



TOWN OF SURFSIDE BEACH
115 US Highway 17 North, Surfside Beach, SC 29575
Web: www.surfsidebeach.org
☎ (843) 913-6111 ☎ (843) 238-5432

PUBLIC NOTICES

TOWN COUNCIL WORKSHOP, Tuesday, December 4th, 2012 at 10 a.m. at the Theatre Grand, 301 Highway 17 South, Surfside Beach to hear a presentation by Lanier Parking regarding the logistical and financial aspects of outsourcing the parking function.

The December Town Council Meeting will be held on MONDAY, DECEMBER 10th, 2012 at 6:30 p.m. at The Theatre Grand, 301 Highway 17 South, Surfside Beach.

TOWN COUNCIL REGULAR MEETING COUNCIL CHAMBERS TUESDAY, NOVEMBER 27, 2012 ♦ 6:30 P.M.

A G E N D A

1. **CALL TO ORDER** – Mayor Douglas F. Samples
2. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Pastor Scott Wachter, Surfside United Methodist Church
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** - Regular Meeting November 13, 2012
5. **PUBLIC COMMENTS** – 3-minutes per speaker
6. **COMMUNICATIONS**
 - A. Department Reports
 - i. Finance
 - ii. Recreation
 - iii. Public Works
 - B. Administrator's Report – Update on Current Events
7. **BUSINESS**
 - A. Second Reading Ordinance #12-0727 to amend §9-16 Decals and Exemptions for Parking Decals, Councilmember Kohlmann
 - B. Second Reading Ordinance #12-0729 Add Chapter 17 Article IX Overlay District
 - C. Second Reading Ordinance #12-0733 to amend §2-61(b) Volunteer Advertising in Daily Newspaper and §2-61(j) Annual Committee Reports, Councilmember Dodge.
 - D. First Reading Ordinance #12-0732 to amend §9-7 No Parking Places, Councilmember Kohlmann
 - E. First Reading Ordinance #12-0735, to amend Business License Ordinance for the Collection of Insurance Broker's Tax, and Agreement with MASC for collection of Insurance Broker's Tax, Treasurer Hursey
 - F. Resolution #12-129 SCMIT Deductible for 2013, Treasurer Hursey
 - G. Decision Papers – Personnel Policy Manual Revisions, Administrator Fellner
 - i. to add Chapter 6, Section 612, Video or Audio Recording in the Workplace
 - ii. to amend Chapter 1, Section 108 Hiring Relatives
 - iii. to amend Chapter 6, Section 606 Anti-Harassment

7. **BUSINESS**, continued
 - H. Committee Appointments (May be deferred until after Executive Session)
 - i. Senior Citizens – Gerald L. Miller
 - ii. Historical – Bob Lang, Jeffrey L. Lane, Randy Harrison
 - iii. Parking - Tom Dodge
 - iv. Recreation/Special Events – Debbie Bone
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 nominations for appointment to the Senior Citizens Committee, Historical Board, Parking Committee, and Recreation/Special Events Committee
12. **ADJOURNMENT**

Annual Christmas Tree Lighting

Town of Surfside Beach
Annual Christmas Tree Lighting Ceremony
Thursday, November 29th at 7:00 p.m.

Music provided by
Seaside Elementary Chorus
Steve Fairchild

Light refreshments will be served.

Everyone is invited to attend.



**SURFSIDE BEACH TOWN COUNCIL
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 27, 2012 • 6:30 P.M.
TOWN COUNCIL CHAMBERS**

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1. **CALL TO ORDER.**

Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith, and Stevens were in attendance. A quorum was present. Staff present: Town Administrator Fellner; Planning Director Morris; Public Works Director Adair; Treasurer Hursey, and Recreation Supervisor Ellis. Also present: Town Attorney Moss and Town Clerk Herrmann.

Mayor Samples: "Welcome to a the Surfside Beach Town Council Meeting. Our regular meeting, the last meeting of November. A, I appreciate all of you being here. I do have a couple of announcements before we proceed with the agenda. First, I want to remind everybody that Thursday night at seven o'clock is our annual Christmas tree lighting out front. If you haven't attended, I strongly encourage you to. The young ones come from all around and it's really a nice affair. There'll be singing and no speeches, just a good time for all. There'll be light refreshments. The other thing I want to mention is that tonight is the last regular or special meeting that Town Council have in the chambers, probably for, I don't know, six, six weeks, hopefully not months, eight weeks. We'll keep you posted. We're doing some mold remediation which begins December 3rd in the chambers and we will be meeting in the Grand Theatre, which is the old Legends, and so we hope that we'll still get folks to turn out and, and participate in, in their local government. Having said that, I also need to mention the next regular council meeting will be Monday night, December 10th rather than December 11th, so again, next regular meeting two weeks almost from now, is December 10th. There will be a special council meeting December 4th at the Grand Theatre in conjunction with the parking committee a to discuss some items. That's ten o'clock, December 4th. Y'all are welcome to attend that also. Having said that, I think we're ready to move on. With that, Pastor Scott Wachter from Surfside United Methodist, who had a little accident, is gonna say the invocation for us, and then we'll do the Pledge."

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

Pastor Scott Wachter, Surfside United Methodist Church, gave the invocation. Mayor Samples led the Pledge of Allegiance.

3. **AGENDA APPROVAL.**

Mayor Samples: "Thank you, Pastor. Moving right along, the next item is agenda approval."

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

Unknown Speaker: "Second."

Mayor Samples: "I have a motion and a second. All in favor say aye."

All Members: "Aye."

Ms. Herrmann: "Mr. Mayor, who offered the second?"

Mayor Samples: "Ms. Dodge."

4. **MINUTES APPROVAL.**

Mayor Samples: "Moving along, item number four, minutes approval, minutes for the regular meeting November 13th, 2012. Can I get a motion?"

57
58 Ms. Mabry: "I move to approve the minutes November 13th, 2012."
59
60 Mayor Samples: "There is a motion. Is there a second?"
61
62 Mr. Johnson: "Second."
63
64 Mayor Samples: "There is a second. Any discussion?"
65
66 Ms. Kohlmann: "Mr. Mayor."
67
68 Mayor Samples: "Ms. Kohlmann."
69
70 Ms. Kohlmann: "Looking over the minutes for the last meeting there seems to be a lot left out of
71 the minutes, and as I understand according to Municipal Association the minutes don't have to be verbatim
72 transcript, however according to the association it's just that it needs to be, I'll read from their thing just so
73 that the words don't get twisted, the minutes usefulness goes well beyond the mere satisfaction of the
74 statutory requirements. The minutes are necessary to conform with what acted on and agreed to at the
75 meeting and to record decisions to insure no ambiguity, ambiguity [sic] in what was actually decided.
76 Without agreed upon minutes, individual recollections of what transpired are bound to differ and they will
77 increasingly [sic] differ over time. Now I went up and listened to the tapes because I didn't feel that the
78 minutes were complete and accurate, and it wasn't just one or two things, there was a lot left out, and I
79 think that for the historical purpose of this, this governing body it's important that they have as much in it as
80 they can, and if you read these minutes, some of us sound like we're talking to ourselves in it. There's,
81 there's no, there's like one sided to it and as I think it really is, it's an injustice to the people that can't come
82 to the meeting, so as I have a big problem with the way it was done."
83
84 Mayor Samples: "Alright, can I hear other comments."
85
86 Mr. Johnson: "Mr. Mayor."
87
88 Mayor Samples: "A, Mr. Johnson."
89
90 Mr. Johnson: "A, and as a fellow resident asked me about this and I, I replied either correctly or
91 incorrectly based as, as, upon the fact that we changed, at one point we used to do them verbatim, but from
92 my recollection we changed that policy at some point to just do the council comments and the public
93 comments verbatim, is that correct? Can someone answer that?"
94
95 Mayor Samples: "I believe that's correct, I don't remember when. I don't remember, frankly, I, I
96 have to defer to the, to the clerk, I think, who probably served in over a couple different periods of time,
97 certainly before I did, and do you remember, did we, was there a time where we did verbatim entirely?"
98
99 Ms. Herrmann: "Mr. Mayor, in researching records and going back through minutes, I have never
100 seen where they have been done verbatim. There was never a period where the council minutes were
101 verbatim. There have been periods over the years where certain portions were done verbatim on particular
102 topics at the request of a councilmember. There is other times where the discussions have been very
103 involved and the clerk actually did them verbatim with a note that due to the complexity of the discussion,
104 these minutes, this portion is verbatim. I believe it was in 1999 or 2000 that council chose to do the public
105 comments verbatim, and I don't know when the council comments started being done verbatim, there just
106 have always seemed to be done that way."
107
108 Mayor Samples: "Thank you. As I guess what I would say is, is I certainly, are there any other
109 comments?"
110
111 Ms. Dodge: "Mr. Mayor."
112

113 Mayor Samples: "Ms. Dodge."
114

115 Ms. Dodge: "I agree with the clerk. I believe council comments were to be verbatim, and I think
116 they should be because we are the rule makers so to speak, and what we have to say up here should go in
117 those minutes. Thank you."
118

119 Mayor Samples: "Thank you. For clarification purposes, I believe the clerk was referring to the
120 section 'Council Comments.'"
121

122 Ms. Herrmann: "I was. I'm not, during the business portion none of that has ever been verbatim by
123 action of council. If council desires that, it certainly can be done that way. I just need to have the
124 instruction of council."
125

126 Mayor Samples: "Any other comments?"
127

128 Mr. Stevens: "Mr. Mayor."
129

130 Mayor Samples: "Mr. Stevens."
131

132 Mr. Stevens: "I read the minutes, too, and there's a lot of stuff left out that I said, and I would've
133 like to have known what I said, and I can't remember everything, but a, the only way you can critique
134 yourself or the only way people can know what you're saying is for your words to be published."
135

136 Mayor Samples: "Thank you. There's certainly, there's certainly no intent, you know, I'm certain
137 that the clerk transcribed the minutes as best she knew based on playing the tapes and the parameters
138 which have been accepted by the council for a period of time. Now, I'm not averse, and certainly wouldn't
139 want this council to approve minutes which they feel are in error, or misleading. And so, a, what I'm looking
140 for is a suggestion from one of the members as to how we might resolve this quandary which we find
141 ourselves in."
142

143 Mr. Johnson: "Mr. Mayor."
144

145 Mayor Samples: "Mr. Johnson."
146

147 Mr. Johnson: "I would like to call a point of order, a, these are two separate issues. We have the
148 minutes approval, and then we have the policy of transcribing."
149

150 Mayor Samples: "I stand corrected. There is a motion on the floor. Any other discussion with
151 respect to the motion? All in favor say aye."
152

153 Unknown speakers: "Aye."
154

155 Mayor Samples: "All opposed?"
156

157 Unknown speakers: "No."
158

159 Mayor Samples: "I believe the minutes are not approved. I believe the..."
160

161 Ms. Herrmann: "Mr. Mayor, I need a count for the record. I don't know who voted what."
162

163 Mayor Samples: "All those who voted in favor of the minutes, raise your hand."
164

165 Mayor Samples, Mayor Pro Tem Mabry and Councilmember Johnson raised their hands.
166

167 Mayor Samples: "So, I guess that speaks for itself. Having said that, we need to revisit these
168 minutes so that they can accurately reflect the business which took place on November 13th. What I would

169 suggest a, is that one or more of those who find some exception in how the minutes are transcribed
170 address the immediate issue, the immediate issue, which is bringing these minutes back to council so they
171 can be approved.”

172
173 Ms. Kohlmann: “Mr. Mayor.”

174
175 Mayor Samples: “Ms. Kohlmann.”

176
177 Ms. Kohlmann: “I was gonna do it under discussion (**.)”

178
179 Mayor Samples: “Pardon me?”

180
181 Ms. Kohlmann: “I was going to discuss it under item eight, during discussions about the minutes.”

182
183 Mayor Samples: “And, and we can do that Ms. Kohlmann, it clearly, clearly a, well, we need, the
184 further away we get from the actual event, in my experience, and it’s just my experience, the more likely of
185 the, let me withhold any further comment. I don’t have a problem sending it out to a transcriptionist, if that’s
186 the desires of the council.”

187
188 Ms. Kohlmann: “Mr. Mayor.”

189
190 Mayor Samples: “Ms. Kohlmann.”

191
192 Ms. Kohlmann: “Could we either do a vote or a consensus on which should be our minutes
193 verbatim?”

194
195 Mayor Samples: “I think it’s something that we need to have a discussion first, because I would
196 want to hear from all parties, including those who have, who are tasked and paid by the taxpayers to put
197 those minutes together. Is that fair? I like your suggestion about discussing it in other.”

198
199 Ms. Kohlmann: “That could be part of our discussion, absolutely.”

200
201 Mayor Samples: “Alright, we will do so. Mr. Moss.”

202
203 Mr. Moss: “Mr. Mayor, I have an observation and concern about the agenda in light of the fact that
204 the minutes have not been approved, and that is simply this, under *Robert’s Rules*, up until the point the
205 minutes are approved from the previous meeting, any party on the prevailing side of a vote can make a
206 motion to reconsider that vote, and so first reading for example at the last meeting would not be final until
207 the minutes are approved. So to prevent you from going forward with the second reading tonight, until that
208 issue’s resolved.”

209
210 Mayor Samples: “Any comment from members?”

211
212 Ms. Mabry: “Mr. Mayor.”

213
214 Mayor Samples: “Ms. Mabry.”

215
216 Ms. Mabry: “I want to make sure that everybody understands that the minutes are ten pages long.
217 I don’t anybody to think that they’re three pages of a meeting that went to eleven o’clock. It was not.
218 There’s ten pages of minutes that we have gotten. Everything is on tape. Everybody knows that they can
219 go to the town hall anytime, listen to the tape. If we’re gonna change the minutes, we’re gonna have to
220 figure out who in the world is going to type a four or five hour meeting. It is impossible to ask our town clerk
221 to do that twice a month, I mean there’s just not time.”

222
223 Mr. Stevens: “Point of information.”

224

225 Mayor Samples: "Mr. Stevens."
226

227 Mr. Stevens: "The meeting was started at 6:30 and ended at 8:37, that's only two hours."
228

229 Ms. Mabry: "Well, sometimes they do, excuse me, I can I still continue to speak? I didn't..."
230

231 Mayor Samples: "You still have the floor."
232

233 Ms. Mabry: "Thank you. There are, there have been several times we've been out at 11 o'clock.
234 This may not be one, if it's 8:30, it's ten pages long. Can you imagine what it's gonna be if it's 11:30
235 meeting? We have to be reasonable. We never want to mislead the public, but a minute is just a general
236 overview of what happened here. It's not a detail word for word, who said what. This isn't a public political
237 forum up here. This is simply taking care of the business at hand, and really, what I have to say, it's when I
238 cast a vote. That's what's the most important thing."
239

240 Mayor Samples: "I take note of counsel's advice and I would recommend that, you know, to carry
241 on the discussion later, which I think is an important discussion to have over the minutes and the structure.
242 There are three items that we adopted first reading on at the last meeting. They are Items 7.A., 7.B., and
243 7.C., and I will entertain a deferral of those items until we resolve the issue so as not to, pardon me?
244 Speak up."
245

246 Ms. Morris: "I'm sorry. 7.B. was not on the last agenda."
247

248 Mayor Samples: "Thank you, I stand corrected. I spent a couple of hours down at Doctor's Care
249 today, so I'm doing the best I can. Thanks a lot. A and C will have to be deferred since they, first reading
250 did take place in the meeting of the 13th which no approved record for and which we will discuss how we're
251 going to resolve that at a later point tonight."
252

253 Ms. Herrmann: "Excuse me, B, first reading of no parking places was deferred to this meeting by
254 the meeting of October 23rd."
255

256 Mayor Samples: "I stand corrected for the second time tonight! *(Laughter)* I'm sure it won't be the
257 last time. Okay, so good, we're just deferring the decals, am I correct?"
258

259 Ms. Herrmann: "Let me just look at my notes and make sure."
260

261 Ms. Kohlmann: "A, C, D."
262

263 Ms. Herrmann: "No, B was done on October 23rd. These minutes were done November 13th, so D
264 can be read, and the overlay can be read, because both of those were moved to this meeting by approved
265 motions at a previous meeting."
266

267 Mr. Johnson: "Mr. Mayor."
268

269 Mayor Samples: "Mr. Johnson"
270

271 Mr. Johnson: "I, and I may need to seek counsel on this, but Item Number D was discussed at the
272 last meeting."
273

274 Mayor Samples: "Well, it was discussed, but no action was taken."
275

276 Mr. Johnson: "Okay."
277

278 Mayor Samples: "But no action was taken. I think counselor's point is, is that we adopted, you
279 know, it's obvi, it should be obvious, but just to cover it for those who may not be as up to, up to date on
280 what we're talking about. The only way that council acts is by adopting an ordinance which requires two

281 readings, a resolution, or a consensus. Since we're talking about adopted second reading of items, an
282 item, which was discussed at the 13th and we do not have approved record yet for that, counsel is
283 suggesting that it would be in our better interest to just hold off, and I don't take exception with that."
284

285 Mr. Smith: "Mr. Mayor, I move that we defer Items 7.A., and 7.C. until the minutes for November
286 13th meeting are approved.

287
288 Mayor Samples: "There's a motion."

289
290 Ms. Dodge: "I would second that."

291
292 Mayor Samples: "There's a second. Any discussion? All in favor say aye."

293
294 All Members: "Aye."

295
296 Mayor Samples: "Those, A and C deferred to the next meeting. We may want to have a special
297 meeting on it just to move it along."

298
299 **5. PUBLIC COMMENTS – AGENDA ITEMS.**

300
301 Mayor Samples: "Moving along, public comments. Three minutes, please come forward, state
302 your name and address and I always let ladies go first, so there you are."

303
304 "Okay, so that's settled. Mary Ellen Abrams, 311 13th Avenue North. This is about the design
305 overlay ordinance. Almost two months ago when the design overlay was first proposed, there was
306 negative and corr, incorrect information being spread around the town. Some of us private citizens took it
307 upon ourselves to go out there and explain to people what the design overlay would do for this town to
308 make it nicer, and not do to it as if the sky was falling. This petition that I'm going to give to the clerk reads
309 'the undersigned respectfully requests that Surfside Beach Town Council approve the proposed design
310 overlay district Ordinance Number 12-0729. We view the design overlay as a benefit to the town.' End
311 quote. Now unfortunately, the design overlay district proposal's been watered down considerably since the
312 first reading, and I just wanted to make the point that most of these signatures were obtained based on the
313 original proposal before anything was watered down, and some of you might want to think about the fact
314 that several of you were recently elected by a smaller margin than the number of voters represented on
315 these petitions, and that's all I have."

