



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
September 9, 2014 6:30 p.m.  
TOWN COUNCIL CHAMBERS**

**1. CALL TO ORDER**

Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, Magliette and Stevens were in attendance. A quorum was present. Others present: Town Administrator Fellner; Planning Director Morris; Police Chief Keziah; Fire Chief Cimini; and Recreation Supervisor Ellis

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

- A. Invocation. Councilmember Magliette gave the invocation.
- B. Pledge of Allegiance. Mayor Samples led the Pledge.

**3. AGENDA APPROVAL**

Mr. Magliette moved to approve the agenda. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

**4. MINUTES APPROVAL**

Ms. Mabry moved to approve the minutes of the August 26, 2014 meeting as submitted. Mr. Johnson seconded. **MOTION CARRIED.**

- 5. PUBLIC COMMENTS - Agenda Items Only (3-minutes per speaker)**  
There were no public comments on the agenda items.

**6. COMMUNICATIONS**

- A. **Proclamation #14-94 - Fire Prevention Week - Read by Ms. Ellis**
- B. **Department Reports**

**I. Fire Department.**

Chief Cimini presented the written report, a copy of which is on file. He wanted to remind the residents of the smoke detector program. For the month of August, mutual aid received once; provided mutual aid once; 13 auto aids; provided assistance 13 times; received assistance 15 times; 7 fire alarms; 88 Rescue emergency medical incidents; 5 Hazardous conditions, no fire; 11 service calls; 27 good intent calls; 15 false or unintentional alarms. Total incidents for the month of August were 153. Zero fire loss.

Engine 57 should be completed by September 15<sup>th</sup>.

Volunteer staffing levels increased by one.

45 Fire prevention activities. 17 visits of 47 people visited under the Open Door Policy from seven a.m. to seven p.m. Fire prevention open house Saturday October 11 from 11 a.m. to 3 p.m.

Part time Fire Marshal Inspector began August 29<sup>th</sup>.

51 Volunteers and career personnel dedicated 330.5 hours of training, 258.25  
52 hours responded to calls. Training conducted throughout August for rescue and vehicle stabilization.  
53 Between police and fire, 22 people trained and certified for water rescue operations. Required drills  
54 conducted and attended.  
55 Captain Williams continues free CPR program for residents. 100 people trained  
56 in six months.  
57 Captain Packard is on PTO leave. Engineer Zimpleman to fill position who is  
58 now a South Carolina Nationally Registered EMT, completed this training of his own volition.  
59 Interviews for Chief Cimini's positions on August 27<sup>th</sup> and 28<sup>th</sup>. Hope to present  
60 the selection tonight under the executive session.  
61 Report is available for review on the fire hydrant situation along with maps for  
62 consideration in the November Budget Retreat.  
63 Letter available for review regarding 4<sup>th</sup> of July 500 foot no firework zone around  
64 the pier. Issue with emergency vehicles access to the beach.  
65 Chief Cimini attended Chiefs Meetings/Conferences in Texas, South Carolina.  
66 Attended County 911 Dispatch Upgrade Meeting. This program is not working as well as they had  
67 hoped and is being pushed back again. Water Coalition meeting is going to be held in our fire station  
68 next Monday. And also attended the Horry County EMD meeting and performed 12 hours of in-service  
69 training to maintain his certifications.

70  
71 **Questions or Comments:**

72 Mr. Stevens asked whether the regulations require smoke alarms on every  
73 level, for example the area underneath a raised home. Chief Cimini responded that interior smoke  
74 alarms are required, but for area underneath a raised home, a rate-of-rise detector is recommended as  
75 it detects a rapid rise of temperature. Not required in code. Applications will be accepted through  
76 Friday, September 12<sup>th</sup> for the Citizen's Fire Academy.

77  
78 Mr. Stevens asked how we would manage a 500 foot "No Fireworks Zone" near  
79 the pier next 4<sup>th</sup> of July. Chief Cimini indicated that would be something for the Council and the Safety  
80 Committee to discuss further.

