



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES  
REGULAR MEETING SEPTEMBER 12, 2017 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

**Town Council Meeting – 6:30 p.m.**

**1. CALL TO ORDER.**

Mayor Childs called the regular meeting to order at 6:30 p.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples, and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann; Deputy Administrator Harrah, and Police Chief Hofmann.

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

**A. Invocation:** Pastor Oakie Landers, Pine Drive Gospel Church, gave the invocation.

**B. Pledge of Allegiance:** Mayor Childs led the Pledge.

**3. AGENDA APPROVAL.**

Mr. Ott moved to adopt the agenda as presented. Mr. Stevens second. All voted in favor.  
**MOTION CARRIED.**

**4. MINUTES APPROVAL. Special Meeting August 19, 2017; Executive Session and Regular Meeting August 22, 2017, and Workshop August 26, 2017.**

Mr. Ott moved to adopt the minutes of the special meeting August 19, 2017; executive session and regular meeting August 22, 2017, and workshop August 26, 2017 as presented. Ms. Samples second.

Mr. Courtney objected to approval of the workshop minutes from August 19, 2017, and referred to line 44, stating "Without consensus of council?" As of this meeting, he had not received an answer for the question 'does council needs consensus to have an attorney present.' Mr. Ott said the question was whether council should give consensus to bring an attorney to represent the town who is not the regular town attorney. Mayor Childs reiterated that consensus of council is not required based on the information he received. Mr. Courtney said to set the record straight that you do need consensus. Mayor Childs disagreed. Mr. Johnson called point of order, and said the motion is to adopt the minutes, not debate legal counsel.

Mayor Childs said point taken, and called for the vote. Mayor Childs, Mayor Pro Tempore Ott and Councilmembers Johnson, Pellegrino, Samples and Stevens voted in favor. Councilmember Courtney voted against. **MOTION CARRIED.**

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

Mr. Tom Dodge, 8<sup>th</sup> Avenue South: This is in regard to item number 6 on the agenda. This is, this is a series of questions merely to clear the air. People in town have a lot of questions about what happened recently, and I took it upon myself to try and clear the air, and these will be in questions. Did we hire an assistant administrator or deputy administrator? Number 2, did we advertise the job? Number 3, is it not the law that a job opening is posted and advertised? Number 4, is it true that a sheet of paper listing what the applicant had done in the past was given to council people? Number 5, my understanding is that the applicant's name was not on the sheet of paper. Is that true? Number 6, wasn't his salary set

54 at \$35,000 at the council meeting when he was hired? Number 7, did this person get a 100-percent pay  
55 raise even before he started to work for Surfside Beach? Number 8, who were the councilmembers who  
56 voted for this 100-percent raise? This hiring smells like old fish, not two days old, but two weeks old. I  
57 am requesting this information so I can work hard to unseat all who voted in favor of this in the next  
58 election. I hope as a group you will vote tonight to rescind your vote of last Friday when you voted to  
59 give the town pocketbook to the administrator for the next 56 days. If all of this is true, our two-mile  
60 town is spending over \$200,000 in the administrator's office.

61  
62 Ms. Sherry Wardle, 1st Avenue North: The agenda item that I'm gonna talk about is concerns of  
63 Town Council. I think that's item G, 8G, something like that. Seems to me that there is an issue that  
64 should be discussed about the legality of bringing in an attorney for the emergency meeting that wasn't  
65 on call or, or isn't our contracted attorney, and as far as I know, I believe that there's supposed to be an  
66 attorney present at every meeting. What are we paying the attorney that we have on contract (\*\*), and  
67 what we paying him for, I should say. Cause he should be here, and he's representing the town, not the  
68 administrator, not any of the paid personnel. He represents the town. Now, I listened to that recording,  
69 and I know it's an embarrassment to a lot of people sitting up here that you allowed that to happen.  
70 There's definitely a double standard here that a director was fired for so-called recording private  
71 meetings with her boss and yet in executive session, which is prohibited from being recorded, was  
72 recorded at the administrator's request, and where was our attorney that you brought in, Mr. Mayor, to  
73 advise the town that that was illegal? We paid him for that, didn't we? We paid him for that lack of advice  
74 that he gave to council. All I'm saying is that I think you all better wake up. I think everybody here in this  
75 building right now better wake up and see just exactly what's going on here.

76  
77 Ms. Holly Watson, Oak Drive North: Good evening Mayor and Council. I want to talk about 8C,  
78 and then I'm gonna, regarding number 6. I remind you we awarded purchases to our favorites without  
79 proper bidding procedures, and as you will recall, I asked that that we follow state law regarding the  
80 town's purchases so that the taxpayers of our small town would get the benefit of competitive bidding  
81 and reduce our costs. I also asked that we feverishly apply for the RIA grant, which we eventually did  
82 receive, and I'm asking again if we continue to search for any and all grants available to our town, since  
83 many more millions are being obtained by the surrounding areas, but not here, again costing our citizens  
84 and businesses needed dollars. Regarding article number 6 on the agenda, the administrator's report  
85 about the most recent hiring. It appears she's given us an overview of the applicant's education, but not  
86 explained why this job was never advertised. Current employees cannot apply for promotion or why we  
87 have no affirmative action or EEO plan. Myrtle Beach has an excellent plan for hiring. Let's follow theirs.  
88 These standard ethical business practices are the norm for millions of local governments and businesses.  
89 Our federal and state tax dollars depend on our town being fully in compliance and to do otherwise, puts  
90 our entire town in jeopardy and at risk for losing federal and state funding. I am imploring you to correct  
91 these unethical practices by whatever means necessary. I am not on a personal vendetta here. I just  
92 want our town business to be run ethically, legally and correctly. Something that it appears from the  
93 news has not been done and continues to put us in jeopardy. Thank you.

94  
95 **6. COMMUNICATIONS. Administrator's Report.** Ms. Fellner presented the written report, a  
96 copy of which is attached hereto. She noted that a lot of beach sand was lost during the tides and wind  
97 that were caused by Hurricane Irma, which fortunately did not hit our town directly. FEMA assures us  
98 that the funds for the pier will be forthcoming, but due to the storms the funds might be delayed. The  
99 Army Corp of Engineers will come back and shoot elevations on the beach and tell us exactly how much  
100 sand we have lost. Then we'll see where we go from there. Meanwhile, they're going to continue the  
101 project through Garden City, and that is the plan at this time. Mediation of the Lazar suit is being  
102 scheduled in October. Ms. Fellner added that she was promoted to deputy administrator in the very same  
103 way that Mr. Harrah was hired.

104  
105 Mr. Ott asked if laws changed in the flood zones in regards to the pending suits. Ms. Fellner said  
106 these suits must be carried through if the town wants to achieve a certain CRS rating. One requirement is

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107 that you cannot enclose a first floor and make it a living space. There are only certain things that you can  
108 have on the first floor in a flood zone. Mr. Ott asked if the code changed after these were enclosed. Mr.  
109 Fellner said no, these would not have been grandfathered, but there are extenuating circumstances in  
110 both cases, but they were both slightly different. Mr. Ott said there was never any doubt in Mr. Harrah's  
111 qualifications. In fact, I did say in executive session that these qualifications were almost too good to be  
112 true for the salary that was quoted to us at that time. Ms. Fellner said the salary I quoted was \$67,500.  
113 Mr. Stevens said no, ma'am. Ms. Fellner said yes, sir. Mr. Ott said he had the floor, and continued saying  
114 the other fact is that I thought that we would advertise the position and review resumes, and that Mr.  
115 Harrah knew that, but he would be almost 1st in line with his qualifications. Ms. Fellner said that was  
116 absolutely correct. There will be an application process for the town administrator position. I was very  
117 upfront and shared that with Mr. Harrah prior to him coming accepting the position so that he would  
118 know that. Hiring the administrator is a decision that council makes. Council looks at all the applications  
119 that come; they decide who they want to interview, and that is a standard practice. Mr. Ott said okay,  
120 and asked if Mr. Harrah had a contract. Ms. Fellner said no, I am not able to offer a contract according to  
121 the ordinance. Mr. Ott said thank you very much.