316
317 Mayor Samples: "Thank you."

318
319 Mr. Smith: "Mr. Mayor."

320
321 Mayor Samples: "Mr. Smith."

322
323 Mr. Smith: "Could she tell us how many signatures she has?"

324
325 Ms. Abrams: "110, 111."

326
327 Mr. Smith: "Thank you."

328
329 Mayor Samples: "It keeps going up. Keeps going up. Ms. Toney."

330
331 "Amelia Toney, co-owner of Home Accents II. As we all know, we've been talking about the
332 overlay. I think the overlay is very good. But they're still certain aspects in the overlay that affects the
333 business owners of the community. I live in Surfside. I want Surfside to look beautiful. But, I would like to
334 tell the council, could we just wait a little while longer. Let us have a business committee meeting again,
335 and talk with the business community. There are things in there, not that many, we bout there, but we'd
336 like to wait and see if the council could vote on this in January. Let us have one more meeting. There's

337 certain things in it; the roofing for the buildings that needs to be just changed a little bit, so it will help the
338 business community and all. There're people willing, wanting to come to Surfside, there's businesses
339 wanting to move into the town, and we just need to make sure that the business owners are taken care of,
340 that we're not just, there's things in there that we need to really look at. Not that many, but there're a few
341 things that we just to kind a change a little bit, so one more meeting. I don't think it'd hurt anything, and we
342 can decide on a few things, look at it, offer it to the councilmen and see if, if we can all come together and
343 move on. Thank you."

344
345 Mayor Samples: "Thank you. Any other comments? Ms. Lauer."
346

347 "Terri Lauer, 124 Harbor Lights Drive. I am in favor of creation of the overlay in Surfside Beach.
348 My husband and I are relatively new to the area. We have been here just one year. We have looked at,
349 and have gone to many realtors and have looked at many areas. We chose Surfside when we were told
350 that Surfside had a lot of rules and regulations, and our idea was yes! We like rules and regulations and
351 we like what we saw in Surfside. In our development we also have an HOA. There are rules. Rules
352 benefit the whole, and rules of many areas help the area look nice. All of the homeowners I have talked to
353 in the last couple of months are in favor of further beautification of our town. Now I appreciate that the
354 business' owners don't want to have to spend any money. The economy is tough and really many of the
355 businesses already have the regulations of an overlay as I read it, so they are up to grade with the overlay.
356 They have things that they need and money only needs to be spent with targeting different events such as
357 a new sale of the property, or a change in the tenant. Again, I stress that I understand that business
358 owners are, owners not wanting to open up their pocket books, but sometimes you have to spend the
359 money to make money, and more attractive fronts, a pleasant beautification of landscape would draw
360 customers, not scare them away, as many of the shabby and downright ugly buildings do now. It is time to
361 enact the overlay district, and to begin a sincere effort to improve the corridor of 17. The beautification will
362 serve at least two purposes, one it will draw more tourists to our shops, which in turn provides revenue for
363 the town. As the area is visibly improved, more higher bi, and businesses will be drawn to the area,
364 businesses that will add to our community, but also provide services and quality shopping for us all. In all
365 things, the council needs to keep the best interest of the town's people in mind. To end, to that end, I want
366 to remind you that the majority of business owners on 17 do not live in Surfside. They are not the voters.
367 Their interest is in the money, not the beauty of our town, and they will sometimes overlook the fact that
368 improvement will bring more tourists and more money. The council needs to vote the will of the people,
369 and that will says that Surfside needs to be beautified. Now, we can wait two, four, six months, but we
370 can't put it off. If you look around at the buildings, the businesses have been here a long time. We as
371 homeowners have regulations and we follow those guidelines. *(Time.)* Thank you."
372

373 Mayor Samples: "Thank you, Ms. Lauer. Mr. Ard."
374

375 "John Ard, 612 Cypress Drive, Surfside. Down here underneath the business section G down
376 here, number i, to add Chapter 6, Section 6-12, Video or Audio Recording in the Workplace, as you well
377 know, I'm totally against taking that out of the workplace. I think that a it's needed in there for a number of
378 reasons. At the last meeting, there was a question asked about the other municipalities that were having
379 this done and everything and there wasn't no answer as to who the municipalities were that was having this
380 taken out the workplace, and personally, I would like to know who some of those were since there wasn't
381 no answer available at that time. I think we deserve to know who they are, if there are any. And also here
382 this number ii, to amend Chapter 1, Section 108 Hiring Relatives, I think that is a very bad choice to hire
383 relatives to work in the same place, say like some of y'all are in, the administrator's in, any other person
384 that's here. That's just asking for trouble, and so I would suggest that that don't even, that, that's a no
385 brainer, it shouldn't even be considered, because before it's over with, you're gonna have some major
386 problems when you've got family members working in the same place. Thank you."
387

388 Mayor Samples: "Come forward and speak or forever hold your peace!" *(Laughter.)*
389

390 "Glen Curtis, 257 a little bit south and touch west of here, a last meeting I took, talked about a
391 streetlight where there was a bad section down at 8th Avenue, and thanks to John Adaira [sic] two days

392 later that light was up. There's vision down there. People ain't gonna hit you, get hit when they run out of
393 the side there and I ain't gonna hit them, and I thank you very much. I appreciate it."
394

395 Mayor Samples: "Thank you. I think you stretched it a little bit, but I guess public works is on the
396 agenda."
397

398 **6. COMMUNICATIONS.**

399 **A. Department Reports**

400 Mayor Samples: " Alright, let's move along to our next section, communications, department
401 reports, finance, Kim Hursey."
402

403 **i. Finance.**

404 Ms. Hursey: "Good evening, Mayor and Council. Tonight we have the finance report for the
405 October month end. Just a little recap as we usually do, we have a business license activity. We had 22
406 accounts in the month of October. Business license revenue is slightly lagging for last year, but nothing to
407 be concerned about. Our current taxes, as noted in the report had not been recorded, but we did receive
408 the deposit from Horry County for \$212,000. We had hospitality and local accommodations taxes for
409 October, \$60,000 and \$15,000 respectively, which is slightly down from last year, but again, nothing to be
410 concerned about at this point. Year to date we're relatively flat to the prior year. Our enterprise funds,
411 sanitation fund collected \$81,000 in service charges, which is in line to last year. Our pier enterprise fund
412 collected \$14,000 in revenue, which is slightly lower than the \$15,000 collected in the prior year. We have
413 updates from our auditors, which are on schedule to attend the December 10th meeting to present the a
414 audit findings, and that's about all I have. Any questions?
415
416
417
418

419 Mayor Samples: "Any questions?"

420 Ms. Dodge: "Mr. Mayor."

421 Mayor Samples: "Ms. Dodge."

422 Ms. Dodge: "A, new business in town and new business out of town, would you explain that?"

423 Ms. Hursey: "Sure. The a, well for the tot, for the month we had 22 new businesses. There were
424 four in town. That means they were actually located in the town, you know, the gas station, restaurant, a
425 store. If they're out of town, they are physically located out of the town, but they still have to get a license
426 to perform, you know, their business in town. That's really for contractors and service repairs, and things
427 like that."
428

429 Ms. Dodge: "Thank you. I thought since I kind a raised my eyebrows, thought I understood it..."

430 Ms. Hursey: "Um huh."

431 Ms. Dodge: "...others might not have understood it either. Thank you, Kim."

432 Ms. Hursey: "Yeah."

433 Mayor Samples: "Thank you. Any other questions? Ms. Kohlmann."

434 Ms. Kohlmann: "Kim, underneath the a hospitality taxes..."

435 Ms. Hursey: "Um huh."
436
437
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439
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446

447 Ms. Kohlmann: "...I don't know if you can answer this, but a it seems under the expenses police
448 community services, last year was \$2,950, and this October was \$19,629. What, do you know what that..."

449
450 Ms. Hursey: "For community services?"

451
452 Ms. Kohlmann: "Yeah."

453
454 Ms. Hursey: "A, let me find, let's pause and think. Let me just check my detail."

455
456 Ms. Kohlmann: "There's actually two places on the, the a..."

457
458 Ms. Hursey: "Um huh, that was a a full quarter's worth of, of the salary allocation, and then also a
459 the health insurance, probably the same time last year I didn't make the entry, but there is a bunch of new
460 positions in that account, but it's not, it's not another person. It just relieves the general fund of that
461 expenditure, and I'm trying to do that on a quarterly basis now, and I probably did not do it in the same
462 quarter last year, but I can check that out for you."

463
464 Ms. Kohlmann: "Okay, and then on the a-tax, the accommodations tax?"

465
466 Ms. Hursey: "Same thing."

467
468 Ms. Kohlmann: "That's the same thing? That's a big..."

469
470 Ms. Hursey: "Uh huh. That's the same thing. It's a full quarter's worth salary, benefits, holiday for
471 the budgeted position that the a accommodations tax funds pay for."

472
473 Mayor Samples: "Provide, email us all the breakdown, you know, the details, just to double check
474 and make sure that, in fact, that is what it is."

475
476 Ms. Hursey: "Yeah."

477
478 Mayor Samples: "Okay."

479
480 Ms. Hursey: "That is what it is. I remember making the entry."

481
482 Mayor Samples: "Good."

483
484 Ms. Hursey: "But, I will."

485
486 Mayor Samples: "Good. Any other questions? The finance committee is meeting the 6th."

487
488 Ms. Hursey: "Yes."

489
490 Mayor Samples: "With the auditors?"

491
492 Ms. Hursey: "Yes."

493
494 Mayor Samples: "Okay. Anybody's welcomed to attend."

495
496 Ms. Hursey: "That will be in the Grand Theatre, also."

497
498 Mayor Samples: "The Grand Theatre or the fire station?"

499
500 Ms. Hursey: "Is it gonna be in the fire station?"

501
502 Ms. Fellner: "This is the ..."

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Ms. Hursey: "Oh, just the exit conference?"

Mayor Samples and Ms. Fellner: "Yes."

Ms. Hursey: "That would just be at town hall."

Mayor Samples: "We'll make room for you. Thanks. Very good. Thank you."

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

ii. Recreation.

Mayor Samples: "The next item is recreation."

Ms. Ellis: "Good evening. The monthly report for November, the 5K race in memory of Nathan Black was cancelled due to Hurricane Sandy and severe weather. Plans are being made to hold it again next year. The Veterans Day service was held at the passive park at two o'clock on November 11th. Approximately 130 people attended. The speaker was Evans Kaiser with the American Legion Post 178, who did an excellent job. The American Legion Post also provided the honor guard this year. Chandler McKuhn sang the national anthem and God Bless America, and did an extremely excellent job."

Mayor Samples: "And he's 11 years old."

Ms. Ellis: "Yes, he is. I was gonna say I couldn't remember if he was 10 or 11. (**) I also wanted to let everybody know the new route for the Christmas parade this year. Lineup will be on Melody Lane. We do have a permit from DOT to use Melody Lane. The parade route will begin on Ocean Boulevard at Melody, proceed north on Ocean Boulevard to Surfside Drive, parade will turn left onto Surfside Drive and proceed west until Poplar Drive. Parade will turn left on Poplar Drive and disband in the Grand Theatre parking lot. The reviewing stand and refreshments will be on Surfside Drive in front of the library, and there will also be bleacher seating there, as well, for the public. And, the employee Christmas luncheon will be held on Friday, December the 14th at the civic center from 12 p.m. to 1 p.m. The Turkey Trot was held on Thanksgiving day, and according to their records, 700 people ran in the 5K; 400 people ran the 10K; 200 people went the 1 mile, and 50 kids participated in the Tot Trot, for a total of 1,350 people, and they're already planning for 1,700 next year. The mayor mentioned earlier the tree lighting is Thursday night at seven o'clock. The Christmas parade December the 8th, two o'clock on Ocean Boulevard and Surfside Drive, and Breakfast with Santa is Saturday, December the 15th from 9 a.m. to 10:30 at the Golden Egg restaurant for ages 10 and under and preregistration is required, and that's all I have."

Mayor Samples: "Alright, any questions?"

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "Mr. Johnson."

Mr. Johnson: "Ms. Ellis, what was the thinking or the logic behind changing the parade route?"

Ms. Ellis: "To get it back on Surfside Drive, which is our main street."

Mr. Johnson: "No, I mean that, that was it? Nothing, no complaints or anything?"

Ms. Ellis: "Oh, no. No, no complaints."

Mr. Johnson: "Okay."

558 Mayor Samples: "There's also there's easy, correct me if I'm wrong, wasn't it easier, and I'm just
559 thinking of the things you mentioned to me, that at the end it was easier to disband the floats and that sort
560 of thing out of the Legends? I mean the Grand Theatre."
561

562 Ms. Ellis: "Yes, it's just a bigger area. Before we've been doing it at Holiday Inn parking lot, and it
563 becomes a traffic jam down there with people trying to turn, people trying to go in the parking area."
564

565 Mayor Samples: "In addition, there are sidewalks on both sides of Surfside Drive where there,
566 there are none on the north end, and we'll try it, you know, and if it doesn't work, remember to blame
567 Debbie, okay?" *(Laughter.)*
568

569 Mr. Johnson: "The only reason I brought it up was a some residents asked me..."
570

571 Mayor Samples: "Sure."
572

573 Mr. Johnson: "...so I did not, I couldn't give them an answer, but I will now."
574

575 Mayor Samples: "Thank you. Thank you."
576

577 Ms. Dodge: "Mr. Mayor."
578

579 Mayor Samples: "Ms. Dodge."
580

581 Ms. Dodge: "I wanted to say thank you for the Veterans Day service. I think it was the best one
582 that we've ever held."
583

584 Ms. Ellis: "Thank you."
585

586 Ms. Dodge: "And I was so proud and that young man did a tremendous job."
587

588 Ms. Ellis: "I'd like to thank Julie Samples for acquiring that young man to sing the national anthem,
589 and Glen Curtis for his help with the Veterans service that day."
590

591 Mayor Samples: "We keep him in the closet. *(Laughter.)* No he's, he's a, a child from what
592 school? St. James, St. James. Quite talented and he's been on, he's got a You Tube thing, I think, also.
593 Thank you, Ms. Dodge, I thought it was a good ceremony also, and Glen Curtis worked hard along with
594 Debbie and I know their committee worked hard, and y'all did, and I believe it was an improvement. I
595 wanted to take you back to the Turkey Trot. The Turkey Trot, do we, do we, and you may or may not be
596 able to answer this, how do we collect the cost for the Turkey Trot? I mean it's held on Thanksgiving, it's a
597 holiday, and it's a great, great event."
598

599 Ms. Ellis: "Explain it?"
600

601 Mayor Samples: "Pardon me?"
602

603 Ms. Ellis: "You want me to explain it?"
604

605 Mayor Samples: "Collection of costs, is I'm, I'm more, I want to make sure that the town, since
606 they're a for-profit entity..."
607

608 Ms. Ellis: "Um huh."
609

610 Mayor Samples: "...okay, they are a for-profit entity..."
611

612 Ms. Ellis: "Yes."
613

614 Mayor Samples: "...what they do is wonderful, but they, they are not a 501(C)(3) or anything
615 like..."

616
617 Ms. Ellis: "No, they're in it to make money."
618

619 Mayor Samples: "They're in it to make money. I want to make sure that the town is not unduly
620 subsidizing it."
621

622 Ms. Ellis: "Okay. The Festival Promotions, which is the company that conducts the race, has a
623 business license with the town, and has had for the past three years. When mister, previous administrator
624 was here, Mr. Duckett, he set it up for Festival Promotions pays, I mean they write a check the day of for
625 any traffic control and I think we had 12 or 13 officers down there, so they all got paid by Festival
626 Promotions that day, and we will also invoice them from this payroll that's going on now for three public
627 works people who put the cones out, for myself and Mary Lynn, so they'll pay for that. It won't cost any,
628 and ours is not overtime anyway, because it's a holiday."
629

630 Mayor Samples: "Are those rates burdened?"
631

632 Unknown Speaker: "Sorry?"
633

634 Mayor Samples: "Do they include fringe rates?"
635

636 Ms. Hursey: "Yes, we gross them up. (**)_
637

638 Mayor Samples: "They are burdened rates that capture all the costs. That's what I want to make
639 sure of. Okay, do they, they purchase insurance?"
640

641 Ms. Ellis: "Um huh."
642

643 Mayor Samples: "Okay, thank you very much."
644

645 Ms. Ellis: "And they provide me with a copy of it, provide the town with a copy of it."
646

647 Mayor Samples: "Okay, any other questions for Debbie? We'll see you Thursday night."
648

649 *Clerk's Note: A copy of the written report is on file.*
650

651 iii. Public Works.
652

653 Mayor Samples: "Moving right along, Mr. John Adair is dressed so nice tonight, I've gotta
654 compliment him. Our public works director."
655

656 Mr. Adair: "Thank you. Good evening, Mayor and Council, citizens. A the monthly public works
657 report, in our sanitation division under residential service seven new carts were delivered, four new
658 accounts with new COs, and three per owner requests. Under commercial service routes continue to be
659 updated based on business needs. Four businesses have reduced service days. Three accounts required
660 extra pickups due to overflow. Two accounts have discontinued service due to businesses closing for the
661 season. That would be Original Benjamin's and Windhaven on Ocean Boulevard. Under recycling news
662 16 new carts have been delivered to residents upon requests. We received our budgeted amount that we
663 purchased of new 65- and 95-gallon recycling carts. All the 65-gallon carts have been already distributed
664 to the a summer service route on Ocean Boulevard, which will have a positive impact on the amount of
665 trash that we see next summer, and overflow for that matter. A 95-gallon carts are used primarily for
666 commercial properties, restaurants and things like that, and it certainly helps. Under e-waste, the Creative
667 Recycling Systems removed over 4,200 pounds of electronic waste that we collected at our last drop off in
668 October. Second pickup is forthcoming tomorrow to remove about 80 more televisions I have in my facility.
669 It's important to let everybody know that when they drop off the appliances intact we pay less to get rid of it,

670 so a, broken items costs more to dispose them. So when you drop things off at public works, please make
671 sure they're intact. Scrap metal received a check for \$372.80 from Allen's Scrap Metal for loose scrap
672 metal we collected in the month of October. In October we collected 346 tons of solid waste, almost 32
673 tons of mixed debris, 102 tons of yard debris, and about 34 tons of recyclables. It's kind a flat from last
674 October, so no, no major change there. The streets and drainage division, our crews are still raking the
675 beach one time per week, and we're picking up the trash and servicing the swashes with the backhoe as
676 needed. We've have some unusually high tides lately, which have necessitated a lot of swash clean out,
677 so the a, the flow continues to drain out of the lakes. Some ongoing special projects, a, we have a, we
678 paved about seven segments of town streets a, by Boggs Paving that was completed about two weeks
679 ago. Repairs have been made to the streetscape sidewalks over on Surfside Drive under warranty from
680 the streetscape project, which, which completed, I believe, last April. There were some cracks that
681 appeared and they've been repaired by Benton Concrete. We have 52 sets of new sets of blue street
682 name signs that are being installed as time permits, and our crews are still edging Highway 17 and the
683 frontage road, which should continue for another couple of weeks, but they're almost done. Light's at the
684 end of that tunnel. Five reports were sent to Santee Cooper identifying street lights that were not
685 functioning properly, and as Mr. Curtis said, a new street light was installed on 8th Avenue South Extension.
686 Under our grounds division, the crews assisted setting up getting the Veterans Day Memorial Service
687 underway, spruced it up and a mulched it, and it came out real nice. A new human water fountain has
688 been installed and is working at the passive park behind the Veteran's Memorial at the beginning of the
689 pedestrian path, and it's green powder coated and it matches the exercise station. Christmas decorations
690 are being installed throughout town. Town hall complex, along Surfside Drive in preparation for the tree
691 lighting and the parade. Our fleet maintenance division from October 16 through November 19th, our
692 mechanics completed 59 repairs on town vehicles and equipment, seven vehicles had flats repaired, and
693 three had tires replaced. Preventive and scheduled maintenance was performed on 31 additional vehicles.
694 Under my facilities division, our renovations have been made to the a police lab and to the interrogation
695 room at the police department. The bid for mold remediation and restoration of this very building has been
696 awarded to FSA. Later on this week we're gonna be busy moving things out of this building in preparation
697 for that, and new roofs are being installed dugouts at Martin Field, and that's my report if anybody has any
698 questions, I'd be happy to answer them."