81  
82 Mr. Childs stated that when we started the 4<sup>th</sup> of July fireworks, we were in  
83 hopes at that time it would eliminate the fireworks on the beach. Chief Cimini responded that we had  
84 larger fireworks on the beach than we had on the pier for a long time, and that becomes a very unsafe  
85 situation. Crowd of people, people setting of rockets, propelled devices, cherry bombs. These things  
86 can go in different directions. Let alone all that TNT that's sitting up on top of that pier if one of those  
87 rockets inadvertently went the wrong way, it could cause a major explosion on the pier.

88  
89 Ms. Mabry expressed to Chief Cimini: Chief, I want to say thank you. Every  
90 time I have asked a question, you not only gave me the answer, but you told me how you got the  
91 answer. So I had both, a great deal more knowledge than often we get. So I'm thankful for you, you've  
92 made my job much easier and you're going to be sorely missed.

93  
94 Mr. Johnson agreed with the Chief's suggestion or recommendation of a 500  
95 foot barrier, although anticipating an issue enforcing same. Chief Cimini responded that we have been  
96 fortunate that we have not had serious injuries.

97

98

99 Mr. Johnson suggested the need to look at access to beach areas when we  
100 have so many people there. Chief Cimini responded that we had two emergency calls during (4<sup>th</sup> of  
101 July) and we had a very difficult time getting around through the crowds. The streets become  
102 congested. PD and medical units have problems getting their vehicles through as well. Mr. Johnson's  
103 concern with the crowds on the 4<sup>th</sup> of July was more on the beach than on the roads.

104

105 Mayor Samples expressed to Chief Cimini: Chief, we've never had anybody in  
106 my recollection who has been such a professional, dedicated to your trade.

107

Chief Cimini's reply: My successor will.

108

109 Mayor Samples responded that we're all hoping so. But you're a known quantity  
110 and you've been an asset to the town. We take your recommendation seriously. Frankly I think staff  
111 should put together options for Council. We're not emergency managers or experts in crowd control.  
112 The professionals need to bring a recommendation. Clearly there is a danger with fireworks being  
113 fired near the pier with that terrific fireworks show that we pay for and put on. And we don't want an  
114 accident happening. So I appreciate you bringing it to our attention, Crowd control is certainly an issue  
115 that we're going to be dealing with during other events. So staff along with Council working together  
116 need to make it a priority.

116

117 Chief Cimini responded that hopefully if everything goes the way we're looking it  
118 to do, that the 23<sup>rd</sup>, we'll bring the new Chief here to introduce him to Council and to residents. Have a  
119 change of command transfer and the new Chief would begin on Friday. Chief Cimini's last day will be  
120 the 9<sup>th</sup>.

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#### ii. Planning, Building & Zoning

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122 Ms. Morris presented the written report, a copy of which is on file. She said that  
123 we issued 124 permits compared to 107 last year. Inspections increased to 82 compared to 66 last  
124 year.

124

125 The FEMA CRS Committee developed two of the three requirements from  
126 FEMA programs. Drafts presented to FEMA. Recommendations for changes to the flood damage  
127 prevention ordinance. FEMA gave us a long list of options. The last CRS committee meeting  
128 completed our 2014 Floodplain and Storm Water Management Program for public information. Flood  
129 insurance data available using FEMA information and recommendations. Board selected five target  
130 areas. Such topics as find out if your property is in a flood zone, find out who can purchase flood  
131 insurance, protecting our national Floodplain functions. The program addresses current and proposed  
132 projects. Requires follow up from the Committee. Once FEMA does get it back to us, we'll bring both  
133 here for review and it does require ordinance approval.

134

135 The focus group which is now the FEMA CRS Committee consists of the town's  
136 CRS Floodplain manager and the MS4 coordinator, also has seven professional community  
137 stakeholders that recognize the importance of flood protection and hazard mitigation. Includes two  
138 local insurance agents, one local banker and lender, two local realtors, one Floodplain resident and a  
139 town council member. All of these earn the town additional points towards a lower CRS rating based  
140 on their experience and their relevant fields. And in addition the town receives valuable insight on their  
141 collective expertise.

