



TOWN OF SURFSIDE BEACH  
115 US Highway 17 North, Surfside Beach, SC 29575  
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☎ (843) 913-6111 ☎ (843) 238-5432

**TOWN COUNCIL REGULAR MEETING  
COUNCIL CHAMBERS  
TUESDAY, NOVEMBER 13, 2012 ♦ 6:30 P.M.**

**AMENDED A G E N D A**  
**ADDED EXECUTIVE SESSION, ITEM 11**

1. **CALL TO ORDER** – Mayor Douglas F. Samples
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** - Pastor Robert Hayes, South Strand Assembly of God
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL**
  - A. Regular Meeting October 23, 2012
  - B. Public Hearing October 23, 2012
5. **PUBLIC COMMENTS** – 3-minutes per speaker
6. **COMMUNICATIONS**
  - A. Department Reports
    - i. Planning, Building & Zoning
    - ii. Police
    - iii. Fire
  - B. Administrator's Report – Update on Current Events
7. **BUSINESS**
  - A. Second Reading Ordinance #12-0731 to amend FY2011-2012 Municipal Budget, Treasurer Hursey
  - B. First Reading Ordinance #12-0727 to amend §9-16 Decals and Exemptions, Councilmember Kohlmann
  - C. First Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily Newspaper and §26-(j) Annual continuing Committee Reports, Councilmember Dodge
  - D. First Reading Ordinance #12-0734 to amend §7-12 Sanitation Service Charges, and to add §7-37(g) Electronic Waste prohibition, Public Works Director Adair
  - E. Intergovernmental Agreement with Horry County – Senior Center, Town Administrator Fellner
  - F. Decision Paper – Amend Personnel Policy Manual to Limit Workplace Audio and Video Recordings, Town Administrator Fellner
8. **DISCUSSION** – Any matters of concern or information to be discussed by Town Council.
9. **PUBLIC COMMENTS** – 5-minutes per speaker
10. **COUNCIL COMMENTS**
11. **EXECUTIVE SESSION** - Pursuant to FOIA §30-4-70(a)(1) to discuss personnel restructuring
12. **ADJOURNMENT**



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
NOVEMBER 13, 2012 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

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7 **1. CALL TO ORDER.**

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9 Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore  
10 Mabry, and Councilmembers Johnson, Kohlmann, Smith, and Stevens were in attendance.  
11 Councilmember Dodge was out of town. A quorum was present. Staff present: Town Administrator  
12 Fellner; Fire Chief Packard; Planning Director Morris; Interim Police Chief Keziah, and Public Works  
13 Director Adair. Also present: Town Attorney Moss and Town Clerk Herrmann.  
14

15 Mayor Samples: "Good evening. Welcome to a, our regular council meeting for the Town of  
16 Surfside Beach. I've got a couple of announcements. First, I want a, say thank you to all the staff and  
17 everybody that turned out for the Veterans Day ceremony. It was a beautiful day. I also want to thank  
18 Glen Curtis personally who put a lot of time and effort into making it a success. I felt it was very, very  
19 nice. It was real nice. Tomorrow night at 6:00 p.m. we will be having a, a, an infrastructure subcommittee  
20 meeting in the chambers and everyone is welcome to attend, and I guess, before I forget it, I also want to  
21 wish everybody a happy Thanksgiving. This is the last meeting before Thanksgiving, and, and I hope  
22 everybody's gonna have a wonderful holiday. With that, I don't see Pastor Hayes, and if it's alright with  
23 everybody, I'll go ahead and do the invocation, unless somebody else would like to. Okay."  
24

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

26  
27 Mayor Samples gave the invocation, and led the Pledge of Allegiance.  
28

29 **3. AGENDA APPROVAL.**

30  
31 Mayor Samples: "The next item is the agenda approval."  
32

33 Mr. Smith: "Mr. Mayor, I move we approve the agenda."  
34

35 Ms. Kohlmann: "Mr. Mayor." Mayor Samples: "Ms. Kohlmann."  
36

37 Ms. Kohlmann: "I move to agend [sic] the a regular council minutes meeting, oh wait, okay I'm  
38 doing the minutes. I'm ahead of myself."  
39

40 Mayor Samples: "I need a second. There's a motion to ap...there is a second."  
41

42 Mr. Stevens second by hand motion.  
43

44 Mayor Samples: "There is a second. All in favor say aye."  
45

46 All Members: "Aye."  
47

48 Mayor Samples: "Opposed? They're adopted."  
49

50 **4. MINUTES APPROVAL.**

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52 Mayor Samples: "Minutes approval. Ms. Kohlmann."  
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54 Ms. Kohlmann: "I'd like to agend [sic] the a, amend the regular council meeting minutes of  
55 October 23<sup>rd</sup>, 2012 in line 408 replace the word Popular [sic] Drive with C-3."

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Mayor Samples: "What line was that?"

Ms. Kohlmann: "408."

Mr. Stevens: "408, page 11."

Mayor Samples: "408. Does everybody understand? There's a motion."

Ms. Mabry: "Second."

Mayor Samples: "There's a second. All in favor say aye to the amended minutes. Aye."

All Members: "Aye."

Mayor Samples: "Opposed? Hearing none, the minutes are adopted. There's another set of, of minutes. Hey, for my clarification was that the public hearing minutes or was that the regular meeting?"

Several speakers: "Regular."

Mayor Samples: "Okay, can I get a motion to adopt the public hearing minutes?"

Ms. Mabry: "Mr. Mayor, I move to adopt the public hearing minutes, October 23<sup>rd</sup>, 2012."

Mayor Samples: "Is there a second?"

Mr. Stevens: "Second."

Mayor Samples: "There is a second. All in favor say aye."

All Members: "Aye."

Mayor Samples: "Opposed? The minutes are adopted."

Ms. Herrmann: "Just for the record and for the audience as information, Ms. Morris was not listed as present at [sic] the last regular meeting minutes so that was added as a scrivener's note."

Mayor Samples: "Thank you." Ms. Herrmann: "You're welcome."

##### **5. PUBLIC COMMENTS – AGENDA ITEMS.**

"John Ard, 612 Cypress Drive, Surfside. Mr. Mayor, Council, administrator, citizens, we have here tonight under the business section here number F down there, a decision paper, amend personnel policy manual to limit workplace audio and video recordings. I've done a lot of research on this. Is it legal to record in person conversations in South Carolina? Yes. Only one party's considered necessary for the recording of a wire or electronic or oral communication. South Carolina Code 1730, 17-30-20, 17-30-30; what this actually says is what they're trying to do is do away with like video recordings or anything like that in the workplace, any talking or anything like that, and they can also be to where it's a protection for you, and if you read up on the laws, and I don't have time to get into all of it, cause it's too in depth, but that is something right there that the town cannot do. They can't amend that ordinance. That comes under a federal and state ordinance. Under a federal or state ordinance all your municipalities, your towns, the county, everybody has to go by the federal or state, so I don't see where there's any question as to why there's any discussion at all on this. It's pretty simple. It's pretty cut and dry, and a what I would suggest is just what this thing says, you only have to have a one party consent. If you've got three people standing there in the conversation, you can ask yourself this questions, 'Do I consent to taping this conversation?' Answer: Yes. That gives you the right to tape that conversation. Now, also, the law

112 further states that if anybody in a higher up position happens to get wind of this and goes to you and  
113 threatens you that if you let anybody hear that tape or that if you speak to certain people and all, you will  
114 be fired from your job. That is totally against the law. That can lead into a civil suit. Thank you.”  
115

116 “Guy Lanham, 1020 Hickory Drive, and I want to talk about the ordinance for sanitary service  
117 charges, the increase you're trying to make. I'm not one of your regular complainers, but I couldn't let this  
118 one go. A few months ago you gave a, you gave up a profitable source of income to the town, that being  
119 the Caro, Caropines sanitary pick up. There was about \$30,000 in profit with very little increase overhead  
120 and you had an ability to get out of it at any time or at least on a short period of time, if it became  
121 unprofitable. Well after that was passed, I emailed the mayor and the council. I tried to get a rationale for  
122 this decision, and I received only two replies from the people that supported it, and by the way, I  
123 appreciate those replies. One of them was basically because we wanted to. The other one alluded to a  
124 personnel problem. Now I retired from private industry, and I will assure you that if we had a profitable  
125 business such as the Caropines situation, and we had a personnel problem, we would've solved the  
126 personnel problem. You threw the baby out with the bathwater. Now you're asking for a 25-percent  
127 increase in the charges. Now the Caropines income may not have covered the total need for the  
128 increase, but it certainly would've made it considerably less. I personally think that you made a very  
129 misguided decision based on strictly on emotions, and I may be wrong, but that's the only thing I can  
130 come up with. Thank you.”  
131

## 132 6. COMMUNICATIONS.

### 133 A. Department Reports

#### 134 i. Planning, Building, & Zoning.

135  
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138 Ms. Morris: “Good evening, Mayor and Council. You have the full report in front of you, I'm sure.  
139 Staff approved three minor subdivisions in October. One on 8<sup>th</sup> Avenue North; one at Dogwood Drive  
140 South, and one at Dogwood Drive North, and minor subdivisions are basically less than five lots and they  
141 do not include new streets. The building, we issued five new residential permits. This is certainly up from  
142 last month. One on 9<sup>th</sup> Avenue South; two on Oak Drive North; one at Harbor Lights Drive, and one at  
143 15<sup>th</sup> Avenue North. We issued a total of 104 permits in October. That's up from 65 permits issued last  
144 year. A 132 inspections were performed and we did 32 sets of plan reviews. Staff followed up on  
145 complaints and notified the owners of two homes, which we had gotten several complaints on, located at  
146 15<sup>th</sup> Avenue South that are board up. Both had to be demo...condemned or repaired, which we did talk to  
147 the owner. He agreed that one should be, should be demolished and he's getting prices now to do that.  
148 He's also contacting a structural engineer to see if the other one can be rebuilt. We'll certainly keep you  
149 up to, up on that because several have asked about it. The building official attended the Coastal Code  
150 Enforcement Association meeting in North Charleston. He is right now in Columbia taking the building  
151 official certification class, and I passed the International Code Council zoning certification last month, and  
152 we continue code enforcement on a daily basis.”  
153

154 Mayor Samples: “Any questions.”

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156 Mr. Smith: “A, Mr. Mayor.”

157  
158 Mayor Samples: “Mr. Smith.”

159  
160 Mr. Smith: “River City sign is still not repaired, is there anything we can do about it?”

161  
162 Ms. Morris: “Yes, sir. We have already started that process. We will a, I'll check on it.”

163  
164 Mayor Samples: “Thank you, any other questions? Thank you, Sabrina.”

165  
166 *Clerk's note: A copy of the written report is on file.*  
167

168 ii. Police.