699
700 Mayor Samples: "Any questions?"

701
702 Mr. Smith: "Mr. Mayor."

703
704 Mayor Samples: "Councilman Smith."

705
706 Mr. Smith: "Mr. Adair, how did it cost to dispose of the 4,000 pounds of electronic waste?"

707
708 Mr. Adair: "Roughly \$700 was the net bill. Fortunately for us we pay 15 cents a pound for
709 undamaged merchandise, not merchandise, undamaged items, TVs and computers. If it's been broken or
710 pilfered or scavenged, we pay 50 cents a pound, so it's more than triple that amount, so that bill would
711 have been closer to \$2,000, if we hadn't taken care to get undamaged material out of the door. So it's a
712 huge expense. The county's having a huge problem with it."

713
714 Mr. Smith: "And undamaged means that the a electrical cord is still attached?"

715
716 Mr. Adair: "Doesn't have to be. It's basically the screen and the insides."

717
718 Mr. Smith: "Okay."

719
720 Mr. Adair: "You know if it's a computer, it's not taken apart. The hard drive's not missing and
721 internal components, because they salvage, this company, Creative Recycling, the reason why they have a
722 state contract is because they are what's called "R2 Real Certified Facility," that have to dispose of this
723 stuff properly. They have to recycle it. They have to clean all hard drives for security purposes, and that's
724 how they have this federal certification. They were doing it for free in their last contract, they were taking
725 the material from us. But, they just can't afford to do it anymore, so they're paying, we, we're paying

726 smaller rate for undamaged merchandise, but if it's scavenged already and they can't make money on it,
727 they're gonna charge us the higher rate of 50 cents a pound, which as you can imagine for an old TV that
728 weighs a 100 pounds, you're paying \$50 to get rid of it. So, it's a huge expense, you know, for the town,
729 maybe not so much, but the county's, they're gonna be adding a couple hundred thousand dollars to their
730 annual budget for this very purpose."

731
732 Mr. Smith: "Thank you.

733
734 Ms. Dodge: "Mr. Mayor."

735
736 Mayor Samples: "Ms. Dodge."

737
738 Ms. Dodge: "I wanted to say thank you for the edging on 17 Business. It makes it look so nice.
739 Anywhere that you do that it looks cleaner on our street. Also, I have a question. The company doing the
740 work on Ocean Boulevard, do we have an end date for that work to be finished?"

741
742 Mr. Adair: "You mean the electrical contractor?"

743
744 Ms. Dodge: "Yes."

745
746 Mr. Adair: "You'll, we had hoped that they would be out of there this week. They've run into some
747 problems. Some of the conduit that was installed last year has been kinked or is full of sand, and they
748 have to blow the lines out and it's going a little slower. They had to actually redo a couple of those things
749 that they did last year. In one case the concrete around one of the vaults cracked and it had to be dug out
750 and re-poured, so these things are causing delays. But, we're still on target to be done by March."

751
752 Ms. Dodge: "Thank you."

753
754 Mayor Samples: "Any other questions? That's always one of the dilemmas when you break a
755 project up into two phases that are not continue, continuous. I did want to ask you and you guys have
756 been doing a great job as Councilwoman Dodge said, you know, 17 is looking terrific. When do we start
757 our dune walkovers?"

758
759 Mr. Adair: "In about ten days."

760
761 Mayor Samples: "You're a good man. Don't let Christmas get in the way, okay. Thanks, John."

762
763 Mr. Adair: "Thank you."

764
765 *Clerk's Note: A copy of the written report is on file.*

766
767 C. Administrator's Report – Update on Current Events.

768
769 Mayor Samples: "Moving right along, the administrator's report and update on current events.
770 There was a, Micki distributed a, a handout at the dais, and I hope everybody had a chance to read it."

771
772 Ms. Fellner: "Good evening, Mayor and Council and citizens. I have just a few quick updates and
773 announcements for tonight. One is about the signage. A focus group comp, com, a focus group comprised
774 of one or two representatives from the Keep Surfside Beach Beautiful committee, the Events and Rec [sic]
775 committee, and the Parking committee have been formed. Possibilities with HGTC are being explored, and
776 the group will be meeting with representatives on November 30th for a presentation of their capabilities. In
777 addition, on December 7th two of the larger local sign companies will be meeting with the group to present
778 some ideas and answer questions. Both meetings will be held in the second floor training room at the fire
779 house, and they're, of course, as everything else, open to the public. The pier pile wrap project has begun
780 and divers were in the water yesterday. Cape Romain anticipates a four to six week completion date,
781 depending on the weather. The process involves cleaning the piles, priming them, installing the wraps, and

782 banding them as specified intervals. I also met with the Beach Services last week to discuss some needed
783 changes to the franchise agreement, and I forwarded those changes along to Battle and Vaught. At this
784 point it is in attorney review. The first draft should be to, to me by tomorrow sometime late in the day, and I
785 anticipate having the agreement to the council for review sometime next week. The amendment to the
786 permit for the ADA pier expansion is still at OCRM in Charleston under review. I spoke with Chris Stout
787 from OCRM from the local office today and he spoke with Blair and a there's no movement on that as of
788 yet. Earthworks has indicated to us that they could have the bid specifications completed by the end of the
789 week, and I will, of course, forward a copy to council as soon as it is available. The youth association just
790 received their articles of incorporation back from the Secretary of State. Since this effectively means
791 they're corporation has been established, I will be emailing council a revised version of the bylaws early
792 next week for their review. Also to date, just to mention, the contractor has had no success yet in capturing
793 the coyotes. Lastly, I don't like to use the emergency clause for, for procurement items, but the air handler
794 and heat pumps serving this room in council chambers has become seriously compromised, and the
795 system when they got up there and looked at it is over 11 years old. Some of the other components, I think
796 the handler is much older than that, and it's recommended that they be replaced, and a good time to do it
797 would be during this remediation so we won't have to make other adjustments at a later date. The cost for
798 the duct work, branch runs, and a five ton split unit installed with ten year warranty and a one year labor is
799 estimated to be \$13,092.17. The work would be performed by Thomas, who did an excellent job when they
800 replaced our units in town hall a couple of years ago. Staff also called Carolina Cool, who the town uses
801 occasionally, but their units were more costly and their parts were only guaranteed for five years. I would
802 bid this if there were time, but we only found out last week that the problem existed, and since we did have
803 a council meeting prior to the purchase date, I felt it would be appropriate to report this in public to the
804 council prior to the purchase rather than after the fact, although I know the ordinance gives me leeway to
805 just tell you in writing after the fact, but since there was a council meeting, I would rather tell you up front,
806 and that's all I have."

807
808 Mr. Smith: "Mr. Mayor."

809
810 Mayor Samples: "Councilman Smith."

811
812 Mr. Smith: "Ms. Fellner, does the a, what you're recommending a five ton unit and the duct work,
813 does that include the UV lights in the duct work, you know, like we have in the a...?"

814
815 Ms. Fellner: "That does not include the UV lights."

816
817 Mr. Smith: "Could you get us a price on that..."

818
819 Ms. Fellner: "I could."

820
821 Mr. Smith: "...and get back to us."

822
823 Ms. Fellner: "I could."

824
825 Mr. Smith: "Thank you."

826
827 Mayor Samples: "What brand are they using?"

828
829 Ms. Fellner: "Trane."

830
831 Mayor Samples: "Trane."

832
833 Ms. Fellner: "Yes, sir."

834
835 Mayor Samples: "Because it's a..."

836
837 Ms. Fellner: "It's a five ton split, Trane split."

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Mayor Samples: "I gotta split in a property myself, and a, you know, to be honest with you it just seems, it does seem a little high. Just a comment. If it was my money, I'd be shopping around. That's what I'm for."

Ms. Feller: "The Lennox was even higher. The Lennox is what we put in town hall. We're, we're also waiting. I, I should have informed council, we a, I just want to make sure that we're gonna be eligible for the Santee Cooper rebate on this and that we don't need to do something up front before that, and that's why we're holding off on the purchase. I've asked Mr. Adair to contact our person at Santee Cooper regarding this and to make sure that all our I's are dotted and T's crossed before we move forward."

Mayor Samples: "So what's the druthers of council?"

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "Mr. Johnson."

Mr. Johnson: "Ms. Fellner, what exactly is the problem?"

Ms. Fellner: "The problem is that only a portion of it is working. It's so old, if we repair it, it's, you know the duct work is a problem anyway, because of the mold."

Mr. Johnson: "Right."

Ms. Fellner: "But if we repair, if we repair it, we're just gonna be replacing it in another year probably. It's..."

Mr. Johnson: "Well, my ques, well let me ask this, if there's mold in the duct work would that not come under the mold remediation?"

Ms. Fellner: "Well, it, I, I mean it could, and that's why it's a good time to do it. It is now, and since there's a problem with it already."

Mr. Johnson: "But that wasn't part of the..."

Ms. Fellner: "It was not part of..."

Mr. Johnson: "...bid, per se?"

Ms. Fellner: "No, this was the one that was in the, if you remember, in the budget we budgeted for an extra one because we were having problems with this one over here during the summer when it was so hot in here, and council asked us to take it out of the budget that \$8,000 line item that we had. We didn't anticipate we'd need the full, all the duct work and all the that done, too, at that time."

Mr. Johnson: "I, I, I'm just still confused as to, you know, we have a mold problem. The first place you would look, I would think, would be the duct work."

Ms. Fellner: "But we, if you remember, in town hall when we had the duct work, we were able to clean that very effectively, and we didn't have to replace all the duct work downstairs. We only had to replace it upstairs. You know, you don't know until you get into, into this, this, what you have to do and unfortunately, we had an incident where it was so cold in here, then we turned the heat on and we couldn't get it warm enough, and there were various issues for some of these committees that meet in here regularly. So, you know, that was the issue, and then when they went up there to look at it and took it apart, the duct work has gotta be changed. This is not salvageable."

Mr. Johnson: "Okay."

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Mayor Samples: "Any other comments? I guess you gotta do what you gotta do."

Ms. Fellner: "Thank you, Mr. Mayor."

Mayor Samples: "But, please get that warranty in writing, ten year warranty, one year parts, and make sure it gets locked up..."

Mr. Johnson: "One year labor."

Ms. Fellner: "One year labor."

Mayor Samples: "Yeah. Make sure it gets locked up in the archives and the clerk knows where to lay her hands on it. Okay, Ms. Herrmann? Thank you."

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

7. **BUSINESS.**

Mayor Samples: "Moving to our business section, we are doing second reading of 7.B., 7.A.?"

Mr. Smith: "7.B."

Mayor Samples: "7.B. Thank you."

A. Second Reading Ordinance #12-0727 to amend §9-16 Decals and Exemptions for Parking Decals, Councilmember Kohlmann.

Clerk's Note: No action taken because meeting minutes not approved.

B. Second Reading Ordinance #12-0729 to add Chapter 17, Article IX, Overlay District.

Mayor Samples: "7.B. is the second reading of Ordinance 12-0729 to add Chapter 17, Article IX, Overlay District."

Mr. Smith: "Mr. Mayor, I move that we sus, suspend the rules for discussion on this item."

Mayor Samples: "There is a motion."

Ms. Mabry: "I'll second."

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

All Members: "Aye."

Mayor Samples: "The rules have been suspended."

Mr. Smith: "Mr. Mayor, I, I heard the comments from the a people who support the overlay and having it implemented right away, but I also heard the comments from the business community and I think we need to give them an opportunity to have another meeting where we can go over it in some detail and make some additional changes. I think it's getting close to being approved, but I think that would be wise to defer it until next year so that the business community, business committee can have another meeting to a go over it in detail and then a our building department have time to a update the ordinance."

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

950 Ms. Dodge: "Mr. Mayor."

951

952 Mayor Samples: "Ms. Dodge."

953

954 Ms. Dodge: "That was well put. I have had calls asking if we could defer voting on the overlay.
955 The overlay is going to be something really good for this town, but getting it right is important, too, and if
956 people are concerned about it, then we go a little more slowly. I agree with Councilman Smith that we
957 consider waiting until the second meeting in January to approve it. Thank you."

958

959 Ms. Kohlmann: "Mr. Mayor."

960

961 Mayor Samples: "Ms. Kohlmann."

962

963 Ms. Kohlmann: "Why can't we just do it at the next meeting? I think that's a little bit, we're putting
964 it off until next year."

965

966 Mayor Samples: "Do you wish to ask the council woman a question?"

967

968 Ms. Kohlmann: "Never mind."

969

970 Mr. Smith: "Let me answer. The question is we need the business committee to have an
971 additional meeting. At the last business meeting they said they wanted to have another meeting and they
972 haven't had that meeting, yet. So I think we need to give them time to do that before we bring it to council."

973

974 Ms. Kohlmann: "But they, they didn't do that. That's the only problem I have. I have no problem
975 with the business getting together and doing that, but I think they should have done that by now."

976

977 Mayor Samples: "Can I interrupt?"

978

979 Ms. Kohlmann: "You're the mayor."

980

981 Mayor Samples: "Well, Mr. Stevens, you're a member of the committee. Why didn't they meet?"

982

983 Mr. Stevens: "A, Mr. Mayor, a, they had scheduled a meeting on the 19th. It was cancelled. Then
984 we had an email that the meeting was gonna be held yesterday, and for some reason that did not transpire.
985 I'm in contact, trying to get in contact with Sammy Truett and set up that meeting so we can go ahead and
986 get the business committee to look at this one more time and let's make sure we have every T crossed,
987 every I dotted. I personally am in favor of the overlay. I think it will pass, but I think there is a [sic] few
988 minor things that need to be addressed. I have had some people contact me about it. There was some
989 legal questions that were raised, and a I want to sure that we don't put ourself [sic] in any situation where
990 we could be legally liable for anything that poss, might happen. I know there's a lot of folks that have
991 worked hard on this, and I appreciate the work these have done. But unfortunately, sometimes
992 government needs to move a little slower than normally. I know everybody wants to get things passed,
993 passed, passed, but that's not the best method. I have a few questions that I want to go over with a
994 Sabrina Morris on this, as well, and a there a few things I think the business committee would like to
995 discuss with Sabrina and then let's make sure we've got every T crossed, every I dotted. This, I believe in
996 my heart of hearts that this overlay will be passed before my wife's birthday, which is February 1st. "

997

998 Mayor Samples: "Any other comments?"

999

1000 Mr. Johnson: "Mr. Mayor."

1001

1002 Mayor Samples: "Mr. Johnson."

1003

1004 Mr. Johnson: "Well, this is the first I heard that the business committee has not met and that's
1005 neither here nor there. They should have met, and, and considered any of the proposals prior to now. If

1006 we keep putting this thing off, it's gonna get watered down and watered down and watered down, and if
1007 you'll notice, Horry County is doing an overlay up and down 17. I have no idea what their overlay is about,
1008 but if we keep watering this thing down, the county's overlay will be stricter than ours. I don't know that
1009 that's what we want. The residents' comments that I get are for the overlay and they want to get it over
1010 with and put it behind them, and I think that we should move forward and vote on this tonight."

1011
1012 Ms. Mabry: "Mr. Samples."

1013
1014 Mayor Samples: "Ms. Mabry."

