



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
October 14, 2014 6:30 p.m.  
TOWN COUNCIL CHAMBERS**

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1. **CALL TO ORDER**

Mayor Douglas F. Samples called the meeting to order at 6:29 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; Town Clerk Herrmann; Fire Chief Fox; Police Chief Keziah.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE**

A. Invocation. Pastor Tim Harmon from Journey Church gave the invocation.

B. Pledge of Allegiance. Mayor Samples led the Pledge.

3. **AGENDA APPROVAL**

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

4. **MINUTES APPROVAL**

Councilmember Childs moved to approve the minutes of the September 9, 2014 meeting. Councilmember Mabry seconded. All voted in favor. **MOTION CARRIED.**

Councilmember Childs moved to approve the minutes of the September 23, 2014 meeting. Councilmember Mabry seconded. All voted in favor. **MOTION CARRIED.**

5. **PUBLIC COMMENTS - Agenda Items Only** (3-minutes per speaker)

Mr. Tom Dodge, 15<sup>th</sup> Avenue North, this would have to do with the fire department. In the latest month we lost an outstanding employee in Chief Cimini. He brought order to the fire department, he brought our ISO up to a one, which is unbelievable. And I would hope that this Town Council in some way will recognize his services. Thank you.

Buck Ricks, 4<sup>th</sup> Avenue South, I'm here to address the mention about the flood damage prevention ordinance. I have attended all of these meetings. I am a little bit disappointed at some of my fellow people here in Surfside that did not attend something that impacts everyone in Surfside. My issue is the elevators. I have an 86 year old mother that's been paying taxes in this town since 1955, 59 years. And to think that through any means or methods that she would not be able to enter a structure on that property she's been paying taxes on for 59 years, is just beyond me.

I thought this was all resolved at the last meeting that we had, but I want to thank Ms. Sabrina Morris. She's been very forthwith in different knowledge bringing up to me, but this LiMWA line, this Limit of Moderate Wave Action line, it does affect our property in the AE. Actually looking at the map, which that map was not available at the community rating system meeting, and really there will be no elevators allowed anywhere in Surfside Beach, on the boulevard, completely from the north end to the south end. And I think that's a little bit strong. FEMA does not require it, the

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52 National Flood Insurance Program does not require it. Theoretically we can get some points because  
53 of that, but this paper I have here is one that came out May 9<sup>th</sup> of 2014, from FEMA. It's from an  
54 engineer. And just different things in it. I know I don't have but just a minute or two. But in this as of  
55 May 9<sup>th</sup> of 2014, the A Zone, you could have enclosures and access to storage underneath with two  
56 wall openings. Also in the V Zone, you can have access storage, enclosed only by non-supportive  
57 materials. And there's other things in here. The LIMWA, the Limit of Moderate Wave Action, there are  
58 no regulatory requirements for FEMA or the National Flood Insurance Program. It says here that  
59 Rhode Island requires V Zone regulations. So apparently thus far that's the only one in the union that  
60 has such a requirement.

61 I guess sometimes in life we have to stand up for ourselves, sometimes we  
62 have to stand up for those who are not capable of standing up on their own. I've always heard in real  
63 estate that the things are access or location, location, location. But without access, location means  
64 nothing. So please take into consideration my 86 year old mother and those others that will be  
65 gathered over here in the senior citizens center, because this is a money generating area for Surfside.

66 Thank you so much for your time.

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68 **6. COMMUNICATIONS**

69  
70 **A. Department Reports.**

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72 **I. Fire Department.**

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74 Mayor Samples: Chief Fox will do the fire department report, and the Chief's  
75 timing is very, very good I would say. Chief Anthony Fox. Thank you.

76  
77 Chief Fox: I think saying that my timing is very good is a very big  
78 understatement. I think my timing is spectacular. I know this is my first time addressing the Council as  
79 the Chief of the Surfside Fire Department, and I want to take a moment just to thank you for giving me  
80 this opportunity. I've been here for a very short period of time and have been having nothing but a  
81 good time since. So Members of the Council, Madam Administrator and residents of this town, thank  
82 you very much for this opportunity. When I came to Surfside, I already knew that I was going to be in  
83 a good place and I have been nothing but impressed with the firefighters here both on the career side  
84 and the volunteer side of the house. They work extraordinarily hard.

85 Moving into the official report, I will do my best to emulate what Chief Cimini  
86 did. From September the 1<sup>st</sup> to September 30<sup>th</sup>, 2014, we had 132 calls for service. The breakdown  
87 of that was we had one mutual aid call where mutual aid was given. One where mutually -- I'm sorry -  
88 - zero mutual aid was received; automatic aid was given was seven calls; and automatic aid received  
89 was 11 calls. We had one building fire, one call regarding an arcing wire, one rubbish or outside fire,  
90 and one cooking fire.

91 In the medical calls, we had 73 medical assist calls. One motor vehicle accident  
92 where a pedestrian was struck. Three motor vehicle collisions with no injuries. 11 collisions with  
93 injuries, and one swimmer in distress call. And that swimmer in distress call was my third day here  
94 and it was a 10 year old and an 11 year old down by the pier. This, had it not been for response from  
95 the fire department and a very motivated and very well versed swimmer, this was a good call with a  
96 positive outcome.

97 One power line down call and two hazardous conditions calls. For service calls  
98 we had one smoke odor removal, three persons in distress, one assist an invalid, four service calls.  
99 One unauthorized burning and one public service call. We had seven calls where we were canceled  
100 en route and assist police call and one call that has only classified as other. And four where there was  
101 no incidents. Six false alarms, one system malfunctioning, and five unintentional transmissions on the

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102 lines.

103 We completed a total of 83 fire prevention activities. We had 10 completed  
104 inspections, four re-inspections, eight new business inspections, nine new fire plans were developed.  
105 39 preplans were revised or updated. We had 10 fire station visits for a total of 36 people, two public  
106 education events, and one child car seat inspection or install. For training, we have over 200 hours of  
107 training and 130 hours of responding to calls during the month of September. We had other  
108 miscellaneous training events during the course of the month. Is there anything else that you guys  
109 would like from the report?

110

111 Mayor Samples: Thank you, Chief, I did want to mention that the open house  
112 that was this past Saturday was terrific. You know, there had to be hundreds of different people that  
113 attended at one time or another during the day. If you wanted to share a little bit about that.

114

115 Chief Fox: There was two things that I would like to share. I was really anxious  
116 to get that part out of the way. With the ISO one. The ISO one on a national basis is just incredible.  
117 For a town like Surfside to have an ISO rating of one is amazing. And I would like for the residents  
118 and for the Council to rest assure that we are already developing plans in order to maintain that one  
119 and to improve on it. With the ISO report that we were given, it gave us a road map of what we need  
120 to do in order to strengthen that score. And it is something we can do. It is a completely feasible  
121 opportunity and we can definitely do it. And to be proud of this agency is, again, is an  
122 understatement. This is a fantastic agency.

123

124 With the open house, I can tell you that we served 500 hot dogs and there were  
125 still people wanting hot dogs. We had 300 scoops of Italian Water Ice were given out and there were  
126 still people looking for more. We opened the doors at 10 a.m. and we closed them at 3, and there  
127 was people there at 10 and people there after at 3:00. For all the times that I've been participating in  
128 open houses at a fire house, this was the most well attended event that I've ever participated in. I  
129 have to give credit to Captain Scara, Ted Scara who was the point man and the officer in charge of  
130 the event. He made all of the arrangements for every event that was there. Mr. Carl who provided the  
131 fire truck rides, he was fantastic. There was -- I don't know how many trips he made, but every time  
132 that fire truck pulled out of the station, it was full. So the bouncy castles was a favorite of the children,  
133 mine included. It was again a very good event. We are going to do that again next year.

133

134 Mayor Samples: Thank you, Chief. Any questions or comments for the Chief?

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136 Councilmember Childs: Mr. Mayor.

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138 Mayor Samples: Mr. Childs. You can relax now, Chief, you did a good job on  
139 your first report.

140

141 Chief Fox: It's over.

142

143 Mayor Samples: Thank you.

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145 Chief Fox: Yes, Sir. Thank you. Thank you.

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147 Councilmember Johnson: Just welcome.

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149 Mayor Samples: Mr. Johnson.

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151 Councilmember Johnson: Welcome to --

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Chief Fox: Thank you, Sir. I appreciate it.

Mayor Samples: We're glad to have you on board, Chief.

Chief Fox: I'm very happy to be here.

Mayor Samples: Thank you, Sir.

Moving along, Director Morris will do the planning, building and zoning report.

**ii. Planning, Building and Zoning**

Director Morris: Good evening Mayor and Council, Citizens. Staff issued 144 permits last month including seven new residential homes. And just to be clear, when we say 144 permits, we did have someone ask the other day what exactly is the process like, but myself and the building official has to touch every one of these permits, whether it is a mechanical permit, electrical, new house, addition -- we have to look at all of them. And the reason is, if it's a mechanical, it has to meet setbacks, if it's HVAC unit going outside. If it's a flood zone, we have to do a substantial improvement form to make sure they haven't exceeded their percentage. If it's in pre-firm condition, so we actually touch every one of these and we actually sign off on them before Shelly issues the permits. So we have been busy.

78 Inspections were performed including three businesses and three businesses within the town that just relocated elsewhere in the town. We did also have our ISO insurance rating review. The review and evaluation's based on three elements. Administration of the codes is 54% of the program; two is plan reviews, and three is field inspections. Both represent 23% of the rating. And the administration of codes, we improved in the additional code adoptions. That had a lot to do with the Council adopting the new property maintenance code. We advanced in training. We had multiple certifications which were not in place at the last review. We have never received points for our zoning provisions, so we certainly have to give credit to our planning commission as well as Council for recommending and approving the zoning provisions of the code. We have never gotten credit, but we've gotten the highest credit available now. We also improved in public awareness programs.

Plan review section, we improved in the existing staffing that reviews the plans and the detail of the plan reviews. The field inspections, we advanced in experience of personnel and the managing inspections and reinspection activities. The residential section of the department remained at a three, but improved in the commercial rating of a three down to a two. You'll find a complete report attached in your program. With the commercial rating and of course the commercial rating of the fire department being a one, insurance rates for commercial certainly could see a drop, a decrease.

Recently we've received numerous phone calls and emails regarding yard sales that have turned into a sideline business, and we have seen it happen. I've worked with the police department on this and we actually created or have developed an ordinance that regulates yard sales within the town. We presented our conceptual plan ordinance to the planning commission at their last meeting. They gave some suggestions, recommendations, changes and we're going to hold a public hearing November 4<sup>th</sup> at 6:00 in front of the planning commission on the matter. Afterwards the planning commission will make formal recommendations to Council.

Work continues on the CRS program. We've sent several items for a courtesy review to FEMA and received feedback. The Flood Damage Prevention Ordinance, which you have tonight for a first reading, the State gave their approval to the changes. The emergency operation

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202 plan was submitted and changes are required before their official submittal. But Chief, Fire Chief Fox  
203 has already started the process of revising that document and we'll certainly have that ready.

204 The program for public information document was also submitted for a  
205 preliminary review as required. We received comments just back today and I'd like to share, if I could,  
206 just a brief -- we got the memo back. We have a great committee. I can't say that enough. We have  
207 an outstanding committee. The document was put together based on the committee  
208 recommendations and sent to FEMA. We received this back today on the draft Surfside Beach  
209 ordinance -- excuse me, PPI. I've received the Surfside Beach undated program for public  
210 information. It's really very good. Attached is my checklist. Only a few required items are missing.  
211 And at the bottom it says, one of the reasons these editorial comments, for the editorial comments, is  
212 that this is the best small town PPI I have ever reviewed. We might like to use it as a national  
213 example. If this is the case, I'll be in touch with the CRS coordinator first. So if we hear that, we'll  
214 certainly let you know. But there are very few changes we have to make before we resubmit it, so I  
215 personally think that committee needs a lot of kudos because they have really worked hard to get us  
216 where we are. So you have a copy of my full report, but if you have any questions, I'd be glad to  
217 answer those at this time.

218

219 Mayor Samples: Thank you. Any questions or comments. Ms. Mabry.

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221 Councilmember Mabry: Ms. Morris, would you please explain about the  
222 elevators? I don't think that it's clear to a lot of people, and of course they don't have the  
223 documentation as to why we have to go over and above what FEMA allows.

224

225 Director Morris: Yes. Currently in a V Zone, this is not new. And the V Zone in  
226 our flood ordinance today does not allow elevators in that section of the code. That is a velocity zone.  
227 That's where waves are at least three feet high or greater. And he's right, FEMA does allow it in some  
228 areas. We actually have them in V Zones now. Those that are there can remain. But if something  
229 should happen to them, they cannot put them back based on the requirements. The LiMWA which is  
230 what Mr. Ricks was discussing, you actually have in your packet, it's the map showing the red line.  
231 FEMA has established this line with the new mapping. We haven't received those maps yet. Actually  
232 when we submitted this form to FEMA, they say we're being very generous with the proposal. That  
233 that line will move up. But we have to start somewhere. The line -- from that red line back to the  
234 ocean is the LiMWA line, which is the limit in moderate wave action, he's correct. That line back to  
235 the ocean would represent anything -- that will have the requirements of the V Zone. So you can have  
236 no enclosed structure below in the parking area. And the reason is, FEMA is concerned with the -- in  
237 the LiMWA you have a foot and a half or greater waves. Their concern is if it knocks down something  
238 underneath, it's not only going to jeopardize the structure that it's attached to, it's going to jeopardize  
239 the structures around it. So this was recommended by FEMA and the new requirements are going to  
240 be substantial and we will probably have to re-review that line once we get our new maps.

241

242 But we did ask about -- actually I'd like to -- if it's okay, I'd like to go ahead and  
243 talk about the elevators in AE Zones. At first FEMA told us that they would not be allowed at all  
244 unless they met the requirements of the BFE, which is the base flood elevation. Plus any freeboard  
245 that we had. We kept back and forth asking for it in writing. We finally got it and it said that you can  
246 definitely have an elevator, but it is going to cost you in the insurance end of it. That's still the base --  
247 I mean you can have it and below flood as far as we're concerned, but we have to let them know that  
248 once you apply for an elevator permit, your insurance rates are going to probably escalate.

248

249 Mayor Samples: Let me clarify. When you say it's going to cost in the  
250 insurance end, you mean the individual policy holder?

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252 Director Morris: Yes, that is correct.

253

254 Mayor Samples: So the individual policy holder is more than able, in the AE  
255 Zone, to have an elevator. They're just going to pay for it.

256

257 Director Morris: That's correct. The new ordinance which you have in front of  
258 you with that red line. From the red line back to the ocean, that will now be considered the V Zone  
259 requirements. From that line back, you cannot have anything closures downstairs.

260

261 Mayor Samples: Is it -- and just for clarification purposes and then we'll get into  
262 this in greater detail I'm sure when we get to the ordinance. It's the enclosed structure, am I right? Or  
263 is it specifically elevator?

264

265 Director Morris: No, it's the enclosed structure. You can actually have a lift.

266

267 Mayor Samples: Yeah, that's what I wanted to get at. There are alternatives to  
268 an enclosed elevator which provide the means for somebody to access the second floor or whatever.  
269 They just can't have the enclosed structure.

