



**SURFSIDE BEACH TOWN COUNCIL
REGULAR MEETING MINUTES
APRIL 28, 2015 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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1. CALL TO ORDER.

11 Mayor Samples called the regular meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro
12 Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, Magliette, and Stevens were in
13 attendance. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann;
14 Finance Director King; Planning Director Morris; Public Works Director Adair, and Recreation Supervisor
15 Ellis.

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2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Reverend Jeff Wood from Oasis of Hope Church gave the invocation.

B. Pledge of Allegiance: Mayor Samples lead the Pledge.

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3. AGENDA APPROVAL

Mr. Childs moved to adopt the agenda as presented. Mr. Stevens seconded. All voted in favor.
MOTION CARRIED.

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4. MINUTES APPROVAL

A. Regular Meeting April 14, 2015, and B. Workshop Minutes, April 22 and 23, 2015. Mr.
Childs moved to adopt the April 14, 2015 regular meeting minutes and the April 22 and 23, 2015 budget
workshop minutes as presented. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED**

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

Mr. Harry Kohlmann, South Ocean Boulevard, spoke on the first reading of Ordinance #15-0801
to reduce the hourly rate at the 13th Avenue South and 16th Avenue North parking lots to fifty cents.
Earlier this year, the town eliminated over 138 parking spaces. The plan was to push people into those
parking lots. He understands reducing the fee to attract users, but people would use them anyway. He
thought the town agreed to do “baby steps.” In his personal opinion, the fee should be reduced to one
dollar or at least seventy-five cents; not a 60-percent reduction to fifty cents.

There were no other public comments.

6. COMMUNICATIONS

A. Taste of Surfside Beach check presentation to American Red Cross, Councilmember Stevens and Business Committee Chairman Truett. Mr. Truett presented Ms. Nanci Conley, executive director of the American Red Cross, with a check in the amount of \$6,672 representing proceeds from the sale of passports for the recent Taste of Surfside Beach. Ms. Conley thanked the town for its “out the box” thinking and said she appreciated the efforts on behalf of the Red Cross. Ms. Fellner handed Ms. Conley all gifts turned in by elected officials, staff, and committee members along with all passport registrations, minus elected officials, staff, and committee members, so the Red Cross could draw names to award the forfeited prizes. Ms. Fellner said for the record, “Every staff member, every councilmember, every appointed person whose been appointed by council to a committee has returned every prize. There were ten of them, including one grand prize, and they have all been returned. We

57 have publicly turned them over to the Red Cross along with all of the passports with staff names
58 removed, and the Red Cross will on their own, I guess, redistribute those prizes via a drawing. But, it's
59 not our place to do that. So, that's what's going to transpire."

60
61 Mr. Magliette recommended that the prizes be given to the Red Cross to do with as they wish.
62 Ms. Fellner said that was the intention; the Red Cross may or may not wish to draw from passports as
63 that was the original plan, which did not come to fruition. However, the Red Cross is not compelled to do
64 so.

65
66 Mayor Samples said it was a great event, which supported town businesses, but in fact, the event
67 was set up to raise money for the Red Cross, because the town cannot donate appropriated funds, taxes.
68 Donations in the form of passport purchases was the vehicle used. The event will held again next year,
69 and hopefully, it will be a bigger and better event.

70
71 **B. Employee Awards. i. Mary Lynn Stalnaker, public works, 10-years, and ii. John Adair,**
72 **public works, 5-years.** Mayor Samples presented Mr. Adair with certificates, pins, and awards checks
73 for himself and Ms. Stalnaker, who was unable to attend. (*Standing ovation.*)

74
75 **B. Department Reports.**

76
77 **i. Finance.** Director King presented the departmental report, a copy of which is attached to
78 these minutes and made a part hereof by reference.

79
80 Mr. Johnson asked if the State was withholding \$81,350 for the May Bike Events expenses. Ms.
81 King said yes, the town and the City of Myrtle Beach are the only municipalities that took advantage of the
82 program. The State was asked to hold \$95,000 of the town's accommodations tax revenue for those
83 expenses. When the town receives reimbursement, it will not have to pay 30-percent to the Chamber of
84 Commerce, which results in the town keeping more of its revenue. Mayor Samples said this was done
85 under a Proviso. Ms. King said yes.