1015
1016 Ms. Mabry: "Mr. Mayor, I too have been getting phone calls, but evidently it was different ones,
1017 because I'm getting from citizens that want to know why we didn't pass it already. They want it done.
1018 They've made it clear. We have had this unanim...I can't say the word, but it passed P&Z 100-percent.
1019 And then it went to beautification where it was passed, and recommended that we do this overlay. I did
1020 attend a business meeting where they all had time to sit down and, and go over each and every item, and
1021 now we have it again. At what point in time do we start listening to the citizens. They want it. They've
1022 made it clear that they want it. It will help our town 100-percent, and we, and the only people want to do is
1023 say let's meet again so they can knock something out of it. We've already got it down so watered that only
1024 half of it is even in there. We have actually compromised it just about away. So, I, I don't understand why
1025 we don't vote on this and why we have to shove it off into another committee one more time." (*Applause.*)
1026

1027 Mr. Smith: "Mr. Mayor."

1028
1029 Mayor Samples: "Before you speak for the second time, I would like to speak for the first time.
1030 What I have heard all members say is they support the overlay district. I've heard business owners
1031 express support for the overlay district. If we adopt second reading tonight, there is nothing to prevent a
1032 councilmember to come back and suggest a change, which we would have to send to planning and zoning,
1033 but no matter what planning and zoning decides, council is the final authority. Yes, it is a complicated
1034 piece ordinance, planning and zoning as far as local governments go, they are the, in my opinion, strongest
1035 powers and authority that a local government has to control to some extent their own destinies. Now, I
1036 wanted to take time and find out when Horry County adopted their first overlay district, because this isn't it.
1037 Horry County has a number of overlay districts. Go home. Check the web. Georgetown County has a
1038 number of overlay districts that have been in place for years, and I've heard that we're rushing this. My
1039 view is, it's long overdue. We failed in the past to step up and get something done. Is this perfect? No.
1040 We're only human beings. We're trying to reach a compromise. Every bit of red (*holding up document*)
1041 though out this is change that we tweaked. We spent hours. Every member has had the opportunity to go
1042 through this with a fine tooth comb and to tweak it to identify specific issues and problems. The business
1043 committee, I have the greatest respect for the members, for the chairman. They have had the opportunity.
1044 They, too, agree something needs to be done on Business 17. Something needs to be done to move the
1045 Town of Surfside Beach forward. Is this gonna affect them? Some, it will, no question about it. This is
1046 adopted you want to build something new in town this applies to you. But the council has gone through it,
1047 and I commend the council for the careful consideration which they have given the draft document to
1048 improve it. To make it less onerous as one business owner told me it was and when I asked him if he had
1049 read it, he said no, and for a man in the legal profession to claim that something onerous and he hadn't
1050 read it tells me that he had his mind made up. There isn't anything we can do to please him. Rest
1051 assured, this is not a permanent, perfect document. But it's a heck of a lot better than what we've got now,
1052 and for those of you that are interested and you want to look at Horry County's proposed overlay district, it
1053 is available to you, and it is far, in its current form, far more restrictive than what we're proposing. I, Mr.
1054 Smith."

1055
1056 Mr. Smith: "I, I disagree with the point that it's been watered down. I think there've been major
1057 improvements in the document, for example, it said you had to use flat paint. Well, not everybody wants to
1058 use flat paint. It said you had to have a dark roof. Not everybody wants to have a dark roof. Those are
1059 improvements. I don't consider those watered down. I think we need to give the business community, we
1060 established a committee for them, let's let it work. Seventy percent of the money, the revenue of this town
1061 is from the business community. I don't think we want to hurt that. The citizens pay about 30-percent of

1062 the revenues of the town. So let's give the business committee time to be happy with this document.
1063 That's the reason we established the committee. We got parking committees, beautification committees,
1064 We let them do their job. Let's let the business committee do their job. Thank you."
1065

1066 Mayor Samples: "Any other comments?"
1067

1068 Ms. Kohlmann: "Mr. Mayor."
1069

1070 Mayor Samples: "Ms. Kohlmann."
1071

1072 Ms. Kohlmann: "Some of the things that are still worded in here under the Section 17-901..."
1073

1074 Mayor Samples: "Ms. Morris. Excuse me, Ms. Kohlmann."
1075

1076 Ms. Kohlmann: "Hi, Sabrina."
1077

1078 Ms. Morris: "Hello."
1079

1080 Ms. Kohlmann: "You and I have been talking an awful lot, and I did read the overlay for Horry
1081 County. We spent a lot of time going back and forth, but there's a question I have here, too, 17-901, and I
1082 think that's part of the problem, is you ask the question, but then you get another question. There are,
1083 there's a lot to this, and I'm not against an overlay."
1084

1085 Mayor Samples: "(**)"
1086

1087 Ms. Kohlmann: "Okay. I'm just stating why I think (*two speaking at once*) feel the way they feel so,
1088 and like we always say, we all agree to disagree, so let's do that, but the purple where you have all parcels
1089 or either partially or completely within the C-1 and C-2 zoned areas of the town, excluding the one on
1090 Sandy Lane, it was on the first page it takes out certain areas, and I, I know you had explained cause
1091 there's no property there..."
1092

1093 Ms. Morris: "(**)" you're talking about the background, the issue paper? I'm sorry."
1094

1095 Ms. Kohlmann: "Yes."
1096

1097 Ms. Morris: "Yeah, the issue paper actually only removes Sandy Lane and C-3 District, which is
1098 down at the pier. We, we removed that complete road."
1099

1100 Ms. Kohlmann: "Which was discussed at that meeting, but there's, they removed also the area of
1101 the C-2 zoning district on the north side of 3rd Avenue South."
1102

1103 Ms. Morris: "That is just for landscaping, and the purpose there and it does say, and it's actually in
1104 the ordinance written that way under Section 17-903, number H, excuse me, letter H. The requirements of
1105 Section 17-911 shall not apply to areas within the C-2 zoning district on the north side of 3rd Avenue South
1106 from Poplar Drive to Floral Drive to the south side of 1st Avenue North from Poplar Drive to Floral Drive,
1107 and the 911 is landscaping requirements, and those sections of C-2, which are right down Surfside Drive
1108 and then 3rd Avenue on this side of 3rd Avenue, there are no place [sic] to put landscaping. So, we
1109 excluded the landscaping requirements out of that."
1110

1111 Ms. Kohlmann: "All of those businesses (**)"
1112

1113 Ms. Morris: "All along Surfside Drive they have nowhere to put landscaping."
1114

1115 Ms. Kohlmann: "And that includes like the corner of Benjamin's Bakery and ..."
1116

1117 Ms. Morris: "That is correct."

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Ms. Kohlmann: "...the strip of roadway there."

Ms. Morris: "Yes, ma'am, because Benjamin's, that, that, that street actually on the side of Benjamin's Bagels they are completely up to their right-of-way, so they can't put anything there, and if this applied and, and God forbid, one of those buildings burned, then if they had to meet those requirements and landscaping, they couldn't put it right up to the street. They'd have to back it up, which is something I don't think we'd want in that district, because they have zero lot lines, so we want them on that lot line. That's why I removed the landscaping requirement in just that section."

Mayor Samples: "Just for point of clarification, okay, and accept what I'm gonna say and it's more about format, format of these things that we get in our packages, okay. This first page is nothing but a summary, okay. It's not the ordinance, it's not the ordinance. The ordinance begins on the second page, okay, and so I mean, and I apologize I say that because I take it for granted, you know, that we know, but we may not know. We may not know. And so, I just want to clarify. I want to clarify that page two, the first page is nice, fluffy language. That's what it is, okay, and it's good stuff, and hopefully it's persuasive. But, the second page is the real ordinance and thereafter, thereafter, and that is always the format that we use when we do issue papers, and I throw that out there."

Ms. Kohlmann: "One more question."

Mayor Samples: "You have as many as you want, I mean it."

Ms. Kohlmann: "Maybe to clarify for some of those people, the business people, the few that are here, the existing buildings, I, I think there was a lot lost in the, in the translation. If, if, if you own a, a building and you want a extend your building, you want to expand your business, and you build a building next to a building that you already own, that building has to be to compliance."

Ms. Morris: "That is correct."

Ms. Kohlmann: "If it's attached to the building, then all of it has to be up to compliance."

Ms. Morris: "The existing, because we added the..."

Ms. Kohlmann: "(**)"

Ms. Morris: "...excuse me, because council at their last, at their last, at the October meeting, exem, well, exempted the existing metal buildings, the addition would still have to meet the requirements. The existing metal building would not. It would remain as is."

Unknown Speaker: "Even if they were connected?"

Ms. Morris: "Yes."

Ms. Kohlmann: "And if the roofing, cause I seem to hear there's a big thing with the roofing, right, Mr. Smith? You at, you were, you brought a question about the roofing? Now, maybe to clarify this part, too, say I built that building and my building that I have already presently there it's a beautiful building. It's steel, and it's a flat roof or pitched slightly, because of the rain, and now you're, the new building would be brought up to compliance, which would mean a pitched roof, so my buildings wouldn't look the same."

Ms. Morris: "Yes."

Ms. Kohlmann: "Do you want me to wait?"

(Tape ended.)

1174 Ms. Morris: "... earlier. We would, staff would recommend they go for a variance, and staff would
1175 recommend the variance."
1176

1177 Ms. Kohlmann: "Right."
1178

1179 Ms. Morris: "So, we would not go against that. Obviously, we want it to look uniform, so they
1180 certainly would have that opportunity, if it's attached. If it's not attached, obviously, it would have to meet
1181 the requirements of the at least 6:12 roof pitch."
1182

1183 Ms. Dodge: "Mr. Mayor."
1184

1185 Mayor Samples: "Ms., Councilwoman Dodge."
1186

1187 Ms. Dodge: "Since some of the business people still have some concerns, otherwise they wouldn't
1188 be calling council people, I don't see a problem waiting until January to approve it. This is something that's
1189 very important. The town needs it. We're gonna get it done, but it may not be done exactly as it is here.
1190 Maybe somebody will have a better mouse trap to offer, but I don't think council should be in a rush to get
1191 this passed, if people are still concerned about it. If that's a delaying tactic, then we can set a time where
1192 we say no more delays, if you've got anything else to say, come in and say it to council, but I believe they
1193 do have questions. I know that Sabrina is open to questions and concerns, and I think delaying it until
1194 January is not asking too much. Thank you."
1195

1196 Ms. Mabry: "Mr. Mayor."
1197

1198 Mayor Samples: "Ms. Mabry."
1199

1200 Ms. Mabry: "I don't ever want anybody to think that I want to rush this through, but this has been
1201 months and months. This didn't come up yesterday. We've been talking about this a long time. I think
1202 Ms. Morris has done like 11 presentations I've seen. I almost can see them in my sleep. If we don't do
1203 this, let me tell you what can happen. A big box store can come in here with no restrictions. Anything can
1204 come in here at any time, until we pass this, with no restrictions. For instance, if a Dollar General came in,
1205 they'll just be the big old ugly box that you go see. If they decide to come in after we pass this, they
1206 already have plans that fit for an overlay. They don't have to do anything but take that plan, which looks a
1207 whole lot better, if you go down to some other areas and see it. So, businesses coming into town, they
1208 don't have to do a thing, nothing until this is passed, and if we keep putting it off, then there's gonna be an
1209 opportunity for somebody to come in and be just as ugly and trashy as they want to be, and there's not one
1210 thing we can do about it, except learn to live with it."
1211

1212 Mayor Samples: "Mr. Stevens, when, when is the next business commit, committee meeting?"
1213

1214 Mr. Stevens: "I can't answer that. I'm trying to get a hold of Sammy Truett to find out when the
1215 exact date will be."
1216

1217 Mayor Samples: "(** several speaking in background) I, I know there, there's people, you know,
1218 people perceive people in a lot of different ways and I know people are saying that I'm trying to jam this
1219 through. Well, to me, it, it is a no brainer, okay. It's just plain and simple fact. It's a no brainer. But I have
1220 tried to be very patient. We met till eleven o'clock one night. There is no one, no one who can say that we
1221 have not considered the, the comments and the input; it's just not there. We changed the roof colors. She
1222 can allow parapets. Does everybody know what a parapet is? Well, I didn't. But what it is, is what you put
1223 on a flat roof building to give it a little more style. Alright, this is the 21st Century. We need to be
1224 competitive. This town has to compete with others for their tourists dollars. (*Applause.*) I heard tonight
1225 Highway 17 is looking a lot better. Why? Because we're doing something simple called edging, okay. It's
1226 a no brainer. Okay, somebody needs to bring us back in under the rules."
1227

1228 Mr. Smith: "I move that we come back under the rules."
1229

1230 Ms. Dodge: "Second."
1231
1232 Mayor Samples: "There's a motion. There's a second. All in favor say aye."
1233
1234 All Members: "Aye."
1235
1236 Mr. Smith: "Mr. Mayor, I move that we defer second reading of this ordinance until the second
1237 meeting in January."
1238
1239 Mayor Samples: "There's a motion."
1240
1241 Ms. Dodge: "Second."
1242
1243 Mayor Samples: "Any discussion? All in favor say aye."
1244
1245 Unknown Speakers: "Aye."
1246
1247 Mayor Samples: "Opposed."
1248
1249 Unknown Speakers: "No."
1250
1251 Mayor Samples: "Can we get a, a, those who voted in favor raise their hand." *Councilmembers*
1252 *Dodge, Kohlmann, Smith and Stevens raised their hands.*
1253
1254 Mayor Samples: "So be it."
1255
1256 Unknown Speakers: (***multiple comments in background.*)
1257
1258 C. Second Reading Ordinance #12-0733 to amend §2-61(b) volunteer Advertising in Daily
1259 Newspaper, and §2-61(j) Annual Committee Reports, Councilmember Dodge.
1260
1261 *Clerk's Note: No action taken because meeting minutes not approved.*
1262
1263 D. First Reading Ordinance #12-0732 to amend §9-7 No Parking Places, Councilmember
1264 Kohlmann.
1265
1266 Mayor Samples: "Alright, moving right along, first reading Ordinance Number 12-0732 to amend
1267 Section 9-7 No Parking Places, Councilmember Kohlmann."
1268
1269 Ms. Kohlmann: "I have to find it. Do you want me to read the, the ordinance or just..."
1270 Mayor Samples: "Well, give us a summary. Tell the public what it's about."
1271
1272 Ms. Kohlmann: "Okay."
1273
1274 Unknown Speaker in Audience: "Grumble, grumble."
1275
1276 Ms. Kohlmann: "I was gonna wait till the grumbling stops. They're entitled. This is a for no parking
1277 places. What it, what it basically is, is, is the safety of the citizens down, that go to the beach, visitors or
1278 people that live in town that pull out of the side streets toward Ocean Boulevard have a limited sight
1279 distance at times, you know, summer time, because people park right up on the curbs. They park right up
1280 to those blue beach access signs. Some of them block them, and a, it's hard to get in and out of driveways
1281 at times. It's very tricky, and keeping that in mind, people crossing the beach [sic] to go to and from the
1282 beach that are renting in the area, they can't, their, their sight is very limited. So, I'm proposing that it be
1283 unlawful at any time for a person in any vehicle or trailer to stop, stand or park in any of the following
1284 places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a
1285 police officer or traffic control device. The ordinance already has in place at any place where official signs

1286 prohibit parking; on any sidewalk; within thirty feet of any intersection not otherwise designated for parking.
1287 The change would be amending where it says at any place where a vehicle would block the use of a
1288 driveway or parking lot. That would be taken out and replaced with within ten feet of any beach access,
1289 driveway and entrance or exit to any parking lot, and then the rest of them remain the same well, fifteen
1290 feet from a fire hydrant or on private property without consent of the owner."

1291
1292 Mayor Samples: "Thank you."

1293
1294 Ms. Dodge: "Mr. Mayor."

1295
1296 Mayor Samples: "Ms. Dodge, Councilwoman Dodge."

1297
1298 Ms. Dodge: "I would approve, I would ask that we approve this amendment. It is state law, ten
1299 feet from driveways, 30 feet from parking lots, and street crossings. We should comply with state law."

1300
1301 Mayor Samples: "Thank you."

1302
1303 Ms. Mabry: "Mr. Mayor."

1304
1305 Mayor Samples: "Ms. Mabry."

1306
1307 Ms. Mabry: "I don't have a problem with it as long as we're able to put signs up at every place to
1308 make sure that people know that we, they can't park there, because we're not gonna, hopefully, have
1309 people coming up here every week yelling because they weren't [sic] ticketed when they won't have any
1310 knowledge..."

1311
1312 Mr. Johnson: "Point of order, Mr. Mayor. We need a second."

1313
1314 Mayor Samples: "Thank you, Mr. Johnson. Can I get a second?"

1315
1316 Mr. Stevens: "I second."

1317
1318 Mr. Johnson: "Now."

1319
1320 Mayor Samples: "Thank you, sir. Are you done?"

1321
1322 Ms. Mabry: "No, I (** *laughter*), I just want to know if there's anything in place to take care of that.
1323 To make sure that everyone is aware."

1324
1325 Ms. Dodge: "Mr. Mayor."

1326
1327 Mayor Samples: "Ms., Councilwoman Dodge."

1328
1329 Ms. Dodge: "There is something in place. Mr. Adair's men have put yellow markings on Ocean
1330 Boulevard to show the ten foot and the 30 foot markings, and they also have a sign that says no parking in
1331 yellow. It's visible. People should know the laws and they can follow that for sure."

1332
1333 Mayor Samples: "Thank you."

1334
1335 Mr. Johnson: "Mr. Mayor."

1336
1337 Mayor Samples: "Councilman Johnson."

1338
1339 Mr. Johnson: "I appreciate Mrs. Dodge's comments, but that is already in the ordinance. My
1340 concern is the 10 feet of any beach access, driveway and entrance or exit to any parking lot. I believe that
1341 there, there may be some areas that this would not be applicable, and we, we are really restricting some

1342 parking down there, if we do that. We don't have a plan in place to, to move those vehicles except for
1343 down the sides of the end streets and I hate, and I know people say, well, they can go to the parking lots.
1344 Well, we don't have parking lots throughout the Town of Surfside Beach, so as long as, number one, as
1345 long we can regulate it, it's fine. But, I don't see it being regulated on a regular basis based on past history,
1346 and I, I just, you know, I, I, I did a vote to approve this last meeting, but I am not going to support that this
1347 time around simply because I don't think the 10 feet should apply or will apply in all areas, down there on,
1348 on Surfside Drive."

1349
1350 Mayor Samples: "Thank you. Mr. Smith."