270

271 Director Morris: That is correct.

272

273 Mayor Samples: Okay, just want to make that clear because I think that's an  
274 important distinction. Okay?

275

276 Councilmember Stevens: On like for example the Surfside Beach Resort has an  
277 elevator that comes down to the bottom floor. If that was destroyed by a storm, what would they do?

278

279 Director Morris: They could certainly have the option of a lift, but they cannot  
280 put the enclosure back underneath, unless they ask for a variance, and they'd have to show a  
281 hardship.

282

283 Councilmember Stevens: They can ask for a variance?

284

285 Director Morris: Yes.

286

287 Councilmember Stevens: Alright, the Surfside Holiday Inn as well?

288

289 Director Morris: It would apply to any property located in the V Zone or the  
290 LiMWA Zone.

291

292 Mayor Samples: Okay. Thank you. Any other questions for Ms. Morris? What I  
293 want to say is, and I'm sure we've talked about it sometime in the past, I just don't remember, in the  
294 13 years that I've been here where we ever talked about the ISO rating for planning, development and  
295 zoning. So I'm very -- that's new information to me and I suspect it's new information to most of us  
296 and I'm glad that we attain some improvement and of course we'll strive to obtain more improvement.  
297 But it's nice to know. That's what I'm really saying. We always talked about ISO in the context of the  
298 fire department, so it's something again I didn't know and I think it helps us all to know as much as we  
299 can about our business, so, thank you, Ms. Morris.

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Director Morris: Thank you.

Mayor Samples: Chief Keziah, police report. I was going to say Rodney, but that's too informal so.

**iii. Fire Department**

Chief Keziah: Thank you. Good evening citizens, Mr. Mayor, Council. I don't know how I got lost again, so I have to follow ISO one in a nationally recognized document so I don't know what else to say. But, so I will throw some of my statistics out.

At the open house for the fire department, we had a booth set up, we had made some really nice contacts and some of the stats from there. I ate seven of the hot dogs. I had six scoops of Italian Ice. It was very good, thank you. I took nine rides on the fire truck, and I got thrown out of the bouncy house. So that was my involvement with that.

Our statistics for September are in your packet. We did have a decrease in calls for service and a decrease in the arrest and citation from last year which is normal for this time of the year. This is the time of the year that we cram all of our mandatory training required by statute and required by the justice academy to keep our certifications. In fact we're having in-service today and Thursday. We've got a day of driving scheduled in November and full day of firearms in December to keep us up to date on that.

As far as personnel actions, we accepted one resignation during the month of September for a police officer. It was Ian Anderson. We hated to see him go, but we understood the circumstances. He transferred to Georgetown P.D., a full time slot there. Which he was driving -- he lives on the other side of Georgetown, so he was driving 40 miles each way to work every day and back to court for training, so that is understandable.

As far as the high risk activities, we had three uses of force during the month. There were no injuries to the officers or to the suspects. And I can attest to the training that we go through that when you do unfortunately have to use force, you use the very minimal amount that's needed to make the arrest. One in particular we had was a mental patient that Nicole, one of our officers was dealing with at the Kangaroo right here, and it was an EMS call. For some reason, the lady attacked Nicole, grabbed her by the hair, tried to do a choke hold, and wound up spitting in her face before it was over with. So we had to go through all of the proper protocol for that. But I give her kudos for maintaining her composure. I'm sure you can imagine what it's like to have somebody spit in your face, so I give her a commendation for the way she treated that call. She was finally transferred to Waccamaw and was admitted there.

As far as training, we kept up with our required training for the month. Sergeant Bailey attended a 36 hour ground defense instructor course in Columbia which re-certifies him for our offensive tactics that we have coming up. Sergeant Bailey's participation with the U.S. Marshal's task force. We cleared out 12 outstanding warrants and collected \$4,688 in bond money.

The notable events. We had a press release that was issued on the 24<sup>th</sup> about an armed robbery that occurred in town. Through some public dissemination and information, we were able to receive some information from the public and we were able to make an arrest in that case, which is always good.

As far as the K9 use, I can't tell you how proud I am of our K9 program that we have. We had him on display at the fire department doing some demonstrations and there was one demonstration that they did where you have four different boxes and they set them up on the floor in the bay, and there's only narcotics in one of them. So they set him up and they left, and somebody from the audience said, why don't you shake those up, move them around a little bit. And so I'm like

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349 okay, but there was a big breeze coming through the bay there, so you never know what was going to  
350 happen, but the dog came in, went straight to the one that had the narcotics in it and sat down waiting  
351 on his toy -- nothing. But he was deployed 17 times during the month and those deployments  
352 resulted in seven arrests and along with seizures of illegal narcotics which included marijuana,  
353 methamphetamine, and also heroin which we see an increase amount of heroin coming through town.  
354 And those were on traffic stops.

355 At the family festival, we had a great showing there and we raised \$550 for the  
356 American Red Cross, so it's amazing how much money you make when you put the Captain in the  
357 dunking booth. I think most of it was my officers that paid to dunk me, so I don't know. And I'll take  
358 any questions anybody has.

359  
360 Mayor Samples: Thank you, Chief. Questions, comments? Mr. Johnson.

361  
362 Councilmember Johnson: Mr. Mayor. Chief, did you pay for those hot dogs?

363  
364 Chief Keziah: I made a donation and I thought it was a buffet originally, but then  
365 they told me it wasn't.

366  
367 Councilmember Johnson: Okay, thank you.

368  
369 Mayor Samples: I do want to comment that the Chief is a member of the task  
370 force that is operating in Horry County for the next bike week, Memorial Day Bike Week, and he's  
371 keeping us up to speed on the matter. Ms. Fellner. We will now enter the administrator's report.

372  
373 **C. Administrator's Report.**

374  
375 **I. Update of current events.**

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377 Ms. Fellner: Good evening, Mr. Mayor, Council and residents. For my update I  
378 have only three items tonight. But first I'd like to say a huge thank you to all of the firefighters in the  
379 fire department who participated in getting this ISO one. I mean this is such an amazing thing that I  
380 can't -- I'm still astonished. I know that Dan worked incredibly hard on it, but the firefighters, all of  
381 them, were right there working with him, and a lot of stuff had to be done by everyone in order to  
382 achieve this. And it's just amazing. So I can't say enough about our fire department.

383 I also can't say enough about our PB&Z Department, because very frankly  
384 Sabrina's very modest in giving all kudos to the committee and everyone else. She works tremendous  
385 hours -- tremendous hours trying to -- both on CRS and this reduction in ISO. It takes -- it just takes a  
386 lot of time and I understand that the committee is wonderful and they're great, but you have to have  
387 that person who's dedicated, who's driving that and who is actually doing the work and submitting  
388 reports and all that. So kudos go to her as well.

389 Let's see, fire department, police department. Your turn some other time,  
390 Rodney. On with my report. I have been in contact with Bob Martory again regarding the artificial  
391 wreath and after considerable expiration, extending out approximately a quarter of a mile, it's been  
392 determined that there is a significant shelving in the ocean floor and consequently a multitude of  
393 habitat for existing sea life. At a later date he plans to resume the mapping using the CCU. He's  
394 going to a partnership, a joint venture with the Marine Center at CCU and use their boat and their  
395 mapping equipment and so forth. They'll resume where they left off and proceed westward. He'll get  
396 back to me with the results once this has been achieved. But frankly, this is a surprise to everyone  
397 including him who's been doing this for a long time, because it clearly means that whatever is causing

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398 the apparent decrease in the fish population, it's not coming from loss of habitat. So that's a real  
399 surprise.

400 The next item, Dr. Padua of Clemson University, College of Architecture has  
401 contacted me and she is attempting to schedule a meeting in the near future to discuss the Ocean  
402 Boulevard and the possible project. And I'll keep Council apprised because everyone will be invited  
403 of course to meet with her when she does come.

404 And also I wanted to inform Council that parking was originally scheduled to be  
405 on this agenda, but the agenda was rather lengthy tonight, so it was decided because parking is a  
406 major complex issue, that we'd postpone it until the next agenda. There was nothing that couldn't  
407 wait. It's subsequently been placed on the agenda for the next regularly scheduled meeting on  
408 October 28<sup>th</sup>.

409 I also have a consensus item. This was an item that originally was going to  
410 come back as a resolution, but it does not seem to be in order to respond to proviso 106.12 with a  
411 resolution. I would therefore like a consensus to send a letter to DOR signed by the Mayor and citing  
412 the consensus of Council that we would like to request that the current maximum amount allowable,  
413 which is one third, be designated for the purpose of increased enforcement and direct policing  
414 activities during the May bike events. Since the numbers are preliminary at this point and are subject  
415 to anticipated legislative action, I would certainly bring back final numbers for Council for approval  
416 prior to any expenditure of the funds. This just gives us the permission that if we want to use them for  
417 that purpose, we can. It does not say we have to. But if we don't ask for this, we may not have that  
418 opportunity if we don't ask for it by October 31.

419  
420 Mayor Samples: This, what you have on the dias is exactly how the legislation  
421 is written and as you see, there was some discussion of this yesterday briefly while the Governor was  
422 in town. It's due October 31<sup>st</sup>. All the municipalities in the county are responding to this proviso which  
423 was initiated by our county delegation to move forward, to ensure that we had resources as needed  
424 for law enforcement.

425  
426 Ms. Fellner: So Mr. Mayor, may I have a consensus to send the letter to the  
427 DOR?

428  
429 Mayor Samples: Are there any objections to the Administrator preparing a letter  
430 for the Mayor's signature to respond to the DOR?

431  
432 Consensus: No.

433  
434 Mayor Samples: Any objections? Alright, you have your consensus.

435  
436 Ms. Fellner: Thank you.

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

441  
442 Ms. Fellner: Moving along to public comment questions from last week. There  
443 were seven comments at the last meeting which expressed opinions on items such as parking,  
444 Santee Cooper taxes, etcetera, but no questions were posed and only two items that possibly require  
445 a slight clarification. The first is a resident stated that the new EPA regulations would be difficult for  
446 those without means or living on a fixed income and asked for Council to consider this. Just to clarify,

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447 by adopting resolution #14-149, Town Council supported changes to the EPA proposed regulations  
448 regarding CO2 emissions. The changes Council supported were in accordance with Santee Cooper's  
449 proposal to keep energy costs manageable for all consumers. They did not, meaning Council,  
450 support the regulation changes proposed by the EPA as this would serve to raise consumer rates  
451 dramatically. Once again, Council only supported in the resolution that the EPA should make specific  
452 changes in their proposed regulation which would serve to keep energy costs manageable for all  
453 consumers in our area.

454 The other question that wasn't really a question but a statement. But a resident  
455 recommended that we mark and confiscate tents on the beach that are setup early and left vacant for  
456 hours at a time. Although I understand the concern, staff can only enforce what is in the code and at  
457 present, there is nothing in the ordinance regarding the time monitoring of tent occupants on the  
458 beach. So we can't enforce what is not in the code.

459 And that's all I have in my report tonight, Mr. Mayor.

460  
461 Mayor Samples: Thank you. Any questions or comments for the Administrator?  
462 Thank you, Ms. Fellner.

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465 **7. BUSINESS**

466 Mayor Samples: We are now at business. The first item is the second reading  
467 of ordinance #14-785 which is to amend fiscal year 2013-2014 Municipal Budget. Administrator  
468 Fellner.

469 Ms. Fellner: Yes, and the facts of this are the 2013-2014 budget requires  
470 amendments to reflect Town Council approval for expenditures/appropriations made during the fiscal  
471 year. An amendment to the hospitality fund is needed to reflect approval of Council at the budget  
472 meeting to reserve beach nourishment funds in the capital projects fund rather than the hospitality  
473 fund. This amendment authorizes the transfer of \$119,000 from the hospitality fund to the capital  
474 projects fund.

475 An amendment is also needed to the accommodations tax fund to reflect the  
476 additional funds due to Myrtle Beach Chamber and the Town based on the fourth quarter payment  
477 from the State of South Carolina, Department of Revenue, as required by State statute. This  
478 amendment authorizes the increased expenditure of \$44,500 from the A-tax Fund to the Myrtle Beach  
479 Area Chamber of Commerce. And that's because we received more money.

480 And lastly, an amendment to the pier fund is needed to approve the  
481 management fee paid to Lanier which exceeded the original budget and it exceeded the budget  
482 because we brought in more parking revenue and to cover additional costs incurred to repair and  
483 maintain the pier. This amendment authorizes the increased expenditure of \$15,900 from the pier  
484 fund. And the recommendation to approve as presented.

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486 Mayor Samples: Thank you. Is there a motion?

488 #14-0785 to Amend the Fiscal Year 2013-2014 Municipal Budget. Councilmember Childs  
489 moved to approve. Councilmember Mabry seconded. All voted in favor. MOTION CARRIED.

490  
491

492 Mayor Samples: We now enter a number of first readings of ordinances. The  
493 first being #14-786 to Amend Section 8-36, subparagraph A. Fireworks, to place a 500 foot no  
494 fireworks zone on either side of the pier. Ms. Fellner.

495

Ms. Fellner: The facts are a professional fireworks display occurs on the pier

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496 each 4<sup>th</sup> of July. Various incendiary devices set off by the public have landed on the pier during the  
497 time the professional fireworks are on the pier. The fire chief has indicated that this practice exposes  
498 the pier and the professionals setting off the fireworks to increase danger. This practice also exposes  
499 the town to increase liability. 500 feet on either side of the pier extends on the north side to the first  
500 lot past the 1<sup>st</sup> Avenue North access; and on the south side, to the fourth lot, past the 1<sup>st</sup> Avenue  
501 South access. And the police chief has indicated that this is enforceable. So the recommendation is  
502 to approve as presented.

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Councilmember Childs: Mr. Mayor, I'm going to vote for this first reading of this. Because of the 500 foot, I'm hoping maybe each year we can go 500 more feet. I'm against fireworks. They're dangerous and it's the reason why most towns and cities don't have them. We've been very lucky up to now with the liability part, not to mention the mess that's left after it, and so hopefully some day we'll do away with fireworks on the beach on the 4<sup>th</sup> of July with the exception of the town sponsored fireworks.

Mayor Samples: Thank you. Any other comments?

Councilmember Magliette: I was curious here on number four facts, item F, that the police chief has indicated that this is enforceable. I was just curious how this was going to be enforced with so many people being here for the 4<sup>th</sup> of July. How one could possibly prohibit people from discharging fireworks within that 500 foot zone on each side of the pier?

Chief Keziah: First off would be to delineate the zone to start with, with some barricades and some signage to start with. I've been there for the last -- almost seven years I've been here at every July the 4<sup>th</sup> event. That 500 foot zone I think is manageable with the people that I will have down there. In that immediate area, that past July, there was only I would say six to eight groups that were shooting fireworks in that proximity. I think everybody was really waiting on the big show, but I think with the personnel that we have, we can address all of the groups and enforce it that way. Plus I plan on either purchasing or renting another message board to be able to put in, coming in on Surfside Drive, to put that message out.

Councilmember Magliette: Chief, in your opinion, are you going to confiscate the fireworks within that 500 feet that haven't been discharged? Or are you just going to tell people not to light them off?