86
87 **ii. Public Works.** Director Adair presented the departmental report, a copy of which is attached
88 to these minutes and made a part hereof by reference.

89
90 Mr. Stevens asked how often town lakes were sprayed. Mr. Adair said it depended on the
91 condition and size of each lake. Floral Lake is treated in two or three segments, because of its size.
92 Spraying the entire lake at once would deplete the oxygen level in the water causing a fish kill. Dogwood
93 and Elizabeth Lakes usually only have shoreline algae problems. Every lake is treated differently
94 depending on the water depth, water temperature, etc. Mr. Stevens asked if town businesses were
95 contacted to place their brochures in the town hall welcome center. Mr. Adair said public works only did
96 the construction; he did not know the answer to Mr. Stevens' question.

97
98 Mr. Magliette noticed the weir was adjusted; the water level at Dogwood Lake is down about 13-
99 inches. Mr. Adair said now it is 10.5-inches, which is very close to the permanent level. The weir was
100 adjusted yesterday to continue the water flow to Myrtle Lake so the canal does not get stagnant. The
101 area will be monitored over the next dry days to see how it affects the wetland areas. There is new
102 vegetation growing, and he believes it is almost fully restored to pre-2007 conditions, but still keep water
103 flowing both directions. Mr. Magliette said water collecting data shows turbidity continues to be high,
104 around 11. Historically the base level was 4 or 5. He asked if there was an explanation for the continued
105 high turbidity levels. Mr. Adair said draining the lake two feet prior to the sample being taken had an
106 effect on the reading. He suggested waiting for more readings since the lake is stabilized. If readings
107 continue to be high, then further investigation could be done. Mr. Magliette said at Dogwood Lake the
108 ammonia level was 1 part per million; coliforms were greater than 10,000, which were the highest levels
109 ever recorded since testing began. He asked if those readings might also be a result of lowering the
110 water level. Mr. Adair said Dr. Libes, director of the Waccamaw Watershed Academy and Professor of
111 Marine Science and Chemistry at Coastal Carolina University, told him it could be from lowering the lake
112 and then raising it; newly exposed soil may have had chemical reactions, because it was exposed to air.

113
114 Ms. Mabry expressed thanks on behalf of several citizens who called to say how pleased they
115 were with how clean and neat the town looks.

116
117 **iii. Special Events and Recreation.** Supervisor Ellis presented the departmental report, a copy
118 of which is attached to these minutes and made a part hereof by reference.

119
120 Mr. Childs reminded Ms. Ellis that council wanted her to track the number of people attending the
121 movies so participation could be reviewed next year.

122
123 **C. Administrator's Report.** Ms. Fellner said the budget workshop was last week. Staff is
124 working diligently to make the changes approved, and have the ordinance ready for first reading at the
125 next meeting. She thanked the finance department staff for their hard work. They spent an "enormous
126 amount of time" looking at the numbers and presenting them in a way that would be easily understood by
127 the public. Ms. Fellner stated for the record,

128
129 The two statements attributed to me in the recent *Herald* article were completely false. In
130 the first, the article stated, and I quote, 'Truett said that he had been told all along by
131 Fellner that he would be reimbursed by the town for the purchases he made on behalf of
132 the committee.' I can state unequivocally that this an absolute falsehood and nothing
133 could be further from the truth. The second quote was attributed again to Mr. Truett, and
134 I have no way of knowing if Mr. Truett did say these things, and I quote, 'Our first choice,
135 meaning the business committee's choice, was to hold the event at the town's civic
136 center, but Micki Fellner said we couldn't.' This is also totally false. There was talk of the
137 kick-off at the civic center, and I said I had no problem with that. There was *never*
138 (*speaker's emphasis*) discussion in my presence of the finale being held there, and I was
139 not involved in either the venue decision or the arrangements. I was, frankly, appalled by
140 these statements, and am disappointed that the *Herald* did not even try to reach out to
141 verify them prior to going to print.

142
143 Ms. Fellner apologized for taking this time for a private platform, but she never wanted town
144 residents to be embarrassed by something she did or said.