142

143 2014 Annual CRS Report available that has been submitted to FEMA as part of  
144 the re-certification process. Section 510 The Floodplain Management. In the process of interviewing  
145 for the Floodplain technician.

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147 ISO Building Code Effectiveness Evaluation was today.

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**iii. Police**

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**Questions or Comments:**

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**C. Administrator's Report.**

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**I. Update of current events.**

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Ms. Fellner reported that:

a. She would like to remind the public that there is a CRS Workshop on

196 Wednesday, September 24th at 5 PM at which the new CRS Ordinance will be explained and  
197 questions will be fielded by the CRS Committee.

198 b. The contractor is preparing to start on the first three phases of the Upper  
199 Myrtle and Magnolia Drainage Basin Improvements. The project will begin on September 15th and is  
200 scheduled for completion on or before December 15th, weather permitting. The project areas include:  
201 Poplar Drive North from 2nd to 5th, Third Avenue North from Poplar to Myrtle, Cherry Drive North from  
202 2nd to 3rd, 16th Avenue North from Cedar to Magnolia and Cedar Drive North from 15th to 16th. The  
203 project consists of the installation of pipe, catch basins and other drainage enhancements. Flyers have  
204 been distributed to all affected residents and a copy was also posted on the website.

205 c. I have begun working on the transmittal letter for the Comprehensive Annual  
206 Financial Report or CAFR and it should be completed and to the auditors within the next two weeks.

207 d. In addition, the Police Chief and I have been working on a proposed plan for  
208 this coming Memorial Day Weekend. After working out some rough figures for anticipated needs and  
209 reading the DOR Proviso, I emailed Brad Dean to ask if the chamber would be willing to assist us  
210 financially by allowing us to use some of the funds we remit to them from our a tax in accordance with  
211 state law. He agreed that he would be able to assist us with this. I will, therefore, be bringing to the first  
212 meeting in October a proposed plan of action for that event with estimated figures and asking for a  
213 consensus of council. In turn, I will submit the proposed plan, estimated figures, letter of council  
214 agreement and formal letter of financial intent from the chamber to the DOR prior to October 31 for  
215 approval.

216 e. There was an equipment failure in last night's recording of the Parking  
217 Workshop so the minutes for the workshop have been done as summary action minutes. I sent them to  
218 council earlier in the day and they are now also posted on the website for the convenience of the  
219 public.

220

221 **ii. Questions from public comments at the prior meeting**

222 a. A citizen asked when the state is going to start the Glens Bay Road project.  
223 The contract is scheduled to be signed with Southern Asphalt in the next couple of weeks. Work is  
224 scheduled to commence in October of this year and construction will begin on the Bypass 17 side but  
225 clearing will also be happening on our end. The anticipated length of the project is 2 to 3 years.

226 b. A citizen asked why all the speed limits in town were not consistent. The state  
227 mandates 30 mph for local roads which is what all the speed limits were a one time, long ago. Over the  
228 years, however, numerous safety concerns led to investigations and speed limits were changed in  
229 accordance with the results of each analysis which is under the purview of the local police jurisdiction.

230 The legal authorization for this is SECTION 56-5-1520, items c and d, of the SC  
231 Code on speed limits regarding general rules as to maximum speed limits and when lower speeds may  
232 be required. Item c reads, © Thirty miles an hour is the maximum speed in an urban district. "Urban  
233 district" means the territory contiguous to and including any street which is built up with structures  
234 devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for  
235 a distance of a quarter of a mile or more. (d) A local authority on the basis of an engineering and traffic  
236 investigation may determine that the maximum speed limit permitted under this article is less than  
237 thirty miles an hour in an urban district. If this determination is  
238 made, the maximum speed limit for the urban district is enforceable by all law enforcement officers  
239 authorized to enforce the traffic laws in the urban district. However, this subsection does not apply to  
240 highways within the state highway system contained in Section 56-5-1530

241 c. A citizen recommended that Surfside Beach spend no money on Highway 17  
242 and let the state pay for it. At the present time there is no money in the town budget which relates to a  
243 Highway 17 project. The Grand Strand Area Transportation Study Team better known as GSATS does  
244 have \$2.5M programmed for Highway 17 improvements, \$.5M for two intersections each, one on either

245 end of the town, and an additional \$.5M for the Glenn's Bay and Surfside Drive Intersection.