Chief Keziah: I think this year with the change in the ordinance, when it's been practiced to be allowed, it will most likely be a common sense approach to it for lack of a better term. You know, until we can get the word out and get the advertising out. And we can change it on the brochures that go out next season. But I think the first year from changing it from it being allowable to not, when it's been practice since I've been here, it would be -- and most of the time when you address them, they're going to stop and comply.

Councilmember Magliette: So that would mean that for the first year you're going to give warning notices, you're not going to issue any tickets?

Chief Keziah: They get one warning, yes.

Councilmember Magliette: Thank you, Chief.

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545 Mayor Samples: Thank you. Any other questions?

546

547 #14-0786 to Amend Section 8-36, Fireworks be amended to add "it shall be unlawful to  
548 discharge fireworks within 500 feet of the pier". Councilmember Mabry moved to approve.  
549 Councilmember Johnson seconded. All voted in favor. MOTION CARRIED.

550

551 Mayor Samples: The next item is #14-788 regarding floodplain management in  
552 response to community rating systems requirements from FEMA. Director Morris.

553

554 Director Morris: We've actually held several workshops on this issue and  
555 presented the changes that the -- not only the FEMA CRS committee has recommended, but staff  
556 also recommends. The town is an active member of the CRS and of course it's our hopes that we  
557 can reduce our CRS rating to help promote lower insurance rates for the town property owners. Of  
558 course communities that are a member of the CRS may see results in flood insurance rate discounts  
559 to reflect the reduced flood risk based on their CRS rating. The changes proposed in the flood  
560 ordinance will help improve the town's CRS rating. The town is scheduled to receive updated FEMA  
561 Firm Maps by the end of this year. I can tell you they're on hold right now. We may or may not see  
562 them this year, but it's still being told that we should see them by the end of this year. I'm thinking  
563 more next year.

564

565 The FEMA CRS committee as I said has assisted in the amendments based on  
566 the recommendations from the CRS class in Maryland and the actual class recommended additional  
567 requirements and the committee did not feel that they -- they felt they were too stringent for the town.  
568 A public hearing has been scheduled for the proposed amendments on October 28<sup>th</sup> here at Town  
569 Council at 6:00 before the next meeting.

569

570 Staff did receive approval for the proposed changes from FEMA State  
571 Floodplain Coordinator Maria Lamb on August 21<sup>st</sup>, 2014. And if the proposed changes are approved  
572 by Council, the ordinance will help to improve the CRS rating, which is currently a nine at best, the  
573 changes will also encourage better flood damage prevention in all areas of the town, not just the  
574 special flood hazard area. By prohibiting development activity such as fill and slab on grade  
575 construction, the town promotes a safer and more resilient community from natural flood disasters and  
576 storm water drainage problems on surrounding properties within the town.

576

577 We are recommending approval as presented. And of course in the future the  
578 committee did want me to say that in the future that if the FEMA maps are not as stringent as we think  
579 they're going to be, that committee may also recommend changes to reduce some of these  
580 requirements.

580

581 Mayor Samples: We need a motion.

582

583 Councilmember Johnson: I would like to make a motion that we approve  
584 ordinance #14-0788.

585

586 Councilmember Mabry seconded.

587

588 Mayor Samples: There is a motion, it was seconded by Ms. Mabry, we are in

589

590 discussion.  
591 Councilmember Johnson: This is a very complex situation. As Director Morris  
592 pointed out, we don't know what FEMA's going to do, we don't know where the lines are going to be,  
593 but I think it would be prudent for us to be proactive as opposed to reactive. And I think that that  
594 would bode well for us. And as Ms. Morris pointed out, we could always come back and alter or

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593 amend the ordinance based on the final results. But I feel very strongly that we need to start acting  
594 on this now.

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Councilmember Mabry: The CRS rating is -- and I'm on the committee and this is something I've pushed for, I believe it in strongly. Yes, we get points and we do get a reduction in your flood insurance rates, but more importantly these ordinances help protect your property. And it's nice that we're going to get -- and I truly believe we are -- going to see that great reduction. But we're getting ready to see 488 more homes built right across the street. They have already promised to put condos at the Wicked Stick, on that golf course. So we could see over 1000 homes in the very near future that could have an impact. Flooding doesn't just come from the ocean. What happens is it comes across the street, and how much can you really take. You know, they have their plans, their floodplain plans when they build, but during a storm, that may not be sufficient, so that water is coming over here. And the reason they want you to lift the house up, the reason you want vents, the reason you want to do all these things is to protect your life and protect your property. I really believe that lowering the rates is a benefit that we'll all get to see, but I think more importantly protecting property is the job of the town. So I want you to know that I 100% agree and we try to make it fair and actually did not adopt everything that was recommended because we thought it was too stringent. I would have probably gone a little stringent but.

Mayor Samples: Thank you. Any other comments?

Councilmember Stevens: One of the things that I've seen in here and I've talked to a lot of builders and asked them about this was the prohibition of field dirt. And I know if this law was in effect, I couldn't build my house because I brought in 27 tandem loads of dirt on my lot. And I see a lot of problem there that we may be hurting the builders that are building homes, whatever it might be, in this area. And we've got problems with lots that are shaped like bowls, like saucers, and I know you said that this was, I think you mentioned this, that if you applied for this or this went in and you needed fill, you could apply for a variance. And I see that you have on Article 3, variance procedures. You have the construction board of adjustments and appeals. Could you tell me how many times they've met so far?

Councilmember Mabry: They have not met since I've been here.

Councilmember Stevens: Okay. Is there a guarantee -- if they ask for an appeal, do they get a --

Councilmember Mabry: Yes, that is a guarantee.

Councilmember Stevens: Is that 100 % guarantee, they get a hearing?

Councilmember Mabry: Yes.

Councilmember Stevens: Is the hearing final?

Councilmember Mabry: The hearing can be appealed to circuit court.

Councilmember Stevens: Alright, it operates just like the board of zoning appeals?

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641 Councilmember Mabry: Yes. Except the construction board of appeals are  
642 qualified for the construction end of it. They are architects, contractors.

643  
644 Councilmember Stevens: Now my other question about this is, does the board  
645 of zoning appeals have any say-so in this?  
646

647 Councilmember Mabry: No they do not. It's out of their scope.

648  
649 Councilmember Stevens: Out of their scope. But that's where I don't  
650 understand, the board of zoning and appeals hears zoning and then this flood - having to do with  
651 flood zones?  
652

653 Councilmember Mabry: No, this is a flood zone, not a zoning ordinance.

654  
655 Councilmember Steven: Okay. Alright. So they are guaranteed, if they ask for  
656 an appeal, those people can -- that is guaranteed to them 100 percent?  
657

658 Councilmember Mabry: Yes.

659  
660 Mayor Samples: Any other comments? Mr. Pellegrino.

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662 Mayor Pro Tempore Pellegrino: Ms. Morris, I'm glad you guys are holding  
663 this as a party and putting so much work into it because obviously in our tourist economy and every  
664 year wind and hail and flood insurance go up, so this is a huge tool to help control that. I just was  
665 wondering, do you have any feel. Currently we're at a nine, where we expect to decrease to in 2015-  
666 2015 and so on?  
667

668 Director Morris: We are up for a new rating next year. Our goal is a seven.  
669 We have gotten great input from FEMA, so I feel confident in saying we'll probably get a seven. If we  
670 are even better than we think, I'd love to see a six. But as work towards -- this year and next year we'll  
671 be doing the most tedious work, which is the ordinances and the PPI which I mentioned and actually  
672 storm waters I think being reviewed by the storm water committee at the next meeting. So all of the  
673 ordinances are being put in place now. At the next year and the next year will advance by doing extra  
674 smaller things, but continuing. And we're hoping within the next three to five years, we'll be at least a  
675 five, which is a huge discount for the town property owners.  
676

677 Mayor Samples. Any other comments? Ms. Mabry.

678  
679 Councilmember Mabry: One comment. I had the privilege of going to a CRS  
680 meeting in Myrtle Beach. They had people from Columbia and all over. And the reason they said the  
681 towns don't -- that participate usually don't below an eight is because at that point in time, you have to  
682 start hiring people and the cost is prohibitive, so they kind of stay at that eight or nine and they don't  
683 get below that. But I would like to say that Ms. Morris has taken her own time to work on CRS and so  
684 we did not have that expense, because most towns just don't go any further and we're real proud of  
685 everything that's been accomplished so far.  
686

687 Mayor Samples. Thank you. Any other comments? Well I'll just second Ms.  
688 Mabry's comment. There's no question in my mind that without your diligence, we would not be in a

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689 position to be talking about the matter. In fact as I said earlier, in the past we didn't really talk a lot  
690 about the zoning and the regulations surrounding it. We dealt primarily with the construction code, the  
691 international building code, the adoption of that sort of thing. But we are in a regulated society and we  
692 need to be able to defend what we have. And without your work and effort, I don't believe we would  
693 be there.

694 Any other comments?

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697 #14-0788 regarding floodplain management in response to CRS requirements from  
698 FEMA. Councilmember Johnson moved to approve. Councilmember Mabry seconded. All voted in  
699 favor. MOTION CARRIED.

700

701 Mayor Samples: The next item is #14-0789 Beach Renourishment. Director  
702 Morris.

703

704 Director Morris: I was asked to write an ordinance on the establishment of a  
705 beach Renourishment reserve. Beaches save lives or reduce infrastructure environment and  
706 property damage during severe storms and hurricanes. Of course it stops the energy before it  
707 actually gets to the buildings and residents. They reduce the amount of damage and insurance  
708 costs to our town. This is the number one reason to maintain the beach adequacy. The primary  
709 function of our beach is to be a physical barrier, to protect lives and the upland infrastructure  
710 environment and the property during major storms or hurricanes. The beach deflects the wave  
711 energy and reduces destruction of land. They turn destruction into damage instead of disasters  
712 and reduce the cost to rebuild or repair. The beach is part of our infrastructure. It provides  
713 economic benefit and revenue while serving residents. Just like roads, bridges, they wear out in  
714 time and need to be maintained. By protecting the upland land and environment, the beach  
715 prevents more severe storm and hurricane damage. In addition beaches provide nesting areas  
716 for sea turtles, shore birds and are home to crabs and seashell life. The town's beach is a very  
717 important economic asset as we all know. Not established in an ordinance that allows for the cost  
718 of renourishment to come out of the budget at a lower scale value impacts citizens of the town by  
719 requiring a large amount of funding to be placed on the property owners all at once, when it's time  
720 for beach renourishment.

721 We recommend approving the ordinance as submitted. Storm protection,  
722 tourism and environmental advantages are among the high reasons for recommending the  
723 ordinance be passed, and by establishing a fund that collects a set amount will also help prevent  
724 a large burden on the citizens.

725

726 Mayor Samples: Thank you. We need a motion.

727

728 #14-0789 Beach Renourishment. Councilmember Johnson moved to approve.  
729 Councilmember Childs seconded.

730

731 Mayor Samples: Any further discussion?

732

733 Councilmember Mabry: I'd like to amend #14-0789, number 4 and add the  
734 word a minimum of \$50,000 from hospitality fund. The word "a minimum" would be added.

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735 Mayor Samples: Is there a second?

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737 Councilmember Johnson: I'll second.

738

739 Mayor Samples: There is a second. Any further discussion?

740

741 Councilmember Johnson: I certainly do think that \$50,000 is a minuscule  
742 amount based on our past experience on renourishing the beach. Unfortunately, we got some --  
743 in the past we have received inappropriate or incorrect information about the federal government  
744 coming in and replenishing the beach and we didn't have to worry about any funds for the beach.  
745 And as it turns out, that was wrong. But this is a step in the right direction.

746

747 Mayor Samples: Thank you, any further comments on the amendment? Mr.  
748 Pellegrino.

749

750 Mayor Pro Tempore Pellegrino: So this fund will just include \$50,000 from  
751 the hospitality tax? Or would there be funds from other accounts also? I'm confused about that.

751

752 Ms. Fellner: There's also funds that come from the A-Tax. The A-Tax  
753 Committee recommends to Council that whatever is left over after their appropriations have been  
754 made would be part of that fund, and that it all goes into the capital projects fund. We anticipate  
755 having approximately \$400,000 -- I think it's 392 something -- at the end of the fiscal year 2015.

756

757 Mayor Samples: The intent is to ensure that there is a ordinance which  
758 Council will follow, so that we don't wind up in a situation as Mr. Johnson indicated where, and as  
759 you know, where we had zero money budgeted for renourishment.

760

761 Mayor Pro Tempore Pellegrino: And I agree with that concept definitely, I  
762 just want to make sure we have enough. So how much each year is going to end up in this fund?

763

764 Ms. Fellner: It depends what's left over. It's not a set amount each year. I  
765 think this ordinance is simply to satisfy the CRS requirement. They want you to have an  
766 ordinance in place regarding beach nourishment. It specifically addresses a particular amount.  
767 And \$50,000 annually is acceptable to them to give us what we need for those points, and that's  
768 why this really doesn't have to do with what we put in that account.

769

770 Mayor Pro Tempore Pellegrino: No, I understand, but this is actually a good  
771 tool for us to actually budget it properly and at the end of ten years, we want our million and a half  
772 dollars, whatever we need. So Ms. Mabry made a good comment that it has to include \$50,000  
773 from hospitality tax. I mean I think we should add also that needs to include another 50 or 75,000  
774 from A-Tax. That's all I'm saying. So at the end of the ten years, we actually have enough money  
775 to renourish the beach. I mean if we're going to create an ordinance, I know I understand this was  
776 created for CRS purposes, but we should make it liable so it works for actually what we need to  
777 do the job.

778

779 Councilmember Johnson: Is that not already in our ordinances?

780

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781 Ms. Fellner: Yes, and that will also be in the flow ordinance that's coming  
782 back.

783 Councilmember Johnson: Exactly. So we are talking specifically now about  
784 this fund. Not any other funds.

785  
786 Ms. Fellner: Yes.

787  
788 Mayor Samples: I think again the intent is to initiate the process which I  
789 agree with you needs additional work. There's no question about that. But it's a step in the right  
790 direction. Again we're talking about the amendment to add the word minimum. Any other  
791 comments?

792 #14-0789 Beach Renourishment. Councilmember Johnson moved to  
793 approve. Councilmember Childs seconded. All voted in favor. MOTION CARRIED.

794  
795 Mayor Samples: The amendment is adopted, we're back to the primary  
796 motion. Any further comments. Mr. Magliette.

797  
798 Councilmember Magliette: I think this is a wonderful first step. When I was  
799 running for Council along with Mr. Pellegrino, one of our big focus points was that there was no  
800 money for beach replenishment. I think that Council has done a wonderful job on addressing  
801 these issues, and I just want to thank my fellow councilmembers and staff for being able to do  
802 this. And as I always said, small steps are small steps. And even if, you know, times become  
803 tough, still at the end of ten years, we have a half a million dollars towards beach replenishment.  
804 When I came on Council, there was zero dollars available, so I want to thank the Council for  
805 having the foresight to do this. And as I said before, the important thing to do is work together and  
806 do small steps. Thank you very much.

807  
808 Mayor Samples: Thank you, Sir. If there are no other comments, I'll call for  
809 the vote. All in favor. First reading is adopted.