145
146 Consensus Item: Clarification was requested for the mailing to the town businesses to ask if they
147 wanted to place brochures in the welcome center that both Councilmembers Mabry and Stevens
148 mentioned. Ms. Mabry said an email message was sent asking if the businesses could be contacted by
149 email. She was told that the finance department would have to be contacted and she sent a message to
150 the director. Ms. Fellner said there were some challenges. The \$10,000 budget has been reached and
151 she was directed by Town Council to limit spending to "not a penny more." There is one brochure rack:
152 ten slots are for town and special events, which leaves 70 slots. There are over 3,000 businesses in
153 town. Email information is available for about one-third or less of the businesses; businesses are
154 unwilling to share that information. Another question is who is responsible for refilling the brochures.

155
156 Mr. Magliette expressed concern that this was the first he heard of these questions. He believed
157 all members should have been notified.

158
159 Mr. Childs asked if this could be deferred until more information was available.

160
161 Mr. Stevens believed the brochures would help support the buy-local program, and asked if the
162 matter could be referred to the business committee for recommendations.

163
164 Mayor Samples said one concern of having a visitor center in the front lobby was what effort
165 would be required by town staff to support the work involved in operating a visitor center. He thought
166 council was assured that it would be minimal. There were no discussions about adding staff for the
167 welcome center or mailing out 3,000 letters during the budget workshop. He was reminded of the 50th
168 Anniversary magazine, which was another idea that was not going to cost the town any money. It was

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169 self-supporting through advertising, but it did cost the town money. Mayor Samples said there are
170 citizens who asked him what the town was doing in what they consider to be a non-government function.
171 Civic organizations should operate welcome centers. If the town wants to set up a chamber of
172 commerce, it has \$140,000 annually to make it happen. To expect people to volunteer their time or to
173 make donations to support an ill-defined project was something he could not support. Mayor Samples
174 said no one member on council, himself included, could give direction to staff. Town Council could only
175 direct staff collectively; he was seeing too often that individual councilmember requests were being taken
176 as direction, and he did not like it.

177
178 Town Council **CONCURRED** to defer discussion until more definite information could be
179 presented.

180
181 Responses to public comments:

182
183 *Comment:* Council was asked to approve changes to the C-2 District in Ordinance #15-0800.

184 *Response:* First reading was passed at the last meeting by Town Council. It is on the agenda for
185 second reading at this meeting.

186
187 *Comment:* Faulty information was communicated when the Taste of Surfside Beach Passport
188 was purchased. He did not agree with having to give his email address, but was told it was for the raffle,
189 and he would not have to be present to win a prize. Then the raffle was held at a business that sold
190 alcohol, and he had to be present to win. Those in government cannot participate in raffles, because it
191 was unlawful. He also was told that one councilmember won a grand prize after drawing his own ticket.

192 *Response:* Ms. Fellner said for the record, "There were no tickets drawn by staff or appointed
193 officials. Door prizes and drawings are allowable under the law, but, raffles and games of chance are not.
194 Also, all prizes won by staff or appointed officials or elected officials have been returned to the Red
195 Cross, and they will handle the disbursement thereof."

196
197 *Comment:* The town should have sought legal advice before planning the Taste of Surfside
198 Beach, and the public did not know that attendance was mandatory for the raffle, because they were told
199 that it was not. The resident recommended that a review be held with the town attorney and accountant
200 before planning next year's event.

201 *Response:* The business committee planned the event, not town staff. It was also not made
202 clear to staff that attendance went from not required to mandatory for prize eligibility purposes. This
203 decision was not made by town staff and is clearly not an acceptable practice. Please know that the town
204 will be doing an event critique within the next few weeks to vet all such issues and concerns, and ensure
205 that all are addresses.

206
207 *Comment:* Some landscaping instead of signs on Ocean Boulevard was approved during the
208 workshop, which would decrease the number of poles to 46 and signs to 76, which is much fewer than
209 public works planned. He encouraged Town Council to vote for the parking committee recommendations.

210 *Response:* The total count of all signs, including no parking anytime and directional signage, will
211 total 84 signs on 44 poles. Plans have long been in place to replace signage with landscaping wherever
212 possible; however, this will be done over time.

