



**SURFSIDE BEACH TOWN COUNCIL SPECIAL MEETING MINUTES  
TOWN COUNCIL CHAMBERS  
JANUARY 29, 2018 ♦ 6:00 P.M.**

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7 **1. CALL TO ORDER.** Mayor Childs called the special meeting to order at 6:00 p.m. Mayor Childs,  
8 Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples and Stevens were in  
9 attendance. A quorum was present. Others present: Town Attorney Battle; Town Clerk Herrmann; Police Chief  
10 Hofmann, and Public Works Director Adair.

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12 **2. PUBLIC COMMENTS – AGENDA ITEMS.** (3 minutes).  
13

14 Ms. Linda Chrismon, 10<sup>th</sup> Avenue North: The actions of four councilmembers at last week's meeting  
15 clearly shows your lack of vision for this town. Four of you clearly made it known that you did not like Ms. Fellner,  
16 and put a target on her back. You made it clear you were going to do everything in your power to get rid of her and  
17 you did. At many meetings you tried to publicly humiliate her. It's hard to humiliate someone who has more  
18 integrity than the four of you put together. You fired her assistant. Did you have the authority to fire him? Was it for  
19 just cause? Is this town looking for another lawsuit for this action? Do the four of you know what the Sunshine Law  
20 is? In my opinion, you have violated it. At every meeting three of the four of you constantly preach transparency.  
21 Where's the transparency in the actions you have taken? Rehiring Sabrina Morris; she was fired for just cause, and if  
22 I heard correctly, she admitted to those actions. If you rehire her, your actions will set a dangerous precedent that  
23 will have major implications for this town. Any employees that you have fired in the past or in the future will now  
24 have the ammunition they need to get their jobs back. Might as well throw the employee handbook out, as it will no  
25 longer be valid. You also need to go back and rehire the town employee who embezzled funds from Surfside. You  
26 wiped Ms. Morris' slate clean, then you wipe the slate clean for other employees who were fired for just cause.  
27 Wrong is wrong. I strongly urge you to put this rehire on hold. I personally believe the citizens of this town need to  
28 look into a recall election on four sitting councilmembers, or they immediately tendered their resignations for their  
29 actions. I have no faith in the abilities of you four to continue to govern this town. Thank you.  
30

31 Ms. Carol Lucas, Cypress Drive: I second my predecessor's comments 100-percent. My comment is  
32 related to item 3 on the agenda. It appears you're thinking of changing the direction of the planning and building and  
33 zoning department. After the last election it was brought to attention that Mr. Johnson's wife sits on this committee.  
34 Mr. Johnson being one of the four that voted to oust Ms. Fellner and rehire [Ms. Morris], I think this puts a different  
35 light on this with your wife still sitting on that on that committee. I would like everyone here to think about the  
36 repercussions when you start changing the directions or the legal status of any of these committees. Thank you.  
37

38 Mr. Nick Delaplaine, 13th Avenue North: I want to thank the group of four Town Councilmembers for  
39 their recent personnel firings and forthcoming rehiring of the previous director of planning. She was fired for cause,  
40 and has a poor rumored job history, as well as having an inspector perform inspections without a license, which can  
41 be verified. These actions clearly demonstrate how politicians can abuse their power by getting involved in the  
42 town's daily activities, which are already managed by highly qualified employees hired for the job by placing the  
43 town in a very precarious position for lawsuits, and leaving the town without proper personnel to perform daily  
44 activities, you have clearly demonstrated that you're not suitable to be on the council. You have no idea how a town  
45 should be run, and have not demonstrated impartiality. You are clearly influenced by friends and perform several  
46 knee-jerk reactions without thinking through all the consequences. The results of these knee-jerk actions left the  
47 town with the need to hold a special session to appoint an interim administrator, and determine how to accomplish  
48 other important town duties at a critical time for pier construction and budget formulation. The irony is that you  
49 councilmembers have been saying to everybody how the town had previous pending lawsuits for always implying  
50 that you will do better and look what you just did. Therefore, I thank you because you have provided personal  
51 performance issues that will be used to educate the voters on your lack of capability so we can get rid of each of you  
52 as your term ends. Thank you.  
53

54 Mr. Bill Kinken, North Dogwood Drive: We're here tonight to mitigate the implosion of our town  
55 government by the gang of four. Last Tuesday the 23<sup>rd</sup>, they fired our administrator, [and deputy] administrator  
56 without a clue or plan who would run day-to-day operations of our town. They also rehired a fired with cause PBZ