122  
123 Mr. Stevens referred to the lawsuits as noted in the administrator's report and presented  
124 information he found at the 15th Judicial Circuit website. Mr. Stevens' comments follow "Update:"

125  
126 i. PB&Z related (dock) – Rempfer (pending) *Update:* Summary judgment issued; this was not  
127 P&Z related. The suit came about because a special meeting was held July 12, 2013 when second  
128 reading of Ordinance 13-0751 was adopted to prohibit docks by four members of council. Ms. Fellner said  
129 she did not understand what the issue is here. Mr. Stevens said the issue is that you state is it P&Z  
130 related, but a law was passed by council. Ms. Fellner said it is PB&Z related, because that is where all of  
131 the files are located. A dock is under the purview of the planning, building and zoning department that is  
132 why that states PB&Z related. Mr. Stevens said it may be under P&Z, but that isn't why the law suit was  
133 filed. The suit was filed because he thought the then mayor was attacking him. Ms. Fellner said she  
134 would not argue that point.

135  
136 ii. PB&Z related (enclosing first floor in a flood zone) – Rempfer (pending) *Update:* remanded  
137 back to construction board of appeals and has been solved. Ms. Fellner said it is still pending. Mr. Stevens  
138 said it is not in the courts. Ms. Fellner believed one case came out of probate and the case may be under  
139 Cheryl DeFalco, Mr. Rempfer's surviving spouse.

140  
141 iii. PB&Z related (enclosing first floor in a flood zone) – Lazar (mediation being scheduled)  
142 *Update:* I consider this a problem with real estate where Mr. and Ms. Lazar sued several entities and  
143 individuals, including the town, and the title company. This is currently in mediation.

144  
145 iv. PB&Z related (ownership determination of Myrtle Swash southern bulkhead) – Ned's Cove  
146 (pending) *Update:* That case has more to do with public works because hold harmless agreements are  
147 issued by public works and is required before any bulkhead work is done. Ms. Fellner said all the  
148 documentation for the first four cases came from the planning, building and zoning department files. Mr.  
149 Stevens said they may have, but public works has to have the hold harmless agreement executed. Ms.  
150 Fellner said there was no hold harmless agreement in this case.

151  
152 v. Police related (wrongful death action) – Estate of Billy Ann Waylon (pending) *Update:* [no  
153 comment made on this case by Mr. Stevens.]

154  
155 vi. Administration related (wrongful termination) - Donevant (being reviewed by the SC Supreme  
156 Court) Summary judgment issued. *Update:* You were right on this case.

157  
158 Mr. Stevens said you just said that a person was hired at \$67,000. Ms. Fellner said \$67,500. Mr.  
159 Stevens said I remember that executive session. I voted against hiring, because I didn't have any

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160 information. I met Mr. Harrah over at the P&Z office. He seems to be a very nice man, and has got  
161 qualifications, but the fact is that \$35,000 was mentioned; never \$67,500. Ms. Fellner said I dispute that.  
162 Mr. Stevens said that is absolutely the facts and I will swear on 10,000 stacks of Bibles. Ms. Fellner said I  
163 will continue to dispute that fact. Mr. Stevens asked if Mr. Harrah's part time position in the police  
164 department would be a conflict of interest. Ms. Fellner said that Mr. Harrah no longer works for the police  
165 department. Mr. Stevens said until he received the resume in this meeting package he didn't know  
166 anything about Mr. Harrah. Had you given us this type information during executive session, we could  
167 have made an educated decision. You failed to fulfill your fiduciary duty to keep us informed, in my  
168 opinion. Ms. Fellner said six people voted for the hire in the public session. I actually had given his name  
169 two months before when we were talking, but I did not at that meeting. Mr. Stevens said then, you did  
170 not fulfill your duties to inform Town Council. Ms. Fellner said I dispute that as well.

171  
172 Ms. Samples said I dispute so much of what Mr. Stevens just said, but I won't belabor it at this  
173 moment. Yes, you did tell us in executive session exactly what the cost was and when we asked you, you  
174 gave us is that information and his qualifications, you made it very clear that you did not want to share  
175 his name at that moment, because he had not left his current position, and that you did not want to  
176 share that information knowing that that information would get out, and that it would be unfair until  
177 council agreed. Ms. Fellner said that's correct. Ms. Samples said I just want to clear that up amongst  
178 other things, but most importantly to me about your administrator's report is FEMA and the pier and even  
179 though with the last two hurricanes, Harvey in Texas and obviously with Irma, I have been concerned  
180 about the funding to us from FEMA, but what you've told us tonight makes me feel better about the fact  
181 that potentially there will not be a holdup and funding for us to do what we need to do as it relates to  
182 rebuilding our pier. Is that correct? Ms. Fellner said that is the hope. Ms. Samples said because I think  
183 that's the most important thing that we have to discuss, quite frankly, is the funding of that pier, and the  
184 building and the rebuilding of that pier. We all know that it has such an economic impact on our town  
185 and our residents that I just want to make sure that any potential delays... Ms. Fellner said there can  
186 always be a delay, but there is no reversal of eligibility. Ms. Samples said that's huge. Thank you. I  
187 appreciate that.

188  
189 Mr. Pellegrino said in those discussions, I believe it was pretty clearly explained what the  
190 situation was as far as Mr. Harrah's credentials and whatnot, and we did go ahead and make a decision,  
191 which I was part of, obviously. The important point is that Ms. Fellner stated very clearly that when the  
192 time comes to hire another administrator, we would go through the advertising and interview process to  
193 pick the right person.

194  
195 Mr. Courtney asked who is mitigating the lawsuits. Ms. Fellner asked what he mean by  
196 mitigating. The town attorney Mike Battle is mediating them. These are with Mr. Battle, because they're  
197 not covered under the MASC (Municipal Association of South Carolina) policy. Mr. Courtney said is Mr.  
198 Battle present at every mediation. Ms. Fellner said at these, yes. Mr. Stevens said based on his  
199 experience that mediation is usually an independent attorney that is appointed by the courts. Ms. Fellner  
200 said there's a mediator, but our attorney is present at the mediation. Mr. Courtney asked why the  
201 executive session he requested and to which council concurred was not on the agenda. Ms. Fellner said  
202 one reason is that it had to do with the organizational chart, which is not covered under protections  
203 under the Freedom of Information Act. Mr. Courtney said it's personnel matters, correct? Ms. Fellner said  
204 not necessarily unless you want to talk about people. I didn't know what you wanted to talk about. The  
205 other thing is our attorney has suggested that we not have executive session any longer. Mr. Courtney  
206 asked who the attorney is. Ms. Fellner said Mike Battle. Mr. Courtney said at the last meeting Mr.  
207 Pellegrino and I both said that the organizational committee is all about personnel matters. Ms. Fellner  
208 said except council disbanded the organizational committee at the last meeting. I had consensus for an  
209 executive session at this meeting and that's why I voted no to the minutes. Ms. Fellner said I told the  
210 clerk exactly what to say to you about the organizational chart not being protected. That's number one,  
211 and what the attorney said and that's number two. If you didn't like that and still wanted an executive  
212 session, I did not hear that back from the clerk or from you. Mr. Courtney said it was right here in the

