Executive Session – 5:30 p.m.

1. Call to Order. Mayor Childs called Town Council to order at 5:30 p.m. Mayor Childs, Mayor Pro Tempore Pellegrino, and Councilmembers Dietrich, Johnson, Ott, Scoles, and Stevens were in attendance. A quorum was present. Others present: Town Attorney Crosby; Town Administrator Pieper, and Town Clerk Herrmann.

2. Executive Session. Pursuant to the Freedom of Information Act §30-4-70(a)(1) to discuss the appointment of a person or persons to a public body, specifically the planning commission and §30-4-70-(a)(2) discussion of negotiations incident to proposed sale or purchase of property. Mr. Stevens moved to enter executive session at 5:30 p.m. Mr. Ott second. All voted in favor. MOTION CARRIED.

Mr. Stevens moved to reconvene regular session at 6:10 p.m. Mr. Ott second. All voted in favor. MOTION CARRIED. Mayor Childs said for the record that no action was taken during executive session. Any action will be taken during the regular meeting under item 7, Business.

3. Adjournment. Mr. Stevens moved to adjourn executive session at 6:10 p.m. Ms. Scoles second. All voted in favor. MOTION CARRIED.

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 Pellegrino, and Councilmembers Dietrich, Johnson, Ott, Scoles, and Stevens were in attendance. A quorum was present. Others present: Town Attorney Crosby; Town Administrator Pieper; Town Clerk Herrmann; Finance Director King; Police Chief Hofmann, and Public Works Director Adair.

2. INVOCATION AND PLEDGE OF ALLEGIANCE. A. Invocation: Reverend Franklyn Ward, Timberlake Baptist Church, gave the invocation. B. Pledge of Allegiance: Mayor Childs led the Pledge.

3. PUBLIC HEARING to hear comments on Ordinance #19-0893 Stormwater Management Utility Fee; Ordinance #19-0894 to amend FY18-19 Municipal Budget, and Ordinance #19-0895 to adopt FY19-20 Municipal Budget. Mayor Childs opened the public hearing at 6:32 p.m.

Ms. Betty Lowery, 4th Avenue North, supported the stormwater fee, but asked if the fee could be collected monthly, because it might be a hardship for those with limited incomes to pay annually. She urged council to ensure the fee was used solely for stormwater projects, and asked if the stormwater agreement with Horry County would be renegotiated since Deerfield golf course is being redeveloped as residential houses.

Mr. Bill Kinken, Dogwood Drive North, understood the project cost to bury the power lines was above budget, but he urged council to continue with the project to bury as many of the line as possible
with the funds on hand. Highway 17 is being improved, and in his opinion, not burying the wires would keep an eyesore.

There were no other public comments. Mayor Childs closed the hearing at 6:36 p.m.

4. AGENDA APPROVAL. Mr. Stevens moved to adopt the agenda as presented. Ms. Scoles second. All voted in favor. MOTION CARRIED.

5. MINUTES APPROVAL. April 23, 2019. Mr. Stevens moved to adopt the April 23, 2019 minutes as presented. Mr. Johnson second. All voted in favor. MOTION CARRIED

6. PUBLIC COMMENTS. Agenda Items Only.

Ms. Yvette Hellyer, 7th Avenue North, opposed adoption of Ordinance #19-0892 that restricted multiple family members from serving simultaneously. She believed that to be unfair, unethical and targeting someone like her who has already been appointed to serve on the stormwater committee, but may not do so now because her husband is on the planning commission. Neither she nor her husband should be put in the position of choosing which of them should serve. It is their civic duty and responsibility to contribute to the town utilizing their areas of expertise. This amendment was an attempt to force her husband to resign from the planning commission and she was being made a political pawn. Please do not adopt this. The town needs volunteers who want to dedicate time.

Mr. Bob Hellyer, 7th Avenue North, said both he and his wife are retired and have 35 years of public service. After moving here, they decided to get involved to try to better the town. Since then, he’s been stuck in a political nightmare and is the only remaining member of the planning commission. Now, the rules are changing so either he or his wife must resign. Ordinance #19-0892 has many problems. He believes it violates state law and has ethical problems; everybody [on council] was given notice.