213
214 *Comment:* Gambling in a place that sells alcohol is illegal, therefore, it was an illegal raffle. She
215 asked for the councilmembers involved to forfeit their winnings and to resign from their public positions.

216 *Response:* According to Section 8 of the South Carolina Constitution, resignation is only required
217 under these circumstances upon legal conviction, and to date there have been no filings regarding this
218 matter. Ms. Fellner said also for the record, "All councilmen, staff, and appointed officials have returned
219 all prizes."

220
221 *Comment:* Council needs to vote on a tent ban. The town is the only area on the Grand Strand
222 that allows tents, and will be inundated with visitors. He stated that council should follow the lead of
223 Myrtle Beach and other municipalities and ban tents on the beach.

224 *Response:* To this point, Town Council has not recognized this to be an issue in Surfside Beach.
225 Should it become a problem, the mayor has stated publicly that the town would address it at that time.
226

227 *Comment:* A resident thanked council for allowing the sunblock trailer, but would like a more
228 visible space. She stated that she was already working with Mr. Adair on the location.

229 *Response:* Assuming the new trailer will fit in the sandy area to the left of the handicapped
230 spaces, without protruding over the blacktop, the electric outlet will be moved to allow the trailer to be
231 placed in that position only after the police and fire chiefs have rescinded their prior objections.
232

233 *Comment:* Another resident said the sunblock trailer should be placed in the sand next to the
234 handicapped spaces. He checked with the police and fire chiefs and was told it would not block
235 emergency access to the beach. The town looks better. He recommended adding mulch to the flower
236 beds on Highway 17 to make it look nice. The dog bags needed to be refilled at the beach accesses, and
237 cigarette containers were not being emptied at the beach accesses.

238 *Response:* Plans to replenish the mulch on Highway 17 was schedule for spring implementation,
239 and has already started. The town has never had doggie bag stations on Ocean Boulevard; most are in
240 the dog park, other town parks, and beach accesses. Public works has plans once landscaping is
241 installed to reevaluate locations for these along Ocean Boulevard.
242

243 *Comment:* A resident was upset with a councilman involved in the raffle who did not forfeit his
244 winnings, which was a conflict of interest. She was disappointed that the businesses were not paid back
245 the \$2,500.

246 *Response:* The businesses were reimbursed, and all prizes were returned.
247

248 Mr. Stevens thanked Ms. Fellner for clarifying that neither any staff member nor councilmember
249 actually drew their own prizes.
250

251 **7. BUSINESS**

252
253 **A. Second Reading Ordinance #15-0799 to amend Chapter 17, Article VI Landscaping and**
254 **Tree Protection, Director Morris.** Mayor Samples noted that a public hearing was held on this
255 ordinance at 6:00 p.m. immediately prior to this meeting. Ms. Morris presented the decision paper and
256 ordinance, copies of which are on file. The only change after first reading was to remove an incomplete
257 sentence.
258

259 Mr. Johnson moved to adopt second reading of Ordinance #15-0799 as presented. Ms. Mabry
260 seconded.
261

262 Mr. Johnson moved to amend Ordinance #15-0799, Section 17-733, paragraph (3) to delete
263 "town clerk" and to insert "town finance director." Ms. Childs seconded. All voted in favor. **MOTION TO**
264 **AMEND CARRIED.**
265

266 Mr. Stevens asked if this ordinance was to address people not getting permits and cutting down
267 trees before building permits were obtained. Ms. Morris said that was correct.
268

269 Mayor Samples referred to Section 17-726 that currently states, "When there is clear evidence
270 that a protected tree or specimen tree poses a hazard, i.e. roots visibly extending under a habitable
271 structure, trees located within 10-feet of the foundation of a habitable structure with visible foundation
272 damage..." He said that sentence caused him "heartburn." In his opinion, the tree should be allowed to
273 be removed before foundation damage occurred.
274

275 Mr. Stevens asked Ms. Morris for alternatives. Ms. Morris said the phrase "visible damage" could
276 be removed and stipulate trees located within 10-feet of the foundation. The paragraph continues by
277 including that the code enforcement official may authorize tree removal for homes with visible foundation
278 damage. If there is no visible damage and the tree is within 10-feet, an arborist, a South Carolina

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279 Registered Forester, landscape architect, architect or engineer may certify the threat, and the permit
280 would be issued to remove the tree.