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57 director. This is the same person who allowed a builder in 2016 to dam up the water flow on the south side of 14<sup>th</sup>  
58 Avenue North between Dogwood and the Boulevard. She also allowed the built builder to build up the property  
59 higher than the adjacent properties. I would love to see an ordinance where this is allowed in a flood zone. The  
60 blowback from their ill-advised collusion and it is collusion, because it was not discussed in public, we lost two key  
61 employees. They will be responsible for additional lawsuits. They have made Surfside a laughingstock. They  
62 reduced our ability to receive much-needed grants. Would you give money to dysfunctional government? I think  
63 not. It will also make it hard to hire good administrator in the future. Good job, guys. The most intelligent decision  
64 last Tuesday was by the finance manager, who declined to put her in the head in a noose in a lose-lose situation. The  
65 gang of four now want to appoint an acting town administrator, while we wait for the state to appoint someone. I say  
66 let him wait. If you been asked to fill this position, please do not accept unless you have been advised by a  
67 competent lawyer. This same group had great things to say about Mr. Harrah lesson five months ago. Then they  
68 stabbed him in the back. Let them wait for the state to send a temp. The disruption is on the gang of four. Now the  
69 gang of four wants to do some kind of change to the responsibilities the mayor's office. This does not need to be  
70 done. In closing there are two clichés this council should no longer use: transparency, this disruption has been done  
71 behind closed doors and has not seen the light of day. They did not even have the guts to install, to include the plan  
72 disruptions on the Tuesday agenda, and the other one is I listen to the people. We heard a councilmember say he  
73 does not need to listen to a petition from over 100 voters. Yes, you listen to people, but it's a small minority that  
74 agree with you. Also, you would not even take the time to listen to a lawyer, I'm very disappointed, and I hope  
75 things get better from here. Thank you very much.

76  
77 Mr. Ron Mask, 10<sup>th</sup> Avenue North: This is going to sound repetitive, but I'll be brief, because I think it  
78 should be repeated, because this town is kind of outraged of what the four councilman have done. Last week those  
79 four councilmembers embarrassed our city and its citizens. They endangered our town. They publicly improperly  
80 publicly fired top-level employees of this town outside the scope of their authority, and in violation of our town  
81 ordinances. Several expensive lawsuits are likely to follow these impulsive and improper actions. They will also  
82 increase the negative publicity, which already resulted from this council's emotional and combative behavior. The  
83 four councilmembers who took these improper actions did so without thinking about who would take the places of  
84 these key employees. They also failed to consider the negative impact these actions might have on town employee  
85 morale, and on critical activities such as our FEMA negotiations for pier refunding. There is not much a citizen can  
86 do, because you endangered and embarrassed our town, but I just want you to know the four of you have certainly  
87 lost my vote, and I believe you lost the vote of many, many other Surfside residents. Thank you.

88  
89 Ms. Judy Engelhard, 6<sup>th</sup> Avenue South: Good evening, Mr. Mayor and members of council. After listening  
90 to the recording of your last meeting Tuesday, January 23<sup>rd</sup>, I feel compelled to express my feelings about future of  
91 our beloved Town of Surfside Beach where my husband and I have lived here almost 14 years. I'm both  
92 embarrassed and proud of what transpired last week. Proud that our town chose to take a leadership role in  
93 protecting our environment supporting a reduction in the use of plastic bags, just as I was proud when the previous  
94 council enacted a smoking ban, a move that has become almost universal today. Embarrassed by the tenor of the  
95 meeting that sounded hostile, chaotic and unprofessional. It reminded me of what I read about Atlantic Beach a few  
96 years ago. The behavior of several councilmen suggested they were not cognizant of *Roberts Rules of Order* or  
97 chose to ignore the decorum expected of leaders in a public setting. Furthermore, this behavior did not reflect  
98 Reverend Simmons' call for council to be granted wisdom and guided in thinking processes that are very civil when  
99 presenting ideas and facts. In fact, I was appalled that four members of council refused the opportunity to go into  
100 executive session at 5:00 p.m. to receive legal advice from the [town's] labor law attorney regarding personnel  
101 issues, especially since it seemed that before the regular council meeting that commenced at 6:30, these four  
102 councilmen had already orchestrated their plan to fire the town administrator and deputy administrator, and to  
103 reinstate a previously fired employee. I'm not suggesting anything regarding the merits of the personnel decisions  
104 they made, but the display of confusion that ensued made it abundantly clear there was little forethought as to what  
105 would happen next, and the resulting implications to the detriment of the town. My greatest concern is that  
106 personnel matters that should have been addressed in executive session were aired in public, which could potentially  
107 result in litigation against the town at a cost to who? We don't know. Interestingly, communication was the issue  
108 raised against the town administrator. Communication is designed for all parties to be informed, but one must want  
109 to be informed. The vote not to go into executive session to receive legal advice regarding personnel issues is an  
110 example that leads me to believe or to wonder if some of you think being ill-informed is acceptable. In the future, I  
111 hope you will avail yourselves of legal advice, especially related (*time ended*) to personnel to avoid having us as  
112 taxpayers cover the cost of litigation brought on by ill-informed individuals. I also have this uncomfortably