1351
1352 Mr. Smith: "Mr. Mayor, thank you. The reason that it hadn't been enforced is because it was so
1353 ambiguous as to what the police should enforce. This states precisely what is to be enforced; ten feet from
1354 the driveway. Ten feet from a parking lot entrance and exit, so this clarifies what needs to be enforced, and
1355 I think once it's passed, then there will be a means of preventing people from parking in those spots, plus
1356 we can a, with bushes, et cetera, plants and so I'm all in favor of, of this a, changes in this ordinance."

1357
1358 Ms. Kohlmann: "Mr. Mayor."

1359
1360 Mayor Samples: "Ms. Kohlmann."

1361
1362 Ms. Kohlmann: "I say we move to vote."

1363
1364 Mr. Johnson: "Mr. Mayor, may I make one last comment?"

1365
1366 Mayor Samples: "Yes, you may and..."

1367
1368 Mr. Johnson: "And I, I appreciate Mr. Smith's comments, but a, I, I know for a fact that a, the
1369 enforcement of the existing ordinances or parts of the existing ordinance have not been done and the, the
1370 continued addition of the 10 feet just adds to the a, the burden and so I, I can't support it."

1371
1372 Mayor Samples: "I, I, if I could, a, the a, we're adding three sections. One a, is the driveway,
1373 which obvi, it's obvious to everybody that..."

1374
1375 Ms. Kohlmann: "Point of Order, Mr. Mayor. I moved to vote."

1376
1377 Mayor Samples: "I haven't had a comment, Ms. Kohlmann."

1378
1379 Ms. Kohlmann: "But when you move to vote, I thought you said by *Robert's Rules*, right?"

1380
1381 Ms. Herrmann: "Unfortunately, she's correct, Mr. Mayor, the vote's been called. Once the vote is
1382 called discussion should end and the vote should be taken."

1383
1384 Mayor Samples: "The chairman challenges that and I would like a vote of council to..."

1385
1386 Ms. Herrmann: "Which is also allowed."

1387
1388 Mayor Samples: "...to prevent me from making comments. The chairman challenges the point of
1389 order so that the chairman may make a comment. All in favor of the chairman being allowed to make a
1390 comment despite the point of order, say aye."

1391
1392 Mayor Samples, Mary Pro Tem Mabry, Councilmember Johnson, and others: "Aye."

1393
1394 Mayor Samples: "Opposed."

1395
1396 One Unknown Speaker: "No."

1397

1398 Mayor Samples: "Thank you."

1399

1400 Ms. Herrmann: "Who opposed? Randle, excuse me, Mr. Stevens."

1401

1402 Mayor Samples: "Parking is certainly a big issue, big issue. We have established a committee to
1403 bring back recommendations to the council. I suspect that this is one of the recommendations that they
1404 would support. Nevertheless, we, we don't start with a blank sheet. We don't have a blank piece of paper
1405 for Ocean Boulevard. Ocean Boulevard was developed building what I call mini-hotels with more
1406 bedrooms than adequate parking. That's a reality. We all know that. I have no doubt that this will have
1407 negative consequences on business operations on Ocean Boulevard. Once people start coming from out
1408 of town and they start getting ticketed, because that is the intent; that is the intent to have an ordinance
1409 which is clear and enforceable by our police department. As Councilman Smith made clear earlier, when
1410 he said 70-percent of the monies are generated by business, let's be clear about where that business
1411 money is generated. It's generated in the R-3 District. It's generated on Ocean Boulevard. Let's not kid
1412 ourselves. Let's now kid ourselves. We're a beach town. We live on tourism. Your taxes reflect the fact
1413 that we have a very desirable beach town in which we live in and recognize that for three months, twelve
1414 weeks, fourteen weeks out of the year we put up with some inconvenience. I think it's a mistake a to, to
1415 have beach accesses, for example, added to this since if memory serves me correctly, we've got I don't
1416 know over thirty, thirty-six beach accesses down there. Thirty-two, thank you. You're taking six hundred
1417 feet that people can't park in. We mark those beach accesses, I presume, for some reason, safety. I
1418 mean, I guess there was a reason that we put the little posts up. The mullions or whatever you call them,
1419 so that people wouldn't park there and that pedestrians could have access, golf carts could have access. I
1420 can't for it as currently written. Now, we'll call for the vote. All in favor say aye."

1421

1422 Multiple Speakers: "Aye."

1423

1424 Mayor Samples: "Opposed?"

1425

1426 Multiple Speakers: "No."

1427

1428 Mayor Samples: "Thank you."

1429

1430 Ms. Herrmann: "Please, to make sure the record is clear.. Ms. Dodge, Mr. Smith, Ms. Kohlmann,
1431 and Mr. Smith in favor?"

1432

1433 Ms. Dodge: "Yes."

1434

1435 Mayor Samples: "Okay."

1436

1437 E. First Reading Ordinance #12-0735, to amend Business License Ordinance for the Collection of
1438 Insurance Broker's Tax, and Agreement with MASC for collection of Insurance Broker's Tax, Treasurer
1439 Hursey.

1440

1441 Mayor Samples: "Ms. Hursey, please tell us what this is all about. First reading of Ordinance #12-
1442 0735 to amend the business license ordinance..."

1443

1444 Ms. Hursey: "Yes."

1445

1446 Mayor Samples: "for the collection of insurance broker's tax and agreement with Municipal
1447 Association for collection of insurance broker's tax."

1448

1449 Ms. Hursey: "And we already have an agreement in place with the Municipal Association. This is
1450 just to bring us in compliance with a, a law that recently passed, which was the Dodd-Frank Act, which also
1451 included the individual brokers in these new tax collection guidelines, so it is one to bring us in compliance
1452 with the law, but also to update our agreement with the Municipal Association to include the broker's tax
1453 collections."

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Mayor Samples: "I am correct this is the, they distributed this and indicated no change was to be made?"

Ms. Hursey: "Correct. The recommendation was to adopt it as written."

Mayor Samples: "As written. Any discussion?"

Mr. Smith: "Mr. Mayor."

Mayor Samples: "Mr. Smith."

Mr. Smith: "Changes, don't change anything from Section 1 forward, is that what we're talking about?"

Ms. Hursey: "The, the ordinance as it is presented is as they recommend it to be adopted, Sections 1 through 4."

Mr. Smith: "Okay, in the, the headings, I believe the word companies is misspelled."

Ms. Hursey: "Okay, where would that be? Oh, I see."

Mr. Smith: "In the heading."

Ms. Hursey: "Oh, at the very top. Okay, that can be corrected for second reading."

Mayor Samples: "Thank you."

Mr. Smith: "And Is, is this the one that's the result of the federal law or state law being changed?"

Ms. Hursey: "Yes, that's correct."

Mr. Smith: "Was it federal?"

Ms. Hursey: "It's a federal law."

Mr. Smith: "Okay, thank you."

Mayor Samples: "Thank you, sir."

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "Mr. Johnson."

Mr. Johnson: "Ms. Hursey, the percentages, did they change?"

Ms. Hursey: "A, I'm not sure if the percentage changed. I mean, if I could just read here maybe this explains it.

In response to this change in federal law, on June 29, 2012 Governor Nikki Haley signed into law legislation that designates a single tax rate of 6-percent for the broker's premium tax in South Carolina. The new state law fully complies with the new federal regulations while preserving the designation and collection of a 4-percent state tax and a 2-percent municipal broker's tax premium.

1509 So from that reading, it did not change the tax rate; just combined them, but the cities and counties
1510 will still get their 2-percent. It will just be collected by the Municipal Association and then remitted to us.”

1511
1512 Mr. Johnson: "Okay. Thank you."

1513
1514 Mayor Samples: "You said Governor Haley signed that?"

1515
1516 Ms. Hursey: "That's what it says."

1517
1518 Mayor Samples: "Okay, I just, for clarity."

1519
1520 Mr. Smith: "Mr. Mayor, I move that we adopt first reading of Ordinance Number 12-0735."

1521
1522 Ms. Mabry: "Second the motion."

1523
1524 Mayor Samples: "There's a motion. There's a second. Any discussion? All in favor say aye."

1525
1526 All Members: "Aye."

1527
1528 Mayor Samples: "Opposed? The motion is adopted."

1529
1530 F. Resolution #12-129 SCMIT Deductible for 2013, Treasurer Hursey.

1531
1532 Mayor Samples: "Okay, you're still up. Resolution Number 12-129 South Carolina Municipal
1533 Insurance Trust deductible for 2013, Treasurer Hursey."

1534
1535 Ms. Hursey: "Yes, would you like me to read the resolution or..."

1536
1537 Mayor Samples: "Debra, would you like Kim to read it?"

1538
1539 Ms. Herrmann: "It's your pleasure, Mr. Mayor."

1540
1541 Mayor Samples: "Have at it."

1542
1543 Ms. Hursey:

1544
1545 To authorize the town of surfside beach to assume a claim deductible with the South
1546 Carolina Municipal Insurance Trust Workers' Compensation Fund. Whereas, the Town of
1547 Surfside Beach Town Council in chambers duly assembled in a regularly scheduled
1548 meeting held on the 27th day of November 2012; and whereas, the Town of Surfside Beach
1549 is a member of the South Carolina Municipal Insurance Trust; and whereas the Town
1550 Council of the Town of Surfside Beach believes it is in the Town's best interest to share in
1551 the risk of paying workers' compensation claims in exchange for a reduction in the
1552 premium cost of workers' compensation coverage. Now therefore, be it resolved that the
1553 Town Council of Surfside Beach hereby stipulates the following: Section 1. The Town of
1554 Surfside Beach hereby agrees to assume a deductible as shown below for each and every
1555 workers' compensation claim which may be filed and for which there is an obligation to pay
1556 in accordance with the Workers' Compensation Statutes of the State of South Carolina.
1557 Coverage type would be a workers' compensation. The amount of deductible being
1558 recommended is zero. The Town Council further acknowledges responsibility for filing all
1559 claims with the Claims Administrator for the South Carolina Municipal Insurance Trust who
1560 will adjust the claims on behalf of the town and for paying all deductible invoices on a
1561 monthly basis as costs are incurred until such time as the maximum deductible amount is
1562 satisfied. Town Council further resolves, further acknowledges that the deductible includes
1563 all claims cost, including but not limited to legal expenses, and is inclusive in the South
1564 Carolina Municipal Insurance Trust's Self-Insured Retention for reinsurance purposes.

1565 Should the Town of Surfside Beach decide to discontinue its participation in the South
1566 Carolina Municipal Insurance Trust at some future date, Town Council acknowledges
1567 responsibility to pay its deductible for all claims arising out of the period of time coverage
1568 was in effect until such time as its obligation to pay has been satisfied or the claim file is
1569 closed. This resolution shall become effective upon approval by Town Council, as attested
1570 below, and it is agreed that the deductible requested above shall become effective at the
1571 beginning of the South Carolina Municipal Insurance Trust's next plan year and shall
1572 remain in effect until a duly authorized change is made or the Town of Surfside Beach has
1573 discontinued its participation in the Trust.
1574

1575 Ms. Hursey: That was very wordy! The recommendation is for zero. We were assuming a
1576 \$10,000 deductible, and we had the benefit of a, a, of a credit equivalent to almost three times that on our
1577 premium, but the analysis this year based on a, they go back six years and look back, we basically would
1578 break even, so one claim would wipe out any savings. So, I'm recommending that we have a, participate
1579 with a zero deductible level."
1580

1581 Mayor Samples: "Any questions? Councilman Smith."
1582

1583 Mr. Smith: "And our premium is reduced because of this?"
1584

1585 Ms. Hursey: "The premium would be reduced according to the current analysis, if we were to
1586 assume a \$10,000 deductible, our premium would be reduced by \$10,427."
1587

1588 Mr. Smith: "Okay."
1589

1590 Ms. Hursey: "So that's why, I mean, if we have one claim that reached the \$10,000 amount, we'd
1591 wipe out our entire savings for the year."
1592

1593 Mr. Smith: "Okay."
1594

1595 Ms. Hursey: "And we'd be at full risk."
1596

1597 Mayor Samples: "What is our current cost of workman's comp?"
1598

1599 Ms. Hursey: "The current cost is approximately \$128,000."
1600

1601 Mayor Samples: "Okay. I'm just curious. Did you look at different levels?"
1602

1603 Ms. Hursey: "Yes. (**) They provide a chart that has a, a curvature, and it, they range from one to
1604 12; one being the best option or the most savings. Well, the most savings would be \$34,000, but that
1605 would be \$100,000 deductible."
1606

1607 Mayor Samples: "Okay, what's the impact if we don't adopt it?"
1608

1609 Ms. Hursey: "Just we were, we will not get the credit."
1610

1611 Mayor Samples: "So, in order to get the credit, we need to adopt the resolution."
1612

1613 Ms. Hursey: "No, sir, I'm sorry. We have to adopt the resolution to change, because we currently
1614 have a \$10,000 deductible."
1615

1616 Mayor Samples: "That's what I wanted to understand."
1617

1618 Ms. Hursey: "But we must adopt in order to a, to make a change."
1619

1620 Mayor Samples: "Thank you. All in favor say aye."

1621 Ms. Herrmann: "Mr. Mayor, there is no motion."
1622
1623 Mr. Johnson: "Mr. Mayor, I make a motion that we approve Resolution #12-129."
1624
1625 Ms. Dodge: "Second."
1626
1627 Mayor Samples: "There's a motion. There's a second. Any discussion? All in favor say aye."
1628
1629 All Members: "Aye."
1630
1631 Mayor Samples: "Resolution is adopted."
1632
1633 Ms. Hursey: "Thank you."
1634
1635 Mayor Samples: "Thank you."
1636
1637 G. Decision Papers – Personnel Policy Manual Revisions, Administrator Fellner
1638
1639 Mayor Samples: "Alright, Ms. Fellner, decision papers, personnel policy manual revisions."
1640
1641 i. To add Chapter 6, Section 612, Video or Audio recording the in the Workplace.
1642
1643 Ms. Fellner: "(**)" I've made some changes to this after speaking with a couple of councilmembers,
1644 and listening to what the counsel had to say and the input, and a basically the change would be the
1645 addition of a paragraph that says should an employee feel compelled to make a workplace recording, it
1646 must be preapproved, in writing, by the town administrator. If it involves a complaint against the town
1647 administrator, then the employee shall make a written report to the mayor who will engage the town
1648 attorney in the decision process from that point. This gives a clear path, which is I believe what I was
1649 asked last week to make plain, was a clear path for someone who felt they needed to make such a
1650 recording, such as if they were being harassed or something of that nature."
1651
1652 Mayor Samples: "Any comments?"
1653
1654 Mr. Smith: "Mr. Mayor, I..."
1655
1656 Mayor Samples: "Mr. Smith."
1657
1658 Mr. Smith: "...I struggled with this a for about a week or so, two weeks. I thought I was on board
1659 with it, but a I'm, I'm not on board now. I just don't think it's good to have a policy where you would have
1660 immediate termination for doing something and a and so I, I just can't support this. I, I don't like the idea of
1661 people just willy-nilly making recordings of people, but I just don't think that a this is a good policy."
1662
1663 Ms. Mabry: "Mr. Mayor."
1664
1665 Mayor Samples: "Ms. Mabry."
1666
1667 Ms. Mabry: "This is not about a harassment. This is about tape recording other employees at will.
1668 This is what this is about. That's all it's about. We have an attorney, Mr. Moss, and we have one in
1669 Columbia, our labor attorney. They think this is best for the town. This is a protection for the town. My job
1670 is to protect the town, and, and I have to agree with this, because we do want our employees to be treated
1671 fairly, rightly, all concerns brought to the pow, proper channels, we want that. But, I have to listen to the
1672 attorneys on what is best for the Town of Surfside Beach. That's my job, so I am gonna 100-percent agree
1673 with Ms. Fellner. This needs to take place. I don't want, and if it isn't, if it does not pass, then I don't see
1674 any recourse but on every application, on everything in the web, that we're gonna have to say if you work
1675

1676 for the Town of Surfside Beach you can be tape recorded or video recorded at any time, for any reason, by
1677 any employee."

1678
1679 Mr. Johnson: "Mr. Mayor."

1680
1681 Mayor Samples: "Mr. Johnson."

1682
1683 Mr. Johnson: "I have to call for another Point of Order, because we're discussing an issue and
1684 there's no motion on the floor."

1685
1686 Mr. Smith: "Mr. Mayor, I move that we a exempt ourselves from the rules."

1687
1688 Mayor Samples: "There's a, a help me on this."

1689
1690 Ms. Mabry: "I thought we were in discussion. We could make a comment."

1691
1692 Mayor Samples: "Thank you, Mr. Johnson. There's motion to suspend the rules, I believe, by Mr.
1693 Smith."

1694
1695 Ms. Dodge: "Second."

1696
1697 Mayor Samples: "There's a second. All in favor say aye."

1698
1699 All Members: "Aye."

1700
1701 Ms. Kohlmann: "Mr. Mayor."

1702
1703 Mayor Samples: "The rules are suspended. Yes, Ms. Kohlmann."

1704
1705 Ms. Kohlmann: "I think this is not only about harassment, this is about a work environment, and
1706 like I said the last meeting, I think we were kind of getting away from it, but there are instances, and it's not
1707 only sexual harassment, it's hostile work environment, it's people that are in positions of power that abuse
1708 their power, and it does happen. That's the reality of it. You don't go into a, well North Myrtle Beach has
1709 supposedly has this (**) and I couldn't get in touch anybody because of the holidays, because by the time I
1710 got an email that said that there were places, but they weren't specific, it's kind a hard to find out who has
1711 this policy, and I still believe it's protecting the violator. You're not going to be recorded unless, I mean,
1712 what would be the purpose unless you're violating something. If, if you're acting inappropriate, or if you
1713 acting in a violation against a person, that's their defense, and, and I think taking that away from them is
1714 wrong. If somebody tape records a conversation that that you're not being abusive in or you're not being
1715 disrespectful in, then you shouldn't have anything to worry about. But if you are, then yeah, maybe you will
1716 tell those people that are doing that that it's bad, and I'm sorry, this again has come up because of a
1717 reason, and I have no way, and I have, I'm just gonna say it, I don't feel safe having one person in control
1718 of something so serious. Other places have, are afforded human resources to go to. I think it's more
1719 important that we as a council look at our policy, personnel policy, and maybe figure out a way to help
1720 people that really don't feel they have a safe place to go. That's, I think that's more important than just
1721 saying you can't do this. How bout we make it so that we can make it clear to them they, if you have a
1722 complaint, there's more than one person to go to, because, let's be real here, you might not like the person
1723 that's making the complaint, and I'm not saying you, in particular, I'm saying I'm saying in general. I'm
1724 generalizing. You might not like them. You might not believe them. Is it right? No. They should be
1725 afforded that right, and I still say this is for the violators and not for the victim."