281
282 Mayor Samples said in his opinion, with the right credentials, an opinion letter was available, and
283 as a practical matter all that was being done was adding expenses. Ms. Morris said staff was not
284 qualified to act as arborist or engineer. Town Council could change the ordinance to simply state 10-feet,
285 if it so desired.

286
287 Mr. Childs said citizens had expressed concern that there was not enough staff to enforce this
288 ordinance. Ms. Morris replied that the department had sufficient staff now. There is a full time code
289 enforcement official who actually cited two violations for trimming this past week.

290
291 Mr. Stevens asked for an explanation of specimen and protected trees. Ms. Morris referred to the
292 list in the ordinance, Table 17-722, that the planning commission and Town Council approved as
293 protected trees. Any tree on the list that is over 8-inches in diameter is a protected tree and specimen
294 trees are 24-inches or greater. Any tree not listed is not protected and could be removed with staff
295 approval. The Live Oak, Laurel Oak and Bald Cypress are landmark trees and have different criteria for
296 removal. Mr. Stevens asked if pine trees were protected. Ms. Morris said only the Long Leaf Pine.

297
298 Mayor Samples asked what the fine would be if someone removed a Long Leaf Pine limb
299 measuring 4-inches without a permit. Ms. Morris said the Long Leaf Pine is a protected tree. Removing
300 the limbs over 4-inches would be a \$500 fine, plus \$500 for failure to obtain a permit. Mayor Samples
301 said conceivably it could be a \$1,000 to remove a 4-inch limb on a protected tree. He asked how many
302 protected trees were on the list. Ms. Morris said 25. Mayor Samples said that Mr. Childs' comment was
303 relevant. He hoped the town did not respond to anonymous complaints. Ms. Morris said staff does
304 respond to anonymous complaints. The two mentioned earlier were legitimate anonymous complaints.
305 Mayor Samples said he understood, but there were different motives around town. He was sure other
306 elected officials had been called to adjudicate neighborhood disputes as he had done. It was not always
307 the police who were tasked with maintaining domestic tranquility.

308
309 Mr. Johnson asked if most of the pine trees in town were not Long Leaf Pines. Ms. Morris said
310 that was correct.

311
312 Mayor Pro Tempore Pellegrino and Councilmembers Childs, Johnson, Mabry, Magliette and
313 Stevens voted in favor. Mayor Samples voted against. **MOTION CARRIED AS AMENDED.**

314
315 **B. Second Reading Ordinance #15-0800 to amend §17-395 to allow additional permitted**
316 **uses in the C2 Central Business District and to remove residential uses as permitted uses in**
317 **certain areas of the C1 Highway Commercial District in accordance with the Town's**
318 **Comprehensive Plan, and to amend §17-202 to allow the planning director or designee to initiate**
319 **amendments to the zoning ordinance, Director Morris.** Ms. Morris presented the decision paper and
320 ordinance, copies of which are on file.

321
322 Mr. Stevens moved to adopt second reading of Ordinance #15-0800 as presented. Mr. Childs
323 seconded. All voted in favor. **MOTION CARRIED.**

324
325 **C. First Reading Ordinance #15-0801 to establish Value Parking – 50 cents per hour at the**
326 **13th Avenue South and the 16th-17th Avenue North parking lots, Director Adair.** Mr. Adair presented
327 the decision paper and ordinance, copies of which are on file.

328
329 Mr. Childs moved to adopt first reading of Ordinance #15-0801 as presented. Mr. Pellegrino
330 seconded.

331
332 Mr. Childs said this was a drastic price reduction, and Town Council would evaluate the success
333 or failure at the end of the season.

