that.

544
545 Mayor Samples thought a consensus was developing, if it was not already present, and in order
546 to save time, since the members were under suspended rules, was there any objection to asking the
547 administrator to go back and express adopted recommendations clearly in an ordinance. Ms. Fellner said
548 there was no problem with that, but with regard to enforcement, the town already has enacted code that

549 Lanier staff is allowed to enforce parking from Ocean Boulevard to Dogwood Drive. Mayor Samples
550 understood the contract terms, but he did not think a vote was taken to suspend that direction. Ms.
551 Fellner did not understand. Mayor Samples said the contract stipulates terms that should be enforced
552 when Town Council authorizes it through ordinance. He did not believe council had authorized that
553 through ordinance. Ms. Fellner believes the ordinance refers to the contractor, but she would have to
554 verify that. Mayor Samples said no one should be ticketed unless they can cite a specific code violation.
555

556 Mr. Stevens said if anyone is ticketed, they have to know which law they violated. He agreed with
557 Ms. Mabry and Mayor Samples that you need an ordinance to spell out details, so if you are charged with
558 something, you know what it is.
559

560 Mr. Stevens moved to reconvene regular session. Mr. Smith seconded. All voted in favor.
561 **MOTION CARRIED.**
562

563 Mr. Stevens withdrew his second to defer the resolution.
564

565 Mr. Smith withdrew his motion.
566

567 Mr. Stevens moved to table the resolution. Mr. Smith seconded. All voted in favor. **MOTION**
568 **CARRIED.**
569

570 Mr. Smith thought the administrator should be given direction to put in ordinance form those items
571 being changed in the parking rules so they can be codified. Ms. Dodge seconded. All voted in favor.
572 **MOTION CARRIED.**
573

574 **D. Parking Committee, Administrator Fellner**

575 **ii. Additional Parking Committee Recommendations.** *(Agenda amended to address this item* 576 *first; see number 3, Agenda Approval on page 1)* 577

578 Ms. Fellner said there were a number of additional parking committee recommendations.
579

580 Mr. Smith asked if the recommendations could be taken one at a time.
581

582 Mayor Samples asked if there were objections. **There were no objections.** Mayor Samples
583 said that the parking committee recommendations do not reflect staff's recommendations.
584

585 Fees: The parking committee (PC) recommendations –
586

- 587 i. increase parking fees in the beach access areas to \$1.50 per hour
- 588 ii. All other parking lots and Ocean Boulevard meters remain at \$1.00 per hour
- 589 iii. Offer all day parking passes for \$8 per day.
590

591 Fees: Staff's recommendations –
592

- 593 i. (exception) maximum fee should not exceed \$1.25 per hour – Myrtle Beach is the only
594 neighboring municipality that charges \$1.50 per hour for parking and that is only done in their busiest
595 zone. Garden City charges \$1.25. Staff believes the town should be competitive with neighboring
596 markets.
- 597 ii. (same as PC) All other parking lots and Ocean Boulevard meters remain at \$1.00 per
598 hour
- 599 iii. (same as PC) Offer all day parking passes for \$8 per day.
600

601 Mr. Stevens asked where the \$1.25 per hour would be charged. Ms. Fellner said in the beach
602 access areas.
603

604 Mayor Samples asked where \$8 per day would apply. Ms. Fellner said anywhere there is paid
605 parking.
606

607 Ms. Kohlmann asked what the revenue differences were between the rates. Ms. Fellner said the
608 information was on the Lanier budget summary page. Ms. Kohlmann said it was a significant difference
609 in revenue. Ms. Fellner said it was. Across the top of the summary there columns breaking out the
610 revenue based on 7 to 7 at \$1; 9 to 7 at \$1; 9 to 7 at \$1.50, and a 9 to 7 at \$1.25. Ms. Kohlmann asked if
611 a 25 cent increase equaled a \$44,000 difference.
612

613 Mayor Samples said that was what the information showed. Ms. Fellner asked if they were
614 talking about the income line. Mayor Samples said yes. Ms. Feller said between \$1.50 and \$1.25 there
615 is a \$44,000 difference.
616

617 Ms. Kohlmann said a 25 cent increase would increase revenue \$44,000; a 50 cent increase
618 would be \$88,000 plus. Ms. Fellner said yes.
619

620 Mayor Samples asked if anyone would like to take this to workshop. Ms. Kohlmann pointed out
621 the fact that before any increase would take affect that there has to be a public hearing. Ms. Fellner said
622 absolutely.
623

624 Mr. Stevens said that would be if rates increase. If rates do not increase, it was not required.
625 Mayor Samples said that was correct. Mr. Stevens asked if there was a weekly rate of \$40, as well.
626 Mayor Samples said the merchant validation rate, which also needed to be codified. Ms. Fellner would
627 have to check. Mr. Stevens understood that was available and he asked who could get it and where was
628 it purchased.
629

630 Ms. Mabry said this was a good example of why a workshop was needed. This is taking a lot of
631 time. Citizens come to hear the business meeting, and there needs to be some clear understanding, but
632 she did not think this was the appropriate time. Councilmembers need to study, clearly, a little bit more
633 than they have and ask questions that need to be asked.
634

635 Mr. Smith moved to keep the parking fee at \$1 per hour. Mr. Johnson seconded.
636

637 Mayor Samples agreed with Ms. Mabry. There were many angles to consider: hours, area,
638 rates, and special rates. The problem was he did not know where he could read it and see what was
639 approved. A spread sheet was not what they needed. Mayor Samples said his comment was he wanted
640 to take the matter to workshop.
641

642 Ms. Mabry definitely wanted to take it to workshop.
643

644 Mr. Johnson withdrew his second.
645

646 Mr. Smith said he would have to withdraw his motion, unless there was another second. Mr.
647 Stevens seconded.
648

649 Mayor Samples, and Councilmembers Johnson, Smith and Stevens voted in favor. Mayor Pro
650 Tempore Mabry and Councilmembers Dodge and Kohlmann voted against. **MOTION CARRIED.**
651

652 Ms. Fellner continued with parking committee recommendations
653

654 Penalties: The parking committee recommendations –
655

- 656 i. Boot cars when outstanding parking fines total more than \$100.
657 ii. Establish a boot penalty of \$75, which is in addition to the cost of the outstanding fines.
658

659 Penalties: Staff recommendations –

660

661 (exception) Staff recommends that booting not be instituted. The town wishes to generate
662 revenue, but not at the potential expense of driving away seasonal patrons. After debt setoff fees are
663 collected, the proportion of unrecoverable revenue due to unpaid fines is negligible.

664

665 Mr. Smith asked Ms. Fellner to explain debt setoff. Ms. Fellner said if some did not pay their fines
666 and live within the State of South Carolina, there is a process managed through the Municipal Association
667 that includes a series of letters, and ultimately the fine can be taken out of the individual's taxes.

668

669 Mayor Samples said if there was discussion, a motion was needed to suspend the rules. Mr.
670 Stevens moved to suspend the rules to allow discussion. Mr. Smith seconded. All voted in favor.

671

MOTION CARRIED.

672

673 Ms. Kohlmann said the unpaid amounts reported almost equaled the amounts paid: \$41,739 paid
674 versus \$40,024 unpaid. Ms. Fellner said those amounts were prior to debt setoff occurring and prior to
675 collection letters that are sent during the winter. The unpaid amount should be appreciably lower. Ms.
676 Fellner asked what the collection rate was when the town handled collections. Ms. Fellner said in the
677 past, the administrator was normally the person who heard the debt setoff. One year, there was one;
678 another year there were two that were unpaid. Those were the only ones that did not respond and
679 allowed the fine to go to debt setoff. Ms. Kohlmann asked if Ms. Fellner was pretty confident that the
680 town would collect almost \$40,000 in debt setoff. Ms. Fellner said based on prior history, yes. She could
681 not say for absolute surety. Ms. Kohlmann asked when she would know. Ms. Fellner said late spring.

682

683 Mr. Stevens asked if any of that \$40,000 had been collected yet. Ms. Fellner said she could ask.
684 (**) Mr. Mike Kish from Lanier Parking Solutions, manager of the town's parking system, said he had
685 been in town about four years and had a pretty good grasp of the operation. In regards to the unpaid
686 citations, Lanier is working to collect those now. There are about 3,500 and that number would grow.
687 There are some that may have been a bad ticket; wrote a wrong license plate ticket, so the citation would
688 probably never be paid unless the Department of Motor Vehicles can run it again. He expected that a
689 significant amount would be collected. Most of the tickets were written to South Carolina residents, so
690 with the debt setoff program, a lot of that money should be collected.

691

692 Ms. Fellner said that was the rationale behind booting. The way she determined that it was
693 negligible was that a house on the boulevard rents upwards of \$8 to \$10 thousand per week. Those
694 rental properties and management companies depend on the tourists. Ms. Fellner did not believe it was
695 worth the fines compared to the bad publicity the town would receive. She reminded Ms. Kohlmann and
696 council that it did not have to take staff's recommendation. The parking committee's recommendation is
697 to boot and to establish a boot penalty of \$75 in addition to the outstanding fines.

698

699 Mayor Samples asked why the parking committee recommended that. Ms. Fellner said the
700 members believed the boot would increase the likelihood of collecting fees. Mayor Samples said it was
701 also that these were repeat offenders.

702

703 Mr. Smith moved to reconvene regular session. Mr. Johnson seconded. All voted in favor.

704

MOTION CARRIED.