169

170 Mayor Samples: "Moving along, a, the police report, Interim Chief Rodney Keziah. Rodney, how  
171 are you?"

172

173 Chief Keziah: "Good, thank you. First off, I'll give you an update on the coyote situation, and we  
174 do have a contract with Alpha Predator Company out of Conway now. They're actively pursuing the  
175 animals. No success as of yet. I talked to them just a little bit ago, and evidently we're dealing with some  
176 smart animals out there... signs are that they are still there, but no success as of yet. He's still working on  
177 it. You do have a copy of the report that was submitted and it was also on line. Calls for service have  
178 increased 7-percent since last month, so we, we were supposed to be into the shoulder season, but we  
179 are seeing an increase in calls for service, which that's the norm for the other agencies in the county also.  
180 Arrests from October of last year to this year have increased 22-percent. Personnel actions in the report,  
181 we did receive a letter of resignation from Alberto Sanabria. He was here for three years. He left to take  
182 a position with a state agency in North Carolina, moved with some family to Charlotte and he's based out  
183 of Charlotte now. We wish him the best. A lot of you might remember, he was our beach patrol officer in  
184 the truck from last year. A real good people guy; we hate to lose him. Excuse me, we had posted for  
185 applications for a dispatcher position, and we hope to have that process completed in December with  
186 some new people hired on for that. Taking applications now for the police officer position; it closes on  
187 Thursday of this week. We'll be doing the review process and trying to get a hiring pool for that also. We  
188 did hire a new police officer who's already certified. He started yesterday. He came out of Andrews. He  
189 brings over five years of experience with some very good advance training with him, so I think he'll be a  
190 great asset to the town. As far as our training, we do have an officer on staff now who's certified through  
191 the Department of Justice for Neighborhood Community Watch implementation and maintenance. So  
192 we're hoping that we can expand our efforts in the different communities. We've also started a  
193 community watch for Harbor Lights. We had our first meeting in October; had about 20 residents that  
194 attended, and we've already used the process for several calls for service that we've had out there, so it's  
195 working real well. We're looking forward to other communities getting involved so that we can get it going  
196 for them also. Another program that we're trying to roll out, it'll probably be after the first of the year, is  
197 another community based program, it's a citizens' police academy. North Myrtle Beach, Myrtle Beach,  
198 and some other agencies in the county have implemented it and have had great success. We're gonna  
199 start off with probably ten to 15 citizens that you have to go through a background check and be approved  
200 to come into the program. It's a 6-week program that deals with different aspects that the police  
201 department faces, and they'll go through that training and then have a graduation ceremony. So we're  
202 looking forward to that, also. Our annual firearms training will be in December; have two days set aside in  
203 December for that. Notable events that took place in October was our Family Festival. We had a great  
204 turn out for that. We had a booth set up, a dunking booth, and we raised over \$600 for the Special  
205 Olympics of South Carolina, and we were able to deliver that to them, only to be used in South Carolina,  
206 so we're excited about that, and also, \$200 of that was for me to get shot with a tazer! I thought it was a  
207 good idea to start with, but I don't think it turned out that good. *(Laughter.)* I'm not naming names, but I  
208 set a dollar figure that if they raised "x" amount of dollars, I would get shot. I didn't know that several  
209 people in the room had checkbooks ready (\*\*) but we did get that money for me to take the hit, so we're  
210 excited about the money that we raised for special events, and I'll entertain any questions that you have."

211

212 Mayor Samples: "Thank you, Rodney. Any questions?"

213

214 Ms. Kohlmann: "Mr. Mayor."

215

216 Mayor Samples: "Ms. Kohlmann."

217

218 Ms. Kohlmann: "I just, welcome."

219

220 Chief Keziah: "Thank you."

221



222 Ms. Kohlmann: "The neighborhood watch training seminar that Officer Clark went to is great. I  
223 think it's exciting time for the people of the town to get more involved with what's happening at the police  
224 department, so I look forward to seeing that grow."  
225

226 Chief Keziah: "Thank you."  
227

228 Ms. Kohlmann: "I do have a strange question, or some people might think it's strange. Of the  
229 applications that you received in the police department, are any of the women? Cause I've noticed since  
230 I've been here there's no female police officers out there and I was just wondering if they just don't apply  
231 or ..."  
232

233 Chief Keziah: "I was keeping this a secret, but since you brought it up..."  
234

235 Ms. Kohlmann: "Alright, forget it then, I... (*Laughter.*)"  
236

237 Chief Keziah: "No, I'll go ahead and answer it. We're in the process of switching a dispatcher  
238 from the dispatch position we have into a police officer slot. So she'll be going to the academy to be a  
239 female officer on the road and that's why we have the position posted on line for the dispatcher, but we  
240 have to get that dispatcher hired and trained before we can move her to a vacant slot that we have now."  
241

242 Mayor Samples: "Excellent."  
243

244 Ms. Kohlmann: "Thank you."  
245

246 Mr. Stevens: "It's good."  
247

248 Mayor Samples: "Any other questions? Thank you, sir."  
249

250 Chief Keziah: "Thank you."  
251

252 *Clerk's note: A copy of the written report is on file.*  
253

254 iii. Fire.  
255

256 Mayor Samples: "Now our favorite part, our favorite department, Chief Packard of the fire  
257 department."  
258

259 Chief Packard: "(\*\*)... for \$200, I can get you shot with a tazer. This gentleman standing at the  
260 back of the room, Travis comes to me during the, during the Family Fest and said we got a unique  
261 opportunity. If we can raise a \$100, Rodney said he would ride the line for five seconds. Eight seconds,  
262 at least! We decided that we leave from the dunking booth and walk west on Surfside Drive stopping and  
263 demanding money from every vendor that was there, got all the way to the end, stopped the concert, had  
264 them make the announcement and money was thrown at us from the stands. The reason you got was  
265 eight was because you said a hundred dollars. We came up with \$200, so I thought it was a good deal,  
266 but then I had to stand there and hold him up while he got shot."  
267

268 Chief Keziah: "I didn't scream either, did I?"  
269

270 Chief Packard: "He didn't! He didn't scream at all; didn't scream at all."  
271

272 Mayor Samples: "Good job, we'll remember that when it's evaluation time."  
273

274 Chief Packard: "I'm just afraid he'll remember me the next time he has a (\*\*) and a flashback.  
275  
276 (*Much laughter throughout this portion.*)  
277

278 Chief Packard: "Mayor and Council, the report from the fire department for October 2012 is in  
279 front of you. If you'll look total incidents for October 2012 were 64, which is up considerably for the same  
280 report period in 2011, 2010, and up just slightly from 2009. A, additional for the month of October, we  
281 had contact with 200-plus members of the public during incidents and training, and personnel dedicated  
282 an average of 50 man hours during the month for a total of 2,000 man hours that were dedicated to  
283 training and answering calls. A, during the month of October in the training portion, of the month of  
284 October was specifically to address hydrant maintenance and hydrant flows to deal with the requirements  
285 of ISO and NFPA. A, we've been five years since our last ISO inspection. ISO is coming up with some  
286 new game plans that should take effect sometime during July 2013, and at this time we are requesting to  
287 have another evaluation in the early part of 2014 that way we'll have a full year's worth of training, a full  
288 year's worth of, of a inspections, preplans, there's some additional credit there in the next ISO plan for  
289 public education events as long as they're properly documented. So, like I said, we're looking forward to  
290 a, a, getting the folks from ISO in here again. Not saying that we're gonna make it to a two, but we're  
291 pushing in that general direction. Doesn't have a significant effect on residential, but it will have a  
292 significant effect on business, if we can keep the a, if we can keep their insurance down maybe we can  
293 get some folks to come in here and fill up some of these empty buildings that we have. They want to  
294 come here because they have good fire and good police and this is our town, and a, we don't care if they  
295 think we're a little bit snobby, we're just that good. Aren't we, Mayor? Monday, October the 29<sup>th</sup>, I had an  
296 informational class for upcoming firefighter physicals that will take place on November 19<sup>th</sup> and 20<sup>th</sup>.  
297 We're in the third year of an agreement with North Greenville Fitness to administer the physicals in  
298 accordance with NFPA, OSHA, and the Americans with Disabilities Act guidelines, and again, daily shift  
299 training for the month was specific to hydrants and the use of Akron flow test kits. The inspection report,  
300 there were 45 completed inspections, 14 pending, three public education events, and six pre-fire plans.  
301 Public education events for the month were held at the fire station as well as additional sites in town, and  
302 topics for training were discussion, were age specific, including stop, drop and roll, safe meeting places,  
303 and proper use of the 9-1-1 and exit drills in the home. Station education as well as onsite addressed  
304 183 children and 17 adults and the Family Festival number is unknown, but estimated to be the 3,000 to  
305 4,000 range. Staff report, the staff report, Surfside Beach fire staff remains fairly constant with the  
306 addition of one volunteer and no terminations or suspensions from service. Lieutenant Hans continues to  
307 prepare and implement training to meet the requirements of the South Carolina Fire Academy along with  
308 ISO and NFPA. Lieutenant Faulkenberry is working currently on inspections in Ocean Boulevard area by  
309 addressing this area at the current time it should alleviate additional congestion during the summer  
310 season. We don't want to be down there creating a ruckus trying to do inspections when folks are trying  
311 to check in and enjoy a week's worth of vacation here in Surfside. Facilities, a, Lieutenant Richards has  
312 addressed several issues with the maintenance at the fire station and has formulated plans and  
313 documentation to stay abreast of these issues, and all personnel are assisting with these particular  
314 projects. Captain Cimini and Assistant Chief DeGruccio continue to update and upgrade the information  
315 in the firehouse software programs that is in use for documentation and tracking of all areas of  
316 responsibility. The documentation of personnel training, equipment station maintenance, hydrants, and  
317 personal protective gear, and communications are now documented on Firehouse and are at the ready  
318 when we need to pull it up for reports or if we need to look at it on Excel spreadsheet so we know exactly  
319 where we are. Other than that, everything was pretty quiet at the firehouse this, this go around."

320  
321 Mayor Samples: "Any questions for the chief? The generator, and I know it's elevated, the  
322 emergency generator."

323  
324 Chief Packard: "Yes, sir."

325  
326 Mayor Samples: "What is the, do you know what the elevation is?"

327  
328 Chief Packard: "The elevation at the breather or the snorkel unit on the south end of the  
329 generator is about 26-feet."

330  
331 Mayor Samples: "Excellent."  
332

333 Chief Packard: "We're at 20-feet and 7-inches at the inlet on the front side of the station; 21-feet  
334 and 7-inches to the entrance of the door, and then add another four and a half to five feet from the front  
335 door to the very top of the fuel portion, and I'm actually glad you asked that. I had talked to Chris the  
336 other day. The unit is a sealed unit and we have the capability as long as the water doesn't actually get  
337 into the motor portion that we can put a snorkel on top of the vent and gain an additional five or six feet of  
338 elevation and have the generator continue to run."

339  
340 Mayor Samples: "Thank you. Appreciate it."

341  
342 Clerk's note: *A copy of the written report is on file.*

343  
344 C. Administrator's Report – Update on Current Events.

345  
346 Mayor Samples: "Now we move along to the administrator's report, which I have a feeling it's  
347 gonna be long."

348  
349 Ms. Fellner: "A little longer than usual. Good evening, Council, Mayor, residents. I have five  
350 items that require consensus of council. The first is because the mold remediation, remediation was not  
351 budgeted it requires the approval of council to award the bid. We received two bids for this work. The  
352 first was from FSA for \$28,125.48, and the second was from Service Master for \$47,392. The bids were  
353 reviewed and compared with regard to specifications and staff recommends awarding the bid to FSA, the  
354 low bidder. I would need a consensus of council."

355  
356 Mayor Samples: "Do we have a consensus for the administrator to award to FSA?"

357  
358 Mr. Smith: "Yes."

359  
360 Ms. Mabry: "Yes."

361  
362 Mr. Johnson: "Yes."

363  
364 Mayor Samples: "Okay, very good."

365  
366 Ms. Fellner: "The second is while the mold remediation is being performed, we've made  
367 arrangements for the relocation of council meetings and the court. Staff has made arrangements for  
368 council meetings to be held at the Grand Theatre at 301 Highway 17 South. The theater was not  
369 available to accommodate us on Tuesday, December 11<sup>th</sup>; however, so that meeting would need to be  
370 moved to Monday, December 10<sup>th</sup>, if council agrees, so I would need a consensus on that."

371  
372 Mayor Samples: "First a, well, no one has a, nobody's got a problem with this meeting at the  
373 theater, right? I mean, we gotta meet somewhere."

374  
375 Ms. Fellner: "We did try the local churches, but we did not get a positive response."

376  
377 Mayor Samples: "I mean are there any concerns? Okay. Any problem with moving to the  
378 Monday night, December 10<sup>th</sup>?"

379  
380 Unknown speaker: "No."

381  
382 Mayor Samples: "Okay, you have a consensus."

383  
384 Ms. Fellner: "Okay, thank you. Just so that the public is aware, January and February bench  
385 trials roster and jury trials will be moved to the Horry County Complex on Scipio Lane. We're just trying to  
386 nail down a few little details to make that happen. Our two court employees will be conducting business  
387 from the Floral Clubhouse during the remediation and the contractor will be scheduled to start on  
388 Monday, December 3<sup>rd</sup>. The estimated time for completion is 30 days."



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Mayor Samples: "Let me stop you there, just so everybody understands. So if people are called for jury duty, et cetera, the notification's gonna tell them to show up out at the South Strand Complex on Scipio Lane?"

Ms. Fellner: "Yes, sir, it will. There will be an explanation in there."

Mayor Samples: "Okay, very good."