Ms. Beth Kohlmann, Ocean Boulevard South, was also concerned about Ordinance #19-0892. Based on her research the town has six statutory and five *ad hoc* committees. Some members serve on more than one committee; some serve on committees that affect their businesses. In her opinion that is improper, and the appearance of impropriety already exists. There is an appointed volunteer with years of experience, but if this is adopted, she will not be allowed to be sworn and serve. She opposed amending the paragraph stating a member could be removed ‘for cause’ and replacing it with ‘by vote of council.’ Council appoints the members, so it already has enough power.

Mr. Ron Mask, 10th Avenue North, commended council for bringing the stormwater management utility fee forward. The stormwater committee has three [sic] members with spouses on other committees, so adoption of Ordinance #19-0892 may affect its membership.

Mr. David Bergner, 16th Avenue South, opposed the meeting time being changed. He asked how the public would know when the meeting would begin if it was after the end of the executive session and how that would comply with the Freedom of Information Act that requires the meeting time to be published.

Mr. Laurence McKeen, 6th Avenue South, said much of Ordinance #19-0892 was focused on making us more like the rest of the state, regardless of the town’s size. He referred to a document as he held up a copy and said it interprets South Carolina Law so you can understand it. He read some from the document noting that planning commission must be appointed for staggered terms; members may be removed for cause. The proposed ordinance allows you to remove members because it’s your pleasure. In his opinion, that is illegal. He cited codes about membership expertise and asked if council had considered that.
7. COMMUNICATIONS. Administrators Report. Mr. Pieper reported:

- South Carolina Emergency Management Division reported that the biological opinion for the pier is in final review; he expects an update within two weeks.
- Architects, engineers and planning staff met to discuss pier plans. There are two or three code issues to be resolved, and they should be submitted this week so the planning department review can be completed.
- The Municipal Association Annual Meeting notices were sent out; if you plan to attend, please send your registration information to the clerk, if you have not already done so.
- Horry County adopted final reading on the ordinance to accept management of the town’s election function. Filing dates for the November election will be August 23rd at 12 noon until September 6th at 12 noon. More information will be published as the filing dates approach.
- The rescue pumper (fire truck) preconstruction meeting was held with the Farrara Group. Our comments will be submitted and then the truck will go into production.
- Painting continues inside town hall. Staff is doing a great job, and it’s looking nice.
- Director King and he met with the county auditor to discuss reassessment and adding the proposed stormwater fee to the property tax bills.
- There were various meetings with residents and business owners on constituent matters.
- Proposals for the auditors for next year are currently being reviewed.

8. BUSINESS.

A. Second Reading Ordinance #19-0892 Chapter 2, Administration, Councilmember Dietrich. Mr. Dietrich moved to adopt second reading of Ordinance #19-0892, as presented, which includes the amendments put into writing in our packages. Ms. Scoles second. Mr. Dietrich said second reading is presented with an approved amendment to change the meeting time to 6:00 p.m.; a three minute limit for councilmembers’ comments, that he supported; if there is a matter of urgent business, council can move to suspend rules to allow more discussion, and the mayor’s amendments that clear up questions about service on committees. The decision paper and ordinance are on file. Mr. Ott opposed the ordinance, because in his opinion it was “hiding the family element.” Mr. Pellegrino had multiple concerns; one was the 6:00 p.m. meeting time. In his opinion it would make it difficult for those who work to arrive on time. Mr. Johnson had several issues, particularly not allowing family members to serve simultaneously; there has been and is a problem getting volunteers. Mayor Childs, and Councilmembers Dietrich, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino, and Councilmembers Johnson and Ott voted against. MOTION CARRIED.

B. Second Reading Ordinance #19-0893 Stormwater Management Utility Fee, Director Adair. Mr. Stevens moved to adopt second reading of Ordinance #19-0893 as presented. Mr. Ott second. Mr. Adair presented the decision paper and ordinance, copies of which are on file. Ms. Scoles and Mr. Ott asked if the revenue would be used only for stormwater. Mr. Adair said the ordinance is specific about uses; it will be in a separate fund and used only for stormwater, which is why the fee is defensible in court. Ms. Scoles asked if the fee could be collected monthly. Mr. Adair said Grand Strand Water and Sewer would not collect the fee. Mayor Childs, and Councilmembers Dietrich, Johnson, Ott, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino voted against. MOTION CARRIED.