705

706 There was no motion regarding the recommendation to use boots on vehicles.

707

708 Ms. Fellner continued with parking committee recommendations:

709

710 Expenditures: The parking committee recommendations –

711

712 i. Approve funds necessary to purchase 175-200, "Parking by Permit Only" signs for

- 713 a. All side streets from Ocean Boulevard to Dogwood between 17th North and
714 Melody
715 b. Yaupon from 3rd Avenue North to 3rd Avenue South
716 c. Dogwood from 17th North to Melody
717 ii. Approve purchase of 6 “Golf Cart Parking by Permit Only” signs for beach access lots
718

719 Expenditures: Staff recommendations –
720

721 Staff recommends that “Parking by Permit Only” signs on Dogwood not extend further than 3rd
722 Avenue North to 3rd Avenue South, which means that staff recommends purchasing 102 “Parking by
723 Permit Only” signs, which includes the six “Golf Cart Parking by Permit Only” signs for beach access
724 areas.
725

726 Ms. Fellner explained that “Parking by Permit Only” signs in the R2 and R1 zones might cause an
727 undue hardship on residents who have limited parking on their property. If parking on Dogwood is limited
728 to 3rd Avenue South to 3rd Avenue North, only 102 would be necessary.
729

730 Mr. Johnson moved to approve the purchase of six “Golf Cart Parking by Permit Only” signs for
731 beach access lots. Ms. Mabry seconded.
732

733 Mr. Stevens thought the motion should clarify the signs were for paid beach access lots.
734

735 Mr. Johnson moved to amend the motion to state “paid beach access lots.” Ms. Mabry seconded.
736 All voted in favor. **MOTION TO AMEND CARRIED.**
737

738 All voted in favor. **MOTION CARRIED as AMENDED.**
739

740 Mr. Stevens moved to adopt the parking committee recommendation to restrict parking to permit
741 only on all side streets from Ocean Boulevard to Dogwood Drive between 17th Avenue North and Melody
742 Lane.
743

744 Ms. Kohlmann said this was already adopted at a prior meeting. Ms. Fellner said parking by
745 permit only had not been adopted. Ms. Kohlmann read line 1159, permit parking only along Dogwood
746 Drive and all street from Melody Lane to 16th Avenue North beginning at Dogwood and intersecting with
747 Ocean Boulevard.
748

749 Mayor Samples said the workshop sounded better and better. Ms. Kohlmann said it does.
750

751 Mr. Smith said this action was whether the town would purchase the signs to put on the streets
752 and how many signs. The no parking by permit only had already been approved.
753

754 Mr. Stevens withdrew the motion.
755

756 Ms. Fellner said Mr. Smith was correct. Mayor Samples asked if the approval had been codified.
757 Ms. Fellner said it was approved by motion, but had not been codified. Mayor Samples said that was one
758 of the reasons it needed to be presented in an ordinance, because he did not want officers ticketing
759 people without being able to cite law.
760

761 Ms. Mabry moved to have a workshop on all areas of the parking committee recommendations.
762 Mr. Johnson seconded.
763

764 Mr. Stevens said since this was to bring this back in ordinance form, he thought the administrator
765 needed to bring it some type of form that reads like an ordinance.
766

767 Mayor Samples agreed, but thought it could be made clear in a workshop.

768
769 Mr. Stevens said (**two speaking at once) ...confusing in itself.
770

771 Mayor Samples said it was confusing. There is a motion on the floor, and he expected that Mr.
772 Stevens would vote in favor based on his comments.
773

774 Mr. Smith asked when the workshop would be scheduled.
775

776 Mayor Samples was open to suggestions. Ms. Fellner said the issue was that parking begins
777 March 1. Mayor Samples said it that date was not met, the world would go on. Ms. Fellner asked if he
778 was saying enforcement would not begin March 1. Mayor Samples explained that council had not made
779 a determination to that effect, because it had not been expressed in the proper form. Mayor Samples
780 asked if there was any disagreement that it would be improper to be enforcing something that was not
781 codified. **There was no disagreement.** Mayor Samples said for the record, "Mr. Stevens agrees."
782

783 Mr. Stevens asked to make a motion...
784

785 Ms. Kohlmann called *point of order*, a motion was on the floor.
786

787 Mr. Stevens asked if the workshop could be one week from today.
788

789 Mayor Samples said that date worked for him.
790

791 Ms. Mabry said on the 18th, yes.
792

793 Mayor Samples assumed everybody could be there. All voted in favor. **MOTION CARRIED.**
794 Mayor Samples said Town Council would have a workshop on February 18th to resolve these issues.
795

796 Ms. Fellner said the budget recommendations needed to be considered.
797

798 Budget – parking committee recommendations
799

800 i. Accept the proposed 2014 annual parking budget presented by the town's provided for
801 the outsourced parking function, a copy of which is on file.

802 ii. Town Council adopted the parking committee's recommendation to continue using Lanier
803 Parking Solutions to manage the town's parking at the January 14, 2014 Town Council meeting.

804 iii. The Lanier Parking Solutions contract is for a 5-year period.

805 iv. The Town of Surfside Beach and Lanier annually review the budget and make
806 adjustments pursuant to new directives that are mutually agreeable to both parties.

807 v. The 2014 budget reflects 12 full months of parking revenue and expenses.

808 vi. The 2013 budget reflects 10 months of revenue and 11 months of expenses.

809 vii. The budget summary reflects two scenarios for revenues and expenditures with regard to
810 parking hours (i.e., 7 a.m. to 7 p.m. and 9 a.m. to 7 p.m.)

811 viii. The budget summary reflects three scenarios for revenues and expenditures with regard
812 to meter rates (i.e., remaining the same at \$1 per hour, raising the rate to \$1.25 per hour, and raising the
813 rate to \$1.50 per hour.)
814

815 Ms. Fellner said failure to adopt the budget will eliminate funding for the contract performance
816 and management of the town's parking function, which is why the budget needed to be approved.
817

818 Mayor Samples said for clarification that the town was in the second year of a 5-year contract.
819 Ms. Fellner said that was correct.
820

821 Mr. Johnson asked if it would be to the town's advantage to wait until after the workshop to
822 approve the budgetary items on parking. Ms. Fellner said the budget items would be static; nothing done

823 at the workshop would affect the budget. It was up to council, but once the times and areas were
824 determined, the budget would not be affected.

825
826 Mr. Smith moved to adopt the budget for the 9:00 a.m. to 7:00 p.m. at \$1 per hour and approve
827 the budget with Lanier Parking.

828
829 Mayor Samples asked Mr. Smith to state the amount for the record so there would be no
830 confusion.

831
832 Mr. Smith asked which amount.

833
834 Mayor Samples said he was very specific with the scenario proposed.

835
836 Mr. Smith said it was 9:00 a.m. to 7:00 p.m. budget at a fee of \$1 per hour for the parking.

837
838 Mayor Samples said the revenue was not the relevant portion; the total cost was. Ms. Fellner
839 said there were total expenses and net income. Mayor Samples asked if Lanier's net income was a 6-
840 percent fee. Ms. Fellner said she was referring to the bottom line, which is \$126,461.10. Mayor Samples
841 asked if that would be the net to the town; it was not the budget amount for Lanier. Ms. Fellner said right.

842
843 Mr. Smith asked if the question was what the total expenses were.

844
845 Mayor Samples asked if that was what Ms. Fellner was asking for. Ms. Fellner said the total
846 expenses for the 9:00 a.m. to 7:00 p.m. at the rate of \$1 per hour equal \$130,043.73 in the Lanier Budget.
847 There are other expenses for the new meters and bank fees that are not included in that, because Lanier
848 does not pay those fees, the town does. Mayor Samples asked if that should be voted on separately.

849
850 Mr. Smith said yes, the budget with Lanier was being addressed now. Ms. Fellner said correct.

851
852 Mayor Samples asked Mr. Smith to restate the motion using the total expense amount.

853
854 Mr. Smith moved to adopt the budget for Lanier Parking with total expenses at \$130,043.73, and
855 this is the budget where the hours are 9:00 a.m. to 7:00 p.m. and fee for parking is \$1 per hour. Ms.
856 Kohlmann seconded.

857
858 Mr. Smith said the key decisions were already made as far the budgets were concerned; the start
859 time and the amount of the parking fee, and those were the two things involved in the budget with Lanier.
860 He did not think council needed to make any other decisions, and council should just go ahead and adopt
861 the budget.

862
863 Mayor Samples agreed with Mr. Smith's summary of the situation, and council needed to move
864 forward, if Lanier would be providing the services.

865
866 All voted in favor. **MOTION CARRIED.**

867
868 **i. #3 and #9 Formal Recommendations deferred from January 14, 2013.**

869
870 Mr. Smith said these should be discussed at the workshop.

871
872 **COUNCIL CONCURRED**

873
874 **E. Required Engineer Proposals re: Docks on Town Lakes, a/k/a Retention Ponds,**
875 **Administrator Fellner.**

876

877 Ms. Fellner said council asked for formal determinations from various agencies and directed her
878 to immediately engage those eight agencies in conversation for formal determinations. The two issues
879 arose from the Army Corp of Engineers and FEMA.
880

881 **i. US Army Corp of Engineers (Corp)**
882

883 Ms. Fellner said before they would even give a jurisdictional determination regarding town lakes
884 they required a written scope of work from the town engineer. The Northeast Branch Chief of the Army
885 Corp of Engineers was the one to indicate that. A quote was requested from DDC Engineers, the town's
886 engineer, for the scope of the work, and it was \$8,950. The administrator cannot approve unbudgeted
887 expenses above \$5,000, and this expenditure would also require a budget amendment. If council
888 approves funding, then the Corp could render a jurisdictional determination regarding town lakes and
889 applicable regulations. If council requires a jurisdictional determination by the Corp, then the
890 administrator should be directed to proceed with the expenditure to fund the scope of work associated
891 with the project. If Town Council requires the determination prior to making a decision regarding second
892 reading of Ordinance #13-0766 concerning docks, then the expenditure would be necessary.
893

894 Mr. Stevens moved to suspend rules to allow discussion. Ms. Mabry and Mr. Smith seconded.
895 All voted in favor. **MOTION CARRIED.**
896

897 Mayor Samples said no one liked spending money on something that may or may not be
898 necessary. The proposal from DDC delineates 10 lakes. In ordinances considered by council, there
899 were specifications with respect to a requirement of 75 –feet width between shorelines. Mayor Samples
900 did not want to approve a proposal for \$9,000 when he knew that many of the ponds did not meet the
901 requirement. Ms. Fellner said a reduced price was given for engineering the larger lakes and Myrtle
902 Lakes, because it is tidal, of approximately \$6,800 for lakes Elizabeth, Dogwood, Cherry, Magnolia, and
903 Myrtle. She did not have the quote with her; there may be another lake included. Mayor Samples said in
904 Ms. Fellner's best professional judgment that they both knew anything built on Myrtle Lake requires
905 approval by the Corp. Ms. Fellner said she "totally" knew that. Ms. Fellner said she also knew that if
906 construction was on Dogwood, Elizabeth, or anywhere near a wetland that the Corp would be involved.
907 The town just laid a pipe under a road, and the Corp had to approve it. Mayor Samples said he wanted to
908 discuss this because he felt the cost might be lowered for some of the more conservative members.
909

910 Ms. Kohlmann said during her research she found on April 14, 2009 there was discussion about
911 retention lakes. When she read it, it said something completely different. Ms. Kohlmann read in part from
912 the April 14, 2009 minutes:
913