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113 embarrassing situation will not be repeated tonight. I care, as I know you do, because this is our community. Thank  
114 you.  
115

116 Mr. Guy Lanham, Hickory Drive: I don't profess to know all the details of the latest Surfside Beach fiasco.  
117 I will say that any personal involvement I've had with both Ms. Fellner and Ms. Morris have been very positive. Or  
118 for that matter, my involvement with any town employees. I have lived in Surfside Beach for 25 years, and I hate to  
119 see the town once again become an object of ridicule. It seems that every other council deems it their duty to fire the  
120 town administrator. Why? Well, Town Council appears to want to micromanage the operations of the town. If so,  
121 why not do away with the administrator position and divide the duties among the councilmembers? That would save  
122 the town administrator's salary and let the town be operated as the council wants it to. Seems to me that the culprits  
123 in this mess is neither Ms. Fellner nor Ms. Morris, but Town Council itself. As stated in the comic strip, Pogo, 'We  
124 have met the enemy and he is us.' Thank you.  
125

126 Mr. Tom Dodge, 8<sup>th</sup> Avenue South: Now, for something entirely different. I'd like to thank the gang of  
127 four. It's something that should've happened a long time ago. Ms. Fellner hired Mr. Harrah by a sheet of paper to  
128 council people that didn't even have the man's name on it. This is the kind of actions Ms. Fellner did. She has not  
129 been good for the town. This should have happened a long time ago, and as far as lawsuits, I think we averted one  
130 lawsuit. We're gonna pay Mrs. Fellner throughout her contract that should not make a lawsuit, and I can't believe  
131 Mr. Harrah would sue the town. My understanding is he's still on probation. Thank you, gang of four.  
132

133 Ms. Mary Mabry, 15<sup>th</sup> Avenue North: First, I'd like to say I've lived here for 40 years. My husband served  
134 on council for 16. We are a unique form of government that does give council the right to hire and fire their  
135 administrator. I'm not gonna make a comment about any personnel issue, because I know better. When the motion  
136 was made at the last meeting, there was no disparaging remarks. It was simply we were going in a different  
137 direction. And that's fine. That's your job. You did it well, whether I agree or don't agree, you did your job well. You  
138 did it properly. We always are going in a different direction. We always need new eyes. I didn't dazed confusion. It  
139 wasn't two minutes, it wasn't even a minute after the motion was made and voted on that the mayor simply said  
140 were going to call the Municipal Association. He must've been aware. We had another council that complained they  
141 didn't know, but yet they had already talk to staff about that situation. So clearly, people did know, because they  
142 mentioned it right from the dais. This happens often. Usually, some are two, three, four years out. We always need a  
143 new set of eyes. That's not unusual. As far as bringing Ms. Morris back, we don't know. We only hear rumors. We  
144 don't know exactly what the cause was. I heard 10 different versions. I don't think any of them are true. People that  
145 are disgruntled love to come up here and say how horrible she was. They were told no, they were made to abide by  
146 our laws, and people that don't like that are going to come up here and scream and they think they've done wrong.  
147 Our form of government allows you to hire. An administrator is here to support staff and to work at the pleasure of  
148 council. When you give a direction, you ask, and there's four or more, hopefully, but if there's four you expect that  
149 direction to be followed just the way you asked it to be. If you find that's not working well, you may replace it and  
150 I'm not saying that's the case, I'm just saying that's how it's supposed to be. So I do thank you for handling in a very  
151 professional manner. For making your motion, not making it personal. People have said we want to know the nitty-  
152 gritty details. We can't know that. That's personnel, and we can't know. So whatever your decision, I want you to  
153 know I stand by you. (*Time ended.*) Thank you.  
154