334

335 Mr. Pellegrino moved to amend Ordinance #15-0801, paragraph (b) to add "parking lot" after 13th
336 Avenue South" and after "16th – 17th Avenues North." Mr. Childs seconded. Mayor Samples said the
337 ordinance needed to be clear that it did not include Ocean Boulevard parking on 13th Avenue South.
338

339 All voted in favor. **MOTION TO AMEND CARRIED.**
340

341 Mayor Samples said that Mr. Magliette made the point at the budget workshop that this would be
342 evaluated after one year as Mr. Childs mentioned.
343

344 All voted in favor. **MOTION CARRIED AS AMENDED.**
345

346 **8. TOWN COUNCIL DISCUSSION** – Any matters of concern or information to be discussed.
347

348 **A. Amend Chapter 14, Article III, Stormwater Management, Director Adair.** Mr. Adair
349 presented the decision paper explaining that the NPDES permit requires additional regulatory
350 responsibilities by the town, which requires changes to the town code to reference the Enforcement
351 Response Plan. There were several housekeeping issues to be corrected like references to a town
352 engineer; stormwater plans are not required for accessory structures under 200-square feet, and adding
353 that a South Carolina Department of Health and Education Commission (DHEC) Certified Plan Reviewer
354 may review stormwater plans, which is now being done by staff.
355

356 Mr. Magliette asked if any additional burdens were placed on the applicant with these changes.
357 Mr. Adair said no, actually, adding that stormwater plans are not required for accessory structures under
358 200-square feet eliminates the question about sheds. DHEC allows the maximum penalty under Section
359 14-65(5) to be \$1,000; however, the current \$500 amount was not changed, because the town did not
360 want to be punitive.
361

362 Mayor Samples asked when the ordinance would be presented. Mr. Adair said at the next
363 meeting. Copies of the Enforcement Response Plan were available at this meeting, if anyone wanted a
364 copy.
365

366 **B. Ordinance #15-Proposed to Establish Events Policy, Administrator Fellner.** Ms. Fellner
367 said Town Council could choose to adopt an ordinance or change the personnel manual. The proposed
368 language for the personnel manual was distributed, a copy of which is on file. Mayor Samples asked if
369 the language suggested for the personnel manual was consistent with state law. Ms. Fellner said the last
370 paragraph states "The Town Administrator is the sole authority on whether this policy has been violated,
371 except in cases where it has already been defined by state statute." Mayor Samples asked if Town
372 Council preferred to incorporate the policy into the personnel manual instead of adopting an ordinance.
373 **COUNCIL CONCURRED.**
374

375 Ms. Mabry asked if appointed officials meant volunteers. Ms. Fellner said appointed officials
376 would be when Town Council formally appoints people to various committees. This did not include
377 unpaid volunteers. Ms. Mabry said stormwater, planning and zoning, and every committee member
378 would be prohibited from participating. Ms. Fellner said yes. Ms. Mabry said she did not understand not
379 allowing volunteers to participate in town events. They do not get paid, they spend a lot of time in
380 classes. She understood the council and staff not participating, it was a law. But did not understand what
381 difference it would make if people serving on committees were allowed to participate.
382

383 Mr. Stevens did not think the Town of Surfside Beach could make policy for a spouse of a town
384 employee. He believed that was overstepping, because a citizen has no bearing on the town. To answer
385 Ms. Mabry's question, this was brought up because of the Attorney General Congdon's opinion of
386 January 7, 2002. He stated to hold an office of honor or profit, a person does not have to be elected, but
387 may be appointed. The appointed person is somebody that was appointed by a legislative body. The
388 fact is that Town Council, County Council, and other legislative bodies write laws, which is the reason for
389 the prohibition. Under the conclusion, it states that the constitutional prohibition would include, among
390 others, the governor, judges, legislators, city and county councilmembers, law enforcement officers,

391 school board members, assistant attorneys general, assistant solicitors, zoning board members, etc.
392 Therefore, any committee membership is an appointed position of honor.

393
394 Mayor Samples believed a distinction could be made between statutory committees, i.e. the
395 planning commission, accommodations tax committee, board of zoning appeals, and the town's optional
396 *ad hoc* committees. All members are volunteers, but the town must be cognizant of the Attorney
397 General's opinion which did specifically mention the zoning board.

398
399 Mr. Magliette thought *ad hoc* committee members should be exempt, because they were all
400 volunteers trying to help the town and its citizens.

401
402 Mr. Childs agreed with Mr. Magliette. He thought *ad hoc* committees should be exempt from the
403 prohibition.