914 Mr. Samples asked if the town got permits prior to going into the ponds. Mr. Booth stated
915 that the town did not and it saved \$80,000; the Corp of Engineers determined the ponds
916 as stormwater retention areas therefore no permits were required. Mr. Booth reiterated
917 that in this case the Corp of Engineers deemed the town lakes to not need permits
918 because they were stormwater retention areas. Mr. Samples asked if there was a
919 minimum limit and was under the impression that there was litigation involved across the
920 country that the federal government deemed anything less than a quarter of an acre to be
921 outside of any kind of regulation or restriction. Mr. Samples asked if Mr. Booth could look
922 into this. Mr. Booth stated that he was personally involved with the Corp of Engineers and
923 they deemed all of the lakes as stormwater retention. Mr. Samples stated that one of the
924 councilmembers had personal experience in dealing with the Corp of Engineers and
925 mitigation issues. Mr. Booth reiterated that in this case the Corp of Engineers deemed the
926 town lakes to not need permits because they were stormwater retention areas. Mr. Booth
927 stated that he believes that the quarter acre has more to do with individuals. Mr. Childs
928 stated the he was the one that Mr. Samples was referring to and explained that when he
929 was building his house there was an area of wetlands and he had to deal with the Corp of
930 Engineers and the South Carolina Coastal Authority for almost three years and after the

931 three years was up the law changed; he was then told that anything under a quarter acre
932 they would not be bothered dealing with.
933

934 Ms. Kohlmann said the sentence that caught her attention was the sentence "the Corp of
935 Engineers determined the ponds as stormwater retention areas therefore no permits were required." It
936 was confusing to her as far as information wise. Ms. Fellner knew in 2010 the town had to have permits
937 from the Corp just to put a pipe at Dogwood. They are very clear about when they will give you formal
938 direction. Ms. Fellner could not find any formal direction that Mr. Booth, the administrator at the time,
939 received. She did not know whether to take the information as hearsay. She was reticent to put the town
940 in a situation where it could be liable for the Corp to place a huge fine. Ms. Kohlmann said she was just
941 trying to explain that this is not as simple as everyone thought, because this is the kind of information they
942 were up against. She said it was all mixed up and everybody had different opinions, and then there are
943 facts, there are opinions, and then there is whatever this is. Ms. Fellner said she would love to look at
944 any documents of a formal nature; she could not find anything in the records that was formal from either
945 the Corp or FEMA. She reiterated that the Corp *required* (speaker's emphasis) permitting before the pipe
946 was installed at the culvert.
947

948 Mr. Smith asked where the pipe was put. Ms. Fellner said the 10th Avenue culvert.
949

950 Mayor Samples said by Palmetto Lake.
951

952 Ms. Mabry thought it would help for everyone to understand the council did not just decide one
953 day that it wanted all this information. Council actually received a notice from the Risk Management that
954 said if the permits were not obtained the town could lose its risk management insurance. That is how this
955 started on the lakes. The town has to have insurance on the lakes; that is something that everybody
956 would expect. Ms. Mabry asked Ms. Fellner if she would explain further; council did not just decide to
957 postpone or put anything off, or anybody off. Ms. Fellner said that was actually in the next decision paper
958 regarding FEMA, because that affects the NFIP, which is the National Flood Insurance Program, and the
959 CRS, Community Rating System, eligibility. She asked if council would like to continue with the FEMA
960 discussion.
961

962 Mayor Samples said rules were suspended and he believed it would be appropriate, because the
963 items were tied together. He commented that most everyone was aware by now that the laws and costs
964 of flood insurance, and the lines delineating flood zones are being redrawn. It has not happened in South
965 Carolina yet, but they would. The intent is to eliminate subsidies that have existed as long as he knows
966 for flood insurance. The redrawing of the lines could have a substantial, serious, chilling, detrimental,
967 killing affect on the town's way of life. Some might say that was just fear; well, the reality is that FEMA
968 also provides the means through the CRS to mitigate, help reduce the cost of flood insurance. That is not
969 anything the town has seriously embarked upon. But, undoubtedly, this is a beach community and those
970 lines will move. The town will want to mitigate the cost of flood insurance, not just for the people on
971 Ocean Boulevard, but for anybody who has a mortgage, or anyone that thinks about selling their home.
972 These issues with FEMA are serious. They are real. They are upon us. The town has not seen the end
973 of it.
974

975 ii. FEMA

976

977 Ms. Fellner said the question was whether docks on lakes violate any FEMA regulations or
978 properties within in the flood plain; if they would impact the town's National Flood Insurance Program; the
979 Community Ratings System eligibility, or have any other adverse impact. Kathryn Todd, FEMA ISO/CRS
980 Specialist, said that to render a formal determination if docks on lakes violate any FEMA regulations for
981 properties within the flood plain, if they would impact the NFIP, or CRS eligibility, or have any other
982 adverse impact that they would first require a displacement impact to stormwater storage capacity
983 determination from the town's engineer. The way that is done is a small dock would have to be
984 engineered, and then figure out every property on the lake or retention pond that might have a dock, and
985 then that would be the displacement figure FEMA wants to make a determination. A \$6,600 quote from

986 DDC was obtained for this scope of work. Ms. Fellner reiterated that it was outside her authority to
987 approve the scope of work, or the expenditure amount, which is not budgeted and over \$5,000. If
988 approved, this would also require a budget amendment.
989

990 Mr. Stevens asked where the letter was from FEMA that Ms. Fellner mentioned as he did not
991 have it. Ms. Fellner said there was no letter from FEMA. FEMA would not issue a letter and neither
992 would the Corp until the town has the information. Mr. Stevens said without a letter from FEMA directing
993 the town to do something, he could not vote to expend this money. This sounded like FEMA and the
994 Corp were passing the buck and telling the town to spend this money but they have nothing to stand on.
995 He said all they were trying to do was to "cover their butt." Mr. Stevens said the Corp had already had
996 cases, Mr. Beck mentioned this, that they went to Supreme Court that says it has to be navigable waters.
997 The town does not have navigable waters. The town does not do interstate commerce. He did not
998 understand the rationale for either of the expenditures. With a letter from FEMA or the Corp telling the
999 town the work had to be done, he could not vote for either of these expenditures, because this was
1000 taxpayers' money. Ms. Fellner said to be clear that the exercise given to her was to get a formal letter on
1001 letterhead from the respective agencies. She approached all of them, and these two particular agencies,
1002 FEMA and the Corp, said they would give the letter, but before writing the letter they had to have this
1003 information from the engineer. Mr. Stevens said they should be able to send a letter saying that the town
1004 has to do that. Ms. Fellner said it did not have to be done unless you want to get the determinations. Mr.
1005 Stevens said he wants a letter from FEMA and from the Corp; he did not want second hand information
1006 telling him he had to spend money with no justification.
1007

1008 Mayor Samples believed they all shared his concern over spending the money. No one on
1009 council wants to spend money that was not necessary. He thought the administrator was the messenger
1010 and was trying to comply with the direction that Town Council gave her. Ms. Fellner said that was the
1011 reason that she included the actual names of the persons with whom she spoke at FEMA and the Corp,
1012 so councilmembers would know this was not something that was read or was found on the website;
1013 actual conversations took place with the individuals.
1014

1015 Ms. Kohlmann said she read all of the things that were sent; the new correspondence that was
1016 sent. She asked what about the existing docks. The town was liable. The docks were already there.
1017 Although they were saying no future docks, the town has the same amount of liability. Ms. Fellner said
1018 that was like saying if there was one dock that a child could fall off; catch their hair in it and drown. That
1019 was one scenario. The likelihood was pretty small that that would happen. The second there are a
1020 hundred docks, and that was the point in the letter from the Municipal Association of South Carolina
1021 (MASC), the more you have the greater your exposure. Ms. Kohlmann said then there would be the
1022 haves and the haves not. Ms. Fellner said if the ordinance is not changed, eventually the existing docks
1023 would fall into disrepair and could not be repaired and eventually would have to be removed.
1024

1025 Ms. Mabry said it was also good to point out that the docks on the lakes now were built before the
1026 Town of Surfside Beach took over the lakes. The town's responsibility was totally different before 2001.
1027 In 2005, council decided to make a policy that is documented in the minutes that the docks would be
1028 prohibited on the lakes. When the town became liable, docks were no longer allowed. It was not until
1029 later that Mr. Smith, she believed, brought up the docks.
1030

1031 Mr. Stevens said *point of order*, he was the one that brought up the docks.
1032

1033 Ms. Mabry said somebody on the council brought it up, but that was how it came before council.
1034 There was another set of rules and regulations that did not exist before 2001. That is why there are lakes
1035 today that were grandfathered. Nobody made anyone remove existing docks, because they were here
1036 before the town owned the lakes. Now, the town owns them.
1037

1038 Mr. Stevens said he heard rumors about a particular dock being built illegally so he went to the
1039 courthouse and found an encroachment permit and a hold harmless agreement given to a citizen. Mr.
1040 Stevens said he found out the individual actually had the paperwork, and he had a copy of them at his

1041 home. That was done when another planning director served and Mr. Adair. He asked how that was
1042 done. Ms. Fellner asked if the permit was for a dock or a bulkhead. Mr. Stevens said it was a dock
1043 according to the encroachment permit. There is a dock there.
1044

1045 Mayor Samples asked Mr. Adair if he could clarify. Mr. Adair said for many years when people
1046 chose to build bulkheads they were only required to get a building permit. Historically, bulkheads were
1047 undermined by water; they all eventually fail. Some people in the past have asked the town to pay for
1048 restoration of their bank. Several years ago the town started requiring a hold harmless agreement for
1049 shoreline construction for bulkhead construction, not for docks, for bulkhead construction basically telling
1050 the homeowner the bulkhead could be built, but all future maintenance of the bulkhead and the shoreline
1051 would be the homeowner's responsibility, and not the town's responsibility. Docks were not a part of any
1052 hold harmless agreements that have been issued.
1053

1054 Ms. Kohlmann believed the point was that docks were built since the policy was adopted and
1055 nobody stopped construction, and that is a fact. There are docks in this town that are illegally built. It's
1056 the truth.
1057

1058 Mayor Samples said he personally knew of one, and he knew that Mr. Adair and the former
1059 planning, building and zoning director, and the former administrator, and an ex-councilwoman and he
1060 met; it was already in place, subsequent to get to the bottom of how it came about since there were very
1061 few people who understood the town council had adopted a policy in 2005 prohibiting docks. Mayor
1062 Samples said his characterization, right or wrong, was that the judgment was made that it was an
1063 administrative error, and rather than punish the citizen, the lesson was really for staff, in his judgment,
1064 because that was who is responsible for enforcement.
1065