246 d. A citizen stated that they saw a rat on the beach at Melody Lane. Public  
247 Works has been keeping a log of sightings by week. Citizens can call 843-913-6361 to report a rat.  
248 More than 4 sightings in a 7 day time span will necessitate bringing in an exterminator. To date public  
249 response has not mandated that end. Public Works crews, however, continue to walk the dunes  
250 between Melody Lane and 15th South to inspect for the presence of rodents.

251 e. A citizen stated that no one should be removed from a Town Council meeting  
252 during public comments. By ordinance the town adopted Robert's Rules for its meeting format. Town  
253 Ordinance Sec. 2-51 entitled Quorum and rules of order, item b states and I quote, "except as  
254 otherwise required by state law or this Code, all proceedings shall be governed by Robert's Rules of  
255 Order, Newly Revised Edition," end quote. The newly revised edition of Roberts Rules, Article XIII, rule  
256 number 73, entitled The Right of an Assembly to Eject any one from its Place of Meeting, states and I  
257 quote, "every deliberative assembly has the right to decide who may be present during its session; and  
258 when the assembly, either by a rule or by a vote, decides that a certain person shall not remain in the  
259 room, it is the duty of the chairman to enforce the rule of order, using whatever force is necessary to  
260 eject the party," end quote. Town Council by rule and example has made clear that anyone who  
261 singles out an individual, by name, in a negative manner or anyone who is disruptive to the conduct of  
262 formal business in a meeting shall be expelled.

263 f. A citizen complained that Palmetto Paving did a very poor job of cleaning up a  
264 hydraulic spill and recommended more oversight for future projects. oversight for future projects. The  
265 town inspected and made certain that DHEC was notified of the situation and that they came out to do  
266 an assessment. They did come out the same day and inspected the spill area and pronounced that the  
267 contractor had followed the correct protocol regarding the spill and cleanup of the affected area. When  
268 the contractor returns to complete additional paving which should be sometime this fall, they have  
269 agreed to further site amelioration and will mill and re-pave that portion of the road and also sod the  
270 affected area containing grass. This was an unfortunate accident due to a crack in the axle which is  
271 only predictable if the crack is large enough to see during an inspection.

272

### 273 **iii. Consensus Items**

274 a. I would like a consensus of council if you wish to place on the next agenda for  
275 discussion the recommendation of the Safety Committee, Fire Chief and Police, to amend ordinance  
276 Sec. 8-36, "Fireworks" to place a 500 foot "No Fireworks Zone" on either side of the pier on the 4th of  
277 July or if you simply want a decision paper to that effect brought back to the first meeting in October.  
278 Mr. Mayor may I have a consensus? The town inspected and made certain that DHEC was notified of  
279 the situation and that they came out to do an assessment. They did come out the same day and  
280 inspected the spill area and pronounced that the contractor had followed the correct protocol regarding  
281 the spill and cleanup of the affected area. When the contractor returns to complete additional paving  
282 which should be sometime this fall, they have agreed to further site amelioration and will mill and re-  
283 pave that portion of the road and also sod the affected area containing grass. This was an unfortunate  
284 accident due to a crack in the axle which is only predictable if the crack is large enough to see during  
285 an inspection.

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### 287 **7. BUSINESS**

288 Resolution #14-148 - Mr. Johnson moved to approve. Mr. Stevens seconded. All voted  
289 in favor. **MOTION CARRIED.**

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291

DEU Agreement with Horry County – Mr. Stevens moved to approve. Mr. Childs

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

293

294 Mr. Stevens moved to appoint Linda Woodlief and Jenn Cribb to the Keep Surfside  
295 Beach Beautiful Committee. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

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297

298 **8. DISCUSSION - Any matters of concern or information to be discussed by Town**

299 **Council.**

300

Mr. Stevens led a discussion on the personnel manual.

