



**SURFSIDE BEACH TOWN COUNCIL SPECIAL MEETING MINUTES
TOWN COUNCIL CHAMBERS
JUNE 20, 2017 ♦ 5:15 P.M.**

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7 **1. CALL TO ORDER.** Mayor Childs called the special meeting to order at 5:15 p.m. Mayor
8 Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples and
9 Stevens were in attendance. A quorum was present. Others present: Administrator Fellner; Town Clerk
10 Herrmann, and Interim Police Chief Hofmann.

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12 **2. PUBLIC COMMENTS – AGENDA ITEMS.** (3 minutes).

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14 Mr. Harry Kohlmann, South Ocean Boulevard supported keeping the ten-foot distance between
15 tents, because this past weekend he saw that the lifeguards cannot get down the beach when the tents
16 are too close together. He did not understand why the restriction was being repealed. In his opinion, it
17 was very dangerous to allow the tents to be placed all together.

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19 Mr. Larry McKeen, 6th Avenue South supported repealing the 10-foot separation rule. Practically
20 speaking, if there is 8 or 10 feet at the dune line for the gators, and the water's edge, lifeguards should
21 be able to navigate the beach easily. Personally, he puts two tents together to accommodate his large
22 family. Separating tents would take up much more of the beach and be inconvenient for the family.

23
24 Mr. Frank Farina, 11th Avenue South supported [Mr. McKeen's] opinion. There should be an
25 emergency lane near the dunes. He asked if the American Civil Disabilities Act (ADA) was considered
26 during the adoption of this ordinance. He did not think tents or shelters could be banned, especially when
27 people have cancer or are afraid of cancer.

28
29 **3. BUSINESS.**

30
31 **Second Reading Ordinance #17-0846 to amend Ordinance #17-0842, §12-67(c)(iv)**
32 **Exceptions, and (d) Beginning January 1, 2018, and to eliminate paragraph (C)ii restricting**
33 **the placement of tents no closer than ten (10) feet to another tent.**

34
35 Mr. Ott moved to adopt second reading of Ordinance 17-0846 as presented. Mr. Courtney
36 second.

37
38 Mr. Stevens began a discussion about the recent shootings in Myrtle Beach. Mr. Ott called *point*
39 *of order* stating not relevant. Mayor Childs asked Mr. Stevens to stay on point.

40
41 Mr. Stevens said if ADA had challenges to restricting tents on the beach, it would have already
42 sued Horry County and the other municipalities that have already banned tents. He believed the distance
43 restriction should remain in place and moved to strike the repeal of paragraph (C)ii, if that was in the
44 ordinance. Mr. Ott second.

45
46 Mr. Ott argued that this repeal had not been considered by Town Council and asked how it came
47 before council. Mr. Stevens had the same question. Ms. Herrmann explained that Town Council is entitled
48 to send suggestions for changes to the clerk prior to the reading of any ordinance. The decision paper,
49 which was sent to all members by email, and printed copies were placed on the dais tonight, states in
50 business item 4. g. that Councilmember Samples requested that paragraph (C)ii be eliminated from the
51 ordinance. The ordinance was amended to state that and copies were delivered in advance of the
52 meeting to all councilmembers. This is perfectly in order. This is how each member brings changes

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53 forward. There is nothing illegal about this. This is the way government works. This is the way the
54 legislative body brings things forward.
55

56 Mr. Ott said after sitting in meetings for 18 years, it was the first time he ever saw this happen.
57 Mr. Stevens agreed 100-percent. No member of council can make a motion and put it into an ordinance
58 without it being brought before the public. Mr. Stevens said the clerk was wrong to put a change in an
59 ordinance without it being brought before the council.
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61 Mr. Pellegrino said Ms. Samples did send an email saying that she wanted to repeal the 10-foot
62 rule. We already knew that was being presented. This happens all the time, because we send an
63 ordinance to committee and changes are made before it comes back to council for a vote. Mr. Ott said an
64 amendment has not been voted on in public. That was missing. Mr. Pellegrino said it was before council
65 to vote on now and we can amend it now. There is a change on the table that we can approve or deny.
66

67 Mr. Stevens argued that the amendment should have been brought up in chambers, not added in
68 advance, but made in public.
69

70 Ms. Samples said to Mr. Stevens' point, we are doing this in public. That is the point of this
71 meeting, and if you would've read the decision paper, item 4. g. it states "Councilmember Samples
72 *requested* (speaker's emphasis) that paragraph (C)ii restricting the placement of tents to no closer than
73 10-feet to another tent be eliminated from the ordinance." We're just making the request. I don't know
74 why you're getting upset. The whole point of this meeting is to discuss this. If you have a problem with
75 the amendment, it's okay. You, Mr. Stevens, getting upset about wrong information is counterproductive
76 to what we are trying to do. Mr. Stevens said in his opinion that Ms. Samples was trying to ram
77 something down council's throat. Mr. Pellegrino asked Mr. Stevens to move forward with his motion.
78

79 Mr. Stevens disagreed with three changes and said he did not remember any of those changes
80 being discussed. Ms. Fellner said that is why we have this meeting. Mr. Stevens moved to repeal all
81 changes marked in yellow to the original wording. Mayor Childs said there is already a motion on the
82 floor. Ms. Fellner said each section includes the use of the word "tents" instead of using language that
83 states what is permitted, i.e. umbrellas and baby tents. The red print is the proposed language to say
84 what is allowed, instead of what is prohibited.
85