155 Mr. Steve Shore, 1<sup>st</sup> Avenue North: You know, at the last meeting four of you were a total disgrace to this  
156 town. You disgraced it. You done [sic] something illegal that should not have been done. I looked up; they call it the  
157 'gang of four.' I hope you're happy with that name, because I looked up the noun meaning of that name and it says  
158 'a group of organized criminals.' That's exactly what it said.  
159

160 Mr. Stevens: *Point of Order*, Mr. Mayor. This man is now calling me a criminal. I will not stand for his  
161 defamatory remarks or slanderous statements in public. Mayor Childs: Gavel. [Mr. Shore] has the floor. He did not  
162 call your name. Mr. Stevens: That is libelous, defamatory, and slanderous. Quit making those statements. He called  
163 me a criminal, sir. Mayor Childs: He has the floor, and he did not name your name. Mr. Shore: I didn't say a name.  
164 Mr. Stevens: He pointed out four people. Mayor Childs: Four people could be anybody. Mr. Shore: It's what should  
165 be done. This council has disrespected the mayor, and the Town of Surfside Beach repeatedly. It even shows it on  
166 TV at the first of the meeting what occurred. If you'd like to look at it, look to TV13, you'll see it; what occurred.  
167 You've disrespected, like I said, the mayor and this not be tolerated by the town or the council, any other council.  
168 According to FOIA, the how to set an agenda, adding an item to the agenda, once the agenda for a regular called

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169 meeting, special meetings, rescheduled meeting is posted, no items may be added to the agenda without additional  
170 24 hour notice to the public. The notice must be made in the same manner as the original posting. After a meeting  
171 has been called to order, items proposed to be added to the agenda are classified into three categories each of which  
172 required distinct actions to authorize the item to be added to the agenda. Required categories and actions are as  
173 follows: information item only, after the meeting begins in item, which does not require a vote or action of council  
174 may be added to the agenda; council should follow the municipalities adopted rules of order or procedure for adding  
175 an item to the agenda. Action items with public comment: after the meeting begins an action item, which is not final  
176 action and for which public comment has been or will be received at a publicly noticed meeting may be added to the  
177 agenda by two thirds vote (*time ended*) of members present and voting, which was not done. Not two thirds. An  
178 action item without public comment after the meeting begins: an action item, which is final action for which  
179 comment has not been or will not be received may be added to the agenda by two thirds vote of the members present  
180 and voting, and finding... Mr. Courtney: *Point of order*, (point not stated.) Mr. Shore: ...of extenuating  
181 circumstances. Mayor Childs: Time's up. Mr. Shore: Thank you.  
182

183 Ms. Beth Kohlmann, South Ocean Boulevard: I know it's not tonight. Everybody seems to be against you  
184 all. But, where are all the rest of the town all year long when we have very pressing issues. I'm glad everybody's  
185 here, but do this all the time. Stay informed, because you missed a lot of what's going on with these people up here  
186 struggling to make decisions over the last couple years. Excuse me, I have the floor. A while ago when I was on  
187 council, Mr. Johnson gave me some great advice. I was being very judgmental before that of them and I know I have  
188 in the past and I probably will be again in the future, but he did say to me once you don't have all the information  
189 sitting in the public that we have up here on council. A lot of times we have more information than you doing the  
190 public. However, we can't share that with you at certain times. This is one of those times. I want to say with all you  
191 calling 'em gang of four, I can remember when I served and the council before me when everything, everybody  
192 would cast their vote, if people didn't like it, they had to name oh, 3:2, four, the gang of four. I mean, come on.  
193 Come on. Surfside Beach is the family beach. We're supposed to be kind and generous to each other, but you get up  
194 here and you're calling them names. You call 'em a gang. I don't care what you call 'em. I'm glad that you did what  
195 you did, and I have a little more information than some of you, too. You know, I just don't understand where it's  
196 gone from you want to just let people do whatever they want in town, and then when something comes up and you  
197 don't get your way, y'all kick and scream from there. Just vote and move on. That's how you're supposed to do it.  
198 You present your motion. You vote on your motion, and when you leave the building, it's a done deal, and other  
199 people need to respect your vote. That's why we have a vote. Tonight might not be the way you wanted it to go, but  
200 maybe next week it will. Respect each other, and I would hope that the public respect you as well. Thank you.  
201