301

302 The revision of the personnel manual has been completed, reviewed by the  
303 organizational committee and reviewed by the labor attorney. Council has had the revision for three  
304 weeks now and no one with the exception of Councilman Magliette has sent me any questions with  
305 regard to this so I would like to schedule an executive session for the next meeting to deal with the  
306 compensation issues which arise from the implications of the new manual. I did speak with the  
307 attorney and he concurred that this had to be handled in executive session.

307

308

309 Once this issue is dealt with, I propose to bring a resolution to the first meeting in  
310 October so that the new terms and conditions might be adopted by reference as called for in the  
311 ordinance under Article I, Sec. 11-7, "Incorporation by reference of town personnel policy manual". It  
312 states and I quote, "the terms and conditions of the town personnel policy manual, as amended from  
313 time to time by the town council, are adopted by reference into the ordinances of the town" end quote.

313

314

315 Mr. Stevens met with the business committee after the parking committee yesterday.  
316 Councilman Magliette was there. The business committee is very interested in looking at several  
317 things. One is Buy Local which Mr. Magliette promoted during his election and the business committee  
318 wanted to share that they wanted to ask the Council for possibly some funds through the  
319 accommodation tax to promote business all over town. Promoting businesses all through Surfside as  
320 well as Buy Local. Booth at the Family Festival to try to get more businesses in Surfside. If we have  
321 a thriving business community in this town that provides jobs, provides taxes, provides a lot of other  
322 things that we need.

322

323

Mayor Samples suggested that if the business committee would get specific with  
respect to what it is looking for, that would be helpful.

324

325

326 Mr. Magliette announced that we concluded our August South Strand Helping Hand  
327 Food Drive and wanted to thank the Mayor, Council and Councilperson Mabry for her support.  
328 Successful August. We collected over 1000 can goods, school supplies, backpacks, baby food,  
329 diapers, children clothing. Thanks to all residents of Surfside Beach, the Mayor and Council for their  
330 support, the fire, police and all the town employees and public works, especially Debbie Ellis for  
331 helping him. A big thank you for the Piggly Wiggly and Bi-Lo that are in our town that are good  
332 neighbors. Would encourage everybody to please shop and support our local businesses which  
333 support us and support the charitable work that is done for many organizations throughout the town.  
334 Thank you for supporting South Strand Helping Hands and feeding the needy in the month of August.

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**9. PUBLIC COMMENTS – General Comments. (5-minutes per speaker)**

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Mr. Ron Ott, 7<sup>th</sup> Avenue North stated that every year there's a mandatory training for the  
people of this town that serve on the board of zoning appeals and the planning and zoning board. It is  
four hours of punishing, grueling, very dry topics. Last year Director Morris was able to bring Tom  
Britain here which was a great courtesy that serve on these boards for no compensation. Maybe if we

340 could poll some of the members of the town that serve on these boards and request we bring Mr.  
341 Britain back in-house, it would be greatly appreciated.

342 Also would like to make a request that in the next police report, perhaps our Chief would  
343 give us some pros and cons of the surveillance cameras that we recently installed. Tell us how they're  
344 working. Maybe we should add some more cameras.

345 Also the citizen wanted the dumping to stop on the town, but it got worse. But we now  
346 have a sign and it has definitely improved the situation.

347

348 Mr. Harry Kohlmann, South Ocean Boulevard stated concern over a bungalow on  
349 Ocean Boulevard between 4<sup>th</sup> and 5<sup>th</sup> Avenue on the west side that is in disrepair and should be either  
350 repaired or removed.

351 The Mayor responded that the town is taking action.

352

353 Mr. Buck Ricks, 4<sup>th</sup> Avenue South requested clarification of the last minutes regarding  
354 FEMA CRS.

355 The Mayor indicated we are proceeding forward.

356 Also FEMA CRS meeting cancelled yesterday without any notice.

357 Also wanted to compliment a new employee who was out in the rain picking up trash.

358

359 **10. COUNCIL COMMENTS**

360 Mr. Stevens hopes all come out and enjoy the Family Festival October 4<sup>th</sup>. About  
361 10,000 usually attend.