86 Mayor Childs said the original intent is to prohibit all tents as of January 1, 2018. Ms. Fellner said
87 right. After that happens, I don't expect that we will have so many umbrellas that it would be a problem.
88 You don't want to require umbrellas 10-feet away from someone you want to visit with. Beach Services
89 lines up to 20 umbrellas for rent. Are you going to require them to be 10 feet apart? They'll cover the
90 entire beach, which will interfere with beach use.
91

92 Mr. Ott said his discussion was about procedures. This was not brought up at first reading, which
93 in his opinion, is when this should have been done.
94

95 Mr. Johnson asked for the motion to be repeated. Mr. Stevens said my motion is to strike the
96 repeal of paragraph (C)ii so tents have to be at least 10 feet apart from 8th Avenue South to 17th Avenue
97 North. (** *several speaking at once.*)
98

99 Mr. Ott said this code exists in other area municipalities and Horry County. It will stop "beach
100 umbrella terrorism," where 50 of them are put together in a round circle so nobody can walk to the surf.
101

102 Mr. Johnson said some councilmembers claim that they've been sitting in chambers for years and
103 this has never happened. That is untrue, because many, many times in my past years sitting on council,
104 ordinances were changed from first reading to second reading. Sometimes all councilmembers know it.
105 Sometimes they don't. That is the truth, whether you want to admit it or not. Let's deal with what we

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106 have before us and move on. It should be simple; it should be quick. Some people just want to drag this
107 out till eight o'clock.

108
109 Mr. Courtney said repealing that paragraph will create a beach with tents and umbrellas on top of
110 tents and umbrellas. A resident from 6th Avenue South sent an email message that I want to read:

111
112 Dear Micki, I know you're busy. Quick question, do you know what the basis for the need
113 to separate the umbrellas by 10 feet edge to edge is? I cannot come up with a valid
114 reason given Mr. Courtney's argument about safety. Perhaps it's to allow access to the
115 entire beach by emergency vehicles. If that is, it is an invalid reason because a family
116 can't fit under one umbrella and chairs, coolers, boogie boards, games are going to be
117 spread out in that open space. When my extended family is here in a few weeks, we will
118 put up three umbrellas and claim all the space between them with other chairs, etc.

119
120 Mr. Courtney asked if Ms. Fellner received that message. Ms. Fellner said yes. Mr. Courtney said
121 this is the problem. People are writing telling us they are going to bind tents together.

122
123 Mr. Ott explained that tents should be that far apart so he could walk to the edge of the beach
124 with his grandchildren without taking a meandering route. It's respect and consideration for other beach
125 users. Boogie boards and games don't need to be under an umbrella. I've called numerous beaches on
126 the east coast. No tents are allowed in Florida.

127
128 Mr. Pellegrino said he must use a different beach in Florida. I run on the beach and often take
129 my four kids to the beach. It disturbs me that we've wasted so much time on this, because it is not a
130 problem. I can't stand when we justify stuff with public safety, because we have some big firemen and
131 I'm pretty sure they could manage an umbrella that was in the way. We made a political decision for the
132 small minority and justified it with public safety. The 10 foot rule is too much. We're already limiting
133 everything; we may as well start renting spots by the square foot. Is that where we're going with this
134 regulation? We need to get rid of all these rules.

135
136 Mr. Ott reiterated that the restriction exists everywhere along the Grand Strand and does not
137 cause problems. I'm the one that asked that tents be prohibited on the south end because there is no
138 beach. You're lucky if there is 6 feet between the water and the dune line at high tide.

139
140 Mr. Courtney said regarding Mr. Pellegrino's comment about public safety, this is what council
141 does. We are a legislative body. Rules and regulations are necessary. I don't want overregulation, but
142 public safety comes first. Some of our firemen and volunteers are not big and strong. During cardiac
143 arrest you have three to five minutes to start defibrillation. If you have to move coolers, surfboards, and
144 tents to get to the patient, you won't get a defibrillator or cart on the beach in time. Regarding ADA,
145 there has to be space to allow wheelchair access. I am on the beach on the south end daily during the
146 summer and constantly see people sitting on top of each other at mean high tide. That is why we need to
147 10 foot rule and I don't understand why it was taken out.

148
149 Mayor Pro Tempore Ott, and Councilmembers Courtney and Stevens voted in favor to strike the
150 repeal of the 10-foot rule. Mayor Childs, and Councilmembers Johnson, Pellegrino and Samples voted
151 against. **MOTION FAILED.**

152
153 Mayor Childs said if there was no other discussion on the motion to adopt second reading of
154 Ordinance #17-0846 as presented, a vote would be taken.

155
156 Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney and Stevens voted in favor.
157 Councilmembers Johnson, Pellegrino, and Samples voted against. **MOTION CARRIED.**

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4. ADJOURNMENT. Mr. Johnson moved to adjourn the meeting at 5:46 p.m. Mr. Pellegrino second. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by Debra E. Herrmann, CMC, Town Clerk

Approved: July 10, 2017

Robert F. Childs, III, Mayor

Attest: _____
Debra E. Herrmann, CMC, Town Clerk

Approved

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