810 The next item is #14-790 to amend Section 2-186, Deposits and  
811 Withdrawals. Administrator.

812  
813 Ms. Fellner: Yes, the purpose of this to amend section 2-186 to agree with  
814 current check cashing protocol and to eliminate old terminology with respect to pay vouchers. The  
815 facts are that section 2-186, deposits and withdrawals states that all monies of the town should be  
816 deposited in a bank or a depository selected by the Town Council and money shall be drawn  
817 therefrom upon a signature of the finance officer or his designee, the Mayor, the Mayor Pro  
818 Tempore or the Town Administrator. All pay vouchers shall be signed by the finance officer or his  
819 designee and either the Mayor, the Mayor Pro Tempore or the Town Administrator.

820 Pay vouchers are no longer required to be signed as payroll funds are now  
821 directly deposited into employees' bank accounts and all manual checks require two signatures  
822 from any of the following person: The Finance Director, the Mayor, the Mayor Pro Tempore or the  
823 Town Administrator.

824 The recommendation which you have a revised one in front of you. Because  
825 Councilwoman Mabry had pointed out a couple of things and so I revised it for you to night before  
826 the meeting. So the recommendation is to amend Section 2-186 of the accounts of town code by

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827 placing a period after the words "Town Council" in the first sentence and deleting the rest of that  
828 sentence. By adding the sentence, "All manual checks shall require a signature from any two of  
829 the following persons: the Town Administrator, the Finance Director, the Mayor or the Mayor Pro  
830 Tempore. And by deleting the next sentence in its entirety.

831 And the rationale is things change over time. The code must be periodically  
832 updated. These are housekeeping items to insure our ordinance is in agreement with our current  
833 check cashing protocol and also to eliminate old terminology with respect to pay vouchers.

834

835 Mayor Samples: Alright, we need a motion.

836

837 #14-0790 to amend Section 2-186, Deposits and Withdrawals. Councilmember Childs  
838 moved to approve. Councilmember Stevens seconded. All voted in favor. MOTION CARRIED.

839

840 Mayor Samples: First reading is adopted.

841 Alright, Ms. Ellis, would you read 14-150 the resolution to allow horses on  
842 the beach? We discussed this but we need to adopt the resolution.

843

844 Ms. Ellis: Resolution 14-150 to allow horses on the beach in the Town of  
845 Surfside Beach on November the 5<sup>th</sup>, 2014 during the American Heart Association 33<sup>rd</sup> Annual  
846 Beach Ride. Whereas the Town of Surfside Beach Town Council in chambers duly assembled in  
847 a regularly scheduled meeting held on the 23<sup>rd</sup> day of September, 2014 is desirous of supporting  
848 the 33<sup>rd</sup> Annual American Heart Association Beach Ride. And whereas Town Council has  
849 assured by representatives of the American Heart Association, that the event would cause no  
850 harm to the town's beaches and was in fact supported by the Department of Health and  
851 Environmental Services. And whereas Town Council was assured by representatives of the  
852 American Heart Association that there would be appropriate cleanup of the town's beach during  
853 the event, and whereas Town Council adopted a motion to support said beach ride and  
854 subsequently moved to direct staff to present a resolution to document said approval. Now  
855 therefore be it resolved that the Town of Surfside Beach Town Council does hereby grant  
856 permission for the American Heart Association to conduct its 33<sup>rd</sup> Annual Beach Ride on the  
857 beach on November the 5<sup>th</sup>, 2014. Be it so resolved, this 14<sup>th</sup> day of October, 2014.

858

859 Mayor Samples: Thank you. Mr. Childs.

860

861 Councilmember Childs: When this was under discussion, I objected to it  
862 because of complaints last time, but after thinking it over, that the Red Cross promised that they  
863 would make sure that everything was cleaned up, and after reviewing that, I will withdraw my  
864 objection and vote in favor.

865

866 Mayor Samples: Can I get a motion?

867

868 #14-150 to Allow Horses on the Beach for the American Heart Association Beach Ride,  
869 November 5, 2014. Councilmember Johnson moved to approve. Councilmember Pellegrino  
870 seconded. All voted in favor. MOTION CARRIED.

871

872 Mayor Samples: The next resolution, #14-151 to repeal 7<sup>th</sup> Edition and to

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873 adopt 8<sup>th</sup> Edition Personnel Handbook. Ms. Fellner.

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Ms. Fellner: Could we have the clerk read the resolution first?

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Mayor Samples: We certainly can. Ms. Ellis.

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Ms. Ellis: Resolution #14-151 to repeal personnel policy manual 7<sup>th</sup> edition and to adopt personnel handbook 8<sup>th</sup> edition. Whereas this matter comes before the Council of the Town of Surfside Beach at a regularly scheduled meeting held the 14<sup>th</sup> day of October, 2014. And whereas the Town Council of the Town of Surfside Beach adopted the personnel policy, 7<sup>th</sup> edition on the 24<sup>th</sup> of June 2008 and whereas the Town Council wishes to repeal said 7<sup>th</sup> edition in its entirety. And whereas the Town Council adopted ordinance #03-0493 that sets forth employment within the Town of Surfside Beach shall be at will. Now therefore be it resolved that the Town Council of the Town of Surfside Beach hereby repeals the personnel policy manual 7<sup>th</sup> edition dated June the 24<sup>th</sup>, 2008 in its entirety. Be it further resolved that the Town Council of the Town of Surfside Beach hereby adopts the personnel handbook, 8<sup>th</sup> edition, dated October 14<sup>th</sup>, 2014.

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And did I want to add that the ordinance that governs this is section 11-7B which states incorporation by reference of town personnel policy manual of the town code states, and I quote, the terms and conditions of the town personnel policy manual as amended from time to time by the Town Council, are adopted by reference into the ordinances of the Town. Therefore a resolution to repeal the 7<sup>th</sup> edition and adopt the 8<sup>th</sup> edition of the personnel handbook and information, technology policy is required by the Council. And the resolution would achieve this purpose. Having said that, I did receive an email today from Councilwoman Mabry with some changes and I don't know if everyone wants to discuss that. Before we discuss that, I will also say that this was the first major rewrite in probably 12 years of this. So we're going to find additional little things here and there and we'll save them up and we'll come back from time to time and correct whatever those little items are. But some of the ones that she discussed in here are not so little and we could certainly make those changes if Council, if that's what Council desires. I did have a problem with numbers 1 and number 3. But the rest I think should definitely be -- the changes should be made.

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Mayor Samples: I would suggest we move to suspend the rules so we can cover these items tonight and we can move on, since the personnel manual has been worked on for almost two years and I know the organization committee met on it several times. And I know that Council had the draft personnel manual now for about a month. And so let's try to finish this so if somebody would make a motion to suspend the rules, we can go one, two, three and we'll reach consensus. And then we'll come back under the rules and hopefully vote to adopt the consensus. Is that fair? The resolution. Can I get a motion to suspend the rules.

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#14-151 to repeal 7<sup>th</sup> Edition and to adopt 8<sup>th</sup> Edition Personnel Handbook. Councilmember Johnson moved to approve. Councilmember Mabry seconded. All voted in favor. MOTION CARRIED. Councilmember Stevens moved to amend "with revisions". Councilmember Magliette seconded. All voted in favor. MOTION CARRIED.

Councilmember Magliette: Since the rules are suspended, and I hope I'm not

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919 out of order, there were discussions going on and emails were sent in September and they were  
920 going back and forth about people having problems, which is now called the section 517 which is  
921 the video and audio recording in the workplace. And emails have gone back and forth to people.  
922 Some people wanted it to be left the way it was. Some people wanted it to be deleted. And I had  
923 offered a middle of the road approach, was just to modify it because I'm not in favor of allowing  
924 recordings in the workplace, except in the case of unlawful activity. So my recommendation,  
925 since we're talking about these, would be to add to 517 just one sentence, and that one sentence  
926 would say to allow recordings of one-to-one employee conversations only in the case of alleged  
927 unlawful activity. That's it, Mr. Mayor, thank you.

928  
929 Mayor Samples: Thank you, Mr. Magliette. I know that others had interest in  
930 that particular section. Before we get off that particular section, let's deal with it.

931  
932 Councilmember Mabry: I have -- I studied my phone and then I had to go  
933 get my husband a new phone. All phones now have a recording device on them. And it says  
934 recording and you hit it. Well unbeknownst to me that when you go to play it back, if you hit the  
935 bottom, up comes a pair of little scissors and that's so that you can edit that conversation. And I  
936 have my phone right here if anybody wants to check. So you can delete -- I can say anything and  
937 then you can delete passages on your phone within five minutes, turn around, hit record and they  
938 have altered everything you've said. I can say I like -- I hate the fact that I like little sheep. They're  
939 so cute. But I love to eat lamb. They can change that and said I hate lamb. You can just go in  
940 there and it's a button, it's a finger push it just takes off any word that you don't want there. So it's  
941 not reliable. It's not safe. I had no idea you could do that right on the phone, I'm going to be  
942 perfectly honest. I had no idea that smart phones have that capability. But they do and you can.  
943 So for that reason alone, I would have to say no because the recording, how are you going to  
944 know if it's a good recording or not? You're not.

945  
946 Mayor Samples: Any other comment on Mr. Magliette's suggestion?

947  
948 Councilmember Stevens: As long as state law allows you to record a  
949 conversation, I cannot vote for this resolution. Simply because the first time that a person gets  
950 fired, they're going to go get an attorney and they're going to come back and they're going to sue  
951 the Town of Surfside and we're going to pay the price. It's a state law, it's accepted that you can  
952 record a conversation if you're a party to that conversation. I can't record for example the Mayor  
953 and Ms. Mabry's conversation secretly, but I can record the conversation between the three of us  
954 as long as I'm a party to it. That's totally legal. That's the law. State law allows that. And I can't  
955 vote for a policy that would actually fire a person, immediate termination is what it says, immediate  
956 termination for following state law.

957  
958 Mayor Samples: We're talking about Mr. Magliette's --

959  
960 Councilmember Stevens: Yeah, I understand that. And I would agree with  
961 what he said. He hasn't made a motion, but this is discussion. And the fact is Mr. Magliette  
962 makes a good point. Unlawful activity should be recorded. If you're a party to that unlawful  
963 activity, you should be able to record it. If a person is making sexual harassment remarks to you,  
964 you should be able to record it. If that person is threatening you, you should be able to record it.

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965 By law, if you're a party to it, you have that right. And it's the law in the State of South Carolina,  
966 and we cannot trunk the laws of the State of South Carolina. So I can't vote for the resolution as  
967 long as that's in there. Now I would go along with Mr. Magliette, what he says, unlawful activity.  
968 Just it's unlawful, it's unlawful. I don't know anything about the recording things that Ms. Mabry  
969 says that you can do all that, and I doubt half the people in this town know how to even operate  
970 those things. I sure don't.

971  
972 Mayor Samples: Thank you. Any other comments? Any other comments? I  
973 would like -- is there a consensus.

974  
975 Councilmember Pellegrino: I agree with Mr. Magliette's recommendation.

976  
977 Mayor Samples: I do also, and the fact the matter is, any unlawful activity  
978 should be reported through the chain of command. Otherwise we got a problem. Okay? So I  
979 want to make note of that. Okay? If there's something illegal going on, it needs to be reported.

980  
981 Councilmember Childs: Mr. Mayor, I agree with Mr. Magliette.

982  
983 Mayor Samples: Okay. So I think we have a consensus that the addition of  
984 that language to that section. Can you repeat that?

985  
986 Councilmember Magliette: Yes, Mr. Mayor. The language is allow recording  
987 of one-to-one employee conversations only in the case of alleged unlawful activity.

988  
989 Ms. Ellis: Repeat it one more time please?

990  
991 Councilmember Magliette: Sure. Allow recording of one-to-one employee  
992 conversations only in the case of alleged unlawful activity.

993  
994 Mayor Samples: And so there would be knowledge or belief on the part of  
995 whoever's doing the recording that some quote unlawful activity. Is that fair?

996  
997 Councilmember Magliette: Correct.

998  
999 Mayor Samples: Alright. That's one consensus.

1000  
1001 Councilmember Stevens: I'm going to play devils advocate here. You know,  
1002 I know it may very well be cut and dry, but who is alleging the illegal activity and will it stand up in  
1003 court. I mean it looks good on paper, but --

1004  
1005 Mayor Samples: No, I understand your comment. If I could I would like to try  
1006 to answer the question. The individual employee that's running around doing recordings, they  
1007 better have some proof. That's what I want to say. Okay?

1008  
1009 Councilmember Mabry: Mr. Mayor, I want to make one other little tiny  
1010 comment. I did talk to my girlfriends, my relatives and I've talked to women in town hall. They are

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1011 so opposed to this. They don't like anything about it. They think it's antiquated. I've told you that  
1012 you can alter on your phone anything that you record. Now if I can do it, I believe over half the  
1013 people in Surfside or town hall can do it. I'd like to think that I'm somewhat knowledgeable, but I'm  
1014 certainly not the guru of smart phones. And if I can do it, anybody out here can do it. So to say  
1015 that you're going to record something, how do you know it's been altered or not? How do you  
1016 know? There's no way you can know. If there's somebody sneaky enough to start recording, I'm  
1017 not too sure they're not capable of altering that recording.

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Councilmember Stevens: Alright, this is my last comment on this. I was in fact present in a court case. Happened right here in Horry County. And they brought in an expert witness on both sides and the expert witnesses on both sides said the recorded conversation had not been altered. Under direct testimony. So you can tell if a tape has been altered. You can tell if a recording has been altered. It has already been applied here in Horry County. And I know my father's law firm was the people that represented the people and the recordings was allowed, and I watched the case. And the other people lost and the recording was actually verified in a court of law by experts. So it can be verified if you have tampered that tape.

Mayor Samples: Alright, by a show of hands, by a show of hands who objects to Mr. Magliette's language? Alright. Let's move on. Let's move on.

Ms. Fellner: Should I read these one by one? The next ones?

Mayor Samples: Yes, we're going to cover them one by one and we're going to come back in and we'll have a vote.

Ms. Fellner: These are from the email from Mary Beth Mabry on Tuesday, October 14<sup>th</sup>. The first one is section 103, the first paragraph, last sentence, should any employee be asked to violate the directive, they must report this to the Town Administrator. And then she says, we should add the Mayor or Town Council. This is one of the few that I actually disagree with. I think that when you have a violation, you need to report it up the chain of command so that -- and then if it doesn't go anywhere from the Town Administrator, by all means then you take it to the Council and to the Mayor. But it would be chaos to be reporting it to outside the chain of command.

Mayor Samples. Thank you. Ms. Mabry.

Councilmember Mabry: Ms. Fellner, I think I did probably word that incorrectly because it should say, it needs to be clear that needs to go to the chain of command and you're the last stop; however, this policy is not about personnel that's here today. It's personnel neutral. So should we, and we have in the past, seen that directives were not followed or somebody has told somebody to turn a blind eye, they need to be able to go above the director or the administrator if that director, the administrator has told them to turn a blind eye. So there needs to be some language in there that says that you can take it to Council or they can take it to Council in case of an unusual situation -- but I do understand it has to go to you first.

Ms. Fellner: And I would have no problem with adding that language

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1057 because we've added it in other places in the manual.