1066 Mr. Johnson said this before, and said again that council is sticking their nose in places it doesn't
1067 belong. If Ms. Morris was present, she could reiterate that FEMA is coming to town to do a surprise
1068 inspection sometime this year. He thought the town should address this after the remapping is
1069 completed. Mr. Johnson said he was not against docks; he lived on the lake, but he thought council was
1070 spending too much energy on the topic.
1071

1072 Ms. Dodge believed Mr. Johnson's comments were very well said. She has pretty much had it
1073 with docks. *(Laughter.)*
1074

1075 Mr. Smith said the town had a letter from the Municipal Insurance and Risk Financing Fund, and it
1076 said that allowing docks would increase your chance of liability claims. But, the insurance fund does not
1077 charge additional premiums for the structures. So allowing them would not increase the insurance
1078 premiums. A letter from DHEC received today said that DHEC would only take direct permitting
1079 jurisdiction over ponds which are periodically inundated with saline water; Myrtle Lake is the only one. If
1080 someone wanted to build in Myrtle Lake, a permit would be required from DHEC. The letter lists a
1081 number of things that would have to be done. The letter did not say a dock could not be built; it states
1082 that DHEC would have jurisdiction over Myrtle Lake, but none of the other lakes.
1083

1084 Ms. Mabry said an email was received that said the risk management company would not insure
1085 unless all the permits from state and federal were met. She did not know why, if she wanted a dock, she
1086 should not be going to the various agencies to obtain a permit, and then presenting those permits to the
1087 town for a permit to construct the dock. She said people that live on the south end of town, and people
1088 that do not live on the lakes who are never going to have a dock should not have to spend money for
1089 studies so that a few people that live on the lakes can put a dock on town water. She said if residents
1090 want to get the permitting, she did not care if they had a dock, but that should be for the individual owner
1091 to get. Now a proposal to spend \$12-, \$13 thousand for a few people was outside the scope of reality in
1092 her opinion. She suggested the list of agencies be given to anyone that wanted a dock, and let the owner
1093 obtain necessary permits. Ms. Mabry said the council's involvement in the dock issue since last July was
1094 getting really tiresome. She was sure some plan could be developed that would work, although it might
1095 not please everybody. But, burdening the rest of the town was unacceptable. Ms. Fellner said right now

1096 docks were prohibited, so citizens could not just go to the agencies; the town would have to change the
1097 ordinance to allow docks.

1098
1099 Ms. Fellner wanted to address Mr. Smith's comment that the MASC Risk Fund premium would
1100 not increase. The way that works is that the premium did not increase until there was an event. The
1101 greater liability that you expose the town to with regard to docks, the more likely you are to have an event.
1102 It only takes one child or one person to have a catastrophic event and the town to be sued. The
1103 adjustment is done by using a "modifier." One big event could cause the rates to sky-rocket. Ms. Fellner
1104 wanted to make clear that it was not fair to just say the premiums would not go up. Mr. Smith said until
1105 there was an event. Ms. Fellner said that was correct, until there was an event. Mr. Smith said that was
1106 why in the ordinance being considered it requires the person who wants the dock to have a \$1 million
1107 liability policy, which would protect the town for the first million dollars. Ms. Fellner said for the first
1108 million, but normally this type case involves \$10, \$20 million.

1109
1110 Mayor Samples said catastrophic was the word.

1111
1112 Mr. Smith liked Ms. Mabry's idea and suggested writing the ordinance to require that before
1113 coming to the town for a construction permit, the individuals must go to the regulatory agencies and get
1114 their permits. Once those permits were received, the town would allow a dock to be built. He suggested
1115 that planning and zoning incorporate that language in the ordinance.

1116
1117 Mr. Stevens agreed with Ms. Mabry. Anything done on your own property requires permits. He
1118 believed there was a lady in the audience that got a permit to build a walkway and a gazebo across
1119 wetlands. She had to go through the Corp. He visited the structure and took photos of it. It was very
1120 nice. He also agreed with Ms. Mabry that the town should not spend the money.

1121
1122 Mr. Johnson moved to reconvene regular rules. Ms. Kohlmann seconded. All voted in favor.
1123 **MOTION CARRIED.**

1124
1125 Mayor Samples asked for motion on the two business items and then asked members to offer
1126 direction for the administrator as it related to the planning commission, which was discussed.

1127
1128 Mr. Stevens moved to deny spending money on engineering for the US Army Corp of Engineers.
1129 Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**

1130
1131 Mr. Stevens moved to deny spending money on engineering for FEMA. Ms. Dodge seconded.
1132 All voted in favor. **MOTION CARRIED.**

1133
1134 Mayor Samples referred to the planning commission's motion requesting additional information
1135 and he said whatever action council took, it had to be done carefully, correctly, and liability was a real
1136 issue. Mayor Samples asked Ms. Fellner if she had suggestions. Ms. Fellner said in her role as
1137 administrator one of the largest parts of her job was to point out to council when it was considering
1138 actions that would place the town in jeopardy financially, especially with regards to liability. She was all
1139 about liability. That was why they bought turn-out gear for the fire department; it was a liability. It was a
1140 safety issue. She did not want to increase the town's liability exposure. Her opinion in that regard had
1141 not changed, but this was a council decision. Mayor Samples asked if that motion was the commission's
1142 formal recommendation. Ms. Fellner said the commission stated that clearly enough; she did not think
1143 there would be a problem bringing that forward informally.

1144
1145 Ms. Kohlmann said it seemed everyone was in agreement to let the people pay for what they
1146 need to build the docks. But, that would not work because there is an ordinance that prohibits docks.
1147 This would allow people freedom to use their property, but if FEMA or OCRM (South Carolina Department
1148 of Health and Environmental Services – Department of Ocean and Coastal Resource Management)
1149 refuse approval, they would not get the docks anyway. Ms. Kohlmann said council was arguing over the
1150 dock issue and being asked to spend money on something that may never be approved to be built. She

1151 said if everyone agreed with Ms. Mabry's suggestion, why not bring the ordinance back with that
1152 language, and leave the liability up to the homeowner. Ms. Fellner said council could do whatever it
1153 wanted.

1154
1155 Mayor Samples reiterated that whatever the council did, he wanted it to be done correctly so
1156 there were no unintended consequences. Ms. Kohlmann was right; there is an existing ordinance. There
1157 is also a draft ordinance at planning commission. The ordinance in place forces the council to address
1158 the issue of whether docks are allowed. Council has the opportunity to do so correctly. The draft
1159 ordinance leaves a lot to be desired, in his opinion. Mayor Samples said whatever council wanted to do;
1160 offer a motion. The planning commission responded to the council's directive, and now council needed to
1161 give the commission some direction.

1162
1163 Mr. Smith would like for the administrator and staff work with planning commission to improve
1164 upon the dock ordinance that incorporated these features (1) it requires the homeowner to pay for
1165 permission permits from Army Corp of Engineers, FEMA, and DHEC and any other agency the insurance
1166 company requires permits from, and then a dock would be allowed to be built on the town lake as long as
1167 the other requirements are met, i.e. the dock is fixed; no bigger than 12-feet x 12-feet; insurance; hold
1168 harmless, etc.

1169
1170 Ms. Kohlmann said they were right back to first base again. The ordinance that was created was
1171 what created this monster. Nobody is ever going to agree on all the wording and the details. These
1172 agencies have their own details about specific allowed walkways, handrails. This is exactly what Mr.
1173 Johnson was saying about sticking noses in where we should not. They have their guidelines. All we're
1174 saying, like Ms. Mabry said, we're going to say yes you can, go ask them. They are the ones that will tell
1175 them they cannot go over this amount. The town should not be telling them that, because we do not
1176 really know what is right. Speaking for herself, Ms. Kohlmann said she did not know how to build a dock.
1177 So she cannot tell someone what to do, but these agencies were qualified. Put the burden on the
1178 regulatory agencies instead of the town. The town was not outlawing the docks, but it would not micro-
1179 managing the building of the docks. They would meet somewhere in the middle; maybe it would work,
1180 maybe it would not. It was not her idea to do it, so she did not think she should make a motion. She said
1181 Mr. Smith's motion was too involved, and it took them back to where they were in the beginning. She
1182 could not support something that detailed again.

1183
1184 Mr. Stevens was looking at a letter from DHEC OCRM. Obviously, the agency laid out particular
1185 guidelines numbered A through N. Let those people do what they need to do. Let them write the permits;
1186 let the residents have a dock if they want it. But do not penalize people on the lake by not allowing them
1187 to have a dock.

1188
1189 Ms. Mabry said the discussion was about encroachment on town property; not private property.
1190 She did not care what individuals did on their own property. The council was talking about liability only
1191 incurs when there is an encroachment on town property. Private property ends at a certain point. When
1192 a dock is put in the lake, it is over town property and you usually have to have an encroachment permit to
1193 do that. Planning and zoning will get the same information council received. They are intelligent people;
1194 they are trained, and they know what they are doing. Let them bring back what they suggest. They have
1195 only done it enough that they are so sick of docks, I am sure they do not want to see it again. Ms. Mabry
1196 said please just give the planning commission the information and not go through this again. Council has
1197 wrangled on this long enough.

1198
1199 Mr. Stevens said that was exactly what the letter said: construction of private use docks on
1200 stormwater ponds and it talks about the stormwater retention ponds.

1201
1202 Mayor Samples repeated his earlier comments and said he just received some of the information
1203 this morning.

1204
1205 Mr. Johnson said he did not receive it at all.

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Mayor Samples said in all fairness, the matter was sent back to planning and zoning. It is a planning and zoning issue. It does involve public property that belongs to the town, unlike the ocean and the beach. The lakes are owned by the town.

Mr. Smith asked if council could move to the next item.

Mayor Samples asked if council wanted to ignore the issue.

Mr. Smith said he gave some guidance that he wanted the planning and zoning to look at.

Mayor Samples asked Ms. Fellner how this would be shared with the planning commission. Ms. Fellner said to be plain, when she was sitting in court this morning she received the notification from OCRM and it was sent to everyone. The email message to Mr. Johnson bounced back, because it had a faulty address. She would send it to him again, but she could only leave the court room every two hours.