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213 minutes. *For the record*, it's line, it's on the August 22nd meeting 2017, line 627 through line 631. There  
214 shouldn't have been any discussion; the executive session should be on the agenda. I spoke with the  
215 clerk, and she said that you had spoken to an attorney. I think, to be honest, you need to have an  
216 attorney here at every council meeting, because this is getting out of hand.  
217

218 Ms. Samples asked if a motion could be made to enter executive session to discuss personnel  
219 matters or the organizational chart. Mr. Ott said it's not on the agenda. Ms. Fellner said you can go into  
220 executive session. Ms. Samples said if he wants to go into executive session to discuss the organizational  
221 chart he can make the motion. Mr. Courtney moved to enter executive session to discuss the organization  
222 chart. Mr. Stevens second. Ms. Samples asked when he wanted to enter executive session. Ms. Herrmann  
223 said the proper time for that motion is when the business items are opened. This time is the  
224 administrator's report. Mr. Courtney withdrew the motion, saying I'm sorry, and let's go on. He asked  
225 who is sitting as the planning and zoning director. Ms. Fellner said there is no director, the department  
226 staff is reporting directly to the deputy administrator. Mr. Courtney asked if Mr. Harrah was writing or  
227 approving permits, and if he had a CBO designation. Ms. Fellner said he is a CBO. I don't believe he is  
228 signing off on permits, but he is overseeing staff. There's a number of issues, and I believe I sent  
229 everyone an email earlier today regarding some of them, and there are additional ones that are being  
230 looked into. Mr. Courtney asked Mr. Harrah if he was sitting in as planning and zoning director. Mr.  
231 Harrah said no, but staff has been reporting to me. Mr. Courtney asked Mr. Harrah if he had issued  
232 permits. Mr. Harrah said I have not issued a permit personally, but I've overseen Mr. Farria, the building  
233 official, issuing permits. This is the same email that I got today with the building official. You're letting  
234 him write the permits. After the email I got today he is writing the permits. Ms. Fellner said yes, at this  
235 time he is. Mr. Courtney asked how Mr. Harrah can do both job, sit as planning and zoning director and  
236 be deputy administrator. Ms. Fellner said actually the Burkhold Report call for that. Mr. Courtney said that  
237 report is so old. I've read it about two years ago. Ms. Fellner said it still makes a lot of sense about some  
238 things. We are the same size; we have the same amount of employees that we did then. Mr. Courtney  
239 said you are downgrading the departments. Ms. Fellner said no, I have not made any decision. Mr.  
240 Courtney said you put Mr. Harrah as director. Ms. Fellner said I did not put him in as director. He is the  
241 deputy administrator right now. Probably 60-percent of his time is gonna be spent working with that  
242 department. Mr. Courtney said the building official is writing the permits at this point. Ms. Fellner said  
243 under the guidance of the deputy administrator. Mr. Courtney asked if this is the same one referred to in  
244 today's email. Ms. Fellner said yes, because there are some significant issues there. Mr. Courtney said  
245 this is why we need to go into executive session.  
246

247 Mr. Ott referred to 3.A.vi. and said we spoke a while ago and I gave you a situation where there  
248 was a set of hearing minutes that is missing from the zoning appeals log. Did you look into that as it  
249 would help in this case. Ms. Fellner said I actually asked the director at the time about that and was told  
250 that she would look into it. I also asked the clerk if she could find any minutes relating to it and she  
251 looked into it she could not find anything. Mr. Ott said I still have the written minutes, if you would like to  
252 see them. Ms. Fellner said that would certainly be helpful. Mr. Ott said he would bring them to you  
253 tomorrow.  
254

255 Mr. Stevens referred to special meeting to declare a state of emergency and after a lengthy  
256 discussion asked council to concur to repeal the ordinance and resolution declaring a state of emergency.  
257 Ms. Fellner explained that before the state of emergency can be lifted, the state has to evaluate all  
258 damages throughout the state and go through this process. I don't think the town will meet that  
259 threshold. There were three trees down, some wires down in town. Mr. Stevens said he was only  
260 concerned with the town, and the administrator had 60 days to spend money, but nothing to spend it on.  
261 Ms. Fellner asked what he thought would be spent.  
262

263 Mr. Johnson called *point of order*, and said he believed Mr. Stevens should direct that question to  
264 Fire Chief Otte. He is the point man for the state and he could direct us. Mr. Stevens disagreed.  
265

266 Ms. Samples asked if an ordinance was required to repeal the state of emergency. Ms. Fellner  
267 said yes. Ms. Samples said if anything occurs as a result of this storm, the town would be protected  
268 financially under the state of emergency through the State Emergency Funds. Ms. Fellner said yes. Ms.  
269 Samples was not sure why Mr. Stevens had issue, but if he was so inclined to cancel it, it must be  
270 brought back as an ordinance. Ms. Fellner said we don't know what occurred at the two older swashes,  
271 and they are a concern, in her opinion.  
272

273 Mr. Stevens asked again for consensus to bring a resolution to repeal the state of emergency,  
274 because there is none. **CONCURRENCE FAILED.**  
275

276 Mr. Ott asked if the bridges had been checked for damages that could be submitted as claims.  
277 Ms. Fellner said the engineer is almost finished with the Myrtle swash culvert bridge documents, which is  
278 the project for the Rural Infrastructure Authority (RIA) grant. He has a little more permitting to do. When  
279 he inspects the bridge, we are going to have him look at the next bridge up, which is 10<sup>th</sup> Avenue at  
280 Dogwood lake, because that's the next oldest. It's the same kind of bridge built around the same time,  
281 and it's probably got a similar type of deterioration in the infrastructure itself. Mr. Ott said there is a  
282 chance that we could have something there. Ms. Fellner said yes, there is.  
283

284 Mr. Stevens said Myrtle swash is already in the budget; there is no reason to spend emergency  
285 money on it. Ms. Fellner said I didn't say to spend emergency money for it.  
286

287 Mr. Courtney referred to the Donevant case for wrongful termination and said the report states it  
288 is in the Supreme Court; how much has this cost the taxpayers for defending this action? Ms. Fellner said  
289 it's actually covered by the MASC, our insurance carrier. It does affect the moderator which goes up so  
290 we pay more we pay more for our insurance, but after three years it drops off. This has been an  
291 expensive case, because it's gone all the way to the Supreme Court. But, MASC feels it's a really  
292 important case. Mr. Courtney asked if we pay them. Ms. Fellner said they are our insurance carrier and  
293 they covered this particular case. MASC did not cover the PB&Z related ones. Mr. Courtney said the case  
294 on the bulkhead should be a public works case. Ms. Fellner reiterated that all of the documentation for  
295 that case is found in PB&Z. This is not an indictment of PB&Z. Mr. Courtney said I just never saw them  
296 listed like that before. Mr. Harrah, have there been any contract offer to you by anyone? Mr. Harrah said  
297 no, sir. Mr. Courtney said I'm gonna be honest with you, my recollection of this executive session was  
298 \$35,000. I don't remember it being in the 60s, 67.5. Ms. Fellner said well that's unfortunate. I dispute  
299 that.  
300