404
405 Mr. Pellegrino also agreed with Mr. Magliette. However, he would not be surprised if complaints
406 were made if one of the *ad hoc* committee members won.

407
408 Mr. Stevens asked if the town attorney's opinion could be sought regarding exempting *ad hoc*
409 committee members to avoid this type problem in the future.

410
411 Mayor Samples said the point was well made and he believed several other members had the
412 same comment.

413
414 Mr. Johnson asked if councilmembers' spouses should be excluded. Mayor Samples believed
415 that question should be asked of the attorney. Mayor Samples said, "The reason that we have these laws
416 to begin with, okay, is that we are all human and as such, we are all sinners, okay."

417
418 Mr. Child asked if it would be less expensive to ask the Ethics Commission to provide an opinion.
419 Mayor Samples said it would probably be less expensive, but might not satisfy the local concern. The
420 question could be sent to the attorney general, but the discussion was a policy, not an ordinance. Ms.
421 Fellner asked if the attorney's opinion should include whether spouses and *ad hoc* committee members
422 should be prohibited from participating in town events. **COUNCIL CONCURRED.**

423
424 **C. Any matters of concern or information to be discussed by Town Council.** There was no
425 other discussion.

426
427 **9. PUBLIC COMMENTS – General Comments.** (5-minutes per speaker)

428
429 Ron Ott, 7th Avenue North, said the ammonia levels and turbidity rising in Dogwood Lake were
430 about the laws of nature. The system was changed a little; surface water to soil and the volume of water
431 changed which changed the nitrogen system. That made the ammonia level go sky high. That is normal
432 and would stay that way and then gradually balance. Eventually, the nitrate levels will explode and will
433 result in fish kills. When the nitrogen level corrects, the system will be established again. He asked if
434 there was data for how the ammonia level was affecting the ocean. He was concerned about the change
435 to allow the planning director or designee to tweak the ordinance. As long as Ms. Morris was in charge it
436 would be great, but there is always a chance that another designee would change the ordinance to
437 damage the town. He was glad the Taste of Surfside Beach situation was over.

438
439 Wanda Burgess, 15th Avenue South, understood that the trees and landscaping had to be kept
440 legal, but she wanted to see some common sense applied when residents needed to cut trees. About ten
441 years ago she had a tree that was growing roots towards her foundation. Because there was no damage
442 yet, the tree could not be cut down. The inspector knew damage was going to occur, but she still had to
443 pay an arborist to say the tree needed to be removed. Why pay a fee when it was obvious the roots were
444 growing towards the foundation? Let's just interject some common sense, and let code enforcement
445 approve removal before damage happens.

446

447 **10. TOWN COUNCIL COMMENTS**
448

449 Mr. Magliette thanked everyone for attending and their participation. It was really important to
450 have citizen participation. From his point of view, it was good to have 100-percent transparency so
451 citizens knew exactly what was going on. He freely shared data and other information with fellow
452 councilmembers and residents. That was how the town needed to operate. Volunteers are still needed
453 for the Adopt-A-Beach program. There are 41 businesses and individuals who volunteered, but additional
454 volunteers are needed for the larger parking lots. Please contact him if you are interested in serving. He
455 thanked everyone again for attending and doing the needful things. He encouraged his neighbors to
456 attend meetings to see how council operates. He wanted everyone to understand that they could actually
457 trust us [the councilmembers]. You really need to believe that and that councilmembers were responsive
458 to their needs. Yes, sometimes there are problems, but the bottom line was that we need to protect the
459 little gem we call Surfside Beach. We all need to work together. Thank you for attending. Thank you for
460 volunteering. Thank you for participating in local government. Have a safe evening. God bless you all.
461

462 Ms. Mabry thanked everyone for attending. She hoped they were enjoying the weather and that it
463 stayed nice. She was very proud of the welcome center and she wanted to address that. We are a small
464 town. We wear a lot of hats here. We cannot say we are going to only do one thing. Tourism is
465 important to this town. We would not have Surfside Beach, if we did not have [tourism.] Business and
466 tourism make our budget; they make our town. Inviting people to come in, check out our town and see
467 what it is about is a wonderful thing. That is all the welcome center is designed to do. We want you to
468 come in. Grab a map. People come in all the time that do not know where the pier is located. We
469 definitely want to showcase the town's parks, pier, and things like that. It was never designed to have ten
470 people standing there working. It was designed to bring you in, let you get a few information brochures,
471 find out where you are and check the town out. We want people to come into town. Hopefully, next year,
472 they would book reservations here. That would be the best result. She was very proud of that and would
473 not run away from something that she wanted to promote. She hoped everyone would come in a few
474 weeks and see the finished project.
475