Ms. Fellner: "The next thing is the pier. The bait and tackle shop will close the 30<sup>th</sup> of this month for the season and council asked me to bring back to them at this meeting a strategy for extending the hours for the fishermen. My suggestion to extend the hours without expending any additional dollars is a 7-day a week proposal which extends, which would extend from December 1 through February 13<sup>th</sup>. Public works facilities staff would open the pier at 7 a.m. and the gate would remain open and they would close it during the weekdays at 3:30 p.m. That's because if there are fishermen out there, they're gonna need to have to walk out to the end and get the fishermen back and we want them to be able to clock out on time at the end of their shift at 4 p.m. On the weekends, the grounds staff who clean the bathrooms could open the pier at 7:00 a.m. and the police could close it on Saturday and Sunday at 3:30. We would have to shut off the water to avoid rupturing of the pier, of the water tubing that brings the water out there, so if they need the water out there, they'd have to carry their own water. Police would also be asked to include this area in their patrol during those days, and I've spoken with the interim police chief and he's fine with this, and I've spoken with John about his people, and we've worked this out accordingly, and a, if council wants us to implement that, if I could get a consensus, we could start that December 1."

Mayor Samples: "Is there a consensus?"

Mr. Stevens: "Mr. Mayor."

Mayor Samples: "Councilman Stevens."

Mr. Stevens: "I would recommend that the hours be from 7 a.m. to 7 p.m., a 12-hour period that way the fishermen who have bought the, paid the good money for these passes can fish. The dog park is being closed by the police department every evening, so it can be an added thing for them."

Mayor Samples: "Any other comments?"

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "Councilman Johnson."

Mr. Johnson: "I would like to see the hours extended as well. Not necessarily to seven, but I was considering five, because with the darkness and, and we are in the winter time, I don't know that there are a lot of fishermen that are out there after dark in the winter. But, I mean, I don't go down there a lot in the winter after dark."

Mayor Samples: "Any other comments?"

Mr. Smith: "Mr. Mayor."

Mayor Samples: "Councilman Smith."

Mr. Smith: "Ms. Fellner, if we extend the hours as been suggested even to five or seven, what kind of impact would that have on the police?"

Ms. Fellner: "It would mean that the police would literally have to close it every day, because we don't have other staff here to do that, so the police would have to be responsible for that."

445  
446 Ms. Kohlmann: "Mr. Mayor."  
447  
448 Mayor Samples: "Ms. Kohlmann."  
449  
450 Ms. Kohlmann: "You're saying seven days a week the police would have to close it then, right?"  
451  
452 Ms. Fellner: "Yes, ma'am."  
453  
454 Ms. Kohlmann: "You had already said they would do it on the weekends. What does the chief  
455 think?"  
456  
457 Chief Keziah: "If that's the way you want to go, that's fine."  
458  
459 Ms. Kohlmann: "Is it doable?"  
460  
461 Chief Keziah: "Yes, ma'am."  
462  
463 Ms. Kohlmann: "I'd like to see it a little bit later than 3:30 as well, because they spent a lot of  
464 money for those fishing..."  
465  
466 Mr. Stevens: "Mr. Mayor."  
467  
468 Mayor Samples: "Councilman Stevens."  
469  
470 Mr. Stevens: "May remind everybody that 12-hour period gives the fishermen the chance to fish  
471 two different tides, which is good for fishing."  
472  
473 Mayor Samples: "Alright."  
474  
475 Mr. Smith: "Mr. Mayor."  
476  
477 Mayor Samples: "Councilman Smith."  
478  
479 Mr. Smith: "One more thought. If we implement the seven to seven and a, later in December if  
480 the police are finding that nobody's on the pier after 5 o'clock, the dark, let's consider changing it, you  
481 know, and have Ms. Fellner come back with a recommendation that people are not using it after dark."  
482  
483 Mayor Samples: "I think that's an excellent idea. Is everybody in agreement with that?"  
484  
485 Several speakers: "Yes" and "Okay."  
486  
487 Mayor Samples: "Thank you."  
488  
489 Ms. Fellner: "After reviewing the RFQ responses related to, related to the equipment and in view  
490 of the strong performance history of Beach Services, Ltd. I would like the permission of council to have  
491 the attorney move forward with a new beach services franchise agreement between the town and Beach  
492 Services, Ltd. The terms proposed are for a 4-year agreement renewable for a 3-year term."  
493  
494 Mayor Samples: "Any comments?"  
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496 Mr. Smith: "Mr. Mayor."  
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498 Mayor Samples: "Councilman Smith."  
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500 Mr. Smith: "And this agreement will have the nontransferable clause in it?"

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Ms. Fellner: "Yes."

Mr. Smith: "Okay."

Ms. Kohlmann: "Mr. Mayor."

Mayor Samples: "Ms. Kohlmann."

Ms. Kohlmann: "There were a few things when I was looking over it, the old agreement that I had concern with. I don't know how you would want to go about addressing that or it was, it's just very..."

Mayor Samples: "Yeah, you're right."

Ms. Kohlmann: "It's like (\*\*.)"

Ms. Fellner: "If you can, if you could just bring those to me, I'd be happy; just come in and let's discuss them, and then I'll send that off to the attorney. The attorney's gonna have to..."

Ms. Kohlmann: "It's okay, it's just like safety issues when it comes to the lifeguards."

Mayor Samples: "You want to share them?"

Ms. Kohlmann: "Sure. I've noticed and I've been told by many people that sometimes the lifeguards are distracted, because they're setting up the chairs and they're setting up the umbrellas, and there are people in the ocean, and in my, my belief would be a lifeguard is strictly to be a lifeguard, not to sell chairs and umbrellas, and there could be a recommendation maybe he could have one person on each end, the north and the south, that just strictly does that for whatever time period. I just think it's a real liability for us when there are people out there and also I have a problem with cell phones on the beach, cause they're all internet, and I notice a lot of them on the cell phones when they're sitting at the a, the beach, so I think we need to put that in the agreement that are certain issues that are happening and I'm not saying all of the do it, by any means, but it is something that I think we need to talk to them about."

Mayor Samples: "Any other comments?"

Ms. Mabry: "Yes."

Mayor Samples: "Ms. Mabry."

Ms. Mabry: "I, I, as most of you know, I've lived here for 35 years and we have had a wonderful partnership with Beach Services for many, many, many of those years. Bill does a great job. We certainly don't want to be in the lifeguard business, so we're thankful that he or I'm thankful that he has stepped up to the plate and is willing to take this on again. It takes a lot off the town to have him out there."

Mayor Samples: "Any comments? Mr. Johnson."

Mr. Johnson: "I do have some concerns, but I will, I will express my concerns to Ms. Fellner later on in the week, and so a, we can get it to the attorney."

Mayor Samples: "Yeah, and, and a I agree with that. In the event there are concerns that can't be resolved, that's the word I want to use, please keep council informed."

Ms. Fellner: "Yes, sir."

Mayor Samples: "Okay."

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Ms. Fellner: "Yes, sir."

Mayor Samples: "Please keep council informed before there's any exe, execution of an agreement. Is that fair?"

Ms. Fellner: (\*\*)

Mayor Samples: "Pardon me?"

Ms. Fellner: "(\*\* move forward?"

Mayor Samples: "Can we get concurrence to move forward as discussed..."

Ms. Fellner: "With the attorney, to the attorney (\*\* two speaking at once.)"

Mayor Samples: "For the attorney to move forward."

Several speaking: "Yes."

Mayor Samples: "Very good, we have concurrence. Thank you."

Ms. Fellner: "Thank you. And next I just have a few quick updates and announcements. Public works has ordered a human drinking fountain for the passive park, which will be installed sometime during the off season, which I'm sure the citizens will appreciate that. And I wanted to let the public know that at the behest of the parking committee and with council's approval, except unfortunately Councilman Johnson did indicate that he had a conflict and would not be able to be present at that meeting, that we would hold a workshop on December 4<sup>th</sup> at 10 a.m. for a parking presentation by Lanier Parking Solutions and the presentation examines some of the logistical and financial components involved in outsourcing the parking function. Next I wanted to let the public know that due to the high volume of response for the chief's position, a focus group of council and staff has been formed to read and consider the applications. The group consists of me, Councilwoman Kohlmann, Mayor Pro Tempore Mabry, and Councilman Rod Smith."

Mayor Samples: "Everybody happy with that? Are we happy?"

Mr. Johnson: "Sure."

Mayor Samples: "We're happy."

Mr. Stevens: "I have one question..."

Mayor Samples: "Councilman Smith [sic,] excuse me."

Mr. Stevens: "She said the public workshop on December 4<sup>th</sup>, you said the contractor's gonna start on December 3<sup>rd</sup>."

Ms. Fellner: "We will have to meet either at the fire station or if the theater is available."

Mayor Samples: "Thank you."

Ms. Fellner: "Let's see... number four a, just a point of information to the public, our Resolution #12-122 regarding resurfacing of Highway 17, which was part of our original application to the SCDOT indicated that the estimate, estimated amount of the project was \$1.3 million, and the town resolved to provide up to the 50-percent of the actual project cost. We wanted to inform the public that the SCDOT has since revised that estimate to include an additional 20-percent to cover engineering and



613 contingencies. If their estimate is correct, this would increase the match portion to the town by \$130,000,  
614 and council did sign a letter to support on October 2<sup>nd</sup> so that the town might remain in the running for the  
615 grant, so I'm just reporting that fact to the public in a public format."  
616

617 Mayor Samples: "Thank you, and I wanted to stop and, and, offer any council person who  
618 changed their mind to publicly change their mind, if, if in fact they've had second thoughts. Hearing none,  
619 I assume everybody...there's a consensus that that letter was sent supporting the initiative. Thank you."  
620

621 Ms. Fellner: "You're welcome, Mayor. Concerning pier signage, the company hired by  
622 Georgetown for their way-finding signage, way-finding signage project was Corbin Design. They were  
623 paid \$85,000 for the study of what kind of signs should be placed where and to design them. The lark  
624 kiosk sign with a map was \$12,000 with artwork, fabrication and for the install. The small kiosk sign were  
625 \$5,750, which is, it had a number of informational items on it, where signage could be posted. The  
626 fabricator for the signs was Arch Sign Company in Norcross, Georgia, and I've emailed and called them  
627 both twice, and have not connected with a representative yet. Since our amusement area on Ocean  
628 Boulevard is the, since the, our amusement area on Ocean Boulevard is basically our only amusement  
629 area, the pier, the traditional way-finding signage might not be the right signage to, to be placed there.  
630 So, I've arranged a meeting with Seaboard Signs with Ben Neeves, and we're gonna talk about not only  
631 because they can fabricate these type of signs, so we're gonna talk about what should be where. What  
632 would be appropriate where, and we're talking about the entry way to the pier, and after the ADA  
633 compliant ramps is put in, signage there, and he has some definite thoughts that he wanted to discuss. I  
634 would also need to discuss it with, I'd be interested to get a couple of the other larger ones, and I'm  
635 meeting with them in the next week."  
636

637 Mayor Samples: "Let me, let me ask you on that, because I know a couple of committees have  
638 spent some, quite a bit of time talking about pier, for instance at the pier would be nice to have a town  
639 map of some form that, that delineated what other amenities we have. We've got a number of parks.  
640 We've got the library. We got the lakes with the, the decking, and that sort of thing that, I guess what I  
641 wanted, want to say, is I don't want to lose sight that we have people who are volunteering their time who  
642 have, I think they have the skill set to help make the decisions; \$85,000 to Corbin and whoever they,  
643 whoever they are for what Georgetown got, apparently they spent more money on design than they did  
644 on, on actual signage, and Georgetown's done a great job."  
645

646 Ms. Fellner: "They actually have a lot more signage rolled into their project."  
647

648 Mayor Samples: "They do, they do, but in addition and, and, and I want to say this delicately, but  
649 we need a sign out on 17 that lets people know we've got a pier, okay. And there are other, there are  
650 other signage opportunities is what I want to say. Unless you know where the library is, you drive up and  
651 down the highway, you haven't a clue there's a library there."  
652

653 Ms. Fellner: "No, you don't."  
654

655 Mayor Samples: "And so, again, there are other opportunities that we should be taking  
656 advantage as we progress, and, and so I don't have a problem with, with the efforts that you're making,  
657 and but, but, and I see you're gonna come back December 13<sup>th</sup>, I guess."  
658

659 Ms. Fellner: "Yes, I'm gonna try to come back with some slides from the different people that I've  
660 spoken with and try to get a clear idea of the direction that council wants to move in."  
661

662 Mayor Samples: "And, you know, it would be good and helpful to bring in the committees, the  
663 beautification group, in particular. I know special events has an interest in it also, because we do need to  
664 be able to promote our special events also. It's not just, I mentioned the map down there, but I mean, we,  
665 we have an event almost once a month and if we don't now, we probably will when we celebrate in the  
666 future."  
667

668 Mr. Smith: "Mr. Mayor." Mayor Samples: "Councilman Smith."

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Mr. Smith: "I'd just like to comment that I like the idea of talking to a sign person that's local as compared to Georgia, and if at all possible, to encourage our local vendors to participate in this."