## 301 7. BUSINESS.

302

303 **Executive Session.** Mr. Courtney moved to enter executive session at 7:25 p.m. to discuss a  
304 personnel matter. Mr. Stevens second. Mr. Johnson asked for clarification as to why council was going  
305 into executive session. Mr. Courtney said without an attorney being present, I would ask that the town  
306 attorney be present if I was going to do this in public because this is about the organization chart and  
307 personnel; more personnel than anything. If the town attorney says it's okay to talk about this in public,  
308 and Ms. Fellner agrees with that I have no problem bringing it on the discussion on the organizational  
309 chart. Do we want to do this out in the public? We're talking about personnel, as well, which requires us  
310 to go to executive session. All members voted in favor. **MOTION CARRIED.** Ms. Samples asked Mr.  
311 Courtney for the purpose of the public that we're talking not positions in this executive session, but  
312 personnel. Mr. Courtney said correct. Mayor Childs asked if council wished to enter executive session  
313 now. Mr. Ott said he preferred to have it after the meeting. Ms. Herrmann explained that because the  
314 motion carried, the council was now in executive session. A motion to reconvene regular session is  
315 required to come out of executive session. Council should go to executive session now. Mr. Johnson  
316 moved to reconvene regular session at 8:12 p.m. Mr. Ott second. All members voted in favor. **MOTION**  
317 **CARRIED.** Mayor Childs said no action was taken during executive session.  
318

319 **Second Reading Ordinance #17-0850, Chapter 9, Parking, Councilmember Courtney.**  
320 Mr. Ott moved to adopt second reading of Ordinance #17-0850 as presented. Mr. Courtney second. Ms.  
321 Samples referred to the letter from Mr. Mutto, who opposed the two hour parking limit. Mr. Courtney said  
322 that he spoke with him, and he didn't have a problem with the two hour parking restriction during  
323 daytime hours. His letter obviously refers to evening hours and the ordinance only restricts parking hours  
324 during the day. Mr. Ott said if someone parked at three o'clock, they could stay until the business closed,  
325 because it ends at five o'clock. Ms. Samples said since he took time to write, it's important that one of us  
326 get back to him. Mr. Courtney said he would speak to him.  
327

328 Mayor Childs said I had concerns about Floral Drive, because the fire department has asked for a  
329 long time that road be a fire lane. Mr. Courtney and I came up with what we think would be a good  
330 solution. Mr. Courtney and I would like to meet with Mr. Adair to determine whether part of the small hill  
331 along Floral Drive North could be leveled to create golf cart parking only that would be completely off the  
332 road. Mr. Courtney said I think it is a good idea, because golf carts are taking up parking spots on  
333 Surfside Drive. An ordinance was adopted sometime in the past that requires golf carts to be parked in a  
334 marked stall. When I park, I try to go to one side so two golf carts can park in one spot. All voted in  
335 favor. **MOTION CARRIED.**  
336

## 337 **8. TOWN COUNCIL DISCUSSION.**

338

339 **A. Ordinance Review Policy, Mayor Pro Tempore Ott.** Mr. Ott believed that Town Council  
340 had an obligation to the citizens to review adopted ordinances that impact affect residents' way of life  
341 and how businesses operate. I propose that after an ordinance is adopted, that on its one year  
342 anniversary, the ordinance be sent to all councilmembers to review. If any councilmember wishes to  
343 bring it for discussion, it can be added as a discussion item on the agenda. This would give council and  
344 staff an opportunity to critique the ordinance to determine whether it is effective. I also added the  
345 nuisance ordinance to this discussion. If we would like to bring it back as a business item at the next  
346 meeting, or back for discussion again. In my opinion, there are some harsh statements in that ordinance.  
347 He asked if council would concur to use the ordinance review policy as submitted, a copy of which is on  
348 file. Mayor Childs said I think it's a good idea. A lot of times the consequences of an ordinance don't  
349 come up for number of months, and then it becomes an issue. I think it probably is a good policy. Ms.  
350 Samples said I love the idea. I think it's important that we do that. We know from experience that we  
351 have ordinances that are completely out dated, and certainly need to be updated. The only thing I would  
352 ask is when council members want to bring an ordinance for review that we don't review a lot of them at  
353 once. We need to police ourselves as it relates to how many we're to discuss at any one time, and then  
354 how many will be sent to our planning commission for review and comment. As long as we can just be  
355 cognizant of that I'm great with this. Mr. Ott said we also have the Code Index that shows you where  
356 everything is in our book of laws. Mr. Pellegrino said I think it's a good idea. As you said, sometimes we  
357 do pass an ordinance and don't see the effects until later on, so that's a positive. Mr. Courtney said it's a  
358 great idea, too. There are a lot of ordinances that need to be reviewed. One is the nuisance ordinance.  
359 Mr. Ott asked that the nuisance ordinance be added to discussion at the next meeting. Mr. Stevens said  
360 Mr. Ott's comments make good, common sense. Reviewing the ordinance is fair, because maybe the law  
361 or circumstances have changed; and make sure the ordinance reads right and it is not overbearing on the  
362 citizens. I'm a 100-percent in favor of that. **Council CONCURRED.**  
363

364 **B. Organizational Chart, Councilmember Courtney.** Mr. Courtney said we talked about this  
365 in executive session; Town Council will be informed of any changes in the organizational chart. That's all  
366 I have to say.  
367

368 **C. Section 2-113 Duties of the Town Administrator, Councilmember Johnson.** Mr.  
369 Johnson said this is very simple. Section 2-113, Duties of the Town Administrator was changed back in  
370 2012. It was abbreviated. We have a, b, c, d and e. One thing that was deleted at the time was the  
371 appointment and removal of department heads for cause with the approval of Town Council. I would like

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372 to see that back in our ordinance. Not necessarily appointing [sic,] but hiring and removal of department  
373 heads for cause with approval of Town Council.  
374

375 Mr. Stevens concurred and said as a council form of government, we should have some say when  
376 someone is in a director position. If a director is removed for cause, we need to have concrete evidence  
377 that person has done wrong. The town will suffer legal liability when actions are based on hearsay. I  
378 believe this will remove any legal liability.  
379

380 Ms. Samples said Mr. Johnson, if I may direct my questions to you since you put this on the  
381 agenda. Mr. Johnson said sure. Ms. Samples said what I think you're saying is that you want to  
382 recommend that the town administrator who is responsible for daily supervision of all employees to have  
383 to come before this body of seven people who are not involved in the day-to-day oversight and  
384 supervision of people, you what you want the administrator to come to this political body, for an approval  
385 to terminate department directors.  
386