476 Mr. Johnson thought Mr. Magliette said it all. He appreciated all of his comments tonight. Thank
477 you. God bless you. Thank you for coming out.
478

479 Mr. Childs thanked everyone for attending tonight. It was a very productive meeting. Thank you.
480

481 Mr. Pellegrino thanked everyone for attending. Mr. Magliette is right, [the town] is a gem. He
482 says it all the time. Ms. Ellis talked about events today. That is another service that this town offers that
483 is really good. There are events throughout the year. Although the Easter Egg Hunt was only 11
484 minutes, my 3-year old had the most fun 11 minutes along with more than 300 other kids. He did not
485 collect the eggs; he picked them up and threw them. He did not know what that meant. *(Laughter)* That
486 is just one other service our town offers. Yes, there were many nonresidents participating, but those
487 people get a "warm and fuzzy" feeling about the town and talk about what a great place it is. That causes
488 other people to visit making the town more successful. Thank you for coming. Have a great night.
489

490 Mr. Stevens thanked everyone for coming out. He supported Ms. Mabry's welcome center, and
491 he would stand behind her on that. He thanked the people who straightened the council out, because
492 they would not have known the laws and attorney general opinions unless somebody told them about
493 them. He thanked Mr. Magliette and Mr. Pellegrino, because during the budget meeting, council decided
494 we need a focus group to work on economic development, planning and marketing. They agreed to
495 serve; a meeting was held, and the group is meeting with the Myrtle Beach Regional Economic
496 Development Council on May 4. Hopefully, that group will help bring businesses to the town. The focus
497 group will also meet with the Chamber of Commerce. He thinks good things will happen with Mr.
498 Pellegrino's and Mr. Magliette's efforts. He was glad they were on council. Have a good evening.
499

500 Mayor Samples thanked everyone for attending.
501

502 **11. EXECUTIVE SESSION Pursuant to FOIA §30-4-70(a)(1) to discuss employment,**
503 **appointment, compensation, promotion, demotion, discipline, or release of an employee.**
504

505 Mr. Johnson moved to enter executive session at 8:07 p.m. Mr. Pellegrino seconded. All voted
506 in favor. **MOTION CARRIED.** Mr. Magliette moved to reconvene regular session at 9:39 p.m. Mr.
507 Pellegrino seconded. All voted in favor. **MOTION CARRIED.**
508

509 Mayor Samples said that no action was taken during executive session.
510

511 Mr. Johnson moved to direct the town administrator to move forward with the personnel matter
512 discussed during executive session. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**
513

514 **12. ADJOURNMENT**
515

516 Mr. Johnson moved to adjourn the meeting at 9:40 p.m. Ms. Mabry seconded. All voted in favor.
517 **MOTION CARRIED.**
518

519 Prepared and submitted by,
520

521 _____
522 Debra E. Herrmann, CMC, Town Clerk

523 Approved: May 12, 2015
524

525 _____
526 Douglas F. Samples, Mayor
527

528 _____
529 David L. Pellegrino, Mayor Pro Tempore
530

528 _____
529 Robert F. Childs, Town Council
530

531 _____
532 Mark L. Johnson, Town Council
533

531 _____
532 Mary Beth Mabry, Town Council
533

534 _____
535 Ralph J. Magliette, Town Council
536

534 _____
535 Randle M. Stevens, Town Council
536

537 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded.
538 Contact the town clerk for appointments to hear recordings. Bring a flash drive to obtain a free copy. In
539 accordance with FOIA §30-4-80, meeting notice and the agenda were distributed to local media and
540 subscribers on the town's Email Updates list. The agenda was posted on the town website and the entry
541 door at Town Council Chambers. Meeting notice was also posted on the Town marquee.