Ms. Fellner: "And we always do that. I didn't point it out with, for instance, the mold remediation bid, but we called every local vendor who was able to participate at that level. And, finally, the lawyer has completed his work on the bylaws and met this afternoon with the youth association president, Dennis Seman, regarding their articles of incorporation. And perhaps Mr. Moss would like to address the council on that for a minute."

Mayor Samples: "Thank you. Mr. Moss."

Mr. Moss: "Thank you. Indeed I did meet with Mr. Seman this afternoon and he signed off on the articles of incorporation and they're gonna be sent up to the Secretary of State tomorrow. He's already obtained a tax ID number, so hopefully by Friday the corporation will exist. I've also drafted and forwarded to the mayor and Ms. Fellner a draft contract that the town can enter into between the youth sports association and the town, and Ms. Fellner's provided comments back to me, which will be incorporated into the draft tomorrow and then forward to Mr. Seman as well for his comment. They are meeting tonight, the would-be directors of the corporation to discuss their policies and rules and regs concerning coaches, and so I expect to see some information on that, hopefully, by tomorrow, and so hopefully by the end of the week we'll have a corporation, and we'll have a draft contract that they can sit down and discuss with the council."

Mayor Samples: "Great. Any questions?"

Mr. Johnson: "No."

Mayor Samples: "Thank you. That concludes the administrator's report."

Ms. Fellner: "Yes, sir."

Mayor Samples: "Thank you."

*Clerk's note: A copy of the written report is on file.*

7. **BUSINESS.**

A. Second Reading Ordinance #12-0731 to amend FY2011-2012 Municipal Budget, Treasurer Hursey.

Mayor Samples: "Moving right along we move into our business section. The first item is the second reading of Ordinance 12-0731 to amend last year's budget, that is FY2011-2012 to account for the underground wiring expenditures. Can I get a motion on that?"

Mr. Smith: "Mr. Mayor, I move that we approve second reading of the ordinance."

Mayor Samples: "Is there a second?"

Ms. Mabry: "Second."

Mayor Samples: "Any discussion?"

Mr. Stevens: "Just one question."

Mayor Samples: "Councilman Stevens."

725 Mr. Stevens: "Do we have a, a completion time or date for that?"

726

727 Mayor Samples: "Mr. Adair, can you speak to the a, the ongoing underground wiring on Ocean  
728 Boulevard?"

729

730 Mr. Adair: "Yes, as of approximately next Wednesday or Thursday, Lee Electric should be offsite.  
731 All their work will be done and it will be strictly the utilities pulling wire, and that shouldn't take too, too  
732 long. They're a good portion of the way up the thing right now, but they're not gonna be paving the road  
733 until March, because we want to wait until all the large trucks are off the road with their outriggers and all  
734 that before we put any new blacktop down, so March is the target date for the paving. But, everything  
735 should be done pretty well before that."

736

737 Mayor Samples: "Thank you. Any other questions? All in favor say aye."

738

739 All members: "Aye."

740

741 Mayor Samples: "Opposed? The motion is carried."

742

743 B. First Reading Ordinance #12-0727 to amend §9-16 Decals and Exemptions, Councilmember  
744 Kohlmann.

745

746 Mayor Samples: "The next item is first reading of Ordinance 12-0727 to amend Section 9-16  
747 Decals and Exemptions, Councilmember Kohlmann."

748

749 Ms. Kohlmann: "I'd like to amend this first reading, a small amendment. There's a typo actually.  
750 The third line where it says decals allowing nonresident residential property owners to park their vehicles  
751 for it to say decals allowing residents and nonresidents residential property owners to park their vehicles.  
752 That was my..."

753

754 Mayor Samples: "I'm sorry, I missed exactly where..."

755

756 Ms. Kohlmann: "Third line, the third line where, you see the third line."

757

758 Mr. Stevens: "First paragraph."

759

760 Ms. Kohlmann: "First paragraph, third line, decals allowing nonresident residential property  
761 owners, it should say..."

762

763 Mayor Samples: "All persons residing and owning residential property is what it says now, right?"

764

765 Ms. Kohlmann: "Now it says decals allowing nonresident residential property owners."

766

767 Mr. Moss: "The very first paragraph, Mayor."

768

769 Ms. Kohlmann: "Yeah."

770

771 Ms. Herrmann: "The preamble."

772

773 Mayor Samples: "Oh, the preamble."

774

775 Ms. Herrmann: "The first paragraph of the preamble."

776

777 Mayor Samples: "Gotcha, okay, okay."

778

779 Ms. Kohlmann: "That third line."

780

781 Mr. Stevens: "After allowing."

782

783 Mayor Samples: "Alright, there's a motion to, to amend the preamble."

784

785 Mr. Stevens: "Second."

786

787 Mayor Samples: "There's a second. Any discussion."

788

789 Mr. Smith: "Could you state again what you're gonna be changing?"

790

791 Ms. Kohlmann: "Adding the word resident before nonresident, so its resident and nonresident  
792 residential property owners."

793

794 Mayor Samples: "Okay, okay."

795

796 Mr. Smith: "Okay."

797

798 Mayor Samples: "Any other discussion? All in favor said aye."

799

800 All Members: "Aye."

801

802 Mayor Samples: "Opposed? Hearing none, the preamble is changed."

803

804 Mr. Smith: "We need a motion for the second reading."

805

806 Mayor Samples: "For the first reading."

807

808 Mr. Smith: "First reading "

809

810 Mayor Samples: "I know we do. Is there a motion to adopt the ordinance as; the ordinance  
811 actually isn't changed; it's the preamble that's changed. Is there a motion to adopt the ordinance as  
812 written."

813

814 Mr. Stevens: "Mr. Mayor, I make a motion to accept, adopt it."

815

816 Mayor Samples: "There's a motion. Is there a second?"

817

818 Ms. Kohlmann: "Second."

819

820 Mayor Samples: "Any discussion? All in favor say aye."

821

822 All Members: "Aye."

823

824 Mayor Samples: "First reading is adopted."

825

826 C. First Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily  
827 Newspaper and §2-61(j) Annual Committee Reports, Councilmember Dodge.

828

829 Mayor Samples: "The next item is first reading Ordinance 12-0733 to amend Section 2-61(b)  
830 volunteer advertising in daily newspaper and Section 2-61(j) annual continuing committee reports,  
831 Councilmember Dodge. Councilmember Dodge is not here. Ms. Herrmann, would you like, I think this  
832 falls in your area. Would you like to present?"

833

834 Ms. Herrmann: "Basically what this ordinance does is remove the requirement for advertising the  
835 volunteer positions in a daily newspaper, and also eliminates the need for annual reports from the  
836 standing committees, and those were brought about because we've had one person in the several years



837 that I've been involved with it that actually said they saw an ad in the paper, so we're pretty much wasting  
838 the town's money, and the annual reports are unnecessary because all meeting minutes are now  
839 available online and can be read at anyone's pleasure."  
840

841 Mayor Samples: "There is a, okay, does anyone want to offer a motion?"  
842

843 Mr. Stevens: "I'll make a motion to adopt Ordinance Number 12-0733."  
844

845 Mr. Johnson: "Second."  
846

847 Mayor Samples: "There is a second. Any discussion? All in favor say aye."  
848

849 All Members: "Aye."  
850

851 Mayor Samples: "Any opposed? Hearing none, first reading is adopted."  
852

853 D. First Reading Ordinance #12-0734 to amend §7-12 Sanitation Service Charges, and to add  
854 §7-37(g) Electronic Waste Prohibition, Public Works Director Adair.  
855

856 Mayor Samples: "First reading Ordinance Number 12-0734 to amend Section 7-12 sanitation  
857 service charges and to add Section 7-37(g) electronic waste prohibition, public works director, Mr. Adair.  
858

859 Mr. Adair: "Good evening, Mayor and Council. We originally brought this up in September under  
860 a discussion item as you all remember the sanitation enterprise fund is, has been reviewed and with the  
861 current expensive capital and operational expenditures over the next five years it became apparent that  
862 an increase in charges would be necessary to cover the cost of these items. We will be in the red if we  
863 don't do that, so an increase has to be made. So what we did was we looked at the anticipated revenue  
864 and expenses over the next five fiscal years. I sat down with a, Kim Hursey, our financial person, and we  
865 created a funding model and we looked at several different scenarios, and we've come up with what we  
866 think addresses the main points and leaving some things alone. So it's not across the board, the  
867 proposed increase. We've changed the ordinance to address several errors that were in the ordinance to  
868 begin with some inconsistencies and also a regulatory addition pertaining to the e-waste that we've  
869 created. The facts are Surfside Beach currently has some of the lowest sanitation fees in the county  
870 among both public and private sector. Comparisons have been made between our charges and what's in  
871 the City of Myrtle Beach, City of Conway, both public and private, Aynor, Loris on the public side of waste  
872 management, and Waste Industries has a private side. Again, I say, various scenarios have been  
873 analyzed and a plan to keep the sanitation fund healthy, in addition to still being a substantial value has  
874 been formulated. What we've come up with, which would leave us for ten years out in a very good  
875 position is an increase to the standard mobile cart service at 25-percent, from \$15 to \$18.75, which puts  
876 us about where Conway is right now, which, and they're looking to raise from that level, and is still under  
877 Myrtle Beach. It's lower than Waste Industries, also, which charges \$28 per month for the same size cart.  
878 An increase to our 6-yard commercial container service at 25-percent from \$21 to \$26.25 per pick up. An  
879 increase of our 8-yard commercial service 35-percent from \$23.50, which is very low, to \$31.75. Almost  
880 everybody in the industry charges \$34 plus, some of them \$40, and an increase to our winter rollout  
881 service, the once a week rollout service in the winter from \$6 to \$12 per month per cart, and that's just  
882 down in the rental district. Summer service we felt should be left alone. The recycling, obviously, would  
883 be no charge. Yard and bulk would stay no charge, and the hazardous household waste and electronics  
884 drop off events would still be no charge. So this is, it covers a lot of the sector of the town without hurting  
885 any particular one badly, but it will put the fund in very good shape for we're anticipating at least ten  
886 years."  
887

888 Ms. Kohlmann: "Mr. Mayor."  
889

890 Mayor Samples: "Ms. Kohlmann."  
891

892 Ms. Kohlmann: "On the first page you have no increase to the summer rental..."

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Mr. Johnson: "Mr. Mayor, I would like to make a motion to suspend the rules."

Ms. Mabry: "Second."

Mayor Samples: "Thank you. There is a motion; there's a second. All in favor say aye."

All Members: "Aye."

Mayor Samples: "Ms. Kohlmann."