1058

1059 Councilmember Mabry: That's true, that's where I got it. Yeah. So that is  
1060 what I meant. You're correct.

1061

1062 Ms. Fellner: That's fine. I have no problem with that.

1063

1064 Mayor Samples: What is the language?

1065

1066 Ms. Fellner: The language, it's just that if the problem is with the  
1067 administrator, like if I were to tell --

1068

1069 Mayor Samples: I got it. So it would be specific to the Administrator.

1070

1071 Ms. Fellner: Right. Then they would need to go above me.

1072

1073 Councilmember Mabry: I didn't work it correctly.

1074

1075 Ms. Fellner: Other than that I have no problem with it.

1076

1077 Mayor Samples: Everybody understand what --

1078

1079 Councilmember Stevens: Could you read it one more time?

1080

1081 Ms. Fellner: What it says here is the first paragraph, last sentence, should  
1082 any employee be asked to violate the directive, they must report this incident to the Town  
1083 Administrator. And what Councilwoman Mabry is suggesting is that if -- because 103 involves  
1084 ethic violations. If I were to say absolutely not, you know, as she said, turn a blind eye to that,  
1085 which would mean I was not being ethical as the Town Administrator, then they would be able to  
1086 take it according to the manual directly to the Mayor who would involve the labor attorney at that  
1087 point.

1088

1089 Councilmember Johnson: I would like to make a motion to quickly suspend  
1090 the rules to ask a question.

1091

1092 Mayor Samples: We still are. We're still in suspended rules.

1093

1094 Councilmember Johnson: Okay. My question is, are we bringing all of this  
1095 information back to us because we're changing language that was given to us already.

1096

1097 Mayor Samples: Well, and I certainly am sympathetic to that, but listen, I'm  
1098 going to be honest, we've had this, you know, on our plate for some time. I would expect the  
1099 Administrator to make the changes that we are going to direct her to make.

1100

1101 Councilmember Johnson: That is correct, Mr. Mayor, but still, I mean --

1102

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1103 Mayor Samples: What I'm saying, Mark, Mr. Johnson, what I'm saying is that  
1104 she's got to publish a personnel manual for distribution to all of the employees. When she  
1105 publishes that personnel manual with these changes, you and I, we will receive the personnel  
1106 manual. If those changes are not to the satisfaction of individual Councilmembers, we can  
1107 reconvene and talk about the personnel manual again. We are adopting it by resolution. It is  
1108 referred to by ordinance. And my concern frankly is that we're using a 2007 or 8 personnel  
1109 manual now that is inconsistent with lots of things that we actually do. Okay? So if you get my  
1110 point.

1111 Councilmember Johnson: Yes. But may I make my point? We're making  
1112 changes to the changes and I just want it to be done right the first or second time.

1113  
1114 Councilmember Mabry: Mr. Mayor. First of all I'd like to apologize to  
1115 Council. This is late in the game for me to bringing changes and I realize that. But after you read  
1116 that manual about six times, you really don't catch everything. You're reading it the way you want  
1117 it to read. Not the way it really reads. So I do apologize for bringing that late in the game.

1118  
1119 Mayor Samples: Well, and I'll just add this. The only way that we're going to  
1120 resolve some of these questions is by this Council considering the issue and deciding. Otherwise  
1121 we're never going to get to the end game with the manual. So I thought, and I may be wrong, I  
1122 thought that what we could do is go through the specific items that were noted, that the  
1123 Administrator has considered and resolve them, and then after we came back into regular order, I  
1124 was hoping that we could have a vote on approval of the manual with those consensus items that  
1125 we're trying to talk about. And is that not what we want to do?

1126  
1127 Consensus: Yes.

1128  
1129 Councilmember Mabry: And I could take the wording, actually I could ask  
1130 that the transcription be verbatim for this portion and then I could take the word exactly as so  
1131 given by Council.

1132  
1133 Mayor Samples: Thank you. The next item. Or did we -- do I need to call for  
1134 a consensus?

1135 Councilmember: No, we're good.

1136  
1137 Mayor Samples: Okay.

1138  
1139 Ms. Fellner: The next item is in the same section, the first sentence, the  
1140 second paragraph, Surfside Beach expects its directors, supervisors and employees to conduct  
1141 business in accordance with the letter etcetera. It should say the Town of Surfside Beach and  
1142 should add the Administrator before directors as Town Council gives directives to the  
1143 Administrator. I think that's housekeeping, I agree.

1144  
1145 Mayor Samples: Alright. So we're adding the Administrator to that sentence.  
1146 I presume there's no disagreement there. No objection? Good. Let's move on.

1147  
1148 Ms. Fellner: The third one is when I do have a problem with. Page 3, section

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1149 104, middle of the page. Supervisors and managers who receive complaints or become aware of  
1150 harassment will coordinate with the Town Administrator or the designee. Remove the word  
1151 designee and add the Mayor or a member of Council. I think for harassment, that's already  
1152 clearly laid out. It's the chain of command. And then if the problem is with the Administrator, it is  
1153 taken up with the attorney who consults the labor attorney. It's taken up with the Mayor who  
1154 consults the labor attorney.

1155

1156 Councilmember Mabry: I would like to point out the reason I put the  
1157 administrator and designee, the reason I have that word -- wanted it removed -- we're such a  
1158 small town. If we were Columbia or Charleston or a bigger town, it really wouldn't matter. But  
1159 we're so small that if the Administrator should appoint someone else within the town, it's just a  
1160 little close.

1161

1162 Ms. Fellner: Right. I would agree with the removal of the word designee. But  
1163 it's the -- add the Mayor or member of Council that would be --

1164

1165 Councilmember Mabry: Could you not use the same language that you used  
1166 in one?

1167

1168 Ms. Fellner: It is in the harassment section.

1169

1170 Councilmember Mabry: Okay, then that would be fine.

1171

1172 Ms. Fellner: Okay.

1173

1174 Councilmember Mabry: It was the designee that was bothering me.

1175

1176 Mayor Samples: Okay, so is there any objection to removing the word

1177 designee?

1178

1179 Consensus: No.

1180

1181 Mayor Samples: Okay. Let's move on.

1182

1183 Ms. Fellner: It's labeled number 3 here, it's actually number 4. Section 201,  
1184 third paragraph, first sentence, newly added third sentence contradict each other. One says you  
1185 have worked competently for 180 days before you can apply for posted jobs. The third newly  
1186 added sentence says you can apply while you're on your six month probation period. I agree it is  
1187 in conflict and it should be that you can apply while you are in your six month probation period.

1188

1189 Mayor Samples: Everybody agree?

1190

1191 Consensus: Yes.

1192

1193 Mayor Samples: Okay, very good. Let's move on.

1194

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1195 Ms. Fellner: Okay. Section number 4 which is actually 5, section 207, third  
1196 paragraph, middle of the paragraph starting with upon satisfactory completion of the initial  
1197 probationary period. Initial should be removed and should say probation can be extended and the  
1198 classification should not be changed or made until that time. It is said later, but I agree it should  
1199 be said here. I agree.

1200  
1201 Mayor Samples: Everybody agree?

1202  
1203 Consensus: Yes.

1204  
1205 Mayor Samples: Great.

1206  
1207 Ms. Fellner: Okay. Number 5 which is really number 6, section 211, third  
1208 paragraph starting with electronic media, fourth sentence in, and I quote, similarly any electronic  
1209 files created on or software downloaded on a town computer or mobile device belong to the Town  
1210 Administrator. Belongs to town, need to remove word administrator. I agree with that totally.

1211  
1212 Mayor Samples: We agree. And they shouldn't be downloading anyway  
1213 without somebody knowing what's being downloaded.

1214  
1215 Ms. Fellner: And the last one is section 203, third sentence, remove or  
1216 personnel administration. That would be mean anyone in administration could not have a family  
1217 member working for the town. And I agree with that.

1218  
1219 Mayor Samples: Alright. Everybody agrees if Micki agrees to the change.  
1220 Alright, any other items in the personnel manual which we have not covered that need to be  
1221 addressed now before we come back into regular order by any member?

1222  
1223 Councilmember Magliette: We go back into regular session.

1224  
1225 Mayor Samples: There's a motion, Mr. Magliette, to go back to regular  
1226 session. Ladies first, second goes to Ms. Mabry. All in favor. MOTION CARRIED.

1227 Back in regular order.

1228 We have the resolution for consideration. There have been a number of  
1229 consensus items that we just discussed. Are we prepared to approve the resolution, taking into  
1230 consideration those consensus items that we just discussed?

1231  
1232 #14-151 to repeal 7<sup>th</sup> Edition and to adopt 8<sup>th</sup> Edition Personnel Handbook.  
1233 Councilmember Johnson moved to approve. Councilmember Mabry seconded. All voted in favor.  
1234 MOTION CARRIED. Councilmember Stevens moved to amend "with revisions". Councilmember  
1235 Magliette seconded. All voted in favor. MOTION CARRIED.

1236  
1237 Mayor Samples: The next item is underground utilities. Micki, this is the  
1238 consensus to enter into the contract with DDC t for the next phase of conversion of underground  
1239 utilities on Ocean Boulevard

1240 Ms. Fellner: That's correct. Section 2-208, bidding, quotation, purchase

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1241 order and purchase requisition requirements and approval authority states, and I quote, the  
1242 Administrator shall inform Town Council in writing of any purchases, contracts or agreements or  
1243 modifications thereto within 15 days of any purchases, contracts or agreements or modifications  
1244 thereto. When any of the purchases, contracts or agreements or modifications thereto exceeds  
1245 \$10,000.

1246 Since the total contract is for \$112,500, I will need a consensus to enter into  
1247 the contract with DDC for the next phase of the underground utility conversion on Ocean  
1248 Boulevard from 3<sup>rd</sup> Avenue South to 9<sup>th</sup> Avenue South. Council has already approved this project  
1249 and the use of DDC as the engineer for the town for said project. But it is entering into the  
1250 contract for \$112,500 that must be authorized by Council in accordance with the ordinance.

1251  
1252 Mayor Samples: I need a motion.

1253  
1254 Councilman Childs: I move that the Town of Surfside Beach enter into a  
1255 contract with DDC to proceed with the next phase of conversion on Ocean Boulevard from 3<sup>rd</sup>  
1256 Avenue South to 9<sup>th</sup> Avenue South.

1257  
1258 Councilmember Stevens: Second.

1259  
1260 Mayor Samples. There is a motion, Mr. Childs and seconded by  
1261 Councilman Stevens. Any further discussion?

1262  
1263 Mr. Stevens: Mr. Mayor, Ms. Fellner, just to refresh my memory and also the  
1264 citizens' memory, a portion of that is paid back to us by somebody, right? How much is that?

1265  
1266 Ms. Fellner: Yes. It's over 90%.

1267  
1268 Mr. Stevens: Oh how much?

1269  
1270 Ms. Fellner: It's over 90%.

1271  
1272 Mr. Stevens: Over 90%. So 90 % of that will be reimbursed to the town?

1273  
1274 Ms. Fellner: That's correct.

1275  
1276 Mr. Stevens: Alright.

1277  
1278 Ms. Fellner: But we still have to make the appropriation and so we have to  
1279 lay that money out. So I have to get Council's approval.

1280  
1281 Mr. Stevens: Love giving money and getting money back.

1282  
1283 Ms. Fellner: But I still have to get Council's approval to use that money.

1284  
1285 Mr. Stevens: Right. Okay.

1286

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1287 Mayor Samples: Because it is our contract.

1288

1289 Ms. Fellner: Yes, Sir.

1290

1291 Mayor Samples: That is the town contract.

1292

1293 Ms. Fellner: That is correct.

1294

1295 Mayor Samples: Any further discussion?

1296

1297 Underground Utilities: Consensus to enter into DDC contract for the next  
1298 phase of the conversion on Ocean Boulevard from 3<sup>rd</sup> to 9<sup>th</sup> Avenues South. Councilmember  
1299 Childs moved to approved. Councilmember Stevens seconded. All voted in favor. MOTION  
1300 CARRIED.

1301

1302 Ms. Fellner: Mr. Mayor, I would like a consensus going forward to move all  
1303 underground utility projects to the capital projects fund for accounting purposes. They are typically  
1304 three year projects, and although we are technically reimbursed, we still have to appropriate the  
1305 funds and initially pay them out. Basically the facts are, one of the reasons for the establishment  
1306 of the capital projects fund was to account for long term projects. Section 2-187, capital projects  
1307 fund established dates. The capital projects fund shall receive all dedicated tax millage and other  
1308 designated revenue for the storm water project and any subsequent capital project duly approved  
1309 by Town Council.

1310

1311 Other long term projects have already been moved to capital projects. For  
1312 example, beach nourishment, and accounting for long term projects and identifying them  
1313 separately increases transparency and public financial understanding.

1314

1315 And so I would like this approved, this decision paper approved as  
1316 presented.

1317

1318 Mayor Samples: Can I get a motion to approve.

1319

1320 Funds Transfer: Consensus to Move all underground utility projects to the  
1321 capital projects fund for accounting purposes. Councilmember Stevens moved to approve.  
1322 Councilmember Pellegrino seconded. All voted in favor. MOTION CARRIED.

1323

1324 Mayor Samples: Banking services.

1325

1326 Ms. Fellner: Correct. The purpose is to select a bank or depository as  
1327 required by section 2-186 of town code. The facts are that section 2-186 deposits and withdraws  
1328 states all moneys of the town should be deposited in a bank or depository selected by the town  
1329 council. On July 18<sup>th</sup> 2014, the Town of Surfside Beach issued a request for a proposal for  
1330 banking services, to which four banking institutions responded. And the reason we did that is  
1331 because First Federal was taken over by another bank, South State Bank. After reviewing the  
1332 proposals, the finance director determined that the best services, lowest cost to the town, and  
smoothest transition would be to remain with South State Bank, the town's current banking  
provider. The recommendation would be to stay with them and the rational would be South State

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1333 Bank has proposed the lowest cost to the town for all desired banking services and since they are  
1334 our current provider, would offer the smoothest transition. They have worked with us up to this  
1335 point to address any problems we have had in the transition process from First Federal to South  
1336 State.

1337  
1338 Mayor Samples: Can I get a motion to approve.

1339  
1340 Banking Services: Consensus to keep current banking institution for an  
1341 additional four years. Councilmember Johnson moved to approve. Councilmember Mabry  
1342 seconded. All voted in favor. MOTION CARRIED.

1343  
1344 Mayor Samples: Thank you. We now enter our discussion period and  
1345 Ralph, I'm going to -- Mr. Magliette, I am going to turn it over to you, multiple questions. It says  
1346 multiple questions, October 5<sup>th</sup> 2014, email message. Yes Sir.

1347  
1348 Councilmember Magliette: This is a great council because we have  
1349 transparency and we listen to the people of Surfside Beach and we try to do what's best for them  
1350 and like Councilman Pellegrino does when people have questions, they're brought up and the  
1351 administrator will answer them and they're open and above board and there's complete  
1352 transparency. So it's the same thing with a couple of items that I had sent to all the  
1353 councilmembers and what I'd like to do is just have consensus and discuss them very briefly and  
1354 also then the town residents are here or who reads the transcripts would also be able to find that  
1355 information, find it useful or not. So I will just -- I will go very quickly because I see it's late, Mr.  
1356 Mayor, on this but as quickly as I can.