202 Ms. Elizabeth Bradley, Juniper Drive: I came last week because I've been one of the supporters of the  
203 passing the ban on plastic bags, which I'm very glad that you guys managed to get done last week. We sat here for a  
204 very long, long meeting and it ended in a very unprofessional way. I am a teacher. I have a superintendent. I have a  
205 principal. There is an order in which somebody should be dismissed from their job. I felt that it was a public  
206 lynching and that you guys obviously came in with that on your agenda. I was very disheartened and beside myself  
207 have all these people who came down to help support this plastic ban from North Carolina, from all over, to have  
208 them witness my Town Council behave in such a manner was embarrassing to say the least.  
209

210 Mr. Boyd Sadler, 7<sup>th</sup> Avenue South: I saw a democracy work last week. Whether it was good or whether it  
211 was popular, it worked. Whatever was done it was the majority rule. And that's the way it should be. The council  
212 needs to work together on as much as they can, but you all, like everybody else out here, has different opinions. We  
213 all have different agendas. We all have the reason for the way we vote. Some are guided by others. Some aren't.  
214 Most of us should be guided by our own conscience, and I really pretty much saw that last week. I stand behind  
215 what you agreed; what you feel. Don't waver, but by all means go forward. Now is the time to prepare for the future.  
216 The past is done. It's not going to change, even though we see it all across our nation today trying to change history;  
217 too late. It's here. You might be able to change symbols of history, but you're not gonna be able to change history.  
218 So to the future. Look ahead. Work together as much as you can. Always believe in the way you vote, and what you  
219 say to the public. Democracy. Thank you.  
220

221 Ms. Patricia Magliette, Harbor Lights Drive: I'm going to be real quick. What I'm saying, okay, so we're  
222 not up here to be popular. What our Town Council has to do is very, very responsible planning for the future of our  
223 town. We have a town, a form of government, where our town has a strong council government, weak mayor  
224 government, and the town administrator is to take direction at the Town Council's request. What our council did was

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225 they voted their conscience and their hearts. You may like it. You may not like it, but it's the council's job to vote.  
226 And they have some kind of information that is not applicable to the general public. They digested their information.  
227 They did not let themselves be muzzled. The council has the responsible job of voting, whether you agree with them  
228 or whether you don't. They have proved that they're willing to step out of their comfort zone and vote how they  
229 thought they should vote. The day that we have a Town Council that feels like their muzzled and can only be  
230 popular if they vote a certain way that is a failure as a Town Council. Okay, so we voted them in the first place and  
231 we'll see how this goes. I respect the fact that they voted how they thought they should. There's many times many  
232 votes taken. Sometimes it comes out the way the town wants it. Sometimes it doesn't. Most of the people that come  
233 here don't always come here every week. Don't always speak minutes. Don't always know what's going on. They've  
234 heard about what happened last week. They came out of the woodwork. Some of them who were never here, and  
235 they have an opinion, and I'm glad they came. But, they need to come every week. They need to know what's going  
236 on all the time, and they need to understand that a Town Council who votes on the fact that they have in the  
237 informational packets and also it wasn't necessarily a last-minute deal. There have been things that have been put  
238 before our Town Council at the last minute wait before their meetings. I mean it works both ways. He stated put this  
239 out at the last minute. Sometimes they're forced with decisions and things thrown to them at the last minute. We all  
240 have to understand this town is run by a thinking process. The Town Council does the best they can. In closing, we  
241 have had a person who has really known FEMA and groundwater and flooding situations really well. They are  
242 building along (*time ended*) the side of 17 and we've got a plan for runoff within the next 5-10-20 years and I really  
243 want someone who knows how FEMA works for that job. Thank you very much.