Mayor Samples summarized that planning and zoning would get the information council received and to see if that makes a significant impact on them. He thinks there are distinctions between private property and public property; a baseline survey of the town's and where owners may not need an encroachment property, because it is their private property. The town has to come up with the appropriate building standards and enforcement mechanisms, which no one has talked about. The size was discussed; town staff performing annual inspections was discussed. He asked who would get the marine inspection certification classes? The point was that if these functions were done, then they had to make sure that staff was trained and able to effectively carry them out. Otherwise, they were just creating additional liabilities. Mayor Samples said to send it back to planning commission and give them the information. He asked if there was any other guidance. **There was none.**

F. Budget Retreat – Wampee Conference Center Rate Increase, Administrator Fellner.

Mr. Smith moved to hold the budget retreat in town hall. Ms. Kohlmann seconded.

Mr. Johnson did not have a problem with that as long as all the Town Councilmembers attend and there is a quorum.

Mayor Samples appreciated his comment and said his expectation was that would go without saying. He knew there were a lot of meetings last year and there was an occasion where that was not so.

Ms. Kohlmann believed the motion should say in council chambers.

Mr. Smith said yes, in council chambers.

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

8. DISCUSSION –

A. April 8 date change due to election; Rules of Order, and How Information is given to all Councilmembers, Mayor Pro Tempore Mabry.

Ms. Mabry was concerned about how council received information, because there always seems to be some kind of little conspiracy. She knows, he knows, they didn't tell. Now at some of the meetings, speakers say who is holding back information, who received the information? Well, we should all get it at the same time, and how they get it was important. If the administrator is copied via email, and staff is asked to send information to everybody she did not think that would be an issue. If it was something she did not need, she could delete it. You cannot get too much information. Ms. Mabry said she would not ask anything that every councilmember did not have the right to know. She would like to have a good

1261 policy about how councilmembers obtain information. Another concern is that if it took more than five
1262 minutes, certainly more than 10 minutes of staff time, then that is a direction from a councilmember at that
1263 point, and it should be a consensus of council to gather that information, instead of having staff doing
1264 research after research for one councilmember that perhaps the remaining members might consider
1265 unnecessary. It is very time consuming. Staff is not here to be council's personal secretary, ever. If you
1266 need information and you can get it and it is a two-liner, fine. You certainly don't need to get a consensus
1267 of council. But if it is going to take a considerable amount of time, then council needs to give that direction
1268 in public and not individually. Councilmembers are never supposed to give direction to staff; after a
1269 certain point the request does become direction.
1270

1271 Mr. Stevens asked if it was okay to ask staff where to find information, so they could research for
1272 themselves. He agreed with Ms. Mabry's comments. Ms. Fellner said it would depend on the type of
1273 information and what you were looking for. She did not believe it was appropriate to go to agencies or
1274 other governmental entities, because you are one councilmember. The administrator is supposed to act
1275 as your agent to do that, because the administrator represents the interest of council and can report
1276 accordingly to council as a whole. Mr. Stevens said if it was a law or something on the internet, would
1277 that be okay. Ms. Fellner said absolutely. Mr. Stevens understood what Ms. Fellner was saying;
1278 councilmembers should ask her to go to a particular agency.
1279

1280 Mayor Samples said this was a very important point. There have been individual members who
1281 overstepped their authority. The mayor asked you, for example, when the meeting was held at the Grand
1282 Theater if he could speak for Town Council when he went to the public hearing. You were there, Mr.
1283 Stevens. But, that night at the meeting, I explained that I wanted to represent the council and council
1284 agreed to allow me to do that. It is not appropriate for any individual member of this council to go and
1285 represent themselves as speaking for Town Council on a matter. Mayor Samples said he was very
1286 concerned about the information not being shared concerning a letter that was from Horry County to the
1287 Town of Surfside Beach. How could that be? A member had a letter, and it was to the administrator, but
1288 no one else had a letter. My understanding of how the member came to get the letter – no other way to
1289 say it - was to represent himself in a manner beyond an individual councilmember. That was
1290 inappropriate for us to go outside and represent the body.
1291

1292 Ms. Kohlmann said she believed that was a little different situation, because the letter was
1293 addressed to the administrator, either she lost it or did not get it. She thought he asked permission to get
1294 that letter. Ms. Kohlmann did not believe the member was representing in the same form.
1295

1296 Mayor Samples said he did not ask council permission to get the letter, did he?
1297

1298 Ms. Kohlmann said the letter had already been given; it should have been given to council
1299 already. It was addressed to the town. She just thought that was a bad example. But, she agreed with
1300 the comments. While the "can of worms" was opened, Ms. Kohlmann thought it would be a lot easier if
1301 she did not have to make an appointment or have a door to buzz through to get into town hall. That has
1302 been bothering her since the day it happened. Ms. Kohlmann said they were all elected officials, yet, they
1303 did not all have the same access. That was ludicrous, but that was her opinion.
1304

1305 Mayor Samples asked Ms. Kohlmann if she had ever been denied access.
1306

1307 Ms. Kohlmann said she had gone in town hall with an appointment and had been told with
1308 attitude, oh, I know why you're here. Hold on a second. They come back and say, oh, that person is
1309 unavailable. They do not even ask me why I am there.
1310

1311 Mayor Samples asked if that was shared with the administrator.
1312

1313 Ms. Kohlmann said she shared it with her assistant, because I could not get her. But, she was
1314 just saying, she was not trying to start an argument. With what Mayor Samples was saying, she agreed.

1315 Council needed limitations, everyone needed limitations in life. However, access, she was not going in
1316 and to anything wrong.

1317
1318 Mayor Samples understood and appreciated Ms. Kohlmann's forthright comments. He thought
1319 that she was talking about two different situations. The situation that he was talking about, not the letter,
1320 he was talking about the authority that members as individuals have. Mayor Samples said there is an
1321 item on the agenda tonight, the Coastal Alliance survey. He could assume and speak for Town Council
1322 and answer a question as it relates to a matter, but that would be overstepping his authority, because
1323 only the body can speak. The only way Town Council speaks is collectively as a body; that is the nature
1324 of the council form of government. Mayor Samples said to address Ms. Kohlmann's concern over access
1325 if that was something that needed attention. The truth of the matter was, again, the administrator, new
1326 council, staff turnover, staff change, she is getting her feet on the ground, she is the one who wanted to
1327 control access to ensure that time was not being wasted and for whatever other reasons.

1328
1329 Ms. Fellner said it was not thinking. There were councilmembers in offices every single day
1330 asking so many questions that were time wasting things. Staff was running around doing that; they were
1331 not getting the work done. She did not want staff going around wasting time. She wanted them on task
1332 doing what council was paying them for, what the town paid them for. She was never told that any
1333 councilmember ever was refused access at any time, because that is a big thing to me. They need to be
1334 granted access. They need to be given an appointment at the absolute earliest time; within an hour is
1335 what she would like to see. That was beyond belief to her and the attitude also. If something like that
1336 happens, all councilmembers have her cell number. Call or text her, if she happened to be out, and she
1337 would happily deal with that situation. That should never be an issue for council to have access, ever.

1338
1339 Mr. Stevens asked to be corrected if he was wrong, he thought that sometime in the past a policy
1340 was instituted that if councilmembers needed to get information that they should email or call Ms. Fellner,
1341 and an appointment would be scheduled. Of course, this was after the door buzzer and all of that. Mr.
1342 Stevens said he could not care less whether there was a buzzer on the door or not. But the fact was Ms.
1343 Fellner set a policy so members could come in for appointments at any time. Ms. Fellner said that was
1344 true. Mr. Stevens said as far as getting information, any member of council only has to send an email or
1345 call Ms. Fellner to get it at an appropriate time. Of course, he realized that as administrator there are
1346 many duties. You worked during the ice storm! You work hard, and work ungodly hours. As long as
1347 councilmembers use the proper channels, they can get any information they need. Ms. Fellner said yes,
1348 and it should be delivered very quickly, and without any attitudes.

1349
1350 Ms. Mabry said she brought up the fact that, of course councilmembers can get information. Staff
1351 bends over backwards to give us whatever we need. Her point was that council needed to give direction
1352 if it was going to take any significant amount of time; not one person giving direction. Request the
1353 information by email, and when the information is sent, that it is sent to all councilmembers. Therefore,
1354 nobody can say they did not know, or did not get it, there is a conspiracy, the mayor is hiding stuff; you
1355 hear it all. As far as going into town hall, she had never been in the back door. She had always gone in
1356 the front door. She had appointments, and was never denied access. She was in; she was out, good
1357 bye! It has been a very pleasant experience. She did not understand. Ms. Mabry said she forgot the
1358 door was there. By the time you go in and tell them who you want to see, pick up the phone, confirm the
1359 appointment, you're back at the back.

1360
1361 Ms. Fellner said she knew a lot of people thought the buzzer was just something spurious. There
1362 was a situation in town hall that was pretty serious. A gentleman went to jail, because he came into town
1363 hall and threatened staff saying "your brains are going to be on this desk." He threatened three people in
1364 town hall. He was later picked up and we were put under protective order for six months. It was decided
1365 at that time that a good thing to do would probably be to put in a buzzer door. So, she knew there were
1366 many rumors about the door and what happened, but that is where the door came from.

1367
1368 Mr. Smith said to clarify the letter from Horry County that they received a letter concerning the
1369 ordinances about docks and boat that was signed by Steve Gosnell, addressed to Ms. Fellner. He

1370 explained that on January 2, 2014 that he met with the mayor. They spent about an hour or more
1371 discussing different issues in the town. One issue the mayor brought up was the fact that there were
1372 email messages from Horry County concerning the 70/30 split of payments for the lakes; he did not like it,
1373 because it was emails and not on letterhead. The mayor said that he needed that information on a
1374 letterhead. Mr. Smith said after meeting with him, he thought about it and was unsure whether it was the
1375 same day or the next day, he called Ms. Fellner and said he had met with the mayor. The mayor
1376 expressed a desire to have the information from Horry County on Horry County letterhead, and was she
1377 going to request that. Ms. Fellner said she was too busy. Mr. Smith told Ms. Fellner that he knew Steve
1378 Gosnell and asked her if she would mind if he called to the letter on letterhead instead of email. Ms.
1379 Fellner told him okay. Mr. Smith said he was not hurting the administrator, because he said that. He
1380 called Mr. Gosnell, and asked him if he would mind sending a letter on letterhead instead of email. Mr.
1381 Gosnell said he would do that. Mr. Smith told him to address it to Ms. Fellner; he did that. Once the letter
1382 was received by the town, Ms. Fellner sent him a copy. That was the copy he had. Ms. Fellner told me
1383 the letter would be in the packet. Mr. Smith said he did not know it was not in the packet, until he got the
1384 packet. He had a copy of the letter, so he brought it to the meeting. The mayor said we needed it. Ms.
1385 Fellner was too busy. Mr. Smith said he took the time to get the letter that the mayor wanted. He asked
1386 what was wrong with that. He did not see any problem with that.
1387