C. Second Reading Ordinance #19-0894 to amend FY2018-2019 Municipal Budget, Director King. Mr. Stevens moved to adopt second reading as presented. Ms. Scoles second. Ms. King presented the decision paper and ordinance, copies of which are on file. Mr. Ott said the underground wiring project on Highway 17 was only for lines running east to west. Mr. Pellegrino said in response to a public comment that there was consensus that the underground paving on Highway 17 is a priority, and it would continue as part of the overall underground wiring project, but it would be bid at a later date. All voted in favor. MOTION CARRIED.
D. First Reading Ordinance #19-0895 to adopt FY2019-2020 Municipal Budget,

Director King. Mr. Stevens moved to adopt first reading of Ordinance #19-0895 as presented. Mr. Ott second. Ms. King presented the decision paper and ordinance, copies of which are on file. She noted that there is no tax increase. Reassessment being done by Horry County, but staff does not expect that to cause a tax increase. The actual tax millage cannot be determined until the county completes reassessment, which is expected sometime in August. If the tax rate must be changed, it will be presented to Town Council. The total budget is $12,367,790. Ms. Scoles asked when the assessment would be completed. Ms. King said staff met with the auditor this week; the notices will be sent in early July. Mr. Pellegrino said the stormwater fee is basically a 16% tax increase for the average taxpayer. Stormwater is important, but in his opinion, departments have not done enough to tighten their budgets and should be challenged to do so. Mr. Ott said homeowners recoup that money through the 25 percent reduction in flood insurance because of the town’s Community Rating System rate. Mayor Childs, and Councilmembers Dietrich, Johnson, Ott, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino voted against. MOTION CARRIED.

E. MOU Renewal with City of Myrtle Beach Police Department Mutual Aid, Chief Hofmann. Mr. Stevens moved to authorize the town administrator to execute the two-year renewal as presented. Mr. Dietrich second. Chief Hofmann presented the decision paper and agreement, copies of which are on file. All voted in favor. MOTION CARRIED.

F. Planning Commission Appointments. Mr. Stevens moved to appoint Mr. Casey Brown, Ms. Melanie Lane-Laveglia, Mr. Michael Pesce, Mr. Sammy Truett, and Mr. Cody Sluder to the planning commission. He believed the appointments violated the ordinance just adopted that prohibited serving on multiple committees. Ms. Herrmann said both individuals acknowledged that they would have to resign from the accommodations tax committee before being sworn to the planning commission. Mr. Johnson said staggered terms were not discussed. Mayor Childs and Councilmembers Dietrich, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino and Councilmembers Johnson and Ott voted against. MOTION CARRIED.

G. Motions and/or directions to Town Administrator resulting from Executive Session.

Mr. Johnson moved to direct the town administrator to negotiate and execute an agreement for Parcel A in the Town of Surfside Beach. Mr. Stevens second. All voted in favor. MOTION CARRIED.

9. TOWN COUNCIL DISCUSSION. Any matters of concern or information to be discussed.

Mr. Ott said he would have gladly voted for the individuals if they weren’t already serving on another committee. All they needed to do was submit a letter that they would resign. We only have hearsay. We don’t know that they agreed to resign. I’ve never seen an ordinance violated that quickly.

Ms. Scoles disagreed with Mr. Ott. Council appointed the individuals and we should take their word that they will do what they said. She believes a person’s word until it is broken. If that doesn’t happen, then council has the right to remove them from the committee.

Ms. Crosby said this relates to dual office holding that is prohibited by state law. The individuals cannot be sworn to the planning commission until they resign from their current appointment. This situation happens frequently at all levels of office when an appointee has to resign first before accepting a new appointment.