1357 The first one dated October 2<sup>nd</sup> was a note that I had written and I said I  
1358 have two fire department fee revenue questions involving a 2014-2015 budget. Number one, how  
1359 do we have a part-time fire inspector, at a cost of \$18,000 no benefits? The 2014-15 budget was  
1360 to fund this position with the local business fee inspection. The business committee was in  
1361 support of this fee to be paid by the local business. And then secondly, we were to consider a  
1362 charge non-residents only for services provided by the fire department, and automobile, and truck  
1363 accidents to occur within the town limits of the Town of Surfside Beach. The cost of these services  
1364 were to be paid by owners insurance company, it was noted that almost all surrounding towns and  
1365 cities in South Carolina now charge this type of vehicular accident fee. And then the  
1366 administrator, Ms. Fellner, provided us -- the day that I requested it and her response was when  
1367 we brought -- what is the status of these two revenue generating fees. And we brought it forward,  
1368 town council authorized the part-time fire marshal with taxes about \$20,000, but not the inspection  
1369 fee or the Lenovo protection services.

1370 They have not been brought back to Council for discussion and approval or rejection. My  
1371 understanding was we wanted council, one of the inspection fees on Lenovo protection services  
1372 brought back at the visioning meeting. If these fees are not approved, were there any monies for  
1373 part-time fire inspector salaries coming from and responsible as out of the approved budget as the  
1374 fire marshal salary was approved without contingency.

1375 So my first comment open to the council is, what do we want to do? Do we want to  
1376 discuss this now, do we want to wait to the visioning meeting? What's the feeling of my other  
1377 councilmembers on this?

1378

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1379 Mayor Samples: Thank you, Sir. Ms. Mabry?

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1383 Councilmember Mabry: Mr. Mayor, I talked with both fire chiefs about our  
1384 part-time, so I had the privilege of talking to Chief Fox today. The reason we got the ISO rating of  
1385 one was because we approved that part-time fire marshal. So we're going to -- the citizens are  
1386 going to see that \$20,000, they're going to see that over and over again.

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Mayor Samples: Thank you, Sir. Ms. Mabry?

Councilmember Mabry: Mr. Mayor, I talked with both fire chiefs about our part-time, so I had the privilege of talking to Chief Fox today. The reason we got the ISO rating of one was because we approved that part-time fire marshal. So we're going to -- the citizens are going to see that \$20,000, they're going to see that over and over again.

So I don't care how we get the money, I just want to make sure we keep that position so I want to make sure that everybody understood that it wasn't just because we thought it would be nice to have, it really did help the rating.

Mayor Samples: Any other comments? Mr. Pellegrino.

Councilmember Pellegrino: I agree with Ms. Mabry. We need to keep that position. Chief Cimini talked about how we can't get around to every business in a year. We're taking 18 months or more to get around for the required inspections and so we definitely need that position. We did talk about obviously creating that fee for the businesses which many other towns do, most other towns do. And now looking at we're ISO one, they are going to be getting a discounted insurance rate I think would be a good time to start talking about implementing that personally.

Councilmember Mabry: Can we talk about those fees individually?

Mayor Samples: I'm sorry.

Councilmember Mabry: Can we talk about those fees individually?

Mayor Samples: Well that's what Mr. Magliette was asking. You know, do we want to talk about them now or at the visioning and I appreciate the comments.

Councilmember Pellegrino: I'd like to have it be in an appropriate place.  
The visioning.

Mayor Samples: Alright. Well okay, Ralph, visioning it is.

Councilmember Magliette: Very good. Visioning, Thank you. I'm just bringing all this up for transparency, so everybody knows what's going on. There's no hidden agenda with what -- I'm just talking. Okay.

Mayor Samples: I got it. Appreciate it.

Councilmember Magliette: Okay, so I'll speed it up because, like I said, it's getting late. I had on a couple questions because we've gone back and forth on the parking meters and the number of meters and what was in the past, and my question was before the current parking meter contract, how many parking meters did the Town of Surfside Beach own. And the answer, again, the answer is coming from the administrator and the answer was about 110. How many were in working condition? Approximately 87. How much revenue did they

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1425 generate? And the question here was that meters were not broken out, so what I had done, I had  
1426 sent everybody a copy. This is just to get a feel for it so I have a feel for it is, what is the net  
1427 amount of money that we got, that we received after all the expenses are taken out from parking  
1428 revenue. And I had asked Diana King to provide me that data. Everybody got that data and  
1429 basically I have the data and I'll just share the net data, because that's the most important thing to  
1430 me is the net. How much money did we receive as revenue. And I had asked for 2010 through  
1431 2014 and she said to me -- and anyone who's gotten a copy of this -- that the 2010 data was not  
1432 available at this time but as far as net dollars, in 2011 we generated \$160,290. In 2012 we  
1433 generated \$178,927. In 2013 we had a net deficit of \$89,673, because that was the cost of the  
1434 purchase of the meters and through September 30<sup>th</sup> of this year, we have a net of \$219,443. So  
1435 as we can see, we've had a -- I would say a significant increase in the revenue and it's pretty  
1436 remarkable that with Lanier, one could say that Lanier is successful because they've done a good  
1437 job, we've actually seen a nice return on money. So I think \$219,000 going forward through  
1438 September, at least for that part, we've done a pretty good job.

1439 Okay, the third question was, how many full, part-time contract employee  
1440 positions are required to support the parking meter, collections under the old system when the  
1441 town basically took that responsibility? And the answer is, three to four part-time enforcement  
1442 officers but don't forget there are a lot of other hidden fees. IT to reset meters and troubleshoot  
1443 facilities, to work on broken down equipment, of course to finance, process violations, make  
1444 deposits, etcetera. And so this one function was, as I would just like to say and open it up, it  
1445 appears that Lanier has been very successful for us. Our revenue is up and I think that if we look  
1446 at it over a four year period, we've seen significant revenue increase. And that's basically all I  
1447 wanted to bring forward is information to the Council.

1448  
1449 Mayor Samples: Thank you. Yeah, I found it very interesting myself. I did.  
1450 Are there any other comments?

1451  
1452 Councilmember Stevens: In reference to the parking and we did have a  
1453 meeting here on parking, and one of the things I remember when we did the parking, we made a  
1454 amendment, Councilman Pellegrino made the amendment, I seconded it, where we would allow  
1455 parking on the east side -- oh excuse me, the west side of Ocean Boulevard for a temporary  
1456 period. But we never actually addressed how long that temporary period was, and I would like to  
1457 see that addressed because temporary in some people's mind might be 20 years, some people's  
1458 mind it may be only one year or six months.

1459  
1460 Mayor Samples: Well, and I understand, You know, my recollection is, and  
1461 correct me if I'm wrong, but the temporary was attached to the prospect of the town acquiring  
1462 additional parking lots. I think .

1463  
1464 Councilmember: That's correct , it was based on -- Ms. Fellner was working  
1465 on where were create these agreements with land owners -- lot owners to create additional  
1466 parking spots.

1467  
1468 Councilmember Stevens: I would like to see something, if not monthly,  
1469 every two months, letting us have an update on the status of those parking lots.

1470

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1471 Mayor Samples: Well I think you're going to get it more frequently than that.  
1472 Okay? Well I know we're having an executive session, okay.

1473  
1474 Councilmember Stevens: Alright, thanks.

1475  
1476 Mayor Samples: Mr. Magliette, thank you.

1477  
1478 Mr. Magliette: Ladies and Gentlemen, I'm sorry for taking so long, we're  
1479 almost done. Please forgive me. Okay, the next question I had was, what is the status of the  
1480 annexation plan. And the response from the administrator was only one owner was interested  
1481 and he wanted to the town to permanently waive the overlay. Sabrina's also concern with the  
1482 storm water issues as well we could probably get the county to assist as with installing's some  
1483 additional drains and vaults, so I'm not as concerned with that aspect. And then I had a comment  
1484 because we had that large map on the wall there for Business 17, and my comment was looking  
1485 at the enlarged map of the Town of Surfside Beach, I see some individual business locations that  
1486 border the town's limits. But perhaps we can identify and work on those three or four at a time,  
1487 one small step at a time, you know, the low hanging fruit. And the response to that was, after we  
1488 hire the part-time person for CRS, that could happen. If Council wants to have to pursue it, but at  
1489 present Sabrina is slammed. The bad news is, no one qualified applicant has come around so we  
1490 had to re-post the openings.

1491  
1492 Councilmember Mabry: That annexation is a big thing. I mean it's bigger  
1493 than I thought it was. Ms. Morris has got some information. If it's alright, can she share it with us  
1494 because annexation is serious and there's some information that I did not know.

1495  
1496 Mayor Samples: Please, if your prepared. We got handouts, so I guess you  
1497 were prepared.

1498  
1499 Ms. Morris: I'm always prepared. Actually I'm not really sure what Ms.  
1500 Mabry's wanting me to address, but I would like to address the storm water issues. It's all the  
1501 same thing, it's just one packet. Because it did say that that there was a small concern on some  
1502 parts, and first with annexation, I've certainly done this several times before and the very first thing  
1503 you do is your due diligence and you contact the county first.

1504 We did say and we -- I mean I've lived here all my life, I know there's flood  
1505 problems in that parking lot. There have been since it started. So we did contact the county. We  
1506 contacted the county before we even contacted the property owners. And Dave Fuss, which is  
1507 the watershed planner for Horry county, said that there are definitely problems with the storm  
1508 water issues there.

1509 He had Tom Roth contact us which is the Deputy Storm Water Management for the  
1510 county. He explained that part of the problem was a large ditch under county maintenance, behind  
1511 Camping Connection and the Old Time Pottery. It drains out a significant portion of Deerfield  
1512 subdivision and golf courses, so it's just one ditch that gets all that drainage. That water as well  
1513 as the standing water in the shopping center, has to travel through one pipe under Old Time  
1514 Pottery to the east side of Highway 17 discharge into Ocean Lakes Campground.

1515 Two other South Carolina DOT pipes are discharged into the same channel. This  
1516 water travels through several ponds before discharging into the ocean. The county pipe and the

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1517 SCDOT pipes cannot handle large storm loads.

1518 And then we asked about maintenance to the system because for the first time  
1519 ever, the town would be dumping storm water onto the county. And you know here the county  
1520 dumps storm water onto our property so there's a 70-30 match.

1521 So the county cleans out the large ditch behind the shopping center once a year at  
1522 least. The main problem is a lot of trash dumped in the ditch. The county also had to perform  
1523 erosion control and stabilization measures in the Ocean Lake canal pond system due to the  
1524 volume and velocity of water running through there. He said that the county would be happy to  
1525 hand over the maintenance to Surfside Beach if we'd like for them to. He further stated that if the  
1526 water quality was ever to become a problem down stream, the town would definitely have to  
1527 participate in point source reduction, testing and possible TDML which is total maximum daily load  
1528 monitoring and compliance efforts. So that is the main purpose of us not recommending pursuing  
1529 that further.

1530

1531 Councilmember Mabry: Ms. Morris, I got a little bit confused. That water  
1532 does not go into our water shed?

1533

1534 Ms. Morris: It does not, it goes into the Ocean Lake Campgrounds.

1535

1536 Mayor Samples: Thank you any questions for -- Ralph?

1537

1538 Councilmember Magliette: So my question was, I know that you had said  
1539 that you had contacted those four businesses initially and could you please inform us what the  
1540 results of that was?

1541

1542 Ms. Morris: Yes, we heard from three right away and they were absolutely  
1543 no. They were not interested in any kind of annexation. The last -- we actually heard from the  
1544 lessee, leasing agent and they were in -- they wanted to come in and they did and they talked  
1545 about waiving all of our overlay requirements, which the county has a more stringent overlay  
1546 requirement. And also they wanted much larger signs than allowed in the Town of Surfside. I let  
1547 them know that we could not agree to that, that would have to come to council and have to be  
1548 discussed. Then we heard from the owner who said they were not interested. So the leasing  
1549 agent was at least interested in coming to talk, but the owner was not.

1550

1551 Councilmember Magliette: I know you're very busy and my one proposal  
1552 would be if we could look at that enlarged map and there are businesses that are around the edge  
1553 of the limits of the Town of Surfside Beach, if we could identify maybe two or three businesses  
1554 which you thought might be reasonable and to approach them. Is that doable or do you want to  
1555 take a pass because of you're resource limited right now?

1556

1557 Ms. Morris: I certainly don't mind doing that. Actually I'd like to maybe  
1558 consider bringing that to the visioning. That would give me a little extra time. I know it's next  
1559 month but believe it or not that extra time would be greatly appreciated. We're trying to get the  
1560 CRS documents taken care of. So we can certainly bring it back at the visioning if Council wishes  
1561 it.

1562

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1563 Mayor Samples: I think that would be appropriate. Mr. Pellegrino?

1564

1565 Councilmember Pellegrino: And Ms. Morris, and I think the visioning meeting  
1566 is the right place to continue this discussion but, can you also prepare for that? We had -- when  
1567 we previously talked about this, that the benefits that we're trying to sell to --

1568

1569 Ms. Morris: Absolutely.

1570

1571 Councilmember Pellegrino: -- the businesses and include in there some  
1572 more details about the ISO one and how that can help also?

1573

1574 Ms. Morris: Yes, we certainly will.

1575 Councilmember Pellegrino: Thank you.

1576

1577 Ms. Morris: You're Welcome.

1578

1579 Mayor Samples: Thank you. Go ahead.

1580

1581 Councilmember Magliette: I was going to just finish, I have my last item.

1582

1583 Councilmember Stevens: My question to Ms. Morris is, have you looked at  
1584 the property west of Isaiah Drive and Sandy Lane? Because we're already getting their water.

1585

1586 Ms. Morris: That is true, and no we have not. The only annexation that I was  
1587 instructed to look at by council was the area that -- in the area that we're passing around now. But  
1588 at the visioning meeting, if Council as a whole asks me, I'll be glad to look at that. Absolutely.

1589

1590 Councilmember Stevens: Well for example the big storage place. I know  
1591 because I dealt with the place before it was ever the storage place. The building is in the county  
1592 and the parking lot is in Surfside.

1593

1594 Ms. Morris: That is correct, yes.

1595

1596 Mayor Samples: That's not uncommon, you know along Highway 17. I mean  
1597 that's the way that the things developed.

1598

1599 Councilmember Magliette: My last question to the administrator and I think  
1600 this really belongs in our visioning meeting, and the question that I had is, has there ever been a  
1601 Town of Surfside Beach redevelopment plan or business redevelopment survey or study  
1602 performed. And the response was, not that I'm aware of. So obviously there are no copies  
1603 available. And I asked her, where can I find information. So she gave a URL where there might be  
1604 county, state, or federal grants available for economic development corporation and it's in the  
1605 packet and it's available, But if anyone is interested, the website is [http://www.grants.gov/view-](http://www.grants.gov/view-opportunity.html?oppld18193)  
1606 [opportunity.html?oppld18193](http://www.grants.gov/view-opportunity.html?oppld18193). If anyone wants a copy of it, it's available. So to move along, my  
1607 question was -- and this will be the visioning, when we have our visioning meeting, what do we  
1608 need to define as the drivers that will make real progress on business development in the town.