1726
1727 Mayor Samples: "Thank you."

1728
1729 Ms. Dodge: "Mr. Mayor."

1730
1731 Mayor Samples: "Councilwoman Dodge."

1732
1733 Ms. Dodge: "I couldn't have said it better. I was in a position at one point where I was being
1734 harassed. I got no support. I did audio tape. Thought that that would be the end all of the situation. It was
1735 not. So, I resigned and moved to another agency. It shouldn't be that way. We, like Mrs. Kohlmann
1736 stated, we need to have protection for the employees when they are in a situation like that."

1737
1738 Ms. Mabry: "Mr. Mayor."

1739
1740 Mayor Samples: "Ms. Mabry."

1741
1742 Ms. Mabry: "One more time."

1743
1744 Mayor Samples: "One more time."

1745
1746 Ms. Mabry: "On my phone I have a button and I can record anybody at anytime. I just can. I can
1747 record half of what you're saying. You may be saying something totally different from what you mean, but
1748 you know what, I can just hit that button and get the part I want, send it to your email, your email, your
1749 email, what I want you to hear. Not the whole thing that's said. I don't trust recordings for that very reason,
1750 and I don't believe that that this is the right thing to do, and to protect the town, I just wonder what kind of
1751 notification we're gonna have to put out, because we can't, I mean, I don't want to sign a [sic] application
1752 that says and by the way, anybody anywhere can tape record you for any reason and that's what we're
1753 gonna have. That's what we're allowing if we don't pass this, and that's it."

1754
1755 Mr. Stevens: "Mr. Mayor."

1756
1757 Mayor Samples: "Mr. Stevens."

1758
1759 Mr. Stevens: "Just a point of information, the fact is, is, it is illegal for any person to secretly record
1760 somebody's conversation, which they are not a party to. So that law stands. I cannot record, I cannot put
1761 a recorder in a room where say, for example, the mayor and the mayor pro tem are sitting in there and
1762 record their conversation. I can be, I can be punished and that is a criminal offense. However, if
1763 somebody is harassing a woman at a job, and whether it be sexual harassment, whether it be verbal
1764 harassment, whatever type of harassment it is, and she is a party to that conversation, it is totally legal by
1765 state and federal law, 37 states and the District of Columbia allow it. So, I cannot go along with a policy
1766 that terminates a, an employee for simply doing something that is allowed by law. The only reason this
1767 came up is because there was a tape recorded conversation at one time, and that person was a party to it,
1768 and that person did hear language that she did not like, and it shouldn't a never happened. This that you're
1769 gonna punish the victim and you're gonna let the violator go, I cannot abide with that ruling. I cannot abide
1770 with this policy at all. Thank you."

1771
1772 Mr. Johnson: "Mr. Mayor."

1773
1774 Mayor Samples: "Councilman Johnson."

1775
1776 Mr. Johnson: "I haven't said a lot on this issue, but I would, would like to point out that I was
1777 secretly recorded years ago at a job that I was at, and I had no idea that I was recorded until I was
1778 subpoenaed into a, an attorney's office, and handed the transcript, and I was asked did you state these
1779 words, and I was like I, yes I guess I did if that's what you say I, I said and you have it recorded. I felt
1780 violated. I did, but it wasn't anything against me. Another person, I won't go into specifics, but I know one
1781 person was trying to get something on another person. As it turns out, I, I did say those things, and it
1782 wasn't bad things. I didn't say anything that I shouldn't have said, but despite that, I really have no inkling
1783 as to what we should do or what we shouldn't do. I, I, I can go either way. I have no problem with it. You
1784 know, if, if you say something that you shouldn't say, well I mean you, you know, you should always speak
1785 like you're being secretly recorded. That's the bottom line, you know. You need to just keep your mouth
1786 shut. *(Laughter.)* That's the bottom line, you know, speak like a person, like a, you know. So, I mean, I, I
1787 have no problem with voting against this at all, and believe me, I, I, I've fought with this back and forth and I

1788 wanted to say a whole lot more at the last meeting, but I didn't. I just wanted to hear what everyone else
1789 had to say."

1790 Mayor Samples: "Well, I think council has spoken."

1791
1792 Mr. Smith: "Mr. Mayor, I move that we go back into regular rules."

1793
1794 Mayor Samples: "There's a motion."

1795
1796 Ms. Dodge: "Second."

1797
1798 Mayor Samples: "There's a second. Do you need further direction?"

1800
1801 Ms. Fellner: "No, I would like to just ask if it would change council's mind or have any impact on
1802 their decision if were to change the one sentence violation of this policy will result in immediate termination
1803 to discipline."

1804
1805 Ms. Kohlmann: "Not mine."

1806
1807 Ms. Dodge: "No."

1808
1809 Unknown Speakers: (**)

1810
1811 Mayor Samples: "I do think what this gets at and I'll say it again, is for the need to update the
1812 personnel manual. There was a time when the town had a grievance committee. I do know, I don't know
1813 why it was established, and I don't know why it went away, okay. But apparently, there is a perception as
1814 expressed by a majority sitting up here that the, the negatives which I think everybody acknowledges, of
1815 running around wildly with a tape recorder, that's my characterization, of having people in, in a work
1816 environment taping one or more persons which they may have a casual interaction could play havoc. I,
1817 you know, it could play havoc. Let's put it that way, and so a, to make my point, it merely underlines the
1818 need to revisit the updating of the Town of Surfside Beach Personnel Policy Manual, which has not been
1819 done since '08 or '07, or whenever it was, and I hope that the organizational committee, which I am a
1820 member of, but only one, will a move that forward, cause it'll help spread the work for the council, which
1821 was the intent of setting up the committees in the first place."

1822
1823 ii. To amend Chapter 1, Section 108 Hiring Relatives.

1824
1825 Mayor Samples: "Alright, moving along."

1826
1827 Ms. Fellner: "The next is a decision paper to amend the personnel policy manual in Chapter 1,
1828 Section 108, page 1-2, hiring relatives to reflect a less stringent stance on the hiring of relatives, and the
1829 purpose of this is to amend the personnel policy manual to reflect a less stringent stance in accordance
1830 with the spirit of the existing town ordinance and to make the ordinance consistent with the personnel policy
1831 manual, because they don't say the same thing right now, and technically, since ordinance overrides policy,
1832 we really don't have this what everyone thinks we have, which is in our personnel manual that really is not
1833 what we have. The ordinance always overrides that. You have to make the changes when you make them
1834 in personnel policy manual, then you have to make them in the ordinance at the same time. Otherwise,
1835 they're not law. So, and, I stated a bunch of facts for those of you who read this, the impact of success or
1836 failure of this is that with the, it will be, excuse me, if we do not amend it to reflect the less stringent stance
1837 on hiring the relatives in accordance with the spirit of the existing town ordinance, then it shall remain that
1838 no relatives of a current town employee may be considered. If we do amend it to reflect that, it would allow
1839 relatives under certain prescribed conditions to be considered eligible for hire. If council does not desire to
1840 amend the policy, then they need to amend the ordinance to include the same language used in the
1841 personnel manual, since the ordinance overrides policy and the change in the personnel policy was never
1842 made to the ordinance. So those are basically the choices. Some, something definitely has to be done.
1843 The recommendation is, and I, for those of you who, it occurs to me that the public may not have had the

1844 time to look at this, so our existing ordinance very clearly states that a, well actually, why don't I read it, that
1845 might be better. Our existing ordinance, Section 11-5, Nepotism and Favoritism policy currently reads:
1846

1847 It is the policy of the town to restrict the hiring of family members in accordance with the
1848 Ethics Act, and to further restrict the hiring of relatives within the same office, program
1849 area, or the equivalent work unit. Accordingly, no reporting party, as such term is defined in
1850 this chapter, shall cause the employment, appointment, promotion, transfer or
1851 advancement of a family member to a position in which the reporting party supervises or
1852 manages. Reporting parties may also not participate directly or indirectly in any action
1853 relating to discipline of their family members.
1854

1855 (b) No reporting party shall seek to engage in or maintain any personal relationship with
1856 another reporting party that may lead to an actual or perceived conflict of interest in the
1857 conduct of the business of the town, wherein the town administrator may reasonably
1858 determine that favoritism has occurred or is likely to occur.
1859

1860 That's what we have as our ordinance right now. In the personnel policy manual, you can't have
1861 any relatives, but that's not what the ordinance says. The ordinance says you can have them if they're not
1862 in your chain of command, and if you're not reporting to them. Our personnel policy manual, again, says
1863 that if, if you are, if you are a member of the immediate family, and that is defined as spouse, parent, child,
1864 grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-
1865 law. Immediate family is considered to include step-parents, step-children, step-brothers, and step-sisters
1866 when the employee and the step-relative lived together regularly in the same household. So, it's pretty all
1867 encompassing, so the spirit of the two are in conflict, and at some point, and it was before I was here, the
1868 personnel policy manual must have been changed, but the ordinance was not updated. So, what I did to
1869 just give council further information, was I looked up what other towns and what the state does, and I
1870 included that in what I gave you, and the state is very much like our ordinance, not like what we have in the
1871 personnel policy, and I also looked up Myrtle Beach, and theirs is very similar to the state. It's almost
1872 verbatim to what the state's is, which is the, what our ordinance, how our ordinance reads now. And so
1873 that's why I'm bringing it to you, and those are the decisions that need to be made. We need to bring the
1874 personnel manual in line with the spirit of the exiting ordinance, make the ordinance and the policy
1875 consistent, and also another issue that's just recently come up with the things we've had on the website,
1876 we've had, excuse me..."

1877
1878 Mayor Samples: "You want some water?"
1879

1880 Ms. Fellner: "That would be great. Thank you. She got me one. Sorry, everyone. With the
1881 positions we've had on the website just recently, we've had three situations so far where people have
1882 called, and you know, they've been related to someone who works here, but it was like, one was a police
1883 officer, one was a public works person, and one was a fireman. So, nobody's in the same reporting chain
1884 or anything, and two of these people are town residents. So, you know, I, I'm just, I wanted to bring the
1885 facts to you and basically that's what we're trying to deal with."
1886

1887 Mayor Samples: "Thank you."
1888

1889 Mr. Smith: "Mr. Mayor, I move that we suspend the rules."
1890

1891 Mayor Samples: "There's a motion."
1892

1893 Mr. Johnson: "Second."
1894

1895 Mayor Samples: "There's a second. All in favor say aye."
1896

1897 All Members: "Aye."
1898

1899 Mayor Samples: "So be it. Councilman Smith."

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Mr. Smith: "Mr. Mayor, I, I think it's a good idea to a make the first change which says that a relatives can be hired as long as they're not in the same division or management chain, and then the second change that you have in paragraph b, it says no relative of the town administrator can be employed by the town. I think that's good, too. But the a last part of that sentence says no, in no case shall any relatives of town councilmembers be employed as department heads. I think we need to scratch as department heads out and put by the town. I don't think any person who's a councilmember should have a relatives employed by the town. I think that's a, a conflict of interest, and according to the spirit of this a, the ordinance it, it talks about supervisors and managers, and since we are council form of government and the council is the administrator, even though we have a hired assistant to help do the town administrators [sic.] I think it's wrong for the a councilmembers to have employees [sic] in town."

Mr. Johnson: "Mr. Mayor."

Mayor Samples: "If I could, I just want to make certain that everybody understood, that I understand, so the first section, you're okay with, pretty much?"

Mr. Smith: "That's correct, yes."

Mayor Samples: "And the second section you want to make sure councilmembers don't have..."

Mr. Smith: "Relatives."

Mayor Samples: "...Relatives."

Mr. Smith: "That's correct."

Mayor Samples: "Okay."

Mr. Smith: "In other words a, a, the last three words of that paragraph deleted and be replaced with something like by the town."

Mayor Samples: "Okay. Councilman Johnson."

Mr. Johnson: "Mr. Mayor, I would concur with that. We are town employees."

Mayor Samples: "We are."

Mr. Johnson: "And, so I mean, if, if I had a son young enough to want to work on, you know, in public works or something, I, I, or in the rec [sic] department, I, I really don't, I don't see a conflict there, as long as we don't have direct contact, which councilmembers are not supposed to have direct contact with anyway. You know, I, I don't have a problem with that, with, with..."

Mayor Samples: "So you don't have a problem with the way it's written."

Mr. Johnson: "Correct."

Mayor Samples: "In, in both sections, both of these?"

Mr. Johnson: "Yes."

Mayor Samples: "Councilman Stevens, can you..."

Mr. Stevens: "I, I concur with Councilman Smith. I think the way he wrote it, a, a, keeps any conflict of interest from happening, and a, there is, there is the, the possible a, specter of an ethics violation, if a town councilmember a, fam, immediate family would work with the town."

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Mayor Samples: "Okay. Any other comments?"

Ms. Mabry: "Mr. Mayor."

Mayor Samples: "Ms. Mabry."

Ms. Mabry: "Council is, I'm going just for public information, too, but council's not supposed to have any interaction with staff. We do not give direction. We can go to department heads for information gathering only. So, I, I'm gonna have to be with Mr. Johnson on that. We can't give directions to anybody and we should not be getting information from staff members. They should not be contacting council, and, and, we just don't do that. We shouldn't do that, let me rephrase."

Mayor Samples: "Any other comments? The a, I agree with Councilman Smith's reading of it. The, while we, clearly the familial relationship between a councilmember and, and a staff member, it, in my mind, it cannot help but have consequences on other staff members. They recognize that councils come and go. That we're just temporary stewards, and I can assure you, you don't want a mayor who has a, a finance director daughter. Because it's just not good business practice, because that would, under our current form, it only takes two to sign checks, and nobody is perfect, and so we need to protect the town. You know, the record will show that I spoke long and hard to implement some of these changes, but I also recognize that we are a small community, and, and that relationships exists. We're not having as many young [ones.] We're all getting old. We're all related, we're all one way or another, something or other. This prevents department heads, am I correct, department heads are specifically excluded. This will prohibit direct chain of command, direct lines, and again it's something that we could revisit if we have to. But I think the administrator's point is we haven't an inconsistency between an ordinance and a policy, and we need to reconcile those, and so we need to give the administrator some direction. There have, you know, there are three of us that have, there are five of us that have expressed a, a, a view, and in order to give direction to the administrator, if we're gonna do it tonight, we need somebody to jump off the fence, Ms. Dodge or Ms. Kohlmann."

Ms. Kohlmann: "If they don't match, you have to make them match, then that's fine. I just feel sorry for, like if there's two brothers that really want to be firemen, or two brothers that want a be cops in here, but I mean it's a small town like you said, so if we have to change it for this, make it work together. The more meetings that go on, the more I get nervous reading about all these mistakes that are in the ordinance, it's like we need to spend a lot of time looking at our ordinances, to make sure things are up, and I agree with you about the looking over the a personnel manual. So I don't have a problem."

Ms. Fellner: "This is the tip of the iceberg."

Mayor Samples: "Yeah, right. It's what happens when you let things go on. You don't, you don't keep them updated. Ms. Dodge, you can tie the vote or, or consensus, or how do you feel?"

Ms. Dodge: "I'm in agreement, although I do have a son and daughter and I would love to see them working for the Town of Surfside Beach, but ~~now~~ while I'm on council."

Mayor Samples: "Okay, is that clear?"

Ms. Fellner: "It is clear, I just wanted to a, if I changed in b so it should read be employed, the last sentence, I'm sorry, be employed by the town..."

Mr. Smith: "That, that's correct."

Ms. Fellner: "...is that correct?"

Mr. Smith: "Yes."