Ms. Kohlmann: "Where you have on the a, the facts, the facts part of this, you have 25,25, 35, a hundred, but you said say no increase to summer rollout, when in fact it's a 150-percent increase in summer, because the summer rollout curb service was \$20 and now it's \$50. It's up 150-percent for the summer, so there is an increase for the summer rollout. And what used to be, and I understand that the ordinance probably wasn't written correctly the first time, but now you're gonna make it mandatory for this winter curb service. There are 510 residents using the winter rollout service. That's a lot of money to be charging when the houses aren't rented. So, in fact, they're not really utilizing services, but they're getting charged for those services. And when you do the numbers, that's a combined increase in the winter and summer of over \$108,000 that people are paying for that, especially the winter rollout. I'll just say in the winter that's almost \$40,000 increase for the winter rollout service and these are the people that are paying the highest taxes now, paying A-tax. I, I just think a 150-percent increase is an awful lot of money for something that used to be not mandatory and people didn't even know it wasn't mandatory, because we would just bill them and nobody's really wheeling those carts out to the curb in all honesty. There's very few people that have, that utilize that service. I don't know if you even know the exact number or not. I don't, I don't know the number, but I think we all know that it's certainly nothing compared to the summer. So I just think that's a unfair thing and a I know it was said last year by somebody, well it's only six bucks a month, they're saying what's the big deal, and when he said then you pay it, well then their answer was why should I pay for something I'm not using? So I have a hard time accepting that 150-percent increase for people that real, that's 510 people that aren't here to speak for themselves, I understand that, and I feel that I need to speak for them, and I, I think that's really a unfair hit on them."

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "Well, let me give Mr. Adair an opportunity to, to make sure that was factually correct."

Mr. Adair: "I just have to make two clarifications. The summer rollout was in the ordinance at \$20 a month, but it really was \$50. It was a typographical error that's been in the ordinance probably since 2004, but didn't really get noticed until now. The fee has been fifty all along since its inception. Additionally the winter rollout mandatory; we didn't add that. The text, it was always in there. We're not making it mandatory. It's been mandatory. I didn't add that in for this amendment."

Ms. Kohlmann: "Then how come they take it off if you call them up, if it's mandatory? That's confusing."

Mr. Adair: "You only can exempt yourself from it if you live in town and you can wheel out yourself."

Ms. Kohlmann: "No, that's not true. That wasn't the way the ordinance was written. I wish I had, I have a copy of it home. It wasn't mandatory before, because people have called up. I don't mean to make it into an argument. I just want to clarify really but..."

Mr. Adair: "I can't tell you what happened before I came."

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Ms. Kohlmann: "But, you know that people have called up your office and gotten off of, off of that rollout service last year. There was a whole group of people that did that. How were they able to do that?"

Mr. Adair: "I don't know (\*\*.) The only one's I'm aware of are the ones that live in town that can wheel their own cart out. The ordinance says adjacent to, but even if they're in town we, we, we'll exempt them."

Ms. Kohlmann: "I have it at home, so I'll just do it with you at your office. I'll bring it and show it to you."

Mayor Samples: "First, I would like to some light, and correct me if I'm wrong, Ms. Herrmann. But, my understanding is the ordinance that is online with respect to sanitation there was an error as to what was online and, and in fact, my recollection is you produced a copy of an actual signed ordinance that related to sanitation that never got incorporated to the online Muni Code, because you shared it with me."

Ms. Herrmann: "I remember, but I don't remember the details. There's, the ordinance as is published on Municipal Code is for information. It is not to be taken as actual law. It's just for research purposes and a starting point. The, the, we've pulled the actual ordinance that was written and signed by council. That is the ordinance that applies, although there is an error in publication online, and it may not have been corrected in the code book either."

Mayor Samples: "And I'm not, and I don't even know if that muddies it or helps clarify it, but, so I'm not sure what Ms. Kohlmann is referring to in terms of the ordinance. I mean..."

Ms. Herrmann: "As far as this applies, we have to go back to the original signed ordinance and determine what was intended at that time. The codifications do have mistakes in them, and they're not always caught."

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "Mr. Johnson."

Mr. Johnson: "So from what I'm hearing, and, and I noticed the same thing that Ms. Kohlmann noticed, the no increase to summer rollout curb service. You're saying that they are already being billed \$50 per month per cart?"

Mr. Adair: "That's correct; for many years."

Mr. Johnson: "Okay."

Mayor Samples: "What I would note is that on the a, Section 7-12, paragraph 4, where you say thirty dollars, and then parenthetically it says thirty-one seventy five; make them consistent."

Mr. Adair: "Yes, that's a typographical error."

Mayor Samples: "So, fix that. Any other comments with respect to the sanitation?"

Mr. Stevens: "Mr. Mayor."

Mayor Samples: "Mr. Stevens."

Mr. Stevens: "I, I concur with Ms. Kohlmann. This is a little bit confusing and a, reading it, I cannot support this at this time."

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Mayor Samples: "Thank you. Mr. Smith."

Mr. Smith: "Yeah, I'd like to ask what's the new revenue, the total new revenue for one year?"

Mr. Adair: "Projected revenue under this analysis would be \$1,324,239."

Mr. Smith: "One year's?"

Mr. Adair: "Correct."

Mr. Smith: "That's just the increased part."

*(Several speaking at once.)*

Mr. Smith: "I just want to know what the increase part is."

Mr. Adair: "It's about a, \$60,000 or so."

Mr. Smith: "Okay. Mr. Mayor, I won't be able to vote for this either."

Mayor Samples: "Alright."

Ms. Mabry: "Mr. Mayor."

Mayor Samples: "Ms. Mabry."

Ms. Mabry: "I, I, I do want, this did come before the finance committee, and I'm, I'm 100-percent behind it. We simply have to buy new equipment. You know that gas has gone up, doubled in four years, in eight years it has really gone up. But not only has that gone up, so has salaries, so has benefit costs, so has the number. We have six huge trucks on the road, and we haven't had an increase in eight years. An enterprise fund is self support fund. We simply have to buy more equipment. We should, should be buying, or we should be buying large pieces of equipment every two years in order for them to last ten years. So if you keep on a good schedule, then hopefully we won't have to come back and nickel and dime everybody to death, which is something I really did not want to do. I wanted us to look the full ten years out, if possible. Now we don't have a crystal ball. We don't know what's gonna happen, but we're hoping that this plan or this, that we do have a plan. I don't think that we're being unfair, because we're still gonna offer the most services in Horry County. If Conway raises their rate, we're still gonna be the lowest in the county even with the increase. I know that some people do think that us dropping Caropines was a mistake and it wouldn't have helped the coffers, but in actuality, we had to go out there three times a week. They got the same services we got. They got yard waste. They got a, a, all the rollouts. So the, one reason that I voted to do away with that was because of the cost. So this is a necessary thing. This isn't something that we just woke up one morning and decided would be a great idea. We just don't have a choice. Everything is going up and our sanitation is gonna have to go up."

Mayor Samples: "What, what I want to say is this is an enterprise fund. This fund is supposed to be self supporting. It's not just the fact that we have five a garbage trucks. We've got two boom trucks that are running around picking up yard waste, picking up, you all know, you all know we have the best service in this, of anywhere, and guess what, you gotta pay for it. You've got to pay for it. I don't like seeing things go up, but the reality is the price of fuel, the price of diesel has gone up. Now we can sit here and we can do just what was happening under the previous administration, and we can have our truck breaking down, and we can call Myrtle Beach and we can ask them to send their trucks over here. I don't think that's good leadership. I think we need to take care of ourselves. The fact of the matter is the trucks that we purchased; they're not like old trucks. Just like our automobiles, they've got all kinds of whiz-bang regulated additions to them. We used to have one mechanic, okay. We got two mechanics now. We have not raised the price of sanitation since 2006. Go back, look at the internet, pull up the



1061 price of the average price of fuel and then compare it to what it is today. I'm just wondering what y'all  
1062 suggest."

1063  
1064 Ms. Kohlmann: "Mr. Mayor."

1065  
1066 Mayor Samples: "What y'all suggest? Ms. Kohlmann."

1067  
1068 Ms. Kohlmann: "I'm not opposed to an increase. It was just not clear to me. Obviously if I'm  
1069 looking at something that is available for me to research it and it says \$20, and now this says \$50, it's a  
1070 150-percent increase."

1071  
1072 Mayor Samples: "Understand."

1073  
1074 Ms. Kohlmann: "So I would like it to be presented neatly and completely with all the facts so that  
1075 we don't make the mistake of moving on something that we're gonna come back and be sorry for. So I'm  
1076 not opposed to an increase. I just would like it to be completely crystal clear of what it's gonna be. The  
1077 way it is here, I can't say that."

1078  
1079 Mayor Samples: "That's because what they're, and I appreciate that, but that, that's because  
1080 what they're doing is they're cleaning up an ordinance that we're currently not following. I mean I'll be the  
1081 first one to tell you, we're not following the current ordinance, because it does say \$20. Don't ask me  
1082 when we went to \$50, maybe it was originally and maybe it's a typo. Maybe we did that in '06. But I don't  
1083 really know. Okay, what I know is that for the rollout service they're charging \$50 now, and he's not  
1084 proposing an increase to it. What I do know, is that he's proposing to go from \$15.50 to \$18.75, \$2.25,  
1085 \$3.25 more for the best service that this town provides. I like the fact that they're out there picking up  
1086 garbage. But, that's just my view."

1087  
1088 Mr. Johnson: "Mr. Mayor."

1089  
1090 Mayor Samples: "Councilman Johnson."

1091  
1092 Mr. Johnson: "I would like to make a motion to go back into regular session."

1093  
1094 Mayor Samples: "There's a motion."

1095  
1096 Ms. Mabry: "Second."

1097  
1098 Mayor Samples: "Second. All in favor?"

1099  
1100 All Members: "Aye."

1101  
1102 Mayor Samples: "We're back in regular session. Can I get a motion?"

1103  
1104 Mr. Smith: "Mr. Mayor, I move that we defer this until the first meeting in January."

1105  
1106 Mr. Stevens: "I second."

1107  
1108 Mayor Samples: "There's a motion. There is a second. Any discussion?"

1109  
1110 Ms. Mabry: "Yes, Mr. Mayor."

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1112 Mayor Samples: "Ms. Mabry."

1113  
1114 Ms. Mabry: "I feel strongly that we need to a, we need to vote on this. There needs to be  
1115 preparation. It, it's not gonna happen overnight. I mean even if we voted on it today, your next bill is not  
1116 gonna, you know, it takes times, so I think that we do need to go ahead. We know this needs to be done.

1117 I don't know what the difference of deferring would make. It's still gonna have to; we're either gonna do  
1118 this or we're gonna have to cut services. Now that's just the facts. So this is, to me, an easier pill to  
1119 swallow. I, I'd rather give you my \$3 than to have you not be able to do; but something's gonna give."

1120  
1121 Mr. Stevens: "Mr Mayor."

1122  
1123 Mayor Samples: "Councilman Stevens."

1124  
1125 Mr. Stevens: "There's an old saying, look before you leap. I haven't had a chance to really look  
1126 this over, and really look at the, all the details on it, and you know, they say there's (expletive) in the  
1127 details, and a, I would like to give, I would like the full council be able to sit down and fully understand this  
1128 before we do actually vote on it. There's a lot of things in there I have questions about and I think  
1129 deferring it to the first meeting in January that's not that long. I mean it's not like we're going five years.  
1130 We're only going the first meeting in January."

1131  
1132 Mayor Samples: "Thank you. Any other comments. That would be January 8<sup>th</sup>. All in favor say  
1133 aye."

1134  
1135 Councilmembers ~~Dodge, Johnson, Kohlmann, Smith and Stevens:~~ "Aye."

1136 *scrivener's error. -cmc*  
1137 Mayor Samples: "Opposed say no."

1138  
1139 Mayor Samples and Mayor Pro Tempore Mabry: "No."

1140  
1141 Mayor Samples: "Two no's, mayor and mayor pro tem. Okay, we will bring it back up January 8<sup>th</sup>  
1142 and I would ask that any information or any assistance that any members need, I mean I want you to, I  
1143 want you to understand why we're doing what we're doing, so, so please get with a John, and, and the  
1144 finance people and I'm sure they'll be able to help lay out the information. Thank you, sir."

1145  
1146 Mr. Adair: "Thank you."

1147  
1148 Clerk's note: *The consideration paper is on file.*

1149  
1150 E. Intergovernmental Agreement with Horry County – Senior Center, Town Administrator Fellner.

1151  
1152 Mayor Samples: "The next item is intergovernmental agreement with Horry County, Senior  
1153 Center, town administrator Fellner."