1388 Mayor Samples appreciated the hard work Mr. Smith did in getting the letter. What he saw wrong
1389 with the process was that the question should have been asked formally by the town.
1390

1391 Mr. Smith said if the question needed to be asked formally, why didn't the mayor ask it when the
1392 emails that had the information in them were sent.
1393

1394 Mayor Samples said honestly, he thought it was understood that email is a way of
1395 communicating, but it was not really the manner to answer a complicated question. Frankly, he still
1396 thought the answer in the letter from Steve Gosnell on letterhead, in his opinion, leaves room for error.
1397 He would prefer that the question had been expressed in writing from the town regarding what it was
1398 doing.
1399

1400 Mr. Johnson, *point of order*, could we move on.
1401

1402 Mr. Smith said they could not move on. Ms. Fellner sent him the ordinances. He read the
1403 ordinances.
1404

1405 Mr. Johnson, *point of order*
1406

1407 Ms. Mabry, *point of order*, and said this was not what she brought up. All she wanted to know
1408 was that all councilmembers get the information, whatever it might be, at the same time. When a
1409 question was asked that every councilmember receive the answer. She did not understand how a
1410 discussion about doors and things came up. She just wanted to ensure that every councilmember got the
1411 answer to every question, regardless of who asked it. Ms. Fellner understood that and that was the
1412 direction as to how this incident happened. Ms. Fellner apologized at the last meeting for it several times.
1413 Ms. Mabry said she did not mean to interrupt Ms. Fellner, but this discussion did not come up because of
1414 that letter. This was not about the letter. It was about having individuals come up during meetings and
1415 imply that I have information, the mayor was hiding information, and he had it and would not share it; Mr.
1416 Smith has information, and Ms. Kohlmann has information, and they were not sharing it. The fact is none
1417 of us had any information, but the conspiracy theory is always, always prevalent in town. Ensuring that all
1418 members got information at the same time would help eliminate that.
1419

1420 Mr. Stevens said the letter issue with Mr. Smith, he himself had had spilt milk and to leave it down
1421 the road. He liked what Ms. Mabry was saying; all members get the information. Just for *point of*
1422 *information* anytime there is an email or something, he receives a call from Ann, Ms. Fellner's assistant,
1423 telling me to check my email. That was how he received the email about OCRM this morning. The fact is

1424 that he thought what Ms. Mabry was saying made sense. She saying it publicly, now that it is out in
1425 public, all of us get everything at the same time and everybody would be a happy camper about it.

1426
1427 Mr. Johnson said 8.B. please.

1428
1429 Mayor Samples said to conclude the discussion that there had been nobody that he was aware of
1430 that had withheld information.

1431
1432 **B. Coastal Alliance Survey re: Tents on Beach, Mayor Samples.**

1433
1434 Mayor Samples said Coastal Alliance was taking a survey regarding tents on the beach. Before
1435 he responded to the Alliance at the meeting tomorrow, there were some who wish to prohibit tents on the
1436 beaches. Frankly, he did not believe it had been a problem in town. But, again, since he would not
1437 speak for the council without asking council for authority to do so, he asked for their opinions, because he
1438 did not want to misrepresent their positions.

1439
1440 Ms. Dodge said she did not like tents on the beach. She believed that they block the view of the
1441 lifeguards. It was safety issue, and that was her personal opinion.

1442
1443 Mr. Smith thought that there was a town ordinance and as long as that ordinance was enforced
1444 the town should keep the tent ordinance as is; no change.

1445
1446 Mr. Stevens concurred with Mr. Smith.

1447
1448 Ms. Mabry said no change.

1449
1450 Ms. Kohlmann said no change.

1451
1452 Mayor Samples said thank you; he knows what to say at the meeting.

1453
1454 Mr. Stevens said that Item 8.A. April 8th date change due to election was not addressed. Mayor
1455 Samples said the meeting would be moved to Monday, April 7th. Ms. Mabry said it was town code to
1456 move meetings to the day before any election day. Ms. Herrmann said the April 22nd meeting would be
1457 on Monday, April 21st if there is a runoff election.

1458
1459 **C. Any matters of concern or information to be discussed by Town Council.**

1460
1461 Ms. Kohlmann said during the meetings the mayor has historically not made motions or seconds,
1462 but he is entitled to do so according the Municipal Association Handbook for Elected Officials, and read
1463 from Chapter 3, "regardless of the form of government, mayors are entitled to make motions, second
1464 motions, and vote on matters before council, unless prohibited by a conflict of interest." She personally
1465 felt the mayor should be able to move and second, too. Using *Robert's Rule*, the mayor could make a
1466 motion, relinquish moderation to the mayor pro tem, and resume moderating when the motion was
1467 disposed. Ms. Kohlmann said in all fairness, and all councilmembers being equal, he should be allowed
1468 to have a voice to move and second motions.

1469
1470 Mayor Samples appreciated Ms. Kohlmann's comment.

1471
1472 Mr. Stevens said the town is supposed to host the League of Cities, he wondered if the event
1473 could be held on the town's pier.

1474
1475 Mayor Samples said not much thought had been given to the event. He asked councilmembers
1476 to send recommendations to the administrator and she can report the consensus.

1477
1478 Ms. Kohlmann wanted to hear other councilmember's opinions on her comment.

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Mayor Samples said he was not interested in making motions, because historically mayors had never done so. He saw no need to change that practice. If used, he believed it was something to be used sparingly and assured Ms. Kohlmann of that.

Mr. Johnson asked if there was a budget for the League of Cities dinner. Ms. Fellner did not know if the process was the same, but in the past the participants paid a pro rata share so the town was made whole, except for its members that attended.

9. PUBLIC COMMENTS – General Comments (5 minutes.)

“My name’s Ron Whitcomb, 103 Harbor Lights Drive. I just wanted to speak about clearing up a couple things about the dock situation. One of them, I went to the planning board meeting; the last one they had where they were discussing the dock situation, and a lot of us are very upset with the fact that we heard since last July we don’t have enough information. We haven’t got the information. You need to get the information. We got up and said this is ridiculous. Who do you have to talk to and what do you need to get it done? The next morning I talked to Sabrina, or my wife did, I apologize, and Sabrina had most of the information. She was waiting for the FEMA thing. This happened like that (*snapped fingers.*) Okay, this went on since last July, so as far as we couldn’t get the information, it took one day when we finally said listen, where’s the information? So, that was disturbing. I know you folks have had enough of this. We’ve all had enough of this. This has been way too much, way too long. As far as the liability issue goes, you’ve got a lot of public area that’s open to the water. You have all the other yards and everything all around it. You have the town docks, the one with the gazebo down the end and the other one on the waterway that goes out at 16th. I don’t know if there are others or not, so as far as liability there’s plenty of liability there, much more than there’s gonna be from a few small docks. As far as whether or not it’s worth taking on more liability, it was pointed out that there are a few people. From what I’m told there’s like 120 some odd homes on these waterways. Figure three people a home, a lot of people. It’s not a few people. It’s a good number of people in this town. If you just mark us off as a few people, that’s, that’s not good. But going into liability situations here, you gotta selective liability acceptance. You’re accepting liabilities for the tennis courts, the dog parks, the playgrounds, the, my favorite, the skateboard park. I’m sure all of us use the skateboard park regularly, so I mean, as far as who uses what, the liability issue can be juggled around all you want. It’s accepted in a lot of areas for a lot smaller groups than you’re talking about on this lake, and one other thing I wanted to ask, when the town put in their docks or whatever you want to call them, where the gazebo is and all that, did you check with FEMA? Did you check with the Army Corp of Engineers? Did you check with the insurance companies to see the effects this was gonna have on the town? I guess not. I would think not, anyway. So, it was okay for the town to do it without checking into anything, but for the homeowners to do it, it’s not. I paid three times for my property what the guy across the street paid for his, because I wanted to use the lake. Before I bought the property, I called the town hall. This is four years ago, I believe it was. I spoke to a lady there and she, I asked one thing I wanted to know was could I clear to the lake, because I had a lot of vines and all kinds of overgrowth near the water on my property, and I was told that I could. If there were any trees to be taken down, I had to get permits for the trees to come down, but as far as brush and all that it was okay. I also said I planned to use the lakes for fishing. I said are boats allowed on the lakes. She said they have people who fish on the boats with lakes [sic.] I don’t believe there’s any power motors allowed. I said thank you very much. So that’s why I bought my thing. So as far as it being town property, but what is town property, but a lot of us when we bought our homes were told we could use that lake. So that’s all I have to say. I appreciate your time. Thank you.”

“I’m gonna take four or five minutes, but I feel like what I have to say needs to be said. Recent newspaper interview for candidates for Town Council included one of the incumbents, who according to the paper, credits his team of four councilmembers whom he identified for the creation of the budget, plus saving the town from embarrassment and a black eye. And by the way, it’s Betty Lowery, 619 4th Avenue. At the time I was horrified. I mean it just seemed very arrogant and self-serving, and I was embarrassed. Now, the whole town gets laughed at our dysfunctional council, because it sounds like we’ve got two different councils. We’ve got this team of four and then the other three are chopped liver. I would, I

1534 would have been horrified, if I had been one of the team of four and singled out that way. Imagine the
1535 team of horses pulling the Budweiser wagon; the pride, the elegance, the efficiency of movement; just
1536 beautiful. Now, imagine four of those horses choosing their own direction, ignoring the driver and the
1537 other horses harnessed in the team. Visualize the complete chaos. They may not have been chosen,
1538 they may not have chosen the dangerous path, but the complete lack of coordination ruins the entire
1539 performance, and causes possible harm to the team and spectators. At a seminar for educational
1540 professionals, one of our presenters offered this piece of wisdom, 'it's amazing what can be accomplished
1541 when it doesn't matter who gets the credit.' Town Council is not a competition, unless the real goal is to
1542 massage one's ego. We have a councilmember so full of himself that he brags about high-jacking Town
1543 Council. We elected all of you; not four of you. We chose each of you because of your assumed
1544 character, your varied experiences and background, and what you could add to council. We expected
1545 you to behave with maturity and cooperation; not with pettiness and divisiveness. Have you guys not
1546 learned anything from watching the fiasco in Washington? We expected to benefit from the wisdom of all
1547 of you, not a select few. We further expected you all to do your own listening, thinking and decision
1548 making. Considering that others might actually have a point when they share. When a group
1549 continuously votes as a block, observers wonder if there's any independent thinking going on or just a
1550 group of followers. We also expected all decisions to be made openly, with the discussions to be held
1551 only in public, not two by two on the phone, and information to be shared with the entire council. We
1552 expected you to treat each other with the respect that each of you deserves; enough of the snide
1553 comments and eye rolling. I taught middle school. I saw entirely too much of that. It's just too much.
1554 When you belittle each other in the different points of view, you're belittling those of us who elected the
1555 other councilmembers. You also embarrass those of us who voted for you. If you think you're smarter
1556 than everyone else on council, if your decisions are made because of personal bitterness or extreme
1557 dislike of another councilmember, if your sole purpose is to spoil any sense of unity on council, please
1558 take your special selves home, write out your letters of resignation, and submit them to whomever, so that
1559 you can be replaced by people who care more about our town than themselves. If you need a power fix,
1560 or have an overwhelming need for admiration, go run for senator, or governor, or something, and let us
1561 have a council that can appreciate each other, their differences, and still function as a team of seven.
1562 Thank you."