244  
245 Mr. Larry McKeen, 6<sup>th</sup> Avenue South: All of you, I don't know why you're doing this. Why are you tearing  
246 up and dividing the town just like what's happening in our country. We're being divided by all sorts of factors, but  
247 anyways, I wonder why you guys, the four of you, voted the way you did. And so if you read the newspapers you  
248 can get your quotes. Quote number one, 'At this time I believe we need to move in a different direction,' a certain  
249 councilman Courtney said. Mr. Courtney: *Point of order*, Mr. Mayor, there's been a lot of names up on this dais.  
250 Mayor Childs: Please don't mention names. No names, please. Mr. McKeen: Okay, I'll live by that way, but boy  
251 you certainly allowed a lot of names in the previous speakers. I heard Sabrina Morris; no response from you for  
252 that? Just shows, anyways, this councilman, who you all know, made this direction that we need to move in a  
253 different direction. While this makes absolutely no sense, because the administrator is there to just do what the  
254 direction the Council makes, you know, directs, and far as I know she did this kind of work, and she did it well. So I  
255 wonder what is your real reason for firing her, and you know who I'm talking to. Another councilman, I did not say  
256 his name, 'I had concerns about Fellner's lack of communication,' this is a quote, 'regarding plans for rebuilding the  
257 town's pier.' I mean, my God, what were you doing? Sitting and sleeping through these meetings every two weeks. I  
258 knew what was going on with the pier, if you didn't, that is nonsense reason. So what is your real reason for firing  
259 Ms. Fellner? And then, well, one guy I didn't find any quotes. That was smart, but I wonder what his reason was.  
260 The final guy, who was the difference maker here, said his quote with the newspaper, 'It's time.' What the heck kind  
261 of reason is that? You know, what is your real reason? What caused you to change your mind? Was it family? Was it  
262 friends? Pressure? Anyways, I'd love to hear a real answer. Secondly, the council gave no reason for Mr. Harrah's  
263 firing. By law, I don't think you have that power to fire anyone but the administrator. Did you promote into  
264 administrator before you fired him? Do you have a signed contract? I hope you got a raise before being fired. I think  
265 you're really setting us up for some lawsuits, and you know, I'm going to call on something. I'm going to call the  
266 JOCS lawsuits. You can figure it out. (*Time ended.*) Finally, one more thing, (\*\*) I don't give a (*expletive.*) (\*\*) Mr.  
267 McKeen was escorted from the meeting.

268  
269 Mr. Harry Kohlmann, South Ocean Boulevard: That gentleman's running for office. I just wanted to let  
270 you know. I was here for the council meeting when it happened. I was here for the council meeting before. I don't  
271 know if this is the reason, but I know four of you had consensus on putting on the agenda for the next meeting to  
272 hire Sabrina Morris back. Guess what it was on the agenda, and then somebody took it off. We took it off. Who took  
273 it off? Was it Ms. Fellner? Does she get to pick what you guys talk about? What you guys vote on? She shouldn't. If  
274 I had a subordinate I told to do something, a lawful order, which you did, and they didn't do it, huh, they'd be fired.  
275 It's that simple folks, it's that simple. You tell somebody to do something and they don't do it because they don't like  
276 it; because she fired her; she didn't want her back. She refused to put it on the agenda. It's that simple. For all the  
277 people all coming out of the woodwork who have never sat in this chambers before or once or twice when they had  
278 a petty little thing they wanted to talk to council about, tough luck, guys. You sit here, either sit here and view it or  
279 listen to the meetings and know what's going on. You really shouldn't have much of an opinion, because we've seen  
280 what was going on for the last three or four years. Thank you.

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281  
282 Ms. Charlene Henderson, North Cherry Drive: I came to know most of you when you ran for your office.  
283 Not personally; not intimately. But I came to understand most of you and where you were coming from. I trusted  
284 myself to vote for what I believed in, and who also shared my beliefs. Last week a majority voted on a subject that  
285 we're not privy to the information that you have. There are always personnel issues in any institution. You have the  
286 information. We didn't. I trust and I refuse to brand you as the gang of four. Four of my councilmembers trusted  
287 their information and their gut instinct to vote the way they voted. I respect that as I respect the ones that voted  
288 against it. You are running the town the way I see fit. The way it is supposed to be run. God bless you guys for  
289 doing a job that not a whole lot of people want to do. Thank you.  
290