387 Mr. Johnson said let me expand on that. Many councilmembers don't go to town as often as  
388 some do. So, they don't have the exposure as some do. But, my issue is when I get an email or a phone  
389 call at five p.m. saying that a director or someone else is fired because of this that and the other; we  
390 don't get heads up. I think that we would be covering our bases if council was [involved.] Ms. Samples  
391 said your comment is not asking for heads up, you're asking for council to actually be part of the  
392 approval process. What you're saying is that you want council to be involved in the approval of the  
393 termination. Mr. Johnson said my belief is 99.9-percent of the time we would be in favor of our  
394 administrator's decision based on the facts. Ms. Samples said I support and agree with that assessment,  
395 but still you're asking for the rules to be changed. I believe for us to change the rules so that this body of  
396 council people who do not do day-to-day supervision will have a say in whether someone will be  
397 terminated or not. Mr. Johnson said not only this council, but future councils. Ms. Samples said I  
398 appreciate that and philosophically I have difference of opinion with you. I don't think elected officials,  
399 politicians, who are not involved in the day-to-day operation and have no idea of the day-to-day tasks of  
400 an employee, or whether they are performing satisfactorily should be involved. Now, do I think it is  
401 incumbent upon our town administrator to keep us informed when there are issues? Yes, I think  
402 communication is absolutely necessary. But to give elected officials authority to say yes you can, no you  
403 can't, I think is problematic. Mr. Johnson said thank you for your comments. Mr. Ott said if we look at our  
404 road record on hiring and firing directors we're pretty poor because we've paid off so many lawsuits that  
405 we need people to understand and we don't need to know everything that goes on day-to-day. We would  
406 be asking the administrator to state the case, the same case that will be held in a court. That's what we  
407 will give her the approval of the people to do that. That's the proper way to do it. Maybe that will get us  
408 out of these problems. We're giving people hundreds of thousands of dollars as they were inappropriately  
409 discharged. We have a case now in the Supreme Court. Ms. Samples said that particular discharge did  
410 have approval of council, let me just say. It wasn't under Ms. Fellner, but did have council approval.  
411

412 Mr. Ott said hopefully I will bring in board of zoning appeals hearing minutes that will solve this  
413 problem. Those hearing minutes have disappeared from the town website. Mr. Johnson said I think it  
414 gives one person too much power. Mr. Pellegrino said at this point, I would be in full agreement with the  
415 administrator if she had to call an executive session to say she's planning on firing someone to explain  
416 the situation. I am totally against the administrator not making the decision, because as Ms. Samples  
417 said, the administrator works with that person day-to-day. They know what they do on a daily basis. I  
418 have no idea what any director does day-to-day. I talk to them when I have a question.  
419

420 Ms. Samples called *point of order*, and asked for order in the audience. Mayor Childs gavelled the  
421 audience and said if you continue to talk, I'll ask the police officer to escort you out. So, please just  
422 listen. I'd appreciate it very much.  
423  
424



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425 Mr. Pellegrino continued saying, I'm not on council to manage people day-to-day. If that's what  
426 you want for council don't vote for me. I just don't understand why we would expect people who don't  
427 know what goes on every day to make that decision. I disagree with the proposed amendment.  
428

429 Mr. Stevens cited State Law Title V, Council Form of Government, which is what we are, saying in  
430 Section 5-11-40, Establishment of Municipal Departments, Office and Agencies. Employment of  
431 administrator or officers appointed controlled by council annual budget and taxes. Council may  
432 establishment municipal departments, offices and agencies, in addition to those created by Chapter 1  
433 through 17, and may prescribe the functions of all departments, offices and agencies. Then it says the  
434 council may hire an administrator to assist council. That's her job; to assist the Council and make sure we  
435 are fully informed. In February 5, 2008 Section 2-113 said the administrator was the chief administrative  
436 officer of the town. He or she shall be responsible Town Council for the proper administration of the  
437 policies and affairs and to that end shall have the power and authority to be required to: number 3,  
438 appoint and remove department heads for cause with approval of Town Council. That's what Mr. Johnson  
439 is asking for. If the administrator brings us a department head and she has cause, then that person can  
440 be fired. If you don't have cause, you're putting the town into a lawsuit and we will be sued. We already  
441 have the Supreme Court case; \$300,000 that were looking at if the Supreme Court upholds the lower  
442 court ruling. Mr. Johnson is asking for simple common sense government. Those serving on council are  
443 educated and can make those choices. All the administrator has to do is present the case to justify the  
444 firing.  
445

446 Mr. Ott said to this and future administrators, this will take the heat totally off the administrators.  
447 When you present the case, and possibly council adds to it and helps instead of these lawsuits [sic.] You  
448 want to carry that by yourself. I think it would be a good thing for the administrator when we support it.  
449

450 Mr. Courtney said agreed with Mr. Johnson and said I'm not here for the day-to-day operations.  
451 It's not my job, but I do get newspapers and it blows my mind. I think is very important that council has  
452 involvement in what's going on with the department heads. Again, if it's justification for someone being  
453 fired, so be it, and they will be fired. They sit there and say we're politicians, I'm not a politician either.  
454 I'm a family man. So, again I don't get involved in day-to-day operations, and I don't want to get  
455 involved at all. But I think the seven members on councils; four of these seven have would have common  
456 sense. That's all, I'll leave it at that.  
457

458 **COUNCIL CONCURRED TO BRING THE ORDINANCE FORWARD.**  
459

460 Ms. Samples asked Mr. Johnson, who serves on the MASC Board, to find out how this will affect  
461 the administrator's contract. That probably needs to be addressed before we bring it up for discussion  
462 again. Mr. Ott said the Municipal Association is an advisory board; not lawyers. They are a group of  
463 lobbyist. Mr. Courtney said we have a new administrator coming on; one is retiring in June. So with that  
464 being said, I think it's a step in the right direction.  
465

466 **D. Lanier Parking Solutions, Administrator Fellner.** Ms. Fellner presented the decision  
467 paper, a copy of which is on file and asked Town Council to concur to bringing the Lanier Parking  
468 Agreement for approval of the 2-year extension of the contract at the next regular meeting. There was a  
469 scrivener's error in facts, under 'a' the year should be 2013, not 2016. Mayor Childs said Ms. Fellner's was  
470 right; the town's parking function has been more profitable under Lanier. It was an absolute disaster  
471 before. The court had stacks of letters they couldn't get sent; they had to hire somebody else to help.  
472 The Lanier contract has proved to be very profitable. Mr. Ott agreed with Ms. Fellner and said there is not  
473 one complaint. I don't hear anything. I like that and the money is coming in for us. Doesn't this have to  
474 be done by the end of the month? Ms. Fellner said that is why it needs to be on the next meeting  
475 agenda. Mr. Courtney said I read this contract. There is some wording on the first page it says this  
476 agreement is for parking management services. It is dated the first day of February 2013. This is not due  
477 until February, correct? Ms. Fellner said the scrivener's error was noted during my comments. Mr.