1563
1564 "Tom Dodge, 15th Avenue North. Welcome to Monty Python's Flying Circus, and now for
1565 something entirely different. I can't believe that you people voted down a possible \$88,000 of income by
1566 raising parking meters to a \$1.50. That \$88,000 would have saved people that reside in this town
1567 \$88,000 that they didn't have to spend. It's people that are coming to our town that would have spent it. I
1568 think that was very short sighted. The mayor wants transparency, so I would like to ask this question;
1569 how many lawsuits are still pending against the town, who are they from, and what is the status of those
1570 lawsuits. We as citizens know that there are lawsuits, but we have no idea where they stand. Have they
1571 been settled? Is it costing the town people money, because our insurance rates are going up because of
1572 the law suits that were incurred? Give us information, if you are transparent. I may be wrong, but I don't
1573 think Town Council has to be submit a resume when they run for council, and you're gonna ask a
1574 volunteer to give a resume to be on a committee. I don't think police backgrounds are even taken of
1575 people who apply to be on Town Council. Thank you."

1576
1577 "Harry Kohlmann, South Ocean Boulevard. I totally agree with what Ms. Lowery said. But I want
1578 you all to go back, when you've got time, check the minutes. It isn't a, really a team of four. It's a team of
1579 three, and they vote the same way every single time. Check the minutes, folks. The so-called team of
1580 four, there are people on there who don't always vote the same way. If someone on the so-called team of
1581 four, if they would have came [sic] for a proposal for cancer, for curing cancer, those three would probably
1582 vote no. Now, for the good news, like Mr. Dodge said, some of y'all on council wanted to raise taxes last
1583 year. It's only gonna be a large pizza, one of 'em said. Well, that's if you only pay \$600 a year in taxes. I
1584 pay a lot more than that. It's gonna be four or five or ten; I own two properties, so it'd probably be like 15
1585 large pies I'm gonna be paying, and I'm not gonna eat any, any of it. A 25 cents per hour increase on the
1586 meters would probably, you would gain upwards of \$50,000, and it only cost somebody like a soda; 50
1587 cents, upwards of \$100,000. That's a soda and a bag of chips. I guess we don't need money. Garden
1588 City charges a \$1.25. Myrtle Beach charges \$1.50. Mr. Ott was complaining that people, too many

1589 people were coming here; supposed to be a low density area. Like the mayor said, if you make the pier
1590 parking lot free for two hours, everyone is going to flock there. Well, that's what everyone is gonna do,
1591 and it's not gonna affect residents, non-resident property owners. It's not gonna affect tourists who pay to
1592 rent here. On the north side it's only one, one block long. They walk to the beach. The south side it's
1593 two blocks long. They walk to the beach, and the reason why, and on Ocean Boulevard, Mr. Ott is
1594 mistaken cause those meters average about 40 cents a day. You know why, because people are parking
1595 on the side streets. They know how to get around paying. So, that's why we made that you had to pay, I
1596 mean, you need a permit, so the residents and non-resident property owners would not have to pay. And
1597 if grandma wants to come to the house, she parks in the driveway or under the house, and you take your
1598 car and you park in the right-of-way with your sticker. People have an agenda here. They don't want to
1599 increase the rev, the amount in the parking ticket for their friends or their relatives, well then you let them
1600 use your car. It's a simple solution, but I'm so glad we don't need any money. Thank you."

1601
1602 "Hello. Patricia Magliette, 104 Harbor Lights, and I'll be real quick. We do have good beaches,
1603 the Family Beach, and we have Charleston down the street, and more expensive beaches, and they are
1604 proud of themselves and they charge more for parking. I think we tend to cheapen ourselves. We have a
1605 lot of people visiting our beaches. Some of them aren't really clean. The cigarettes butts, and the cans of
1606 soda, and sometimes dog poop, and there is [sic] people in town who have to rake those beaches, and
1607 clean up, and there's volunteers in town who do those beaches, and if we're having people come to use
1608 our beaches, they should pay. They should pay more and an arm and a leg, because they're coming into
1609 our town and some of 'em are very nice about it, but some of 'em are very sloppy and those kind of
1610 people, in my estimation, do deserve to pay more for parking, and that's just how I feel. Thank you."

1611
1612 "Good evening, Council. Good evening, residents. Timothy Courtney, 1416 Poplar Drive South.
1613 I'd like to start to say the reason why I moved my family here was because of our police department and
1614 our fire department, and the resources that we have, and the small community. It disgusts me when I
1615 come here and I see a bunch of children up here. It's like going; I might as well have stayed home. I
1616 have two daughters that are growing up here, and it's embarrassing. The parking thing is a joke, alright.
1617 It's a complete joke. You're not making any money. It's the idea [sic.] I watch my beach on beach 13th,
1618 I'm on 15th; we go to beach 13th every year. We watch people come in from out of town. They use our
1619 water. They use our sanitation; they filthy the beach and for how much, a \$1 and 25? I'd pay that. But,
1620 instead, I live by the beach. So, please, you know, use, go the right direction with this parking thing. You
1621 know, as Mr. Kohlmann says, it's a joke. They find places to park. They're parking all the way up by me.
1622 It's anything to save a buck. It's not working, and here we are storing meters. I came from New York. It's
1623 30 below and they don't store their meters. So, I don't where the revenue; you have a problem with
1624 revenue, we're not bringing any revenue in, and all we're doing is bringing people in and they're using our
1625 beaches. They're leaving their garbage. They're using our water. And we're picking up the mess
1626 afterwards. Thank you. On a positive note, I'd like to thank Chief [Dan Cimini] and his staff and the fire
1627 department that came down and assessed our house, because we were in a location where there wasn't
1628 a journey pump or fire hydrant within 1,500 feet. Chief [Cimini] came with his staff and was very nice to
1629 assure us that water would reach our house, if we ever had a fire there. So these are the reasons why
1630 we moved to this beach. Please make it worth our while. Let me keep my children here, please. Thank
1631 you."

1632
1633 "Diane Orsi, 103 Harbor Lights Drive. My husband basically said a lot that I wanted to say. The
1634 only thing that I wanted to state is I thought it was very sad that when a councilmember asked for some
1635 information and they're being told that someone was too busy. I think that's a very sad state. The other
1636 thing that I think is sad is that, now I forgot what I was gonna say, I was waiting so long to get up here.
1637 *(Laughter)* Anyway, I just want to say that I think it's a sad state that you can't get information that's being
1638 requested of you by your people, and if that's happening, that maybe they should be asking for a little
1639 help so they can get that information into your hands. Thank you."

1640
1641 "Ron Ott, 7th Avenue North. I'm tired. How about you guys, huh? Who would ever want to be a
1642 council person? I gotta give it to these people. Eight years ago, I asked Roy Hyman, I said, you know,
1643 no it wasn't Roy. I'm sorry. It was Debra. I did ask you what they asked me to send something for I

1644 applied for the zoning board of appeals [sic], and she said just a letter of introduction. That was it, and I
1645 gave you a letter of introduction. It said who I am, where I came from, why I wanted to do it, and that's all
1646 you need. You don't have to have a three page resume. My knowledge of tools and die doesn't help at
1647 all in that. So, and, let me say this, Christmas was pretty good. I got my grandson. He lives with me and
1648 ever since Christmas, I get a couple of games with him I have to play: Chutes and Ladders and Candy
1649 Land. And it really helped me to understand y'all. (Laughter) It really did, because now I understand
1650 why we're going up and we're going down. We're getting sent back going over this way. And, it's, it's
1651 tough on, it's tough on the audience, believe me. It's tough on the audience, and I know you, you, you're
1652 aggra [sic,] you're arguing out points that we want, and everything that you've done is really tough,
1653 because there's a lot of issues out there. Steve Gosnell wrote that letter, and Anita [sic] gave you a copy.
1654 It's not what he wrote. Look at that letter. It's what he didn't write, okay. That's what you have to
1655 understand. He speaks of the stormwater project, and he says he has no control over our lakes. You
1656 own those lakes, and that's what he's telling you. I can't tell you what you do in 'em. Don't subject that
1657 stormwater project to any problems, because he'll walk right away. Call him up; ask him. I'm sure he'll
1658 tell you that. Next thing I'd like to ask you about, the people of this town, we're being restrained. How
1659 many, how many laws do we have? First of all, in the last six weeks I've learned that we have
1660 ordinances, we have now resolutions, we have policies, and then there's a bunch of poor folks out there
1661 that have homeowners associations, too. I don't know if we're obeying all these things. Some of them
1662 aren't even written down. Just ordinances, how about that? Throw all the rest out; break it down, write it
1663 down what we can do. Okay. Thank you."

1664
1665 **10. COUNCIL COMMENTS.**

1666
1667 Mr. Stevens: "(**)"

1668
1669 Mayor Samples: "Sure, we'll change it up."