291 Ms. Betty Lowery, 4<sup>th</sup> Avenue North: There are several things that I'd like to address. First of all, it is  
292 implied, because one of the councilmen has his wife on planning and zoning that there's some sort of collusion.  
293 Having worked on planning and zoning for almost seven years with the same lady, sometimes they voted together,  
294 and sometimes they didn't. So that seems to be somewhat convenient. As far as your behavior, you had the right to  
295 do what you did last time. It wasn't pretty, but that was your right. The thing that bothered me about what happened  
296 was the way you treated each other. You don't have to agree. You don't even have to like each other, but you do  
297 have to respect each other. The duties of the mayor are going to be discussed. One of his duties is to run council. He  
298 need to be allowed to do that. The mayor was elected as mayor. The rest of you were not. The rest of you were voted  
299 to be council people and that's where that should be. Secondly, we don't have to know this one was fired or why  
300 that one was fired, or why somebody was rehired. That; that is not for us to know. That's for you guys to know.  
301 There are rumors flying all over the place. You know, if you don't like somebody, you say something ugly about  
302 them. You say something derogatory about them. This is not the first time that Ms. Fellner's employment has come  
303 up, and the previous time the vote was 4:3. I believe I heard the gang of four at that time, too. Only it wasn't the  
304 same four. So, you know, it goes this way; it goes that way. Secondly, well thirdly, fourthly, whatever, we have  
305 things like this happen and these rumors start flying. We need to be very careful about what we believe, and what we  
306 hear, and what we accept. There are so many propaganda methods that have been throwing out there. You can select  
307 facts and change the outcome of the winner of a war, simply because you chose certain facts to support your side.  
308 When someone tells you something, consider their bias. Why would their information perhaps support that particular  
309 point of view? What do they have to gain? What do they have to gain? Treat it; the whole thing is treat each other  
310 nicely. *(Time ended.)* Thank you.  
311

312 Mr. Stan Wrobel, 3<sup>rd</sup> Avenue South: My family and I have not lived here long enough to know the history  
313 or the source and cause of all the hate, meanness, and contempt you have shown to town staff and each other. You  
314 have disillusioned us, and many residents. You need to sit up on that dais and exhibit the decorum and respect  
315 expected of elected officials. You represent all residents, not just a handful who vote for each of you. I'm not an  
316 issue with concerning those who were fired and rehired. That's; that should be an executive session. It's the  
317 unprofessional way you handle it. And, you dare to question the duties of the mayor. Look at what your duties and  
318 responsibilities are first. I'm gonna quote Merriam-Webster's definition of politician: *1(a) a person experienced in*  
319 *the art or science of government, especially one actively engaged in conducting the business of government. (2)(a) a*  
320 *person engaged in party politics as a profession; (b) often disparaging, a person primarily interested in political*  
321 *office for selfish or other narrow usually sort-shortsighted reasons.* Where do you think you fit? Some of you  
322 should be ashamed of yourselves. Thank you.  
323

324 Mr. Shane Stewart, 7<sup>th</sup> Avenue South: (addressing the audience) Do any of you guys like a bully? Mayor  
325 Childs: Sir, please address council. Mr. Stewart: Yes, I was just gonna say this past week I was up at the town hall  
326 and there were some gentlemen that came in; there were four of 'em, and the way they talked to the people working  
327 there just was, was not very nice, and it just seemed like they were bullying people. Just demanding people get off  
328 the phone; do it right away; right now. They told one lady that you don't want to get involved in this. It was just  
329 very disconcerting that our council would even act this way, or that other councilmembers will even let others act  
330 this way, and is kind of embarrassing. I wasn't here for the last council meeting, but I was at the town hall the other  
331 day when everyone was wearing civilian clothes, and you would think there'd be some sort of civility between  
332 people that work with the town and also Town Council. I was just embarrassed to even see that. Hopefully, it won't  
333 happen again. The town is already walking around on egg shells right now. They think they're about to be fired.  
334 There's already people that are quitting, just because they're afraid that Town Council is gonna fire them for some  
335 reason. It's hard to find good enough help in this town, and here you are getting rid of people. So, anyway, good  
336 luck.

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**3. Business.**

Mayor Childs introduced town attorney Mike Battle. Mr. Battle said any questions would be answered throughout the business discussions, and explained that council could enter executive session for legal advice, if members desired to do so.

Mr. Stevens moved to waive executive session and that council be allowed to ask Mr. Battle questions.  
**MOTION FAILED; NO SECOND.**

**i. Appointing an Acting Administrator until Interim Administrator Appointed.** Mr. Stevens moved to appoint Police Chief Hofmann as acting administrator until an interim administrator is appointed, and that Town Council as a whole form a search committee to find a permanent town administrator. Mr. Courtney second. Mr. Johnson said the Municipal Association was contacted regarding individuals to serve as interim administrator. Those names would be sent to councilmembers for consideration. Neither Mr. Pellegrino nor Ms. Samples supported the motion citing that while Chief Hofmann was an excellent police chief, he had enough responsibilities and it would be a burden to add the administrator's duties to his list of responsibilities. Chief Hoffman said I would be willing to act as your acting town administrator until an interim administrator is appointed, as long as council is moving expeditiously. I will be happy represent the town's best interest in day-to-day operations, as long as everyone understands that it would be in strict compliance with our ordinances and any communication that comes to me or goes out to council would go to all councilmembers. I would also respectfully request that I not be asked to terminate any town employee under any circumstance. Chief Hofmann continued discussing staffs' concerns, and his duty to prioritize public safety. Mr. Stevens cited several codes and said that council has all legislative, policy, and administrative powers. After a discussion, Mayor Childs summarized that in his opinion all councilmembers trusted Chief Hofmann to handle the day-to-day town operations. Hopefully, council can meet soon to discuss the applicants for the interim administrator position. Mayor Childs, Mayor Pro Tempore Ott and Councilmembers Courtney, Johnson and Stevens voted in favor. Councilmembers Pellegrino and Samples voted against. **MOTION CARRIED.**