1154  
1155 Ms. Fellner: "I, I think you all received in your packet the a, I think you all remember when Mr.  
1156 Fontaine came and spoke before about our agreement that we currently have with Horry County  
1157 regarding the senior center, and a basically what this new intergovernmental agreement does it makes it  
1158 so that we won't have to keep renewing it at certain intervals be it five years or whatever. But, there is a  
1159 90-day, a 90-day written notice if either party wants to terminate. So it just keeps it being a perpetual  
1160 agreement until such time as one party chooses to want to terminate it. There in yellow, and I had asked  
1161 the clerk to send it at the last minute and on online I published that document and other documents.  
1162 Those were two sentences in number 3 and adding a number 6 that our attorney had, had proposed that  
1163 we put in there just to protect ourselves, and basically, because it is an intergovernmental agreement,  
1164 council would need to vote and then the mayor could sign it."

1165  
1166 Mr. Smith: "Mr. Mayor."

1167  
1168 Mayor Samples: "Councilman Smith."

1169  
1170 Mr. Smith: "I move that we adopt the intergovernmental agreement with Horry County concerning  
1171 the property where the senior center is located."  
1172

1173 Mr. Stevens: "I second."

1174

1175 Mayor Samples: "There's a motion. There's a second. All in...any discussion?"

1176

1177 Mr. Moss: "Mr. Mayor."

1178

1179 Mayor Samples: "Mr. Moss."

1180

1181 Mr. Moss: "In the third numbered paragraph I, there's language trouble (\*\*) I think there's a fault  
1182 there because maybe it's not complete. If you look at the bottom of the first page at the third numbered  
1183 paragraph the statement reads that portion of the deed that provides; I'm not sure that sentence is  
1184 completed."

1185

1186 Mr. Stevens: "Could you repeat that, please?"

1187

1188 Mr. Moss: "In the third, on the first page on the third numbered paragraph it..."

1189

1190 Ms. Fellner: "It goes right there."

1191

1192 Mr. Moss: "I don't have that in mine."

1193

1194 Ms. Fellner: "That's because you didn't have the update."

1195

1196 Mr. Moss: "Okay."

1197

1198 Ms. Fellner: "I'm sorry. (\*\*)"

1199

1200 Mr. Moss: "Okay, I'm sorry. The one I was looking at was not complete."

1201

1202 Mayor Samples: "Alright. Thank you, Ms. Fellner. Alright, there is a motion, there is a second.  
1203 Any discussion? All in favor say aye."

1204

1205 All Members: "Aye."

1206

1207 Mayor Samples: "Opposed? Hearing none, the motion is carried."

1208

1209 F. Decision Paper – Amend Personnel Policy Manual to Limit Workplace Audio and Video  
1210 Recordings, Town Administrator Fellner. Ms. Fellner presented the decision paper that is on file.

1211

1212 Mayor Samples: "Item F, decision paper, amend personnel policy manual to limit workplace  
1213 audio and video recordings, town administrator Fellner."

1214

1215 Ms. Fellner: "No one has any bows and arrows back there do they? (*Laughter.*) Basically the  
1216 subject is to amend the personnel policy manual to limit workplace audio and video recording. The  
1217 reason, the purpose is that our personnel manual does not cover this topic and many municipalities are  
1218 putting similar policies in place for their own protection and the protection of their employee's privacy.  
1219 The facts are that digital technology has advanced and made audio and visual recording easier, affording  
1220 almost everyone the capability to make workplace recordings. The town wishes to protect the privacy of  
1221 its employees. In the past few years there have been a number of lawsuits involving workplace  
1222 recordings and the town wishes to limit its financial exposure with regard to this. Our labor attorney in  
1223 Columbia has suggested that this is an important amendment to include in our personnel policy manual,  
1224 and our town attorney agrees with that position. (*tape changed*) ... because only Town Council has the  
1225 right to approve amendments to the employee personnel manual. There's only two impacts, if we do not  
1226 include it, that audio and video recordings will be permissible in the workplace. If we do include it, then  
1227 they will be limited in the workplace. The recommendation was to amend specifically in Chapter 6 to  
1228 include and I read:



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Video or audio recording in the workplace. Except as may be part of a law enforcement or code enforcement investigation, customary recordings for town council, board, commission, and committee meetings, and court trials, or without the prior written authorization of the Town Administrator, it is a violation of the policy of the Town of Surfside Beach for any employee to video or audio record personal or telephonic communications, excuse me, conversations with a tape recorder or other recording device, including a cellular telephone, while on town property, riding in a town vehicle or otherwise during the performance of his or her duties while carrying out the business of the town. Violation of this policy will result in immediate termination.

The rationale for the recommendation as I stated on the here is to satisfy the suggestion of the attorney, and that it will protect, protect the privacy of our employees and will reduce the financial exposure of the town. Now, I think there are a couple of issues that aren't really clear that are legal points and I know we have council person send me an email and I responded to the council person about that particular, those particular issues, and I guess that there is a perception that South Carolina does have a law when they actually have not populated it, but what I would rather do at this point, I'd rather let Mr. Moss, who we talked about it earlier, speak to the legality of it."

Mayor Samples: "Mr. Moss."

Mr. Moss: "Thank you, Mr. Mayor, members of Council. I've already suggested that perhaps the state may have occupied a view in this area or the federal government may have and therefore, the town can't. I found no authority for that assertion. There are statutes that deal with consent or recording without consent. In South Carolina those are in our criminal procedures statutes, and that have to do with law enforcement, and they have to do with evidentiary issues of recordings made and can they make it into a trial. In fact, the a, Mr. Ard cited two statutes and he's evidently found them as well that makes it illegal to do certain things absent consent by one of the parties involved in the conversation. Well, those again, are under criminal procedures. There's nothing in my mind or that I could find with a pretty extensive search of West Law to suggest that the State of South Carolina has occupied, occupied the field in this area. You might recall that when we had a conversation with Mrs. Dodge proposed ethics ordinance or the Myrtle Beach when they had the helmet law, they got into the situation where if the state's occupied the field then you can't really dabble in that area. I don't think that exist here. So I think the council is free to adopt an ordinance in the fashion recommended or some modification of it, if the council chooses to do that. There is a cost concern, because these, these recordings they do generate lawsuits. That's been proven. There's been multiple lawsuits in North Myrtle Beach that dealt with recordings that went on over a two year period. And so there, there's (\*\*) that into real dollars. But there's another cost that doesn't necessarily transact into dollars, and that is that it is a real morale killer. It creates trust problems, it creates morale problems in the ranks. That cost is kind of hard to measure, but it's there, and if you have employees that don't trust their coworkers, how do you measure that? And so that is the reason that I'm, I'm very much in favor of either this ordinance or similar ordinance to prevent this, because it is a morale killer. I have seen cases from other states actually require both parties to consent to the conversation. South Carolina is not one of those states. I've seen cases in my studies that had to do with a, an employee who, and they generally were in the flavor of union cases, when an employee was denied rights, and the court was not persuaded in a positive, like this was enforceable to prohibit an employee from admitting a recording into evidence when it had to do with whether or not union laws were being violated. Haven't seen that in South Carolina. I haven't found any case that made me think that South Carolina would have any prohibition of an ordinance such as what is being considered."

Mayor Samples: "Any questions for Mr. Moss?"

Ms. Kohlmann: "Mr. Mayor."

Mayor Samples: "Ms. Kohlmann."

1285 Ms. Kohlmann: "This is just one person's opinion. I look at it differently. I look at it, it, if a, put  
1286 yourself in other people's shoes and I do that often, and I think it works pretty well. There are cases  
1287 where there are employees that feel threatened or they're harassed and becomes a he-said, she-said  
1288 situation, and the in the state law they are entitled to the one party tape recording, and the way it protects  
1289 the town is that if the, if it's a person taping others conversations, they can't do that. That's against the  
1290 law. That's against federal law and state law for me to tape record you and the mayor having a  
1291 conversation when I'm not part of it. However, what we must remember also is that are we really  
1292 protecting the employee by not allowing that? Are we protecting the possibility of somebody who's a  
1293 violator and subjecting our employees to harassment or otherwise that would become a he-said, she-said  
1294 situation or more importantly, I think we should say to the people you should watch what you say to  
1295 people and how you talk to people and how you treat them, cause do we want people out there working in  
1296 the town that are being disrespectful, violating procedures that we already have in place, and there's no  
1297 way to prove it, and if somebody feels to that extent that they're being harassed that that badly that they  
1298 have to resort to that. I would definitely not, I would not go with this."

1299  
1300 Mayor Samples: "Thank you. Any other comments?"

1301  
1302 Ms. Mabry: "Yes, sir."

1303  
1304 Mayor Samples: "Ms. Mabry."

1305  
1306 Ms. Mabry: "I was gonna ask Mr. Moss a question."

1307  
1308 Mr. Moss: "Yes."

1309  
1310 Ms. Mabry: "Do you know of anybody, and I was doing a lot of studying, but do you know how  
1311 many towns have sued and won, or if anyone has sued and won, in other words, if I recorded Mr.  
1312 Samples and I took it into court and I would lose, do you know... am I saying this right? Does the  
1313 employee always win when they do a recording, I guess is a better way of saying it."

1314  
1315 Mr. Moss: "Absolutely not. As a matter of fact, your employment law firm, Gignilliat, Savitz &  
1316 Bettis, they had a case that arose out of Lancaster where some police officers recorded in a, in a secret  
1317 manner, or a clandestine manner as the court described it, and they were actually terminated and that  
1318 was upheld. So the employees don't always benefit or, or prevail by recording those devices [sic] and in  
1319 fact, in that opinion I think, it certainly was in others that I read, the actual clandestine act as these courts  
1320 have called the recordings done secretly is considered harassment, and so some towns or counties have  
1321 considered it as part of their anti-harassment policy in their personnel manual, and then others permit it,  
1322 so it's, it is a, I think a ripe issue for this council to consider, but I think your collective wisdom is what  
1323 controls and I think the message from the attorney is that there is nothing here to prevent you from  
1324 adopting such a policy, if you feel this is appropriate."

1325  
1326 Ms. Mabry: "Mr. Mayor, I wanted to go on to say that if I worked in, if I worked, well, I do work. I  
1327 would feel very uncomfortable knowing that every word I said could be recorded. There are times that I  
1328 want to be open and honest with that one person, but that doesn't mean I want to be open and honest  
1329 with all of you, because I may not be putting my best foot forward that day, and probably wouldn't. There  
1330 are times you want to go in and shut the door with the administrator and feel like you have full autonomy.  
1331 You're not gonna feel that if you think there's a recording button. I could be calling my husband on the  
1332 phone and being my sweet self with him, and have somebody record it. You cannot work in that  
1333 environment. Are we gonna put on the application come to Surfside Beach and work, and by the way,  
1334 you may be recorded every time you make a statement. You're not gonna get too many people that want  
1335 to work in that environment. Not only do I believe in it, I believe in it 100-percent. Remember this, times  
1336 have changed. Everybody has smart phones. I can hit a button on my phone right now and record  
1337 anything anybody says. I can take that video and you'd never know it. Maybe that's a good thing, but not  
1338 when I go to work every day do I want that. I want to have some kind of protection. I want to be able to  
1339 be myself and do a good job for the town and I'm sure other people do, too, without being worried about  
1340 being recorded."



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Mr. Moss: "May I respond briefly?"

Mr. Stevens: "Mr. Mayor."

Mayor Samples: "Mr. Moss."

Mr. Moss: "I, I respect what you said, Ms. Mabry, but also I think there's some merit in what Ms. Kohlmann has said concerning protection of employees that might be subjected to inappropriate actions that are harassment and for that reason we actually included in this draft ordinance that with the permission of the town administrator the employee can do these things. So if there's a particular concern, it's brought to the administrator's attention and the administrator may authorize it."

Mayor Samples: "Councilman Stevens. Thank you."