478 Courtney asked if the contract should be with the Town Council of Surfside Beach. Ms. Fellner said no,  
479 Town Council agrees on behalf of the Town of Surfside Beach. Mr. Pellegrino asked if the management  
480 fee of 6.5% would be the same. Ms. Fellner said yes, everything would remain the exact same. Mr.  
481 Pellegrino asked if that was a fairly standard rate for this type of service. Ms. Fellner said that varies. I  
482 haven't looked into this service since we first hired Lanier. At the time that we entered the contract, they  
483 were the best prices around. Lanier also handles Myrtle Beach and so they are already very close here.  
484 They use all the same equipment; they have the same people who service the machines and so forth and  
485 so they were significantly lower. Mr. Pellegrino said that was fine, and I think this is their best year of  
486 service, personally. I've seen them and talked to them; their attitudes were good. Can you check and see  
487 what rate Myrtle Beach has. It is a much bigger market so it's probably lower. Ms. Fellner said I will. Let's  
488 remember the question before council is whether or not to bring the contract extension back on the next  
489 agenda for business. Mr. Pellegrino said I want it brought for business, regardless. Mr. Courtney referred  
490 to page 6 in the contract and said under legal notices the contact information should be changed to  
491 "Town Administrator" with a copy to "Mayor and Council." Ms. Fellner said she would be happy to make  
492 those changes. Mr. Johnson said so let me just reconfirm, they only will enforce regulations that council  
493 approves, whether we change parking issues on Ocean Boulevard or any other place, correct? Ms. Fellner  
494 said the answer is they have been good with council when decisions were made to change something or  
495 implement a new strategy. They've been good adapting to that in the past. Can I guarantee that that will  
496 be with all things? I don't know and can't. I can tell you based on my past experience with Lanier is that  
497 have been really good about that kind of thing. Mr. Ott said I believe that I read in the agreement that  
498 they will adapt if you opened up a little parking lot with no change in their contract. The termination date  
499 is December 31<sup>st</sup>, so we got to make sure we get the extension in. **Council CONCURRED to bring the**  
500 **contract extension forward under business.**

501  
502 **E. Statewide Mutual Aid Agreement for Emergency & Disaster Response Recovery,**  
503 **Administrator Fellner.** Ms. Fellner presented the discussion paper and agreement, copies of which are  
504 on file. Mr. Ott asked if staff would present insurance information. Ms. Fellner said that information would  
505 be presented with the resolution. Mr. Ott asked if the agreement from 2002 was still in effect. Ms. Fellner  
506 said it is, and that part stays in effect. There are some new parts that the county adopted. Therefore  
507 they want all the municipalities to adopt it. Mr. Ott asked if the changes were highlighted in the  
508 document he read. Ms. Fellner said no, but the new document is the changes. Mr. Ott asked that the  
509 changes be highlighted when it is presented for adoption, because I want to know what the changes are.  
510 Ms. Fellner reiterated that both documents would be in effect. This does not change the 2002 agreement,  
511 but adds to it, for instance the new agreement includes new procedures implemented by the state. Ms.  
512 Fellner reiterated that there are not any changes to the 2002 agreement. Protocol has changed since  
513 2002, and this supplemental agreement ensures that all municipalities are using the same protocol, as  
514 Town Council learned during the recent ICM (Incident Command Management) class. Mr. Ott said so  
515 there is no money or things we must do. It is just simple procedure changes. Ms. Fellner said right, this  
516 document is a formal agreement that ensures the town would be able to get additional help in the event  
517 that the town's receives a major hit from a hurricane that destroys the entire R3 district, so there's a  
518 logistics agreement between the county and the town for feeding those workers. Mr. Courtney said I also  
519 read this document and I agree with Mr. Ott. In Mr. Battle's email, basically he was requesting the town  
520 needs to be sure to comply with the insurance. Ms. Fellner reiterated that the insurance information  
521 would be presented. Mr. Stevens said it would be nice to have the changes highlighted in yellow. Mr. Ott  
522 said she'll do that. Mayor Childs said this agreement adds to the 2012 agreement. Mr. Stevens asked if  
523 Ms. Fellner knows what the insurance reporting requirements are. Ms. Fellner said that would be clearly  
524 outlined when it is presented. Ms. Samples said just to clarify for everyone there are no changes, but  
525 there are some additions. What the councilmembers are asking you to do, I suppose, is to show them  
526 what those additions are, is that correct. Ms. Fellner said I'm happy to do that. **Council CONCURRED**  
527 **to bring resolution forward at the next meeting.**

528  
529 **F. MOU Horry County Law Enforcement, Chief Hofmann.** Chief Hofmann presented the  
530 discussion paper and memorandum of agreement, copies of which are on file. Mr. Stevens asked how far

531 the town's officers would go to provide assistance. Chief Hofmann said to my knowledge we've never  
532 been asked to respond beyond Caropines or Deerfield. I think maybe we have been out Glenns Bay Road  
533 a couple of times. I've never heard of calls beyond Highway 17 Bypass. Theoretically, we could be called  
534 to Loris. Mr. Stevens asked if the town would respond to a hostage situation at the school on Scipio Lane.  
535 Chief Hofmann said yes; the department would respond to distress situations such as that, which the  
536 town is covered to send officers even without this agreement. This is agreement is for nonemergency  
537 situations, like a domestic violence call. Mr. Stevens said we already have a mutual aid agreement with  
538 Horry County. Chief Hofmann said no. At this point if we called them they would respond, because we  
539 are in Horry County. In this particular case, the county is more so in need of our assistance from time to  
540 time. Mr. Stevens supported the agreement. Mr. Ott said could I assume that there was nothing in  
541 writing, because this is what we always did. Chief Hofmann said a law was adopted in 2014 that requires  
542 the governing bodies to approve these documents, which effectively cancelled our understanding with the  
543 county. For some time we've been operating under an officer in distress understanding, but it's become  
544 clear to get approval from the governing body before we continue responding. Mr. Courtney asked if the  
545 town's police would pick up the Horry County backlog calls, when they get multiple calls for assistance at  
546 the same time. Chief Hofmann said absolutely not. That is a very valid concern. That is not the purpose  
547 of this agreement. Mr. Courtney said thank you very much, you have my consent. **Council**  
548 **CONCURRED to bring the MOU for consideration at the next meeting.**  
549

550 Chief Hofmann welcomed Mr. Harrah on behalf of the Surfside Beach Police Department and said  
551 we look forward to his leadership.  
552

553 **G. Any matters of concern or information to be discussed.**  
554

555 Mr. Stevens said the Ralph Magliette Senior Citizen Committee will hold the 3<sup>rd</sup> Annual Seniors  
556 Fair on Friday, October 20<sup>th</sup> from 10:00 a.m. to 2:00 p.m. at the Surfside Beach Fire Department.  
557 Information of all types will be available. He commended the committee members for doing a  
558 'crackerjack' job setting this up. Everyone is welcome to attend. Flyers were available. Mayor Childs  
559 agreed with Mr. Stevens, and thanked Mr. Shore for chairing that committee. It was very important  
560 considering the number of seniors that live in town.  
561

562 Mr. Courtney said the reason I voted no on the motion to approve the minutes is I would like to  
563 clarify who the town attorney is. Is Mike Battle our current attorney? Ms. Fellner said yes, he is. Mr.  
564 Courtney said it is my understanding is that we need consensus of council before you call the town  
565 attorney here, correct? If it's not, tell me, because I will call him and have him come here every time. Ms.  
566 Fellner said there are times when the town attorney would be asked to be here when council might not  
567 have asked. If council wants the attorney to be present at every meeting, then yes, consensus would be  
568 required, because it's not budgeted. Mr. Courtney asked if the past practice was to have consensus to  
569 have town attorney present during a meeting. Ms. Fellner said no, I can ask the town attorney to come.  
570 Mayor Childs said at one time the town had an attorney that attended all the meetings; that stopped just  
571 a few years ago. I think that is something that council should address in the near future. On numerous  
572 occasions we've decided we do need an attorney. It would be a matter of putting one on contract that  
573 would come to every meeting. Ms. Fellner said we just need to make sure that the budget is amended,  
574 because that is not in this budget. Mayor Childs said correct. Mr. Courtney said we're in discussion now.  
575 Do you need consensus to call the town attorney or can any councilmember call him. Mr. Stevens agreed  
576 with Mr. Courtney. Mr. Moss charged \$300 per hour to attend the special meeting. Hiring an attorney is a  
577 legal contract, a legal contract should have consensus of all members of council, because we are a  
578 council form of government. Mr. Johnson said there was a time when we did have an attorney here, but  
579 then things changed and we didn't need an attorney at every meeting. So we agreed to not have an  
580 attorney here, because we were paying for something that we didn't need. I really don't think we need  
581 an attorney here at every meeting. Mr. Courtney said the question I'm asking is does the administrator  
582 need consensus of council have an attorney present at a meeting. Mr. Ott said no. Mayor Childs said you  
583 do not need Council approval. Ms. Fellner explained that Ms. Edwards, the town's labor attorney, charges