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1609 Any suggestions to make this happen? I was addressing that to our administrator. And she said  
1610 that adopting a more stringent county overlay, create a development plan which includes  
1611 accountability and as major stakeholders at the table, hire a dedicated spearhead to drive it. To  
1612 do it right is a full time job. I did not believe partnering with local colleges or Myrtle Beach  
1613 Regional Economic Development Corporation would have any impact unless you had someone  
1614 continually pressing our interests.

1615 And my other question again was, Conway and Georgetown City are moving forward on  
1616 business redevelopment initiatives. What about Surfside Beach? And again because we've heard  
1617 it up here, we're small town, and the answer to that is that if you read the transmittal letters in the  
1618 past CAFRS, I think you will see that we are accomplishing a lot of things with limited resources.  
1619 We all wear a lot of hats here and we don't have the staffing level that the other municipalities  
1620 enjoy. I would agree with that but I think for our visioning meeting, I think it has to be a top  
1621 priority. I know I believe it and I know Councilman Pellegrino believes it. We need to have a plan.  
1622 A one year, a three year, a five year, a ten year plan on how we're going to develop Business 17,  
1623 bring in new businesses. But for me personally the more important thing is to provide  
1624 employment opportunities for people in Surfside Beach who want work, want part-time work and  
1625 can't find it. That's about all I have on my information packet. Thank you.

1626

1627 Councilmember Pellegrino: Just one comment, that's a good point and I  
1628 have a lot of ideas for the visioning meeting on business redevelopment. But we do have an  
1629 active business committee and I think it would be great if they can meet before our visioning  
1630 meeting and actually establish her recommendations for that through our liaison, which is still Mr.  
1631 Stevens, correct?

1632

1633 Mayor Samples: Correct.

1634

1635 Councilmember Pellegrino: If you guys can create a -- their  
1636 recommendations, their vision for just , you know, nothing elaborate but just the ideas for  
1637 business expansion, business redevelopment for Surfside. To me that would be a great starting  
1638 point for offsite meeting, our visioning meeting.

1639

1640 Mayor Samples: I think that's an excellent suggestion. You think it's doable  
1641 between now and visioning?

1642

1643 Councilmember Pellegrino: Yes.

1644

1645 Mayor Samples: Okay very good, excellent, okay. So we're going to make  
1646 that happen.

1647

1648 Councilmember Pellegrino: Thank you.

1649

1650 Mayor Samples: Yes Sir. Alright any other items, matters of concern or  
1651 information we need to know. Ms. Fellner ?

1652

1653 Ms. Fellner: I do, Mr. Mayor. I have one bit of good news that just was text  
1654 to me by John Adair who is at the CTC meeting and he has gotten \$200,000.00 in funding.

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1655 Mayor Samples: Wonderful, wonderful. That's from the County  
1656 Transportation Committee which is, I don't know what it is, gas tax money or is it gas tax money?  
1657 Yeah. So it's always nice to get some of our gas tax money back. And John, I know everybody  
1658 thinks he's a great guy, but he's also very diligent at representing the town. Okay? Any other  
1659 comments or any items anybody wants to bring up? Mr. Stevens?

1660  
1661 Councilmember Stevens: I have had the pleasure of being a citizen lately  
1662 and having to go to two governmental agencies to apply to the board of zoning appeals. One was  
1663 Horry County, one was Georgetown County. Going there I found the process to be very helpful, I  
1664 learned a lot, but I also found out that the board of zoning appeals basically is -- I've talked to  
1665 these people for a long time in both Horry County and Georgetown County -- is under a federal  
1666 mandate for each municipality and county in the United States to have a fully operative board of  
1667 zoning appeals. And that every citizen when they have a zoning issue, they have a constitutional  
1668 right, to go to that county municipality and be heard. Ed Reed and I sent an email out just recently  
1669 and I was asking about how many appeals we have heard in the Town of Surfside, we haven't  
1670 heard that many.

1671 The fact is, I was sent an email back, but I know from personal experience that I was  
1672 turned down twice and I know another person that was turned down to go before the board of  
1673 zoning appeals and I think we have a problem here if people are not being given their  
1674 constitutional rights. It's a right that we all have, the board of zoning appeals in my opinion is a  
1675 quasi judicial body made up of seven people that hears people who want to have a complaint with  
1676 different things. One of them is to appeal for a variance, where you think the ordinances are too  
1677 strict. The other one is to hear an appeal, the side of appeals where it's alleged that there is an  
1678 error in order requirement decision determination and made by an administrator officials in the  
1679 enforcement of zoning. Another one is to permit useful special exceptions subject to terms and  
1680 conditions used to set forth. Another one is to remand the matter to administrative official by the  
1681 motion of the party so the board can remand it back to them.

1682 I like the idea of having citizens who are property owners who have a stake in this town,  
1683 being able to hear. And I asked the county, Horry County and Georgetown County, you ever turn  
1684 anybody down? They say no, we hear them all. Because that gives us a resolution to each and  
1685 every zoning problem or question that a citizen might have. And I think that needs to be  
1686 addressed sometime in the near future. Why some people don't get a hearing and some people  
1687 do. I think it's a shame that we're not getting those things. That's just my personal opinion after  
1688 being exposed to Horry County and Georgetown County.

1689  
1690 Councilmember Mabry: Can anyone --? I'd like to know why some do and  
1691 some don't. I don't know. I know that there's got to be a reason, ordinance, something.

1692  
1693 Mayor Samples: Yeah, Yeah.

1694  
1695 Ms. Morris: Well I can tell you that if it is a zoning matter, if it involves a  
1696 zoning ordinance, they have been heard. There has been a few that have applied for an appeal to  
1697 the zoning board of appeals that does not qualify because it is not involved in the zoning  
1698 ordinance. It's involved in the code of laws for the town. If it does not -- if it's not written within the  
1699 zoning ordinance itself, the board has no jurisdiction. So if it has to do with an ordinance that  
1700 you're violating, that's the code of ordinances, the board has no authority there. We have turned

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1701 down those that do not qualify because it's not in the zoning. I don't have any appeal for that  
1702 except for maybe circuit court or this --

1703  
1704 Mayor Samples: This body.

1705  
1706 Ms. Morris: This body, exactly. So if it involves zoning or it was a denial or a  
1707 variance request, we certainly would hear it and we would present it to the board. If not, it doesn't  
1708 qualify because the board is not qualified to do that under state law.

1709  
1710 Mayor Samples: Does that seem to make sense?

1711  
1712 Councilmember Stevens: Not exactly. My question would be a few years  
1713 back, I and another citizen were turned down on the board of zoning appeals. It had to do with the  
1714 town violating their own zoning ordinances.

1715  
1716 Ms. Morris: Okay, that was before me, I apologize, I don't know anything  
1717 about that.

1718  
1719 Mr. Stevens: I know it was. I know it was. But I was turned down flat. And I  
1720 wonder to this day why I was turned down flat. The board of zoning appeals could have heard it  
1721 and they could have made a decision whether we were right or wrong. And I think we all have a  
1722 constitutional right to have our day in court regardless of what it might be. It also -- and one of the  
1723 things that it says, and this is from the state law, was a hearing where you can decide appeals  
1724 where there's alleged there's an error in order requiring a decision determination made by an  
1725 administrative official in the enforcement of a zoning orders.

1726  
1727 Ms. Morris: That's correct. And we have an outstanding board of zoning  
1728 appeals. The membership is wonderful, they certainly go by the state law. So I can't answer you  
1729 as to before I got here, but I can certainly answer you from the date I started. We have not  
1730 withheld anyone from going --

1731  
1732 Mayor Samples: Thank you, I appreciate that . I think we've covered it. Any  
1733 other comments?-

1734  
1735 Councilmember Magliette: My comment is I would like the council to  
1736 consider to have another parking workshop to discuss parking issues and the proposed initiatives  
1737 that we might put in place to resolve the parking problems in Surfside beach. And the reason I  
1738 ask that is I think we need to have all the ideas and proposals in an open public session so that  
1739 we can have 100% transparency and maximize citizen participation in the process . I would ask  
1740 council consensus to having another parking committee workshop where we all could work  
1741 together and find a resolution to our parking problems that we have in town.

1742  
1743 Mayor Samples: Thank you Sir, you heard Mr. Magliette's requests, how do  
1744 y'all feel?

1745  
1746 Councilmember Mabry: I would support Mr. Magliette if that's what he'd like.

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1747 Mayor Samples: How about a week from tonight? Alright. I would like to  
1748 pick a date. Yeah, how about tonight. I'm sure we all want -- we all look forward to another  
1749 parking meeting. But Ms. Fellner, provide our options for council?  
1750

1751 Ms. Fellner: I will and I'm serious because I don't know what's on that  
1752 calender with regard to other meetings.  
1753

1754 Mayor Samples: I get it. No, I understand. I understand and to be honest  
1755 with the exception of one of us, I think we're all flexible because one of us has to work for a living.  
1756 And has, you know, obligation. Right, Mr. Johnson?  
1757

1758 Councilmember Johnson: Yes.  
1759

1760 Mayor Samples: Okay, so schedule it as you can so that we can properly  
1761 advertise it and address it and that will actually I guess determine whether or not at the next  
1762 regular meeting we're able to bring parking back. Okay?  
1763

1764 Alright, we're now going to enter our public comment, what is it. Oh. Yeah  
1765 let's go ahead and do the proclamation. Debbie, read the proclamation. It is recognition of  
1766 October. Go ahead, Debbie. Thank you.  
1767

1768 Ms. Herrmann: Proclamation 14-95 Breast Cancer Awareness Month  
1769 October 2014. Whereas as breast cancer touches the lives of Americans from every background  
1770 and in every community across our nation, though great strides have been made in combating this  
1771 devastating illness, more than 200,000 women and although it is rare even some men will be  
1772 diagnosed with breast cancer this year. And tens of thousands are expected to lose their lives to  
1773 the disease.

1774 During National Breast Cancer Awareness month, we honor those we have  
1775 lost, lend our strength to those who can carry on the fight, and pledge to educate ourselves and  
1776 our loved ones about this tragic disease. And whereas though the exact causes of breast cancer  
1777 are unknown, understanding its risk factors is essential to prevention. Older women and those  
1778 who have a personal or a family history of breast cancer are among those at greater risk of  
1779 developing the illness. Early detection is also key in the fight against breast cancer. Getting  
1780 recommended screening mammograms can help to detect breast cancer early. I encourage  
1781 women and men to speak with their healthcare provider about breast cancer and to visit  
1782 [www.cancer.gov](http://www.cancer.gov) to learn more about symptoms, diagnosis, and treatment.

1783 Whereas this month we stand with the mothers, daughters, sisters, aunts  
1784 and friends who have been affected by breast cancer and we recognize the ongoing efforts of  
1785 dedicated advocates, researchers, and healthcare providers who strive each day to defeat this  
1786 terrible disease. In memory of the loved ones we've lost and inspired by the resilience of those  
1787 living with the disease, let us strengthen our resolve to join in the efforts to lead the Town of  
1788 Surfside Beach and the nation toward a future free from cancer in all its forms.

1789 Now therefore as Mayor of the Town of Surfside Beach, I encourage  
1790 citizens, government agencies, private businesses, non-profit organizations and all other  
1791 interested groups to join in activities that will increase awareness of what Americans can do to  
1792 prevent breast cancer.

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1793 Be it proclaimed therefore, I Douglas F. Samples do hereby proclaim this  
1794 14<sup>th</sup> day of October, 2014 that in the Town of Surfside Beach, the Month of October 2014 as  
1795 Breast Cancer Awareness Month.

1796  
1797 Mayor Samples: Thank you. We now enter our public comment period.

1798  
1799

**PUBLIC COMMENTS**

1800 Mr. Ron Ott: 7<sup>th</sup> avenue north. Recently I had a chance to look at a data  
1801 sheet from the Keep Surfside Beautiful and the volunteers that go on our beach and clean up.  
1802 One of the things that jumped out at me was there was over 3,000 cigarette butts. We have an  
1803 ordinance and you can't ask the police to be chasing someone with a pack of Salem's up and  
1804 down the beach, it's just not going to happen. You're not going to stop it. I looked and I see  
1805 where maybe the problem is the signage. We got a sign at every beach access area and it has  
1806 about 15 or 18 do not do this, do not do that. Did anybody here ever read all of those? You know  
1807 there's one in there that says don't leave holes in the sand. Well I think that nobody's reading it,  
1808 it's too much to read when you want to get up there and get your chair and sit on the beach, it's  
1809 just too much. And if we put nice signs out, not don't do this, don't do that. Please, respect our  
1810 beach, we don't smoke on it, ask nicely, nice signs. I think we have a real good chance in maybe  
1811 knocking this down a little bit by asking people nicely.

1812 The other thing is the fireworks. Yeah, I guess with having all those big fireworks sitting on  
1813 the pier, holding out 1000 feet, stopping all those other fireworks from hitting it. Then what we do  
1814 is we're going to cluster everybody and if, you know 15 years ago those fireworks didn't look  
1815 anything like they do today. They were bottle rockets and stuff like that. Today we got --  
1816 everybody's got like these semi-pro type of fireworks, and it's like, well which one do I want to  
1817 watch? So I want to watch this guy's over here or do I want to watch the one coming off the pier.  
1818 Now we're going to cluster them. There must be a law saying that, you know, what kind of mortar  
1819 can this guy over here, that's half drunk, shoot off. Must be some kind of a law that says, does  
1820 anybody look at the firework stores and say okay this guys not selling anything that's going, you  
1821 know, put a big hole in the sand. But we don't know, I think that's what we need to do is -- I like  
1822 fireworks as much as the next guy, but some of them are pretty big that are coming from a regular  
1823 Joe. Thank you.

1824  
1825 Mayor Samples: Thank you Sir.

1826  
1827

1828 Ms. Magliette: Hello, Patty Magliette, 104 Harbor Lights Drive and I'll be real  
1829 quick because it's late. We have November coming upon us, South Strand Helping Hands is  
1830 getting together its Christmas and its Thanksgiving food. I want to thank everybody in town for  
1831 being very proactive and very kind with helping our food bank. We're signing up as I said  
1832 Christmas and Thanksgiving dinners If you have a few spare dollars, I know it's a lot to ask, what  
1833 the South Strand is trying to do is collect -- get turkeys at a very reasonable cost rate. So if you  
1834 have some spare change or a few dollars, they're going to try to buy the turkeys for the most  
1835 economical price, better than we could buy them individually. And because they can do that, and  
1836 because of limited freezer space, they'd rather have our dollars than our turkeys donated. But for  
1837 everything else, if you have anything in your pantry that you cannot stand the flavor of or buy one  
1838 get one free, we appreciate every little bit helps. If you have any old winter coats you're not  
wanting to wear, they can take some clothes and some coats too or unwanted household items

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1839 like blankets. But really for the holidays, it is a joyous thing to be able to feed the hungry and poor  
1840 for the Christmas and Thanksgiving Day dinners, and they are signing up these families starting  
1841 now. So I thank you and I want to say God bless each and every one of you who's helping in this  
1842 cause and may you never have a hungry night. Thank you and goodnight.