1670
1671 Mr. Stevens: "Alright, I want to thank everybody for coming out. It's been a long meeting, have
1672 discussed a lot. We have a lot of things on the agenda to do. We've got a lot of things we've gotta get
1673 done, and it's a tough job. Basically, anybody runs for office and you get up here, I hope you're ready for
1674 everything that's gonna be thrown at you, because believe me, I haven't even been on this council for two
1675 years yet, and I've had everything from the kitchen sink to the roof top and the chimneys thrown at me.
1676 I've been accused of stuff. I've been slammed. I've been banged. I've been everything. The latest thing
1677 to happen to me, I was accused of taking money from an unknown person, even though I got town staff's
1678 approval to bring that person there. I realize the person that said it he had the freedom to say it and I
1679 gave him that privilege. But there are people out here that run their mouth and say things about people
1680 that come very close to being slander, liable, and they're walking on very thin ice, and I can say that these
1681 people, you know, you wanna get, you wanna call 'em, have your opinion about me, but don't say I did
1682 something or I tried to take money from somebody, because I brought a person in here and yes, I brought
1683 the docks up. I brought, I was born in Horry County and we've always had docks everywhere in this, this
1684 county that I can remember. And, I brought a guy here, and he came to a meeting. And, he had a couple
1685 of samples. I thought it would help the park, planning and zoning to look at 'em. I didn't know I was
1686 gonna be attacked for doing that. I told the guy about it, and you know what he said? You can tell
1687 Surfside I don't ever want to do business with that, in that town. Just go away from me. Crazy. But
1688 anyway, let's hope that we don't have too much sleet and rain and the weather turns back good and we
1689 get some warm weather so all these people that are out here politicking and asking for your vote can get
1690 out here and talk to you and meet all the people all over town. Go door to door, shake some hands and
1691 may the best man win on April 8th. That's all I have to say."

1692
1693 Ms. Dodge: "I wrote something and then I wrote myself other notes, so I wouldn't forget anything.
1694 I wanted to say I think serving on this Town Council has been of the most rewarding and yet, also, one of
1695 the most difficult things I've undertaken. I do have migraines. I've got one now. We are a group of
1696 strong-minded individuals with varied opinions, and yet we have to come to decisions on issues, which
1697 face our town, which will be good for all of the citizens. When we reach a consensus on an issue, it does
1698 not mean that we've gotten together to decide how to vote on that issue. That's for sure. Sometimes it is

1699 difficult to reach consensus. Getting four strong-minded people together on any issue can be very difficult
1700 indeed. But, we do work at it. For myself, I thoroughly read the packet, research for necessary
1701 information, listen to comments and views from citizens, which I really like. I appreciate it when citizens
1702 call, and I come to a decision on a vote. Also wanted to say thank you, Mrs. Lowery, sometimes we need
1703 to be called on the carpet. And I also want to thank the parking committee for their recommendations. I
1704 know how hard they have worked, and personally, I think all of their recommendations have great merit.
1705 Thank you very much.”

1706
1707 Ms. Kohlmann: “I want to thank everybody for staying. It’s pretty late and I’m just gonna take this
1708 opportunity to tell you all that when you read letters to the editor, or when you hear something that
1709 somebody says I said or did, my door is always open. My phone is listed and you can call me and ask
1710 me myself, to my face, and I’ll tell you why I voted for a certain item on the agenda, and I thank you Harry
1711 for pointing out, because I know I’ve read through all the minutes since I’ve been elected. I have voted
1712 with and for every single member sitting up here at all different times. I have never voted consistently
1713 across the board. So, I take exception to that and I just hope that you all take the time to ask all the
1714 people running, ask them the hard questions, and then see what happens, but again, if you hear
1715 something, or you have a question for me, please ask me. Thank you.”

1716
1717 Mr. Johnson: “I would just like to say that the entire council went to the Municipal Association
1718 meeting in Columbia this past week, or last week, and I’ll be honest with you, I’ve been to a lot of classes,
1719 but the advanced education classes that they offered were just the best that I’ve, I’ve been to in five or six
1720 years, so I would like tell all my fellow councilmembers if and when you get a chance, if you have not
1721 graduated or when you graduate, take those classes. They were, they were extremely enlightening and
1722 very, very good, and thank you for coming.”

1723
1724 Ms. Mabry: “Well, I was going to mention the association, also, the trip to Columbia. We finished
1725 our last class, the three of us on this side [motioning towards Mr. Stevens and Ms. Kohlmann], those
1726 people already finished [motioning towards Mayor Samples, Mr. Smith, Ms. Dodge, and Mr. Johnson],
1727 and we graduated and next year, hopefully, I’ll be able to take that advanced class, because everyone
1728 that came out of that room was raving about it. I told you when we went to Greenville, it was about
1729 economic development and it was about branding. We learned a lot about what you should do and what
1730 you could do. This class was all about what you shouldn’t do and what you better not do. So, by the time
1731 I left, I was pretty scared to, to even make a motion. You think I was cautious then, now I’m just coming
1732 through that; are you sure we can do that? Are we sure we can do that, because it’s not that we want to
1733 do a lot of things, or don’t want to. We have South Carolina on us, and we have the federal government
1734 on us, and they’re just nipping at your heels all the time telling you what you can and can’t do, and then
1735 you’ve got to work around that. So it’s not so easy just to get up here and say, yeah, we’d love to do it,
1736 but there might be restraints that we are given, and, and you really go to these classes and you learn
1737 what those restraints are, and when the lawyer sits up there and talks for two and a half hours about how
1738 you personally can be sued, you, you really do want to double check your materials before you open your
1739 mouth up here! (*Laughter; speaker’s emphasis.*) So, I thank you for allowing us to go, because it was
1740 your tax dollar that sent us, and we hope that we put that to good use, and we do thank you again.”

1741
1742 Mr. Smith: “You should be very proud of your council. We all have graduated from the Municipal
1743 Association. Not every councilmember who sat up here has taken the time to do that, and the three down
1744 here (indicating Ms. Mabry, Ms. Kohlmann and Mr. Stevens) just graduated, and I think that’s good, and
1745 in this coming election, I hope the best man *or woman* (*speaker’s emphasis*) wins, because we’ve got a
1746 lot of women running and I, so I’m in favor of all women, plus men. Concerning working together, Mr. Bill
1747 Taylor from the Municipal Association came in, had a workshop with us. Talked to us; said we should talk
1748 to each other. We do. January 2nd, I met with the mayor, discussed issues. Something came out of that.
1749 People are not happy with it. But, something came out of that. We actually worked together even though
1750 he didn’t know it. So, we do work together. I spoke to the mayor pro tem at the Municipal Association
1751 meeting in February, just a week ago. We talked about an issue. It never came up at this meeting,
1752 because there was not enough interest in it. But, we do work together. You might not see it, but we are
1753 working together, and tonight you see a lot of division, because we couldn’t decide on the parking. There

1754 was no consensus. That's why we couldn't finish up on that parking. Now, we've gotta go to a workshop
1755 to finish it up. But, on the fee to charge for the meters, we had to choose a number tonight, cause we
1756 needed to pass the budget for Lanier Parking. Nobody made a motion. When nobody's willing to make a
1757 motion, status quo is the best. So, I finally made the motion we'll stay at a dollar, because we needed to
1758 pass the budget. We'd already decided what the start time was, but we hadn't picked a fee; hadn't picked
1759 a fee. Somebody has to make a motion to do that. So, I made it to stay where we are, one dollar. If
1760 somebody else had wanted to change that, they were free to make that motion. But, nobody did.
1761 Concerning Horry County, they were specifically asked to review the ordinances that we had pending at
1762 the time; asked would they affect the 70/30 split on the stormwater, and they said they reviewed the
1763 ordinances. There would be no impact on the 70/30 split. That was the question, and they answered it.
1764 On requesting a resume or now, a brief summary of background, or whatever the wording is, let me tell
1765 you how that happened. We had a person apply for a committee assignment. Nobody knew her. So, we
1766 said we needed some information. Somebody else applied. We all knew the person. I felt to be equal
1767 you needed to ask that person to tell us a little bit, too. If you're gonna ask one for it, you need to ask the
1768 other one. The clerk says she couldn't ask for it unless it was in an ordinance. There was discussion,
1769 open discussion up here on the dais about whether we should put it in an ordinance. We'll change one or
1770 two words in that ordinance, or paragraph, actually. So, the consensus was that we would do, and that's
1771 why that ordinance was brought up. We need information about the people who apply for the committee
1772 assignments, because some of them are brand new to us. We've had people send us two and three
1773 page resumes without even asking, and then others don't want to do anything other than submit their
1774 name. If we don't know 'em, we need more information. If we know 'em, there's not a problem. But you
1775 have to do it equally, if you're gonna ask one, you need to ask the other. That's all the notes I have."
1776

1777 Mayor Samples: "Well, be safe going home. It's certainly, you know, it truly, it can be a thankless
1778 job. But, when we're working trying to do the best for the town, we're only human, we're not gonna be
1779 perfect. We're gonna make mistakes, then we need to be big enough to back up and correct those
1780 mistakes when we recognize them. The truth is, and I was really pleased to hear Mr. Stevens tonight talk
1781 about how many hours Ms. Fellner puts in, because you gotta pay for what you get, and this town has to
1782 pay for the services. We have held the budget steady with respect to staffing for the last two years. We
1783 did not give raises to the staff this past year. If you expect that we're gonna be able to balance the
1784 budget on the back of parking, you sorely misunderstand the total financial requirements that exists in this
1785 community. I attended an A-tax committee meeting the other night where a prominent member of the
1786 community who's been here a long time was shocked that this town had not been putting money aside for
1787 beach renourishment, which is gonna come up in two years, and we began to set aside money. Now
1788 we've got \$90,000. Y'all know that the federal government is cutting back, and I imagine most of you
1789 support it. But the fact of the matter is in the old days we used to get the money from the feds and the
1790 state certainly has been cutting back. It's one of the reasons we have the number of police that we have
1791 in this town. And so, I ask each and every one of you to consider, you know, what kind of town do you
1792 want? I like the town that I moved to. Things change. You can't stop change, but I do not wish us to
1793 rush forward and make changes without understanding implications of those changes, because once we
1794 change, it will be too late. You can't go back. I encourage you to talk to all of the candidates that are
1795 seeking to serve the town, and get specific answers. You know, in this day and age of cable TV we're all
1796 good at our glib comments. Find out, find out, get specifics. Thank you."
1797

1798 **11. EXECUTIVE SESSION**

1799
1800
1801 **A. Pursuant to FOIA §30-4-70(a)(2) to discuss proposed contractual arrangements (See**
1802 **Business Item)**

1803
1804 **B. Pursuant to FOIA §30-4-70(a)(1) to discuss the appointment of a person to a public**
1805 **body (See Business Item)**

1806
1807 Executive session deferred to February 25, 2014 Town Council meeting by approved motion, see
1808 Item 3, Agenda Approval, page 1.

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12. ADJOURNMENT.

Mr. Smith moved to adjourn the meeting at 10:20 p.m. Ms. Mabry seconded. All voted in favor.
MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: February 25, 2014

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 E. Smith, Town Council

Randle M. Stevens, Town Council

*Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded. These are detailed minutes documenting each member's comments. Appointments to hear recordings 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 recording is inaudible.*