2012 Ms. Fellner: "And all council is fine with that?"
2013
2014 Unknown Speakers: "Um huh."
2015
2016 Mayor Samples: "And I presume you'll be bringing an ordinance back to us."
2017
2018 Ms. Fellner: "The ordinance remains the same then, because it becomes consistent with the
2019 ordinance we already have (**)."
2020
2021 Mayor Samples: "Okay, so the ordinance currently prohibits the councilmen..."
2022
2023 Ms. Fellner: "It doesn't specifically do that."
2024
2025 Mayor Samples: "Can you do that?"
2026
2027 Ms. Fellner: "I can."
2028
2029 Mayor Samples: "Thank you."
2030
2031 Ms. Fellner: "I, I will."
2032
2033 Mayor Samples: "Let's codify that so the ordinance doesn't overrule."
2034
2035 Ms. Fellner: "Yes, sir. I agree."
2036
2037 Mayor Samples: "Thank you."
2038
2039 iii. To amend Chapter 6, Section 606 Anti-Harassment.
2040
2041 Ms. Fellner: "The next one a to, what happened is, it came up to look at this ordinance, because
2042 we were talking, people were talking about the harassment ordinance, and every time I look at another
2043 thing in the personnel policy manual, I find changes, certain changes that need to be made. The subject is
2044 to amend the personnel policy manual in section, Chapter 6, Section 606, paragraph 3, page 6 to 7, to
2045 exclude the town clerk as an authorized recipient of sexual harassment complaints from staff. The purpose
2046 is to keep recording procedures and chain of command simple and consistent for employees reporting
2047 serious workplace offenses. The facts are that the town clerk is not within the executive branch of the
2048 government, and serious personnel issues such as sexual harassment should only be handled through the
2049 operational chain of command, by the town administrator, or should the complaint be against the
2050 administrator, by the mayor with the counsel of the town labor attorney. The success or failure is if we do
2051 not include this, then the town clerk remains included as an authorized recipient of sexual harassment
2052 complaints from staff, and if we do she will be excluded as authorized recipient, and the a, what would be
2053 amended is currently there are four things in that. The first is, it says by reporting to your supervisor or to a
2054 higher level in your chain of command. I would remove complaints against the town administrator should
2055 be made to the mayor, and put that as a, in the fourth one to read complaints against the town
2056 administrator should be made to the mayor who will engage the town's labor attorney. Number two would
2057 be report the incident or incidents to the town administrator, and I would strike the third bullet currently in
2058 there, which says report to the town clerk, and take that out, and those are the changes."
2059
2060 Mayor Samples: "Does everybody understand?"
2061
2062 Mr. Smith: "Do we need to suspend the rules again?"
2063
2064 Mayor Samples: "Please."
2065
2066 Mr. Smith: "I, Mr. Mayor, I move that we suspend the rules."
2067

2068 Ms. Mabry: "Second."
2069
2070 Mayor Samples: "A motion, and a second. All in favor say aye."
2071
2072 All Members: "Aye."
2073
2074 Mayor Samples: "Please proceed."
2075
2076 Mr. Smith: "Mr. Mayor, all the changes that you have made I agree with, but I would just add one
2077 additional one. As a councilmember, sometimes I feel like I don't a, get notified of things that I'd like to be
2078 notified of, so I think it's probably important that we add an additional sentence, sentence about informing
2079 the town council and a, if someone reports an incident to their supervisor and it doesn't go any higher, in
2080 other words, the town administrator doesn't know about it, I don't need to know about it. But once the town
2081 administrator knows about it, or in the case of a problem with the administrator, the mayor knows about it
2082 then I think it's important that the full town council be informed of that. Not that we take action, but we need
2083 to know that there's a situation, and so I would add a line that's worded like this, the full town council will be
2084 notified within 48-hours of any incident reported to the town administrator or reported to the mayor, and that
2085 way the council is informed when these events happen."
2086
2087 Ms. Fellner: "You want to read that one more time."
2088
2089 Mr. Smith: "Yes, ma'am. The full town council will be notified within 48-hours of any incident
2090 reported to the town administrator or reported to the mayor."
2091
2092 Mr. Johnson: "Mr. Mayor."
2093
2094 Mayor Samples: "Councilman Johnson."
2095
2096 Mr. Johnson: "Can we get council involved in this. Are we going down a slippery slope or, that's
2097 the way, my perception is, potentially."
2098
2099 Mr. Smith: "Mr. Mayor."
2100
2101 Mayor Samples: "Yes."
2102
2103 Mr. Smith: "May I respond?"
2104
2105 Mayor Samples: "Please."
2106
2107 Mr. Smith: "The idea is not to get in [sic] council involved in handling the problem, to but make you
2108 aware that there is a problem."
2109
2110 Mr. Johnson: "Right, yeah, I understand that. I just want to make sure that that whatever we do is
2111 not against the law, or the labor laws, or whatever."
2112
2113 Mr. Smith: "Well, the town council is the administrative body for the town."
2114
2115 Mr. Johnson: "I just want to get council's opinion."
2116
2117 Mayor Samples: "You're, you're, Mr. Moss, in the context that I think that Councilman Smith has
2118 expressed it, merely to inform..."
2119
2120 Mr. Moss: "I, I don't have any concern about the town council being informed, if there's a complaint
2121 made to the administrator or to the mayor. What I do have a concern about is how the town council is
2122 gonna be advised, and I think it would be appropriate only in executive session."
2123

2124 Mayor Samples: "Correct."

2125

2126 Unknown Speaker: "I'm sorry, I didn't hear it."

2127

2128 Mr. Moss: "I don't have a concern about the town council being notified. My concern is how they
2129 would be notified, and I believe that should only occur in executive session."

2130

2131 Mayor Samples: "You may need to extend the 48-hours then, okay, because you've gotta
2132 advertise."

2133

2134 Ms. Kohlmann: "Well, can you do it in a, Mr. Mayor."

2135

2136 Mayor Samples: "Please."

2137

2138 Ms. Kohlmann: "Could he call, could the mayor call a special meeting?"

2139

2140 Mayor Samples: "Special meeting, but you gotta advertise 24-hours legally. If you get something
2141 a, early, late, mid-day, you know, the fact of the matter is a, you know, and our, our employees don't work
2142 24-hours a day. So, you know, if you go 72-, 96-hours, would that be acceptable; 96-hours."

2143

2144 Mr. Smith: "Micki, how quick could you a get all the things done, would 72-hours, could you do it
2145 within 72-hours?"

2146

2147 Mayor Samples: "They're not here, that's all I'm saying. if they're in Columbia or something."

2148

2149 Ms. Fellner: "Yep, 96 we could definitely do."

2150

2151 Mayor Samples: "That's what I'm saying."

2152

2153 Mr. Smith: "Thank you. Okay, within 96, that means if you can do it better, do it."

2154

2155 Ms. Fellner: "Within is fine, and we would certainly do it as quickly as we could."

2156

2157 Mr. Smith: "Okay."

2158

2159 Mayor Samples: "And, I appreciate counsel a, counsel's comment. Of course, matters like this
2160 should only be, that's the purpose of executive session. Okay, to consider matters of a high and heinous
2161 crimes. Any other comments, Mark, Rod, Mary Beth?"

2162

2163 Ms. Mabry: "The only comment I have is, is a, once you see that in your policy, how many people
2164 are gonna want the mayor, the council, half the town, and when I tell you it doesn't stay in executive
2165 session, trust me, it doesn't stay. We're a small town. I worry that somebody's privacy, I, you know, I've
2166 said that again about the taping. I'm worried about people's privacy that works for the town, and I, you
2167 know, I, I'm sure there's a way that the attorneys can help us get this information and it not get out, but right
2168 now I don't know what it is, so I'd like to be assured that that can happen or should happen. It'd make me
2169 think twice if I thought you were gonna go to the mayor, the administrator, all the town council, that's half
2170 the town. I, I'm just saying that's just my perception."

2171

2172 Mr. Stevens: "Mr. Mayor."

2173

2174 Mayor Samples: "Mr. Stevens."

2175

2176 Mr. Stevens: "The way I look at this is, is real simple. You know, in reference to employees, a, I
2177 don't see any problem with the council being notified of a complaint, if it be a verbal harassment, sexual
2178 harassment, whatever it might be, whatever the complaint might be. I think the council needs to be
2179 informed, because this could become a legal matter, and we could be sitting in, in a, having to have the

2180 attorney. As far as the a, a town administrator, let me remind the council that the administrator is hired by
2181 the council so it would be almost imperative that if something came up before, a complaint against the
2182 administrator, that the full council be aware of that because we are the people who hire the administrator."
2183

2184 Mayor Samples: "Thank you. Are there any further major points people want to make before we
2185 direct the administrator?"

2186
2187 Ms. Fellner: "I think I've got my direction."
2188

2189 Mayor Samples: "You do, you do. Okay, is it clear? Councilman Smith."
2190

2191 Mr. Smith: "Let's go back into regular session, I move we go back into regular session."
2192

2193 Mr. Stevens: "Second."
2194

2195 Mayor Samples: "You understand your direction?"
2196

2197 Ms. Fellner: "Absolutely."
2198

2199 Mayor Samples: "All in favor say aye."
2200

2201 All Members: "Aye."
2202

2203 Mayor Samples: "Thank you. You understand your direction. Thank you, you do. I appreciate
2204 that."

2205
2206 H. Committee Appointments (May be deferred until after Executive Session.) i. Senior Citizens –
2207 Gerald L. Miller; ii. Historical – Bob Lang, Jeffrey L. Lane, Randy Harrison; iii. Parking – Tom Dodge; iv.
2208 Recreation/Special Events – Debbie Bone.
2209

2210 Mayor Samples: "Moving along, the a, we have a number of committee appointments, but I also
2211 believe, we also have adequate vacancies, don't we, Ms. Herrmann, for those that have offered their
2212 services?"
2213

2214 Ms. Herrmann: "Yes, sir. There's one, one question that I might offer. One of the gentlemen for
2215 the historical board is not a town resident, and that committee requires a town residency. His name was
2216 submitted, because he did express interest."
2217

2218 Mayor Samples: "And his father was the mayor of this town."
2219

2220 Ms. Herrmann: "The first mayor."
2221

2222 Mayor Samples: "The first mayor."
2223

2224 Mr. Stevens: "First mayor."
2225

2226 Mayor Samples: "Would it be, it's a resolution that we adopted, correct?"
2227

2228 Ms. Herrmann: "Yes, however the town code does say that they must be resident volunteers. So
2229 it's a question for Mr. Moss' legal opinion, and council to decide."
2230

2231 Mayor Samples: "Well, I think you answered the question, if, if that's what the town code says,
2232 is..."
2233

2234 Mr. Smith: "But this is an *ad hoc* committee. This is not a standing committee."
2235

2236 Mayor Samples: "Is that correct?"

2237

2238 Ms. Herrmann: "It applies to both."

2239

2240 Mr. Smith: "Well, how do we have nonresidents on the business committee?"

2241

2242 Mayor Samples: "That's a very good question."

2243

2244 *Several speaking at once.*

2245

2246 Ms. Herrmann: "Your resolution stipulated, your resolutions for the recreation, excuse me Mr.
2247 Mayor, I talking out of turn."

2248

2249 Mayor Samples: "Yeah, because that's, I was gonna go back and try to resolve the issue of Mr.
2250 Harrison if council would go along with it, if we modify the resolution that established the historic, I would
2251 suggest that we modify the resolution which established the historic committee to allow one nonresident
2252 member to fill an existing vacancy, namely Randy Harrison. That's what I was gonna suggest, but that's up
2253 to council."

2254

2255 Mr. Smith: "That's a good idea."

2256

2257 Mr. Stevens: "I would, I would approve that."

2258

2259 Mayor Samples: "Would you? Well, why don't you express it in the form of a motion."

2260

2261 Mr. Stevens: "I'd like to make a motion that we approve Randy Harrison, even though he's a
2262 nonresident, because his father was the first mayor of Surfside and that would definitely give them some
2263 a...:

2264

(Tape ended.)

2265

2266 Mayor Samples: "There is a motion."

2267

2268 Ms. Dodge: "I would second that."

2269

2270 Mayor Samples: "There is a second. All in favor, say aye."

2271

2272 All Members: "Aye."

2273

2274 Mayor Samples: "Thank you. We, okay, having said that would somebody read the a, the other
2275 volunteers that have offered their services and express in the form of a motion, I think to appoint these
2276 members."

2277

2278 Mr. Stevens: "Mr. Mayor."

2279

2280 Mayor Samples: "Mr. Stevens."

2281

2282 Mr. Stevens: "I would like to make a motion to nominate Gerald L. Miller to the Senior Citizens
2283 Advisory Committee; to the Historical Board, I would like to nominate Bob Lang, and Jeffrey L. Lane; to
2284 the Parking Committee, I'd like to nominate Thomas S. Dodge, and to the Recreation and Special [sic]
2285 Committee, Debbie Bone."

2286

2287 Mayor Samples: "There is a motion."

2288

2289 Ms. Dodge: "Mr. Mayor, I would second that."

2290

2291

2292 Mayor Samples: "I'm gonna make you recuse yourself."
2293

2294 Ms. Dodge: "I'm sorry."
2295

2296 Mayor Samples: "That's okay, I understand. I would do the same thing."
2297

2298 *(Two speaking at once.)*
2299

2300 Mayor Samples: "I can't make you do that, but I know you would want to."
2301

2302 Mr. Johnson: "I believe Mr. Harrison's name was left off of the Historical Committee in the
2303 nominations."
2304

2305 *(Several speaking at once.)*
2306

2307 Mayor Samples: "He, he was appointed though."
2308

2309 *(Several speaking at once.)*
2310

2311 Ms. Kohlmann: "I'll second."
2312

2313 Mr. Johnson: "Just trying to cover."
2314

2315 Mayor Samples: "Listen, you've, you've made a lot of, you've helped me a lot tonight. I appreciate
2316 it. I really do. There is a motion and a second. All in favor say aye."
2317

2318 All Members: "Aye."
2319

2320 Mayor Samples: "We're done there."
2321

2322 **8. DISCUSSION.**
2323

2324 Mayor Samples: "Now we enter the section eight, discussion of any matters of concern by town
2325 council, and I, I know we talked about one earlier this evening."
2326

2327 Ms. Kohlmann: "Mr. Mayor. I've thought a lot about it and I'm sure that I have to move further
2328 away from Debra as I talk about this, about verbatim minutes, I might get hit, but I would like to know her
2329 opinion about it, but I'd like to talk about it a little bit and why I feel so strongly about it. After reading my
2330 minutes in my package, I thought I was losing my mind for a minute. It, it sounded like at some points
2331 some of us were talking to nothing. There was rebuttals but there wasn't something to really say what you
2332 were rebute [sic,] you were arguing about, and I just thought of people sitting in their living rooms reading
2333 the minutes going what the heck is going on, and I thought that that was kind of a strange way to read it,
2334 and so I went and I got the minutes from, and I have a lot of minutes in my house, and I started reading
2335 them and, and some of them are really detailed. I mean, I even know when Randle went to the bathroom
2336 in October, and when he came back, and I thought, wow, they, you know, and I understand why you have
2337 to do that, to show that he's not in the room, but I thought, okay, then there are certain things that people
2338 say that are important. They're historical, and I think that John Adair can, can a, and I hate to drag you into
2339 it, but you're a great example of this. He had his sanitation thing, and there were some problems with the
2340 words of the ordinance. He took a lot of time with Debra and they went back in the minutes and they found
2341 certain things that were said that helped him to explain to us why he was presenting what he was
2342 presenting. So now, those were, were words that were said, and I agree, if you say something, and we're
2343 all gonna say things that we don't want to be on record, but, it, you said it, so it's part of record. Grow up
2344 and deal with it, and, and that's what I think is important, and, and I, and I really believe historically that it's
2345 important that Massa [sic,] and I spoke to them, and it, and it just says, it says the minutes kept in sufficient
2346 detail can provide valuable insight into this legislative intent behind council's actions. It can be lost or
2347 misinterpreted, if my words aren't in there, but his are. So you're gonna hear his side of it and not mine.

2348 You'll never know what my intent was, and I don't think that that's fair to me or to any other member up
2349 here on council, and I don't know what's this gonna, the answer is gonna be verbatim, because if it's gonna
2350 make Debra pull her hair out, I don't know. I didn't discuss it with her. I just felt this way because of having
2351 to go up there today and listen to the tapes myself. It took a lot of time, and I was at the meeting, but you
2352 know when I listened to the tapes, because I didn't have the minutes in front of me, I missed a lot, and you
2353 need to have that, and also, one more thing for people to consider is Ann Dodge was, was absent at the
2354 last council meeting. She was away. She got her package and read it. That's not the whole thing. That's
2355 only bits and pieces of it. So how is she gonna conduct business based upon bits and pieces? We all
2356 need to be informed fully in order to perform well for you. Now, I don't know where that's gonna take us,
2357 but that's my discussion part."

2358
2359 Mayor Samples: "Thank you. And, I, I, somebody want to jump in, please do. Go ahead."

2360
2361 Mr. Stevens: "Mr. Mayor."

2362
2363 Mayor Samples: "Mr. Stevens."

2364
2365 Mr. Stevens: "I, I concur with a, with a Beth Kohl [sic,] Kohlmann, Councilman Kohlmann, because
2366 I like to know what I said. I like to know what other people said, and it, it a helps us if we happen to miss it,
2367 if we're sick, and we can't come to a council meeting, it helps us if we know what went on at the council
2368 meeting we missed. Luckily, I haven't missed any council meetings, even planned my holiday to vacation
2369 to, to not miss a council, but I would still like to know and I have gone back in into council meetings and
2370 read things just so I would have information and knowledge and it's helped me a lot in the past and just as
2371 a citizen before I ever got elected to council, so to omit anything, I basically, I look at it as a, as a positive
2372 thing. We're letting the people be informed. We are completely open, because we have everything out
2373 there. That's the way it should be. A, I have no objection with what Ms. Kohlmann is saying to do. I
2374 understand that it may take a little bit more time to do the minutes, but believe me we can read back and
2375 just like for example, she mentioned Mr. Adair, he also shared the same information with me, and a, I
2376 asked for it and he said yeah, I'll give it to you, and he showed me, and I actually understand a little bit
2377 more about the sanitation fees now, and thankful that he had that information. It is helpful to have it."

2378
2379 Mayor Samples: "Thank you."

2380
2381 Ms. Dodge: "Mr. Mayor."

2382
2383 Mayor Samples: "Ms. D, Councilwoman Dodge."

2384
2385 Ms. Dodge: "I agree. I like the minutes. They don't, I guess verbatim is the best way, because
2386 that was what was said. Having been absent at one of the meetings, last meeting, if I want to know what
2387 was going on in that meeting, not all of it was in the minutes. I, I would say we need to have thorough
2388 minutes that reflect what was said. Thank you."

2389
2390 Mr. Smith: "Mr. Mayor."

2391
2392 Mayor Samples: "Councilman Smith."

2393
2394 Mr. Smith: "I, I agree with all those who spoke about having the minutes be close as possible to
2395 verbatim so that we'll know what's going on. That's it."

2396
2397 Mr. Johnson: "Mr. Mayor."

2398
2399 Mayor Samples: "Councilman Johnson."

2400
2401 Mr. Johnson: "I don't disagree, but a, I mean, are we gonna have every comment of the entire
2402 meeting transcribed? I mean, I, it, it doesn't matter to me, you know, just spit it out and get it."

2403

2404 Mayor Samples: "Thank you. I think that's what we're discussing. But, what I want to be mindful
2405 of, a, is Debra does a lot more than type and correct minutes. Now, we control the money, and I am certain
2406 in the 21st Century that there must be some whiz-bang gadget out there or two or three, whatever it takes to
2407 get it done that will record digitally for everybody to see and everybody to hear exactly what transpires in
2408 these meetings, and I for one, think that would be a good idea, and in fact, I would support allocation of
2409 monies to that effect. I would support direction to the administrator to ascertain what is available. I would
2410 take it a step further. I would put it on our website, and make it available to the whole world. Nevertheless,
2411 you're still gonna have to produce a written record, because I, too, have thought about these things. You
2412 can't go half verbatim, and half not. Okay, you're not gonna make people happy. You know, Congress did
2413 this a long time ago, and I know you all enjoy reading the Congressional record."

2414
2415 Mr. Johnson: "Every night." *(Laughter.)*
2416

2417 Mayor Samples: "And that's why I, I will not favor written verbatim minutes without a video to go
2418 along with it, okay. I won't do it. I'm not gonna allow this place to become a political written, we're gonna
2419 read stuff, we're gonna talk about what politics we're playing...uh, uh, let's put it all out there. That's my
2420 view, but I'm only one member."