Mr. Stevens: "This policy, the last line, says 'violation of this policy will result in immediate termination.' That to me is an intimidation factor to any woman who works in this town. If you are sexually harassed, you have a right, I know I used to be a chauvinist, but I changed in December 12<sup>th</sup>, 1987, December 29<sup>th</sup>, 1987 when I had a daughter. This does not allow a person to protect themselves from sexual harassment or any other type of harassment. No, what they're looking at is intermination [sic] to termination, immediate termination if they record somebody who is sexually harassing them, and I can't agree with that, and I've done some research on this, and according to, and I'm just a layman, but it says this is a violation of the 19 se, 1964 Civil Rights Act, and that a person, if it's being sexually, it gives an example, I looked up this on the internet, if a, under the Civil Rights Act, if an employee complains of sexual harassment, and in response gets fired, the employee can file a lawsuit against the former employer, and the former employer will have to pay damages to the former employee for both harassment and retaliation against the person reporting harassment. If any woman in this town was sexually harassed, I would want them to be able to report that. This, this ordinance goes way too far. I understand that I can't, for example, tape the mayor and the mayor pro tem having a conversation. That is illegal. But if, let's say I'm a woman and I'm working in the town of Surfside and I get harassed, sexually harassed, I have a right to record that by law, and I cannot pass an ordinance that would subject, possibly subject a woman to that type of treatment and not have any recourse. I cannot do it."

Ms. Mabry: "Mr. Mayor."

Mayor Samples: "Ms. Mabry."

Ms. Mabry: "Well, believe it or not, I've been a woman in the workforce for a lot of years, and there are channels you actually go through, and we have provided in this ordinance, according to Mr. Moss, if I were being harassed, well first of all, I'd probably at this stage go tell everybody I know (*laughter*), but back in the day I would have gone to my supervisor and then I would go to the administrator, and then she would say, okay, we're gonna take of it. We've got those in place. I think Rodney could handle that. I think we've got everything in place to handle that for any woman that works in town, and let me tell you, today's woman doesn't take it too much. Most of them, they'll look right at that person, it'll come to an end at that moment, so we pretty much can take care of ourselves and we don't need any recordings to do it, and if we do, we've got some backup. So I think that is an example that a long time ago might have been a concern. But I think we've got everything in place in this ordinance to protect the worker and to protect all the other employees."

Ms. Kohlmann: "Mr. Mayor."

Mayor Samples: "Ms. Kohlmann, and, and then what I want to say is, is I would like to hear from other members if they have a view."

Ms. Kohlmann: "I'll pass, you can..."

1397 Mayor Samples: "No, no, no, go..."

1398

1399 Ms. Kohlmann: "Well, you let me speak it's fine. If I feel the need I will tell you so."

1400

1401 Mayor Samples: "No, go ahead. Go ahead."

1402

1403 Ms. Kohlmann: "I think we're getting away from this a little bit, but I'm shocked to hear you even  
1404 say that. There are women that do get harassed that are very strong women, extremely strong women,  
1405 and I think that it's our duty as council people to protect those people and it's the law, it's the law, it's the  
1406 law, and I don't, I still can't wrap my brain around this, if, if I cannot tape record two people having a  
1407 conversation, but if somebody is having a conversation with me and you're only gonna find out about it if  
1408 it's inappropriate, so what are we really doing here? We are going to be protecting the violator. I just  
1409 don't see why this is becoming more than it is. You're trying, it obviously came up because of a reason,  
1410 we all know that, so why protect the violator. This is just another source for not just women, there are  
1411 cases of men that are uncomfortable in workplaces, so I, I don't, I think we're going way far beyond it.  
1412 People aren't walking around, walking into each other's offices videotaping, audio tape, I would hope not,  
1413 but this isn't new. Tape recorders have been around a long time, but to say if you act inappropriately, I  
1414 don't care if you're having a bad day or not, you're still acting inappropriately. So behave yourself, act  
1415 appropriately, treat people with respect and if you don't, you shouldn't be working here. That's..."  
1416 *(applause)*

1417

1418 Mayor Samples: "Councilman Smith."

1419

1420 Mr. Smith: "I'm not comfortable with this recommendation for changes, either. But I would like to  
1421 ask the a town administrator to tell us how she would go about authorizing somebody to record, let's say  
1422 a, a lady or a man came to you and said yesterday I had this problem, and you didn't feel too comfortable  
1423 about how you were saying it. Would you authorize them to record or would you say well, get more  
1424 evidence or how would you do that?"

1425

1426 Ms. Fellner: "The first thing I would probably do is call the attorney."

1427

1428 Mr. Smith: "Okay, alright."

1429

1430 Ms. Fellner: "Because I think that's a fine line and you always want someone who has the legal  
1431 background to make sure you're not making the wrong decision. So that would be the first thing I would  
1432 do, and I would think it would have to be on a case by case basis, because there are all kinds of  
1433 mitigating factors, always."

1434

1435 Mr. Smith: "And, and that, that's the issue, I think, with me. A lot of times let's say management  
1436 doesn't necessarily agree with the employee that it's an issue, but the employee feels strongly that it is an  
1437 issue, and a, would you be amenable to maybe being not quite as restrictive in that case, or whoever is in  
1438 your position?"

1439

1440 Ms. Fellner: "I think that's why the attorney would be called, because you've always got to do that  
1441 reality check to make sure, you know, you're not just making a [sic] off the cuff decision, and you're not  
1442 being, maybe you know that employee and they're bringing a complaint against someone and you like  
1443 that employee more, so I think that's why it's important to a involve an attorney in that kind of a situation,  
1444 because they're, they don't have any dog in the fight."

1445

1446 Mr. Smith: "Okay, and, and Mr. Moss, are there any recommendations in this wording that would  
1447 make it more explicit that an employee can seek authorization to record if he feels like he's being  
1448 harassed?"

1449

1450 Mr. Moss: "You mean are there any in this draft, or could there be?"

1451

1452 Mr. Smith: "Could there be more, make it more plain that an employee could do that? It says you  
1453 can get authorization from the town administrator to record, but it doesn't, I don't think it says if I feel  
1454 harassed or something like that that I should go to the administrator and seek that authorization. Should  
1455 we add some words like that, because that seems to be the issue, harassment and the employee feeling  
1456 like he's got support of the management to do the recording to get the evidence."  
1457

1458 Mr. Moss: "It would be pretty simple to add provisions in there that would provide that an  
1459 employee can seek that permission in the case of an alleged allegation of harassment, and there's  
1460 actually a harassment ordinance that the town has or that's part of the personnel manual, an harassment  
1461 policy, and so that you could certainly reference that harassment policy and, and allow the employee to  
1462 obtain permission from the administrator. I mean, you can be more complex if it's the administrator the  
1463 allegation's being made against, I guess it could be permission obtained by the mayor, for example. So  
1464 those things could be built into a draft and it wouldn't be that difficult to build them into a draft."  
1465

1466 Mr. Smith: "I think that it would be nice to have that kind of statements in the a policy that we're  
1467 trying to change, and a, if they were plain so that somebody who feels like they're being harassed could,  
1468 knew the pathway to get administrative help would be useful."  
1469

1470 Mayor Samples: "Thank you."  
1471

1472 Mr. Johnson: "Mr. Mayor."  
1473

1474 Mr. Johnson: "I and those, those are, are good points. Ms. Fellner, I did miss the last meeting  
1475 and I don't know if this came up, but why, my question is, why is this being presented to council? Is there  
1476 a specific reason?"  
1477

1478 Ms. Fellner: "We did have an incident involving this, and it wouldn't really be appropriate to  
1479 discuss this in an open format. That would need to be discussed in executive session."  
1480

1481 Mr. Johnson: "Okay. Mr. Mayor, based on, on my lack of information, I, I would not feel  
1482 comfortable making a decision on this without further information and, and some tweaking, per se. That's  
1483 just my, my opinion."  
1484

1485 Mayor Samples: "I haven't said anything so I think I'll get a minute and say something. Clearly,  
1486 we're not trying to protect people that are a, a acting inappropriately. But the fact of the matter is, is trust  
1487 in the work place is a real issue. I don't want to see people running around with a bunch of tape  
1488 recorders, these things, taping people. We all talk differently when we are just having casual  
1489 conversations. I don't want to protect somebody who's acting inappropriately, but at the same time, I fear  
1490 that we, we, we need a policy. There's no question in my mind. We need a policy, because people will  
1491 tape people for a lot of different reasons. I've had experience in past jobs and I'm not gonna go into the  
1492 details, but people have lost jobs, good people who were taped saying something they shouldn't have  
1493 been saying that I know. I tend to think Councilman Smith's proposal is a very logical approach, as most  
1494 of the time he is, and, and I think it would be worthwhile to, to have something drafted that provides an  
1495 avenue for someone who feels wronged, but I will not, not, frankly, again, I don't mind saying it, I don't  
1496 support just the, the, the wholesale use of tape recording devices in the workplace. It's not healthy. In  
1497 the day and age in which we live, it's just more and more common, and so if, we're in discussion, aren't  
1498 we? Or there was a motion? Where are we in this?"  
1499

1500 Mr. Johnson: "Breaking the rules."  
1501

1502 Ms. Herrmann: "Actually, this is the decision paper and Ms. Fellner presented the paper, and Ms.  
1503 Fellner presented the issue and council is in discussion."  
1504

1505 Mayor Samples: "We'll go around one, one last time, I guess, to, to insure that everybody's views  
1506 are clearly expressed. Let me ask a question to clarify and move it along, are you against any policy?"  
1507

1508 Ms. Kohlmann: "From what I just experienced, yeah."

1509  
1510 Mayor Samples: "Mr. Stevens."

1511  
1512 Mr. Stevens: "I'm against this totally."

1513  
1514 Mayor Samples: "Any policy?"

1515  
1516 Mr. Stevens: "Any policy."

1517  
1518 Mayor Samples: "Any policy?"

1519  
1520 Ms. Mabry: "I'm for it 100-percent, but I do like the idea that Mr. Smith came up with a great deal,  
1521 I think that gives some protection to a, just gives a path to let them know to go to the administrator and  
1522 get everything set up. So yes, but I'm for this 100-percent."

1523  
1524 Mr. Smith: "Sir, you want to hear me say it again?"

1525  
1526 Mayor Samples: "No, no, I take it..."

1527  
1528 Mr. Smith: "Yeah, I would be okay with it once there's a clear path to a, an employee being able  
1529 to record if he feels harassed."

1530  
1531 Mayor Samples: "Okay, and I heard ..."

1532  
1533 Mr. Johnson: "I concur."

1534  
1535 Mayor Samples: "Okay, so I think we have some direction tonight to y'all to prepare something  
1536 and bring it back. Thank you."

1537  
1538 8. **DISCUSSION** – Any matters of concern or information to be discussed by Town Council.

1539  
1540 Mayor Samples: "Alright, now I will open it up for discussion for any matter of concern or  
1541 information to be discussed by Town Council."

1542  
1543 Mr. Johnson: "I have none."

1544  
1545 Mayor Samples: "I have none. Okay, very good. Hearing none, we'll move right in to public  
1546 comments."