584 would have been much higher, because she had to travel from Columbia. Ms. Edwards agreed that Mr.  
585 Moss could represent the town well. Mr. Courtney said when special meetings are called there is 24 hours  
586 notice given. Council should have been notified of the attorney being here, because we knew the agenda  
587 was going to be amended to remove public comments. How much was the attorney's fee for that day?  
588 Ms. Fellner said I don't know; I'll find out and let you know. Ms. Fellner said there's another personnel  
589 issue that is involved with this, because, well, I think that would have to be in executive session. Mr.  
590 Courtney said I am confused, because the attorney stated that he doesn't recommend is going to  
591 sessions. Did you not say that? Ms. Fellner said that is what Mr. Battle sent to me in an email. Mr. Ott  
592 asked if more than one attorney was being paid. Who is the other person? Ms. Fellner said that needs to  
593 be in executive session. I can't discuss that. Ms. Samples said just to make it clear, that you, Mr. Mayor,  
594 are the one that called the attorney in to represent the town. That attorney was not here representing  
595 any one individual, is that correct? Mayor Childs said absolutely correct. That attorney was called in to  
596 protect the council from getting the town into a liable situation. That's the only reason. He wasn't here to  
597 represent any party. He was here to represent the town to keep the town from a possible extremely large  
598 lawsuit, and that was the only reason. Mr. Ott said may I add that that was not necessary. I believe it  
599 was a waste of money. Mr. Childs said that was Monday morning quarterbacking. It could have been very  
600 necessary and then we would all be sitting around asking why an attorney was not called in.

601  
602 Mr. Courtney said we will have an executive session at the next meeting right, because you said  
603 there is another personnel issue. Mr. Stevens agreed. Mr. Ott said the next meeting; Ms. Fellner said she  
604 doesn't have that information. Mayor Childs said we can go into executive session now to discuss the  
605 attorney's fees.

606  
607 **9. PUBLIC COMMENTS. General Comments.** (5-minutes per speaker)

608  
609 Ms. Holly Watson, Oak Drive North: Again, thank you for listening to my complaint and a  
610 suggestion when you decide to put your agenda together or a resolution on the duties of our  
611 administrator that is employed by our town, I would like for you to consider removing the police chief,  
612 the fire chief, and the PB&Z director from underneath reporting to the administrator and I'll tell you why.  
613 There have been now three instances of publications in the newspaper whether or not, believe 'em or  
614 disbelieve 'em, it's a black eye to our town. It is against the law to interfere with any law enforcement  
615 officer's duties. That means citations, ticketing or anything of that nature. So in order to keep our nose  
616 clean in our town, I would appreciate it if you would remove these three departments who have legal  
617 authority given to them from the purview of an administrator who is responsible for their pay and  
618 whether not they get a raise and that type of thing. They should be independent. They should be able to  
619 do their job freely and without fear of repercussion. I'm asking you to consider if you were one of these  
620 police chief, fire chief or at PB&Z director how you would feel having to ticket a friend or an acquaintance  
621 or anyone else when your pay in your future depends on one person. I think it's very unfair. I think it is a  
622 hostile work environment, to say the least, and so when you discuss the duties of the administrator, I  
623 applaud you for taking back your responsibility of termination, firing, and that type of thing, but please  
624 take one more step, you know, go ahead and blow the nose and get our nose clean and let's start from  
625 scratch where we don't have things like this going. Thank you.

626  
627 Ms. Anita Crone, representing the *Georgetown Times* and *South Strand News*: With all due  
628 respect, in regard to the executive session, I would like to protest that session on the legality. Number  
629 one, it was not on the agenda, and number two, a personnel chart, even though it may involve personnel  
630 issues, is not acceptable means or reason to go into executive session. On behalf of the *Georgetown*  
631 *Times* and *South Strand News*, I respectfully protest the executive session. Thank you so much.

632  
633 Ms. Patricia Magliette, Harbor Lights Drive: Thank you. In South Carolina, it was stated that  
634 there are two kinds of government for a community. Noted one is a strong mayor with a weak council.  
635 The other one is a weak mayor with the strong council, which is what we've got. Nowhere that I can see  
636 is it applicable to have a position of helpfulness which is our administrator. Nowhere is it applicable where

637 the administrator should have so much power as to almost practically block out the weak mayor strong  
638 council effect. I appreciate what she does, but it seems to me from time to time that we have given or  
639 somehow slid too much power not to a personal person, no names called, but to the office, to the job of  
640 the township administrator. It seems like over the years, she's gotten, he's gotten, whoever's gotten too  
641 much power under their belt and the other thing is that from time to time, it seems there's not enough of  
642 a communication between said, no matter who they are, between a town administrator and the council.  
643 Sometimes the right hand doesn't know what the left hand is doing. So having said that let me close by  
644 saying we are a weak mayor strong council township and somehow or another when we get our new  
645 town administrator, we have to recognize that she is not to lead to council, but the council is to lead her  
646 in her or his effectiveness to run the town. Thank you very much.  
647

648 Ms. Sherry Wardell, 1st Avenue North: That last comment threw me for a loop, so. I just had a  
649 couple comments on the meeting that I experienced today. It was quite different. I wanted to point out  
650 and possibly question why Councilwoman Samples explained for the administrator that the reason she  
651 didn't disclose Mr. O'Hara's name and resume because it was that he was still at his current job and that  
652 the administrator was concerned that if this information got out, you know, it might appear bad for him.  
653 Now how come Councilwoman Samples was the only one that was aware of this when the rest of council  
654 wasn't, and who gave her the authority to withhold that information from council who she is obligated to  
655 report to under a council form of government, which I think every person that came up here to comment  
656 tonight has mentioned that this town is not operating as it's supposed to. It is clearly not operating the  
657 way it's supposed to. Frankly, I see that the administrator because she has this ominous power, she is  
658 very disrespectful of council in the fact that she doesn't communicate fully and she pretty much, well,  
659 Councilwoman Samples said it for her that she doesn't trust the councilmembers to keep a secret like  
660 that, if you're discussing personnel issues. So that was for me, if I was sitting in your shoes that would be  
661 a huge slap in the face for me. Another thing I wanted to mention, too, because I'm a little confused.  
662 There's been some discussion about something that happened in 2012 with the administrator's contract  
663 and I'm imagining that that issue was pertinent tonight for what we've been discussing about the fact  
664 that the administrator just is able to at a whim hire and fire without getting council approval. If that's the  
665 case then that contract is illegal, because we are still council form of government. If we had changed to  
666 town manager form of government then that would be a different story. But I'd be very surprised if what  
667 happened tonight with the news media in attendance that that isn't going to be looked at by the state. So  
668 be forewarned. The other thing is, too, I just don't want you to think that I forgotten about the Clemson  
669 issue. I contacted Peter Barry from the Clemson Foundation. He gave me some information verbally.  
670 When I asked him for written confirmation, he has avoided me for the last two months. I've sent him  
671 repeated request for information, particularly regarding who was the former employee that he mentioned  
672 to me that was instrumental in obtaining this type of donation, and it was a donation. That's what he told  
673 me. The town donated money earmarked for the community landscaping department. I asked him  
674 additionally, and I believe that we all have a right to know that this country allows us the right to know  
675 through the Freedom of information Act, whether or not this town has made previous donations and it  
676 was a donation. It was not contract as the administrator tried time and time again to convince us that it  
677 was. Now, if she did something like that, if she made a donation with town funds that is a  
678 misappropriation of funds, and again, like I said, Mr. Peter Barry is not responding to me. I will find  
679 someone who in Clemson who will respond to me. So, just giving you some fair warning.  
680