**ii. Authorizing someone to sign the Payroll/Status Change Notice for PBZ Director.** Mr. Stevens moved to authorize acting administrator Hofmann to execute the payroll/status change notice for the PBZ director, and under that motion it be marked as other, and under comments it be reinstatement by Town Council. Mr. Courtney second. Ms. Samples said this motion is authorizing Chief Hofmann to sign the document to re-hire an employee. Mr. Stevens said reinstate. Ms. Samples said to reinstate. Last Tuesday's meeting when you fired the top administrative official, and the deputy administrator resulted in you not being able to enact your third action. Clearly someone should have been appointed someone temporarily at that meeting, but we didn't do that. In the interest of transparency, from what I understand four councilmembers went to town hall and wanted staff to sign that document to rehire the employee, since we had no administration. That couldn't happen; nobody on staff could do it because nobody is authorized. Now we have a motion before us to authorize the acting administrator to sign that document. Mr. Stevens said yes, however, you are incorrect that we asked staff. The fact is because in a council form of government, we have all legislative, policy, and administrative powers. Council could have signed that document. Ms. Samples appreciated the comments and said the ordinance state that council can hire and fire the administrator, but certainly can't hire and fire department directors. Mr. Ott said that was not correct. A discussion ensued regarding council's authority to hire and fire the administrator and department directors. Mr. Ott explained that he visited with Mr. Battle, and he misunderstood Mr. Battle's statement that four members of council could sign that paper; the council could do so, but only after a vote was taken by the council in public. Mr. Battle explained the difference between a reinstatement and a new hire, advising that the town's personnel handbook prohibits bridging employment. Mr. Stevens cited case law that in his opinion allowed the town to reinstate Ms. Morris. Mr. Battle again requested that council go into executive session to hear legal advice. Ms. Samples moved at 7:12 p.m. to enter executive session pursuant to the Freedom of Information Act Section 30-4-70(a)(1) to discuss the planning building and zoning director and (2) to hear legal advice from the town's attorney relating to a threatened, potential or possible legal claim against the town. Mr. Ott second. All voted in favor. **MOTION CARRIED.** Mr. Johnson moved to reconvene regular session at 8:11 p.m. Mr. Ott second. All voted in favor. **MOTION CARRIED.** Mayor Childs called for the vote on the motion to have acting administrator Hofmann sign the payroll/status change form for the PBZ director. Mayor Childs, Mayor Pro Tempore Ott and Councilmembers Courtney, Johnson, and Stevens voted in favor. Councilmembers Pellegrino and Samples voted against. **MOTION CARRIED.**

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**iii. Discussing the Planning, Building and Zoning Department Organization.** Mr. Stevens moved to direct Mr. Adair to determine the cost to move the planning, building and zoning department from town hall to the civic center. Mr. Courtney second. Ms. Samples asked why this move was being requested. Mr. Ott explained it will be easier to conduct business with the department staff in one location. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, and Stevens voted in favor. Councilmember Samples voted against. **MOTION CARRIED.**

**iv. Duties of the Mayor.** Mr. Ott moved to remove this discussion. Mr. Johnson second. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino and Stevens voted in favor. Councilmember Samples voted against. **MOTION CARRIED.**

4. **ADJOURNMENT.** Mayor Childs adjourned the meeting at 8:13 p.m.

Prepared and submitted by,

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

Approved: February 27, 2018

VOTE:            Yes            No

**SURFSIDE BEACH TOWN COUNCIL**

                    

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

                    

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Ron Ott, Mayor Pro Tempore

                    

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Timothy T. Courtney, Town Council

                    

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Mark L. Johnson, Town Council

                    

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David L. Pellegrino, Town Council

                    

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Julie M. Samples, Town Council

                    

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Randle M. Stevens, Town Council

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