1547  
1548 9. **PUBLIC COMMENTS.**

1549  
1550 "Glen Curtis, 257 Palladium, just southwest of this building. First of all, I'd like to say Ms. Ellis  
1551 and her crew does a fantastic job every time we have something out on the streets. She brings in  
1552 tourism. Thank her! The second thing, you a, got people with businesses cleaning up in front of their  
1553 places; it's starting to look good, and excuse me, Mr. Adair got the contractor that put in sidewalks in front  
1554 of our own sidewalks on Surfside Drive, and repaired them. We're showing that Surfside, our community,  
1555 is doing the same as we asked, and I think that's great. The third thing, I had a problem in the workplace.  
1556 I went to the district operator when I was coming in and I asked is there any trucks down, any backhoes  
1557 from the night before so I could repair them. And he says, we got a few trucks down and I want  
1558 everything back right away. So I says I'm gone do the best I can. Went down to the troubleshooters and  
1559 I told them and I asked those guys what can I do, and they told me to get (\*\*) trucks so they can get some  
1560 lights back. The troubleshooter foreman called down there and he, and one of the guys got on the phone  
1561 and kidding around, because the foreman said, hey, ask Curtis to get all them trucks back quick. We  
1562 want them out there. He says hey, I got something to tell you. Curtis is a Vietnam Vet. He's crazy and  
1563 he'll pull you right through this phone and choke you to death. Alright now, nothing was said. Two weeks



1564 later, all of sudden I got called down by my foreman to the other section where the big garage was, and  
1565 he says do me a favor, wait in my office. I go in and all of sudden security is in there. Guy asks me, he  
1566 says did you ever tell anybody you're gonna choke them to death or anything like that? I said no, what  
1567 the (\*\*) you talking about? He says well, we got some complaints there was a note slipped under your  
1568 foreman's door one night, and it said that you threatened people. I says I never threatened nobody. I  
1569 said you're out of your mind. So then a day later, somebody says hey, did you pull anybody through the  
1570 phone yet? I'm looking at them; I said that's where I heard it, and I went to the guy that said it and I said  
1571 get your (\*\*) up there and talk to security now, because they were gonna suspend me, they were gonna  
1572 fire me with 35-years and so he said well I'm not going up there. So I went up to security and I says this  
1573 is the guy, this is his name. He said you have no rights. You can't prove nothing. For the last two years I  
1574 worked, I was on eggshells, because they was gonna go after me, because I didn't have any proof and  
1575 my rights were being taken away. Think about these things as you give your thoughts to what was being  
1576 said before, okay? The other thing is I had mentioned a bunch of meetings before this, Carol and I were  
1577 going home at night after shopping. Going down where Jamin' Leather was down on 8<sup>th</sup> Avenue there  
1578 was no street light all the way to Sandy Lane. It is completely dark. When you get to the stop sign, if you  
1579 look to the right, maybe four lights down there is a light, but if you make a left to go to the next stop sign,  
1580 there is no light. Sometimes during the summer the water park has a big light on, but it is very rare. The  
1581 other night when we came home, there was kids playing in the parking lot of the old Jamin' Leather there,  
1582 pitch black, and as I made my turn to the left, with no lighting, a kid came out, almost nailed him. Please  
1583 think about putting a light some place in that area or before somebody does kill somebody. Thank you  
1584 very much."  
1585

1586 "I had to get up. I know I'm not supposed to get up anymore, but, Harry Kohlmann, 1610-B South  
1587 Ocean Boulevard. I have to speak about this cause I've seen it happen and I don't like it, and that's  
1588 sexual harassment. When I was a sergeant at a very big precinct, we had a very pretty police officer who  
1589 was very friendly with everybody. Not in a sexual way, but she was outgoing, and we had a lieutenant  
1590 who would systematically harass her sexually. Well, she didn't get it on a tape recorder. She should've,  
1591 but she didn't. He would do it when it was unexpected and it was terrible. It caused her a lot of pain and  
1592 agony, and hostile. How can you come in to work every day when you know that this person was gonna  
1593 harass you? Bother you. And when she told me, we went to the commanding officer and we hoped he  
1594 would do the right thing. You know what he said to her? Why don't you two just get together and kiss  
1595 and make up? It was a he said, she said incident. Nobody's gonna tape anybody unless they're a kook  
1596 all the time. They will do it if they're getting harassed or if they feel like they need to do it. What if this  
1597 woman that's getting sexually harassed doesn't trust your administrator, and she doesn't tape, and she  
1598 keeps getting harassed, or if she does, she does tape and it makes a great case and you, you fire this  
1599 monster. She gets fired too, because it's in your book saying you need permission. I don't understand  
1600 why you're so afraid of taping bad guys, of taping predators. We're not talking about off the key  
1601 conversations between people, we're talking about sys...when a person decides to start taping  
1602 somebody, it's because they've gone to their breaking point. I don't know. I really, I just can't, I can't  
1603 understand why you want to protect bad people. We're not talking about off key remarks every once in a  
1604 while, and if someone does that, they're not gonna get fired for doing it. They might get punished a little  
1605 bit, reprimanded. But we're talking about a systematically harassing somebody and you're worry about a  
1606 lawsuit, because that person was doing the wrong thing getting rid of the bad people. Thank you."  
1607

1608 "John Ard, 612 Cypress Drive, Surfside. I'd like to say, Mr. Curtis, I share a lot of your sentiment  
1609 exactly. I also am a Vietnam Veteran. I have been through a lot of what Mr. Curtis has been through.  
1610 Put up with a lot of the same bull. The facts be known, I have PTSD to a very high degree. I've been  
1611 accused of being crazy, being insane, and everything else in the workplace. You go to your boss with  
1612 something and the first thing they do is laugh you out the dern room. They don't care whether you prove  
1613 it or not. You walk around that job, just like he said, on eggshells. Just like a lot of what he said. But for  
1614 some of these women that have to put up the harassment they have to put up with and they're scared to  
1615 go to the boss about or whoever it may be, is a very pathetic situation. I cannot see a woman nowhere in  
1616 this room that can say they're gone stand there and put up with sexual harassment and lose their job  
1617 because they went to a higher authority with it and the next thing you know they get fired. Why; because,  
1618 they don't have no evidence. You got you a foreman over here harassing this person over here. He's the  
1619 foreman. He's gonna have the last word. He ain't gonna have nothing but a swift kick in the (\*\*) and out



1620 the (\*\*) door. I advise y'all to really think about this. The ones of you that were against it. I don't think  
1621 you quite know where things stand at with it. I understand some of your points exactly, but I think you  
1622 better go home tonight and when you lay your head on that pillow, you ask yourself, did I make the right  
1623 decision on what I had to say in that meeting tonight. How many people maybe have I costed their jobs  
1624 of trying to defend their self. Can you live with that? Can anybody up there live with that? I don't think  
1625 so, and I don't think you want a see it happen. As far as a tape recorder or something like that in the  
1626 workplace, state and federal both says you can have it, and here we have a council here that says we  
1627 don't know. Thank you very much."

1628  
1629 **10. COUNCIL COMMENTS.**

1630  
1631 Mr. Johnson: "Thank you, Mr. Mayor. Just a couple of brief comments; thanks everyone for  
1632 coming out. We really do appreciate you. As far as the sanitation increase goes, I understand that it's a  
1633 necessary evil. You know, we, we have a great service. But, I just want to remind everyone that I was  
1634 the only councilmember that voted against getting rid of the Caropines service, because it was a money  
1635 maker. Thank you; have a good evening."

1636  
1637 Mr. Smith: "No comments."

1638  
1639 Ms. Mabry: "A yes, first of all, thank everybody for coming out, and the, if you missed the  
1640 Veterans Day service, try to make it next year. It was absolutely wonderful. I think it was as nice as I've  
1641 ever seen it. And, I am gonna comment just one brief comment on the, the tape recording. I know very  
1642 well, and I, and what happens to women in the workplace. But I also know that the times are changing  
1643 and we are gonna put in there something to protect all of our employees. There's always a chain of  
1644 command. We want to make sure that they go through that and they get the protection they need. But  
1645 I'm never gonna support that anybody can tape you at any time making any off the cuff, because  
1646 remember these tape recordings you can delete part, and the parts that you don't like, and you can make  
1647 a comment sound just about any way you want to. So, I, I just, I want you to know now, cause I always  
1648 like people to know exactly where I stand, I'll never support being able to video tape and record at will."

1649  
1650 Mr. Stevens: "Thank you, Mayor Samples, and a just a comment on a couple of things. Mr.  
1651 Latham, we appreciate your comments earlier in the public comments at the start of the meeting. They  
1652 say hind sight is 20/20, and perhaps we did make a bad decision on Caropines. It was a, was a positive  
1653 cash flow there. That being said, we did what we did, and I believe, if I'm not mistaken, Councilman  
1654 Smith voted against it too. In reference to the tape this is a law that is, you know, I, I don't think we've  
1655 ever had any incidents of taping in Surfside until just recently. It's never happened before, and I do have  
1656 some firsthand knowledge on it, and I feel like the reason these folks taped this stuff is they were being,  
1657 they felt threatened, and I will support women to be able to record something, if they are, in fact, being  
1658 abused. I stand with that. It's part of the Civil Rights; it's part of state law; it's part of federal law; it's part  
1659 of the whistleblowers act. I don't think we should subject a person who is a victim to being prosecuted by  
1660 being terminated, and that's exactly what they're doing (\*\*) the victim and they're being prosecuted by  
1661 being terminated because of trying to protect themselves. Thank you."

1662  
1663 Ms. Kohlmann: "You all know I worked with men in the NYPD (*New York Police Department*) and  
1664 a, subjected to a lot of things, but I think I dealt pretty well with it. However, there were some workers of  
1665 mine that didn't and I watched them suffer, and it's not a pleasant thing to watch, and a, it never was good  
1666 for them, because they just didn't tape or, you know, like my husband had mentioned, they're told to just  
1667 kiss and make up, or whatever the case may be, and I understand and respect everybody's opinion up  
1668 here about it, but you have to remember, I'm not, I am not supporting walking around tape recording  
1669 when people are having conversations. Again, it would be when somebody felt they couldn't go  
1670 anywhere else, and what if I worked in the town, and I, Ms. Fellner and I didn't get along, or she didn't like  
1671 me, or didn't believe me, then where does the person go? There is really, if you look in the personnel  
1672 manual, there's really not a lot there, so maybe we need to review that and say you need to have a safety  
1673 for these people, because I will not support that people cannot protect themselves. It is our responsibility  
1674 and our duty to protect you all, and our employees, and if it's come up now, it's gonna come up again, so  
1675 I think it needs to be addressed. It needs to be looked at, and we have to protect people, and this is not

1676 taking away people's rights. It's not creating a hostile work environment by tape recording. The hostile  
1677 work environment is created when people make other people feel they need to tape record it, and if  
1678 something is tape recorded and it shows, in fact, it's hostile... I just don't see what the issue is with that,  
1679 but with that said, I would like to say everybody have a very happy Thanksgiving."

1680  
1681 Mayor Samples: "Thank you and I know tonight it was accidental, but on a couple of occasions, I  
1682 think the language, maybe we let our emotions get a little bit ahead of us, and that sort of thing. I know  
1683 the clerk doesn't like to, to a..."

1684  
1685 Ms. Herrmann: "Blame me." (*Laughter*)

1686  
1687 Mayor Samples: "I will, I am; I'm sharing the blame."

1688  
1689 Ms. Herrmann: "Do you want me to say it?"

1690  
1691 Mayor Samples, "Yeah."

1692  
1693 Ms. Herrmann: "Please don't use ugly words when you make comments."

1694  
1695 Mayor Samples: "Yeah, yeah, that's all, and, and I know it was accidental and, and that sort of  
1696 thing, but we, we do record the minutes and, and, and that sort of thing. I, too, wish everybody a happy,  
1697 happy Thanksgiving."

1698  
1699 11. **EXECUTIVE SESSION.**

1700  
1701 Pursuant to FOIA §30-4-70(a)(1) to discuss restructuring.

1702  
1703 Mayor Samples: "Having said that, I need a motion to enter in, to executive session pursuant to  
1704 the Freedom of Information Act 30-4-70(a)(1) to discuss personnel restructuring."

1705  
1706 Mr. Smith: "I move we go into executive session."

1707  
1708 Ms. Mabry: "I second."

1709  
1710 Mayor Samples: "There's a motion and second. All in favor, say aye."

1711  
1712 All Members: "Aye."

1713  
1714 Mayor Samples: "Opposed? We will return."

1715  
1716 *Clerk's Note: Time was 8:37 p.m.*

1717  
1718 Mr. Smith: "Mr. Mayor, I move we come out of executive session."

1719  
1720 Mr. Johnson seconded.

1721  
1722 Mayor Samples: "We have a motion and second. All in favor say aye."

1723  
1724 All Members: Aye.

1725  
1726 Mayor Samples: "All opposed? I guess we're back in session. No action was taken in executive  
1727 session. Can I get a motion?"

1728  
1729 *Clerk's Note: Time was 9:12 p.m.*

1730  
1731 12. **ADJOURNMENT.**

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Mr. Smith: "Mr. Mayor, I move we adjourn."

Mr. Johnson: "Second."

Mayor Samples: "All in favor say aye."

All Members: "Aye."

Mayor Samples: "Meeting adjourned."

Clerk's Note: Time was 9:12 p.m.

Respectfully submitted,

Debra E. Herrmann, CMC, Town Clerk

Approved: December 10, 2012

Douglas F. Samples, Mayor

Mary Beth Mabry, Mayor Pro Tempore

Ann Dodge, Town Council

Elizabeth A. Kohlmann, Town Council

Roderick E. Smith, Town Council

Randle M. Stevens, Town Council

Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In accordance with FOIA, the agenda and supporting documents were distributed to media and interested parties via email. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on the Town marquee. When (\*\*) is used a section of the transcription is inaudible. All Town Council and Public Comments are transcribed verbatim without grammar corrections.