362 Suggest people start learning about CRS because that is going to affect your flood  
363 insurance rates.

364

365 Ms. Mabry addressed the issue of no notice on cancellation of the meeting. She stated  
366 that there are 600 people on the list, and it takes about 2 ½ hours to get them all through the system.  
367 So if you're kind of like at the top, you're going to get it early. But if you're the last, you're going to be  
368 notified 2 ½ hours or 2 hours later. So it takes awhile to get all those through and if you didn't get the  
369 notice, we're really sorry, but that is the explanation of how the system works.

370 Also wanted to thank everyone for coming out. Getting a lot of work done. All the  
371 committees are working well together.

372

373 Mr. Magliette wanted to thank everybody for coming to the meeting and just a reminder  
374 that our next meet and greet is tomorrow, 7:30 to 8:30 for Veterans at the Golden Egg. Would  
375 encourage people to attend the beach cleanup on Saturday the 20th from 9:00 to 10:00. Help the  
376 Adopt-A-Beach people who on a monthly basis do their best to keep the beach clean and the litter  
377 picked up.

378

379 Mr. Pellegrino wanted to thank everyone and give a shout out to the parking committee.  
380 Had a meeting last night and although he didn't agree with all the recommendations, it was very well  
381 organized and very well developed. It was completed in an hour and 45 minutes and it was very  
382 professional and productive.

383

384 Mr. Johnson commented that the FEMA deal is fluid and changing and clarified some  
385 points on the flood insurance.

386 Regarding the personnel policy, sexual harassment is a serious problem.

387

388 Mr. Childs would like to thank the parking committee for all their hard work and a great

389 job.

390

391

**11. EXECUTIVE SESSION**

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**A. Pursuant to Town Code of Ordinances §2-61(f) to consider vacancies declared by the Keep Surfside Beach Beautiful Committee.**

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396

**B. Pursuant to FOIA §30-4-70(a)(1) to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.**

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Mr. Johnson moved to enter executive session at 8:03 p.m. Mr. Magliette seconded. All voted in favor. **MOTION CARRIED.**

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402

Mr. Johnson moved to reconvene regular session at 9:04 p.m. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**

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404

Mayor Samples said that no action was taken during executive session.

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Mr. Johnson moved to accept Administrator Fellner's recommendation for Fire Chief. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

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**12. ADJOURNMENT**

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\* *Mr. Magliette*  
~~Mayor~~ moved to adjourn the meeting at 9:04 p.m. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

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\* *Scribner's Error*

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*D. Herumann*

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Regular Town Council Meeting  
September 9, 2014

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Prepared by:  
Julianne Deveau, AAA Transcribing Service

Submitted by:



Debra E. Herrmann, CMC, Town Clerk

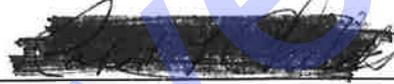
Approved: Oct 14, 2014



Douglas E. Samples, Mayor



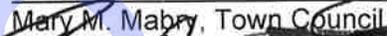
David L. Pellegrino, Mayor Pro Tempore



Robert F. Childs, Town Council



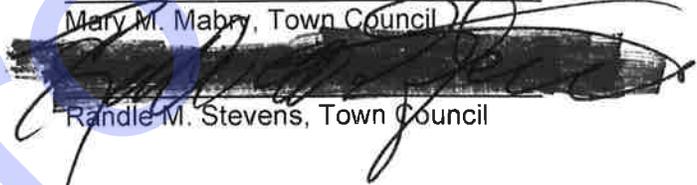
Mark L. Johnson, Town Council



Mary M. Mabry, Town Council



Ralph J. Magliette, Town Council



Randle M. Stevens, Town Council

*Note: This document constitutes summary minutes of the meeting that was digitally recorded. Audio recordings are published on the town website after the meeting (approximately two weeks) until the minutes are approved and published. You may download the recording to your personal computer from the website or bring a flash drive to the town clerk to obtain a copy. Appointments to hear or to obtain copies of recordings should be scheduled with the town clerk, telephone 843-913-6333. 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.*