#### 681 **10. TOWN COUNCIL COMMENTS.**

682  
683 Mr. Ott: Thank everybody for coming out and enjoying our session tonight. It had some good  
684 points and some tired points. It's getting late. It's almost 9:30. A big change coming on in our town is  
685 Friday. You can bring your dogs to the beach. So please everybody have fun and enjoy our beautiful  
686 town, because it is a beautiful town. Thank you for coming out.  
687

688 Mr. Courtney: Yes, I want to thank everybody for coming out. I want to thank our staff for the  
689 storm. I want to thank our police, public works, our administrator, and every other department. I saw

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690 them out in force cleaning up. Thank you very much. The police department did a great job. We had  
691 another incident on Ocean Boulevard that the police foiled right away. Good job, thank you. Everybody  
692 else have a good night. Thank you for coming out. God bless you.  
693

694 Mr. Johnson: I really don't have a lot to say that I haven't said already. Thank you. God Bless  
695 you for coming out. That's all. Thank you.  
696

697 Mr. Pellegrino: A few things. First of all, thank you to Mr. Ott, because the ordinance, I think it's  
698 a good thing to bring forward. That's actually improving our process. We're being proactive rather than  
699 reactive. So that's a positive thing. As far as, you know, I heard some comments while we were talking,  
700 and I always enjoy comments, positive or negative. My feelings are that we're up, council is up here to  
701 set policy, to approve the budget, and to hire the administrator; not to manage day-to-day operations. I  
702 honestly feel we pay a full staff to do their jobs. So if we're gonna manage the day-to-day operations,  
703 why are we paying the staff. Anyways, that's just my feelings on that. As far as the ... Obviously, there's  
704 a big difference in opinions on a lot of points here and that doesn't mean some have common sense and  
705 some don't. Some are dumb; some are smart. But we have different; we look at it from different views.  
706 Everyone is not gonna agree on everything, and I understand that most of the people in this room  
707 disagree on everything I say. That's fine. That's good. That's our right in America to do. But that doesn't  
708 give us the right to implicate someone or to accuse someone being guilty with absolutely no facts. It  
709 happens every week, over and over again. (*Addressing audience member*) And you hold up the  
710 newspaper. I'm glad. Guess what? Ninety percent of the stuff in newspaper is false. I mean, come on.  
711 [Mr. O'Dare] knows that. (*Laughter*) Anyways, I'm just playing with you [Mr. O'Dare.] So not everything  
712 that's printed in the paper is true. Not everything that is said is true. Not everything that is thought to be  
713 true is true. I mean there's; I wait and I don't say much in a lot of the meetings, but I try to wait until I  
714 have facts before I take a stance on something. That's the way I place my votes; based on the facts that  
715 I have. I don't always have all the facts, but I always have some facts. So that's the way it is. But I do  
716 appreciate all your comments and there was a comment; someone forwarded me a link of a letter. It is a  
717 very well-written letter. I disagreed with it a hundred percent. But they put their name on it, so I was  
718 very happy, because they took ownership of the letter and they put their name on it and they're  
719 passionate about it. That means they care, so that's a positive thing. Thank you very much for coming.  
720 Have a great night. Keep giving us the comments.  
721

722 Ms. Samples: Ms. Fellner, great job. Thank you. Thank you staff. [Mr. Harrah], welcome. I hope  
723 you are prepared and ready for the fun to come. I want to say good evening to everyone out there and I  
724 would like to remind council to sign your documents before you leave tonight. Thank you very much.  
725

726 Mr. Stevens: Let's talk about what's true. What's true is we were sued by Ms. Donevant. We lost.  
727 What's true is we've got a couple of other lawsuits that are facing this town. I think we made the right  
728 move by Mr. Johnson's bringing a new version of the administrator's duty. Maybe that'll alleviate some of  
729 the problems were having. We've got a fellow over here, and I'll tell you, if you haven't met him, I met  
730 him. I'm very impressed by Mr. Harrah, but the fact is when he was voted for I didn't know anything  
731 about him. As far I know, he was a fly on the wall. No name, no address, no nothing. I can't make a  
732 logical intelligent decision, when I have no information whatsoever. We're a council form of government  
733 and the town administrator under Section 2-113(a) is responsible for keeping the Town Council fully  
734 informed for Town Council for the fulfillment of fiduciary responsibilities and better represent the citizens.  
735 That's a fact. The only way I can represent you is to know what's going; to know the facts. There's been  
736 articles, Mr. O'Dare put an article in the *Myrtle Beach Herald* about emails. Now whether that's true or  
737 not, the fact is a court of law will decide that eventually. I think were headed to the mother of all lawsuits  
738 and it is a shame. Thank you for coming out. Have good week. Enjoy the nice weather after all of what  
739 Irma gave us. Have a good night.  
740

741 Mayor Childs said Ms. Fellner, Mr. Ott just suggested during the season when dogs are allowed  
742 on the beach, that signage be posted that say "Dogs must be on a leash," because that seemed to be an

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743 issue last year. Ms. Fellner said I have spoken with Mr. Adair about that and we'll move it forward. Mayor  
744 Childs suggested putting these signs along the beach, and said thank you. Thank everybody for coming  
745 out.

746  
747 **11. ADJOURNMENT.** Mr. Courtney moved to adjourn the meeting at 9:30 p.m. Mr. Johnson  
748 and Mr. Stevens second. All voted in favor. **MOTION CARRIED.**  
749

750 Prepared and submitted by:

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754 \_\_\_\_\_  
755 Debra E. Herrmann, CMC, Town Clerk

756 Approved: September 26, 2017

757  
758 **Surfside Beach Town Council**

759 VOTE: Yes No

760

761 \_\_\_\_\_  
762 Robert F. Childs, III, Mayor

763

764 \_\_\_\_\_  
765 Ron Ott, Mayor Pro Tempore

766

767 \_\_\_\_\_  
768 Timothy T. Courtney, Town Council

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770 \_\_\_\_\_  
771 Mark L. Johnson, Town Council

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773 \_\_\_\_\_  
774 David L. Pellegrino, Town Council

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776 \_\_\_\_\_  
777 Julie M. Samples, Town Council

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779 \_\_\_\_\_  
780 Randle M. Stevens, Town Council

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782 Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and not  
783 intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk;  
784 a free copy of the audio will be given to you provided you bring a new, unopened flash drive. In  
785 accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local  
786 media and interested parties via the town's email subscription list. The agenda was posted on the entry  
787 door at Town Council Chambers. Meeting notice was also posted on the town website at [www.Surfside](http://www.SurfsideBeach.org)  
788 [Beach.org](http://www.SurfsideBeach.org) and the marquee.