1843

Mayor Samples: Thank you.

1844

1845

1846

Mr. Tom Dodge: 15<sup>th</sup> Avenue North. Who in the world would ever believe  
1847 that those ugly, horrible, nasty, awful, parking meters would of brought in \$354,000.

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1849

Mayor Samples: Thank you. Any other comments?

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1851

**COUNCIL COMMENTS**

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Councilmember Magliette: Very, very briefly. The first thing I want to do is I  
1854 want to thank the Keep Surfside Beach Beautiful Committee members and our volunteers and  
1855 friends for the wonderful hanging baskets that they installed. The baskets are on Surfside Drive in  
1856 the Pier parking lot and in the business section of Surfside Drive. And I just want to thank them  
1857 and all the volunteers and efforts that they've done to help keep Surfside Beach beautiful and their  
1858 dedication. We don't really acknowledge our volunteers and I've said that many times and many  
1859 people want to be invisible and want to be anonymous. And so to all the volunteers and to  
1860 everyone who opens their heart to a stranger, who gives money to a charity, who volunteers for  
1861 the Town of Surfside Beach, is a pleasure knowing you and a pleasure living in this town and we  
1862 are truly blessed.

1863

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1871

One other item. The library is going to have a senior bingo day. If anyone  
1864 wants to play bingo, it's going to be Wednesday the 22<sup>nd</sup> of October between 10 and 11:30 a.m.  
1865 They're going to have prizes. It is not age limited so if anyone would like to go to the library and  
1866 play bingo as one of our activities that we're doing in conjunction with the library, again library  
1867 bingo on Wednesday the 22<sup>nd</sup> of October from 10 to 11:30 a.m.. And the prizes are going to be  
1868 really nice books and paperbacks if you're interested. So if you know any seniors or people who  
1869 like to play bingo, please remind them again it's Wednesday the 22<sup>nd</sup> of October, that's a  
1870 Wednesday, from 10-11:30 a.m. Thank you very much, thank you for coming out and God bless  
1871 you.

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1884

Councilmember Pellegrino: Thank you for coming tonight and we always  
1874 appreciate your comments. Just one comment on parking, and I'm glad that we're going to set up  
1875 another parking workshop because we do have some unfinished business, but I explained  
1876 actually the meeting after we made the vote to get rid of the meters during the meeting that I  
1877 received a letter from one of our visitors about parking meters. And after that vote, I wrote them  
1878 back. I actually had to -- they only left a return address so I actually had to get letterhead from  
1879 Ms. Herrmann and actually write, address an envelope and stamp an envelope and type the letter  
1880 and sign it. I hadn't done that in about ten years so it was a good relearning experience. But I  
1881 did get a letter back from them and they did thank me for -- basically all I did was summarized the  
1882 votes we had up to that point and they stated in the first letter that they would never be coming  
1883 back. And in this letter they said they would come back. So although we're not done, I still feel  
1884 like we're making steps in the right direction and some people agree, some don't, but that's -- I'm

Regular Town Council Meeting  
October 14, 2014

1885 actually happy with the direction that parking's going and I'm happy that we're meeting sometime  
1886 in the next couple of weeks so we can resolve the final issues.

1887

1888 Councilmember Johnson: Thank you Ladies and Gentlemen for coming out,  
1889 have a good evening.

1890

1891 Councilmember Mabry: First of all we want to say thank you again to the  
1892 fire department for the ISO of one. I went online to see what that meant. We're one of 84 in the  
1893 country. We're the only small independent fire station in the country. In other words we're not  
1894 getting an influx of money from the county or from a big city, but we're the small town that fully  
1895 subsidizes our own fire department. You don't see a fire tax on your bill. We do it and they have  
1896 taken that and done amazing things with it. So if you ever you see them, be sure to say thank you  
1897 because the paperwork alone is amazing. Again Sabrina Morris working so hard with the CRS  
1898 and the planning and zoning. She's gotten her rate lowered. The paperwork again, these  
1899 regulations are -- they really put you through the ringer. When I ask about what it takes, I  
1900 somewhere get lost in the translation. So our staff is doing a fantastic job and thank them  
1901 because they do wear many hats as Ms. Fellner says. Ms. Fellner does an excellent job. She  
1902 and I work so well together. And thank you again. I threw this at you at the last minute, and thank  
1903 you so much for helping me and thank y'all for coming out.

1904

1905 Councilmember Stevens: Yes, thank you, Mr. Mayor. Thank you all for  
1906 coming out. In the spirit of Thanksgiving, I'm going to make an official challenge to all the rest of  
1907 the Councilmembers, I'm going to pledge \$50.00 for turkeys. It's a tax write-off, Boys, write it off  
1908 your taxes. So I challenge every Councilmember to meet my challenge. 50 bucks, Mr. Magliette  
1909 see me after the meeting.

1910

1911 Mr. Magliette: Will do, thank you, God bless you.

1912

1913 Councilmember Stevens: That's all, thank you and have a goodnight.

1914

1915 Mayor Samples: Thank you. Mr. Childs.

1916

1917 Councilmember Childs: Mr. Mayor, I'd just like to thank everybody for  
1918 coming out and staying around here until 9:00 tonight and that's all I have to say.

1919

1920 Mayor Samples: Thank you I want to express my appreciation to all the  
1921 members. Councilmembers for sticking to business, being professional, civil, and addressing the  
1922 issues as we move forward. I appreciate everybody coming out.

1923

1924 I need a motion to enter into executive session for -- you want to read it, go  
1925 ahead, Mr. Johnson.

1925

1926 Councilmember Johnson: I'll make a motion that we move into executive  
1927 session pursuant to FOIA section 30-4-70A1 and section 30-4-70A2.

1928

1929

1930

Ms. Mabry: Second.

Regular Town Council Meeting  
October 14, 2014

1931 Mayor Samples: There's a motion that's been properly seconded by Ms.  
1932 Mabry. All in favor say I. We'll be back, thank you.

1933  
1934 Mayor moved to adjourn the meeting. Seconded. All voted in favor. **MOTION**  
1935 **CARRIED.**

1936  
1937  
1938  
1939  
1940  
1941

Prepared and submitted by:

Julianne Deveau, AAA Transcribing Service  
Micki Fellner, Town Administrator

*Note: See attached Addendum.*

1946 Approved:

[Redacted Signature]

Douglas F. Samples, Mayor

1950  
1951  
1952

[Redacted Signature]

David L. Pellegrino, Mayor Pro Tempore

[Redacted Signature]

Robert F. Childs, Town Council

1954  
1955

[Redacted Signature]

Mark L. Johnson, Town Council

[Redacted Signature]

Mary M. Mabry, Town Council

1957  
1958

[Redacted Signature]

Ralph J. Maglette, Town Council

[Redacted Signature]

Randle M. Stevens, Town Council

1960  
1961

*Verbatim*

*Prepared by AAA Transcribing Service*

1962 *Note: This document constitutes summary minutes of the meeting that was digitally recorded. Audio*  
1963 *recordings are published on the town website after the meeting (approximately two weeks) until the*  
1964 *minutes are approved and published. You may download the recording to your personal computer*  
1965 *from the website or bring a flash drive to the town clerk to obtain a copy. Appointments to hear or to*  
1966 *obtain copies of recordings should be scheduled with the town clerk, telephone 843-913-6333. In*  
1967 *accordance with FOIA, meeting notice and the agenda were distributed to local media and interested*  
1968 *parties. The agenda was posted on the town website, the entry door at Town Council Chambers, and*  
1969 *in the Town Hall reception area. Meeting notice was also posted on the Town marquee.*

*Respectfully Submitted,*  
[Redacted Signature]  
*Town Clerk*

Regular Town Council Meeting  
October 14, 2014  
CORRECTIONS AND ADDENDUM TO MINUTES

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1           **These corrections and addendum to the October 14, 2014 Town Council Meeting Minutes**  
2 **are submitted for approval by Town Council. AAA Transcription Service prepared the minutes**  
3 **verbatim as requested, but misidentified some speakers, names, and failed to include the meeting**  
4 **portion after the executive session.**

5  
6           **Current Line 138:** Mayor Samples: Mr. Childs. You can relax now, Chief, you did a good job on  
7 your first report.

8           **Correction Line 138:** Mayor Samples: Mr. Childs. Mr. Childs: You can relax now, Chief, you  
9 did a good job on your first report.

10  
11           **Current Line 624:** Councilmember Mabry: They have not met since I've been here.

12           **Correction Line 624:** Director Morris: They have not met since I've been here.

13  
14           **Current Line 629:** Councilmember Mabry: Yes, that is a guarantee.

15           **Correction Line 629:** Director Morris: Yes that is a guarantee.

16  
17           **Current Line 633:** Councilmember Mabry: Yes

18           **Correction Line 633:** Director Morris: Yes

19  
20           **Current Line 637:** Councilmember Mabry: The hearing can be appealed to circuit court.

21           **Correction Line 637:** Director Morris: The hearing can be appealed to Circuit Court.

22  
23           **Current Line 641:** Councilmember Mabry: Yes. Except the construction board of appeals are  
24 qualified for the construction end of it. They are architects, contractors.

25           **Correction Line 641:** Director Morris: Yes. Except the construction board of appeals are  
26 qualified for the construction end of it. They are architects, contractors.

27  
28           **Current Line 647:** Councilmember Mabry: No they do not, it's out of their scope.

29           **Correction Line 647:** Director Morris: No they do not, it's out of their scope.

30  
31           **Current Line 653:** Councilmember Mabry: No, this is a flood zone, not a zoning ordinance.

32           **Correction Line 653:** Director Morris: No, this is a flood zone, not a zoning ordinance.

33  
34           **Current Line 658:** Councilmember Mabry: Yes.

35           **Correction Line 658:** Director Morris: Yes.

36  
37           **Current Line 809:** ... the vote. All in favor. First reading is adopted.

38           **Correction Line 809:** ... the vote. All voted in favor. First reading is adopted.

39  
40           **Current Line 890:** And did I want to add that the ordinance that governs this section 11-7B...

41           **Correction Line 890:** Ms. Fellner: And did I want to add that the ordinance that governs this  
42 section 11-7B...

43  
44           **Current Lines 913, 914, 915, 916:** 14-151 to repeal 7<sup>th</sup> Edition and to adopt 8<sup>th</sup> Edition  
45 Personnel Handbook. Councilmember Johnson moved to approve. Councilmember Mabry seconded.  
46 All voted in favor. MOTION CARRIED.

47           **Correction Lines 913, 914, 915, 916:** *(Transcribed from audio by town clerk.)* Mr. Magliette:  
48 I make a motion. Mayor Samples: To suspend the rules? Mr. Magliette: to suspend the rules. Ms.  
49 Mabry: Second. Mayor Samples: All in favor say aye. All voted in favor. **MOTION CARRIED.**

50  
51           **Current Line 973:** ... would like – is there a consensus.

52           **Correction Line 973:** ... would like – is there a consensus?  
53

Regular Town Council Meeting  
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CORRECTIONS AND ADDENDUM TO MINUTES

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54 **Current Line 994:** Mayor Samples: And so there would be knowledge or belief on the part of  
55 whoever's doing the recording that some quote unlawful activity. Is that fair? [sic]

56 **Correction Line 994:** Mayor Samples: And so there would be knowledge or belief on the part of  
57 whoever's doing the recording that some quote unlawful activity [end quote]. Is that fair?

58  
59 **Current Line 1001:** Councilmember Stevens: I'm going to play devils advocate here. You  
60 know,

61 **Correction Line 1001:** Councilmember Johnson: Mr. Mayor, I'm going to play devil's advocate  
62 here. You know,

63  
64 **Current Line 1238:** consensus to enter into the contract with DDC t for the next phase of  
65 conversion of underground

66 **Correction Line 1238:** consensus to enter into the contract with DDC for the next phase of  
67 conversion of underground

68  
69 **Current Line 1464:** Councilmember: That's correct , [sic] t was based on – Ms. Feller was  
70 working

71 **Correction Line 1464:** Councilmember Pellegrino: That's correct, it was based on – Ms. Fellner  
72 was working

73  
74 **Current Line 1584:** ... the property west of Isaiah Drive and Sandy Lane? Because we're  
75 already getting their water.

76 **Correction Line 1584:** ... the property west of Azalea Drive and Sandy Lane? Because we're  
77 already getting their water.

78  
79 **Current Line 1630:** ... meeting and actually establish her recommendations for that through  
80 liaison, which is still Mr. Stevens, correct?

81 **Correction Line 1630:** ... meeting and actually establish their recommendations for that through  
82 liaison, which is still Mr. Stevens, correct?

83  
84 **Current Line 1643:** Councilmember Pellegrino: Yes.

85 **Correction Line 1643:** Councilmember Stevens: Yes.

86  
87 After Line 1933 and before adjournment, add:

88  
89 **Executive Session**

90  
91 Mayor Samples: I need a motion to enter into executive session. Mr. Johnson: Mr. Mayor.  
92 Mayor Samples: You want to read it? Go ahead. Mr. Johnson: I make a motion that we move into  
93 executive session pursuant FOIA Section 30-4-70(a)(1) and Section 30-4-70(a)(2). Ms. Mabry: Second.  
94 Mayor Samples: There's a motion that's be properly seconded by Ms. Mabry. All in favor say aye. All  
95 members voted in favor. **MOTION CARRIED. (Executive session began at 9:09 p.m.)**

96  
97 Mayor Samples: Are you ready? I need a motion to come back in. Mr. Johnson: Mr. Mayor, I  
98 make a motion that we come back into regular session. Mayor Samples: There's a motion on the floor.  
99 Mr. Stevens: Second. Mayor Samples: There's a second, Mr. Stevens. All in favor say aye. All  
100 members voted in favor. **MOTION CARRIED.** Mayor Samples: There was no action taken in executive  
101 session. I need a motion. **(Regular session reconvened at 10:58 p.m.)**

102  
103 Mr. Johnson: Yes, I make a motion that we authorize the town administrator to hire a full time  
104 combination flood plain manager/GIS coordinator instead of the part time flood plain manager position  
105 that was budgeted. Mayor Samples: There's a motion on the floor. Is there a second? Mr. Magliette:  
106 Second. Mayor Samples: Second Mr. Magliette. Any discussion? All in favor say aye. All voted in  
107 favor. Mayor Samples: That motion is carried.

Regular Town Council Meeting  
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CORRECTIONS AND ADDENDUM TO MINUTES

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**Current Line 1934:** Mayor moved to adjourn the meeting. Seconded. All voted in favor.  
**MOTION CARRIED.**

**Correction Line 1934:** Mr. Johnson: Mr. Mayor, I make a motion that we adjourn. Mr. Stevens second. Mayor Samples: There's a motion Mr. Johnson, second Mr. Stevens. All in favor say aye. All members voted in favor. **MOTION CARRIED.** Mayor Samples: The meeting is adjourned. **The meeting adjourned at 10:59 p.m.**

Prepared by and respectfully submitted,

  
Debra E. Herrmann, CMC, Town Clerk

Approved: October 28, 2014

  
Douglas F. 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

*Clerk's Note: This document constitutes corrections and additions to the minutes prepared by AAA Transcribing and becomes part of the approved minutes as a supplement thereto. The meeting 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.*