10. PUBLIC COMMENTS. General Comments.

Ms. Betty Lowery, 4th Avenue North, was concerned that the town has many very experienced retirees who could not serve on committees, because a family member already served on a committee.
You’re trying to keep one family from having undue influence on a particular issue, but at the same time you’re negating all the experience that could benefit the town. Council should reconsider that rule, and control membership by its appointments.

Ms. Ann Wescott, Cedar Drive North, wanted the former planning commission members to know how grateful she was that they saved the town’s FEMA flood insurance. These people are due a vote of thanks; not to be replaced by someone who has no idea what to start with.

10. TOWN COUNCIL COMMENTS.

Mr. Stevens wanted everybody to know that the town was the only municipality in the area that didn’t have a stormwater fee. The cost is 23 cents a day to ensure the town has proper stormwater management. Another hurricane could happen; that money is to prevent flooding. Thank you for coming.

Ms. Scoles thanked everyone for coming and voicing their opinions. Special thanks to Mr. Pieper who was very helpful last weekend during the heavy rains. Have a good evening.

Mr. Pellegrino thanked everyone for coming. We have great services and staff that manages them. The budget has some positives: the disaster fund will be $1.2 million by the end of this cycle; four years ago there was nothing. Beach renourishment funds are being reserved. However, revenue has been flat for many years; within a few $100 thousand annually during his six years on council. It’s recommended that we have three months of town expenses reserved. We remain right at the three month standard in the unassigned fund after about a $350 thousand reduction this year. That is why it is very important to understand expenses. He did not agree with another tax like the stormwater fee. We discuss many things at the budget workshops, but we don’t dig into opportunities inside the departments. I will keep pushing for that along with new revenue sources. The E district and the pier will provide some opportunities, but they are a few years away. We need to capitalize on those areas, because they could provide more revenue than in the past. Have a great night.

Mr. Ott reminded everyone that the adaptive surfing event will be on Saturday at 13th Avenue South. He encouraged every able-bodied person to volunteer and invited everyone to watch the event. Today is the last day to walk your dog on the beach until September 16th. Thank you for coming. Enjoy your day.

Mr. Johnson said the E district could have progressed, except that council erred and the ordinance had to be cleaned up. He was concerned that the names of the volunteers for the planning commission were not made public prior to the meeting, because during the past 12 years that he served they have always been made public. He did not agree with the six o’clock meeting time. It makes it hard for working people like himself to get here. Thank you all for coming out. God bless. See you next time.

Mr. Dietrich agreed with Ms. Scoles that Mr. Pieper was very helpful during the rain event last weekend. He was there for us then and always is. He was much obliged that Mr. Pieper is always available. Thank you to Chief Hofmann for bringing the mutual aid agreement. He agreed with Mr. Stevens’s comments regarding the stormwater fee. Thank you to everyone who spoke and for coming out tonight. God bless you all. Have a safe trip home. See you in a couple of weeks.

Mayor Childs said in response to Mr. Stevens’s comments, we’ve been very fortunate during hurricanes and rains. This town has not experienced any major flooding. We have about $3.5 million dollars in possible stormwater projects. We just do not have that money, which is why we need the stormwater fee. We have to generate the revenue to do those projects so we can keep the town free of flooding. Neighboring communities just a few miles away just got rid of water from a storm last year. This is a good fee. I don’t think there is any other matter that generates more complaints than flooding in
town. Until money is available to work on the problems, there is nothing the town can do. I think it is a good decision, and everybody will be pleased with the results.

12. ADJOURNMENT. Mr. Stevens moved to adjourn the meeting at 7:31 p.m. Mr. Johnson second. All voted in favor. MOTION CARRIED.

Prepared and submitted by:

Debra E. Herrmann, CMC, Town Clerk

Approved: May 28, 2019

Surfside Beach Town Council

__________________________________________
Robert F. Childs, III, Mayor

David L. Pellegrino, Mayor Pro Tempore

Bruce H. Dietrich, Town Council

Mark L. Johnson, Town Council

Ron Ott, Town Council

Debbie Scoles, Town Council

Randle M. Stevens, Town Council

Clerk’s Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is 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.surfsidebeach.org and the town’s LED marquee.