2421
2422 Ms. Dodge: "Mr. Mayor, are you saying you think we should video tape the meetings?"
2423

2424 Mayor Samples: "I think digitally, we should use the tools which are available to us to convey for
2425 all those people who aren't here, who aren't here tonight, cause that's what I heard. What we're doing now
2426 is not good enough, okay, because there is some, they're not verbatim. You gotta, I'll put it to you this way,
2427 that's my view. Let's use the digital technology that we have today. You want, you want the public to know
2428 what it is we're doing. Well, if they just read it, they're not getting what we're just doing. They're getting
2429 one, some of us are better speakers. Some of us stutter. I say gonna, a lot. That's where verbatim gets
2430 you. Okay, that's my view."

2431
2432 Ms. Mabry: "Mr. Mayor, we could do a pod, you know we can do it digitally, put it on pod cast. You
2433 can go right on your computer just like, I mean, if we miss church, we get our sermons on pod cast. You
2434 can put it on easy, breezy, and I like that idea. I don't have a problem with it. You can, anybody wants it
2435 can just click a button. They can hear the whole thing. I think, I don't have a problem with it at all."

2436
2437 Mr. Johnson: "Mr. Mayor."
2438

2439 Ms. Mabry: "But, I think if you're gonna do it, you ought just go ahead and do the whole thing and
2440 not just have somebody type, you know, just twenty-five pages of he said, she said. I think it, I, I agree. If
2441 we can do it, it's easy. I know it has to be pretty easy. They do it at the church pretty quickly, so."

2442
2443 Mayor Samples: "Let me ask, and thank you, Ms. Mabry, does anyone object to going to the
2444 technology and using it?"
2445

2446 Ms. Dodge: "I do. I'm technology challenged."
2447

2448 Mayor Samples: "You don't have to use it. But, what I'm saying, the town would use it for the
2449 benefit of...no, we'll still do the written. We'll get the written..."
2450

2451 Ms. Dodge: "I misunderstood. Excuse me."
2452

2453 Mayor Samples: "There will have to be a written record in addition, but it's gonna be a lot longer."
2454

2455 Mr. Johnson: "Mr. Mayor, I would suggest that we direct the administrator to bring us options
2456 back."
2457

2458 Mayor Samples: "And, and, what I'm really, I'm concerned, my, I'm concerned about overload the
2459 clerk with clerical transcribing, okay. It doesn't, I'm not saying that what we do is perfect, but it's worked

2460 pretty well for a while, but I also do believe, and you know, Debra, you and I have had this conversation
2461 privately, I think what we're doing is 1990s technology and this is 2000 and it's gonna be 13. We need to
2462 move forward and I think that's what people would expect us to do, is to move forward."

2463
2464 Mr. Smith: "Mr. Mayor, let me ask a question. Would the digital technology help the clerk
2465 transcribe verbatim?"

2466
2467 Mayor Samples: "I, I, I can't speak with technically, but I believe it can if you get the right
2468 equipment, and it's gonna cost you some money. It's gonna cost some money. There's no question that
2469 it's gonna cost some money, but we won't, let me rephrase it, I think it will be money well spent. Go ahead,
2470 excuse me."

2471
2472 Ms. Herrmann: "Insofar as the digital recording helping with transcription, it will have no impact on
2473 the actual work that I have to do. I still will have to listen to the document and, and type what I hear. May I
2474 speak just for a moment, Mayor?"

2475
2476 Mayor Samples: "Um, huh, um, huh."

2477
2478 Ms. Herrmann: "When I prepare the minutes what I try to do is put the comments by each member,
2479 and if you repeat yourself, I don't put it every time you say it. If it's said once, it's on the record. We do
2480 keep the audio tapes forever. Any one that wishes to hear what transpired in the entire meeting can come
2481 to town hall and listen to the tape. Before council adjourns this evening, I need some direction about what
2482 you want me to do with those other minutes."

2483
2484 Mayor Samples: "Thank you, and, and I understand that. And going back into, I wanted to make
2485 this point earlier, *Roberts Rules* is very clear. Anything that you want recorded verbatim all you have to do
2486 is state "for the record." I have done it for ten years when I wanted something recorded for the record."

2487
2488 Ms. Kohlmann: "Mr. Mayor."

2489
2490 Mayor Samples: "Ms. Kohlmann."

2491
2492 Ms. Kohlmann: "What about when somebody else makes a comment, and it's not, I'm not saying
2493 just, I understand what you're saying cause I watched you do it, and I, and I understand that. I'm not
2494 saying just about that. It's what about his comments. What about Mark's comment that is relevant and if
2495 he doesn't want to say it's verbatim, then it's not there. I'm not trying to make this any more than it is. The
2496 fact of the matter is, these minutes are missing very crucial statements. That's what this is about, and I
2497 don't want to argue with you..."

2498
2499 *(Two speaking at once.)*

2500
2501 Mayor Samples: "Okay, okay, well if what you want is you want it transcribe those single minutes."

2502
2503 Ms. Dodge: "No, I'm sorry."

2504
2505 Mayor Samples: "Well, okay. I'm, I'm looking. I'm looking for the solution."

2506
2507 Ms. Dodge: "I think the minutes should reflect what was said during the meeting. That's what I
2508 think. All of it."

2509
2510 Mr. Stevens: "I would concur."

2511
2512 Mayor Samples: "Are you suggesting..."

2513
2514 Ms. Dodge: "Yes."

2515

2516 Mayor Samples: "...now, I want to be clear, now, you don't know what I'm gonna ask. Are you
2517 suggesting that there was some, well you weren't here..."

2518
2519 Ms. Dodge: "No, I wasn't."

2520
2521 Mayor Samples: "Are you suggesting, you're not suggesting that was intentional..."
2522

2523 Ms. Kohlmann: "I, I can't say if it's intentional or unintentional. All I'm saying is I'm not stupid. I
2524 was at the meeting. I was there. I listened. I took the time and the effort today to re-listen to every word
2525 that was said, and there is a substantial amount of information not in the minutes, and I have a huge
2526 problem with it. I might be the only person that has a problem with it. I personally have a problem with
2527 that."

2528
2529 Mayor Samples: "Well, and, and I'll, and I regret that you feel that way. I sincerely regret that you
2530 feel that way. If I could just finish, because I know of no one who would intentionally misrepresent what
2531 was said at the last meeting."

2532
2533 (***Unknown speakers in background.*)

2534
2535 Ms. Kohlmann: "May I say something?"

2536
2537 Mayor Samples: "Absolutely, absolutely."

2538
2539 Ms. Kohlmann: "I am not saying intentional or not. It's that's a moot point. The point is we're
2540 trying to do the best we can and I think we're doing a great job, so..."

2541
2542 Mayor Samples: "And, and that's why I'm suggesting that..."
2543

2544 Ms. Kohlmann: "...and I think we owe it to them to be able to see the job we're doing, because we
2545 are doing a great job. But, show all of us engaging each other when we're up here. Show what Mark says.
2546 Show what Ann says. Show what I say. Let's just show it. That's all I'm saying. I don't, I don't understand
2547 why..."

2548
2549 Mayor Samples: "Okay, what would you suggest we do, Ms. Herrmann, since you're gonna be the
2550 one responsible for it?"

2551
2552 Ms. Herrmann: "I am here at council's pleasure. Whatever council directs, I will do. I, I cannot
2553 make that decision for you."

2554
2555 Mr. Smith: "Mr. Mayor, can I make a suggestion?"

2556
2557 Mayor Samples: "Yes."

2558
2559 Mr. Smith: "A that the minutes from November 13th and the night's meeting be transcribed
2560 verbatim, and with, without the ohms,"

2561
2562 Ms. Herrmann: "It's not verbatim, if you leave them out, Mr. Smith." (*Laughter.*)

2563
2564 Mr. Smith: "Well, alright, then put those in, too, and that the clerk keep a record of how much time
2565 it takes her, so that we will have a way of evaluating the usefulness of it, and according to Mark's
2566 suggestion, that the administrator come back with some information and costs, whenever she has time to
2567 get it on digital recordings and so forth."

2568
2569 Mayor Samples: "I like that. I like that a lot. Any disagreement?"

2570
2571 Mr. Stevens: "I concur with Mr. Smith."

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Mayor Samples: "Okay, let's do it."

Ms. Herrmann: "Mr. Mayor, may I ask a question? When we do verbatim, that means every word from the call to order through the prayer, through the Pledge of Allegiance, that would include everything. Is that council's intention?"

Mayor Samples: "Was that your intent, Mr. Smith?"

Mr. Smith: "I, I think what we want to do is the business portion verbatim."

Ms. Herrmann: "So the intention is that public comments..."

Mr. Smith: "Just a minute, let me...I'll get to it. Public comments should be verbatim. The communications should not be verbatim, unless a specific point is raised. In other words, normally you just say that the report was presented and it's on record. But is if a councilman makes a specific point, then you need..."

Ms. Herrmann: "Council comments and all the questions and answers."

Mr. Smith: "On the communications."

Unknown Speaker: "I would like to, if, if, to be certain, I'd like everything."

Mr. Smith: "And, the business part should be verbatim."

Mayor Samples: "That's it?"

Mr. Johnson: "As well as discussion."

Mr. Smith: "Discussion should be verbatim, and then public comments, and then council comments."

Ms. Dodge: "Mr. Mayor."

Mayor Samples: "Ms. Dodge."

Ms. Dodge: "I would concur with that. That gives the important part of the meeting, and that's the part that everybody wants to know. Wants to read."

Mayor Samples: "I would, and I appreciate your comments. I would go a little further and I would say that the communications portion is also very important since it is where we are purportedly receiving information with which to make decisions on."

Mr. Smith: "Okay with me."

Ms. Mabry: "If we're gonna do it, then we're gonna do it."

Mayor Samples: "Why not? So, have we left anything out except for the Pledge of Allegiance and the call of order?"

Mr. Johnson: "Minutes approval."

Ms. Herrmann: "I have another question."

Mayor Samples: "Okay."

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Ms. Herrmann: "Often times the department directors will submit a report to you, and they do not read the entire report. The report is kept on file, and that notation is made in the minutes. If the entire report is not read, do you want just what they say during the meeting?"

Mayor Samples: "I want both. They submit a written report for the record, which I know you retain. Correct?"

Ms. Herrmann: "Yes."

Mayor Samples: "And then they answer questions and they make presentations to us here, which are, which is different."

Ms. Herrmann: "So if their, their verbal report may be different from their written report; you don't want the written report included verbatim."

Mayor Samples: "For the official record, no, I don't want you, the official record which you retain in the archives; don't you retain the written reports with them?"

Ms. Herrmann: "I do."

Mayor Samples: "The answer, the official record will retain the written report. That's for purposes just for clarity sake. I don't want any misunderstanding."

Ms. Herrmann: "Okay. Neither do I, that's why I'm asking."

Mayor Samples: "What is said in chambers will be verbatim."

Ms. Herrmann: "Okay. Alright, and then we'll still reference the written report on file."

Mayor Samples: "Absolutely."

Ms. Herrmann: "Thank you."

Mayor Samples: "Any other questions? Then I really do want to see if we can move forward on the digital end. I know this is a something that's time has come. We need to research and we need to find out who's doing it. And the truth of the matter is having a video on the computer, people could get more information from that than I think than a lot of what they're gonna read."

Mr. Stevens: "Point of information."

Mayor Samples: "Just a personal opinion."

Mr. Stevens: "Myrtle Beach already does it."

Mayor Samples: "That's what I'm saying. This, this is not trail blazing, but we do need to move forward with modern technology. Okay. Alright, no need to go into any other items. Any other, anything else council would like to discuss?"

Mr. Johnson: "No."

9. PUBLIC COMMENTS.

Mayor Samples: "Moving right along, then it is time for public comments."

2683 "Glen Curtis, being careful what I say. (*Laughter.*) I wanted to go to the workplace that we were
2684 talking about before on things that were said. There was a guy with 27-years without a day off, without a,
2685 a sick day or anything like that. The chief lineman, they were out on a job and an engineer and a foreman,
2686 both of them new, came out there and the chief lineman was in the bucket, and they told him to fire up the
2687 transformer on the pole. He says we can't do it. The foreman says excuse me, I'm telling you to do
2688 something. So he says well I'm trying to explain that down at, down the other end we ain't, the foreman
2689 said again, and then the engineer says, I already checked things. Don't worry about it. The chief lineman
2690 says well, please let me. Foreman says I'm telling you right now, if you don't juice up that pot, come down
2691 out of the bucket, then take the bus home. He did it. Next pot down was open on the other side. Three
2692 houses started to burn. Two weeks later, he went in, in front of the manager and a couple other people
2693 without human resources, and they told him, well why did you do it? He said because I was told I'd be fired
2694 if I didn't. The engineer checked everything. He says well, you're getting three weeks suspension.
2695 Nothing happened to the managers. I just want to leave you with that, okay, because there was nobody
2696 there to help him in wording in what was going on. Thank you."

2697
2698 Mayor Samples: "Thank you,"
2699

2700 **10. COUNCIL COMMENTS.**

2701
2702 Mayor Samples: "Mr. Johnson, council comments."
2703

2704 Mr. Johnson: "Thank you all for staying with us this evening. Thanks for coming out.
2705 Unfortunately, I will not be at the next two meetings due to work related issues, so. Have a Merry
2706 Christmas and a Happy New Year."
2707

2708 Mayor Samples: "Ms. Dodge."
2709

2710 Ms. Dodge: "I think I've talked enough in the meeting. A, I don't have any comments. I'm glad to
2711 be back, but the cruise was great."
2712

2713 Mayor Samples: "Mr. Smith."
2714

2715 Mr. Smith: "I just want to say that I, I'm gonna be making sure that the business committee works
2716 on this overlay thing so that next January things will be in order so it can get passed."
2717

2718 Mayor Samples: "Ms. Kohlmann."
2719

2720 Ms. Kohlmann: "I wanted to thank you for the Veterans Day. You did a great job. Both of you did
2721 a great job with the Veterans Day. It was great, and I think I've said plenty tonight, too."
2722

2723 Mayor Samples: "Councilman Stevens."
2724

2725 Mr. Stevens: "A, I want to thank everybody for coming out. I want to thank Ms. Ellis for the
2726 Veterans. I think we made some progress here. I will be getting with the chairman of the business
2727 committee a to see if we can't get this overlay done and finished and completed, so everybody will be
2728 happy."
2729

2730 Mayor Samples: "Ms. Mabry."
2731

2732 Ms. Mabry: "Thank you for coming out."
2733

2734 Mayor Samples: "Yes, thank you all for coming out. Appreciate all the hard work everybody's
2735 doing. If, for those of you that don't make our next meeting, we wish you a Merry Christmas. Hope you
2736 had a happy Thanksgiving. We are meeting a, the 4th and the 10th. We'll see you next time."
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Mayor Samples: "Okay. Any other comments?"

Ms. Mabry: "Mr. Mayor."

Mayor Samples: "Ms. Mabry."

Ms. Mabry: "Council is, I'm going just for public information, too, but council's not supposed to have any interaction with staff. We do not give direction. We can go to department heads for information gathering only. So, I, I'm gonna have to be with Mr. Johnson on that. We can't give directions to anybody and we should not be getting information from staff members. They should not be contacting council, and, and, we just don't do that. We shouldn't do that, let me rephrase."

Mayor Samples: "Any other comments? The a, I agree with Councilman Smith's reading of it. The, while we, clearly the familial relationship between a councilmember and, and a staff member, it, in my mind, it cannot help but have consequences on other staff members. They recognize that councils come and go. That we're just temporary stewards, and I can assure you, you don't want a mayor who has a, a finance director daughter. Because it's just not good business practice, because that would, under our current form, it only takes two to sign checks, and nobody is perfect, and so we need to protect the town. You know, the record will show that I spoke long and hard to implement some of these changes, but I also recognize that we are a small community, and, and that relationships exists. We're not having as many young [ones.] We're all getting old. We're all related, we're all one way or another, something or other. This prevents department heads, am I correct, department heads are specifically excluded. This will prohibit direct chain of command, direct lines, and again it's something that we could revisit if we have to. But I think the administrator's point is we haven't an inconsistency between an ordinance and a policy, and we need to reconcile those, and so we need to give the administrator some direction. There have, you know, there are three of us that have, there are five of us that have expressed a, a, a view, and in order to give direction to the administrator, if we're gonna do it tonight, we need somebody to jump off the fence, Ms. Dodge or Ms. Kohlmann."

Ms. Kohlmann: "If they don't match, you have to make them match, then that's fine. I just feel sorry for, like if there's two brothers that really want to be firemen, or two brothers that want a be cops in here, but I mean it's a small town like you said, so if we have to change it for this, make it work together. The more meetings that go on, the more I get nervous reading about all these mistakes that are in the ordinance, it's like we need to spend a lot of time looking at our ordinances, to make sure things are up, and I agree with you about the looking over the a personnel manual. So I don't have a problem."

Ms. Fellner: "This is the tip of the iceberg."

Mayor Samples: "Yeah, right. It's what happens when you let things go on. You don't, you don't keep them updated. Ms. Dodge, you can tie the vote or, or consensus, or how do you feel?"

Ms. Dodge: "I'm in agreement, although I do have a son and daughter and I would love to see them working for the Town of Surfside Beach, but ~~now~~ while I'm on council."

Mayor Samples: "Okay, is that clear?"

Ms. Fellner: "It is clear, I just wanted to a, if I changed in b so it should read be employed, the last sentence, I'm sorry, be employed by the town..."

Mr. Smith: "That, that's correct."

Ms. Fellner: "...is that correct?"

Mr. Smith: "Yes."

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11. ADJOURNMENT.

Mayor Samples: "Can I get a motion?"

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

Mayor Samples: "So moved."

Mr. Stevens: "Second."

Mayor Samples: "All in favor?"

All Members: "Aye."

Mayor Samples: "Good night."

Clerks Note: *The motion to adjourn was made at 9:33 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

Mark L. Johnson, 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. 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 Comments, Communications, and Public Comments were transcribed verbatim without grammar corrections.*