



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
JANUARY 14, 2014 ♦ 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. Others present: Town Administrator Fellner; Planning Director Morris; Police Chief Keziah; Fire Chief Cimini; Fire Captain Williams, and Town Clerk Herrmann.

Mayor Samples announced that there were three council seats with terms expiring this year. Consequently, a town election will be held on April 8<sup>th</sup>. Candidate filing is open this week; candidates must be in the clerk's office by Friday at 4:00 p.m. to file.

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

Pastor Tom Wallace of Journey Church gave the invocation. Mayor Samples lead the Pledge.

**3. AGENDA APPROVAL.**

Mr. Smith moved to approve the agenda. Mr. Stevens seconded.

Ms. Mabry said that council would not be able to hear business item 7.A.i., because council received an amended ordinance instead of the ordinance that was deferred at the November 12<sup>th</sup> meeting. According to *Roberts Rules*, when action is taken the ordinance became the property of the council and cannot be changed by an individual member.

Mr. Smith disagreed. Council would be doing exactly what was done in the special meeting in July. He wanted the item to stay on the agenda.

Mayor Samples said this was different than the action taken in July, because first reading had been adopted on that ordinance when the amendment was adopted. The amendment was introduced publicly and adopted unanimously by the members present. As he understood the situation, there was some confusion between members and staff in putting what he presumed was a draft ordinance; there was no issue paper attached with it; there was just a single sheet of paper and the business item on the agenda. Ordinarily, the way first readings of ordinances were handled was when they are introduced to Town Council, they include an issue paper or some form of description in terms of background. Mayor Samples was inclined to agree with Ms. Mabry. As a point of order, Mayor Samples accepted that there was confusion; he believed that the document published in the package and on the internet was not what council would discuss.

Mr. Smith said Ordinance #13-0766 would be discussed, which was deferred, and the ordinance could be amended in its entirety to represent what was distributed in the council packages. He wanted to be open and transparent about this, so that everybody would know what would be voted on since it was going to be a complete elimination of what was in the original ordinance and replaced with what was presented in the package.

Mayor Samples asked if he understood correctly that Mr. Smith said the ordinance that was publicly posted and distributed was not what would be considered tonight.

56 Mr. Smith said that was incorrect; the information as presented in the council package would be  
57 considered at this meeting. The ordinance was being brought back with an amendment to use the  
58 language presented in the agenda package.  
59

60 Ms. Mabry held up papers saying that was the ordinance deferred and that must come back  
61 before council. After it comes back before the council, everyone on the dais has an opportunity at that  
62 time to offer any amendments to the ordinance. There are seven members on council; not one  
63 councilman writes an amendment and says this would be what was voted on. That was not *Roberts*  
64 *Rules*. *Roberts Rules* state the ordinance upon which action was taken is brought back, and then Mr.  
65 Smith would have to make an amendment in public on the dais, and the council would approve or deny it.  
66 The ordinance as presented in November has to come before council first. Then in public, Mr. Smith  
67 would need to offer his amendment.  
68

69 Mayor Samples said the chair rules in favor of Ms. Mabry, because she was is exactly right. Mr.  
70 Smith's intent was to bring back a deferred ordinance, but essentially, the body was brand new.  
71

72 Mr. Smith said he would just present the deferred ordinance as presented on the agenda, which  
73 states 13-0766.  
74

75 Mayor Samples asked if as published.  
76

77 Mr. Smith said in the agenda.  
78

79 Ms. Mabry said 24-hours notice was required under the Freedom of Information Act (FOIA) for  
80 the public. A document was published, and if that were done, FOIA would be violated.  
81

82 Mr. Johnson asked if a legal opinion could be obtained.  
83

84 Mayor Samples said the town attorney was not present.  
85

86 Mr. Smith moved to leave Business Item 7.A.i. on the agenda. Mr. Stevens seconded.  
87 Councilmembers Dodge, and Kohlmann, Stevens and Smith voted in favor. Mayor Samples, Mayor Pro  
88 Tempore Mabry, and Councilmember Johnson voted against. **MOTION CARRIED.** Mayor Samples said  
89 the motion carried and the item would remain on the agenda.  
90

91 Mayor Samples, and Councilmembers Dodge, Johnson, Kohlmann, Stevens and Smith voted in  
92 favor of approving the agenda. Mayor Pro Tempore Mabry voted against. **MOTION CARRIED.**  
93

#### 94 **4. MINUTES APPROVAL.**

95  
96 Mr. Smith moved to approve the minutes of the December 10, 2013 public hearing as submitted.  
97 Mr. Stevens seconded. All voted in favor. **MOTION CARRIED.**  
98

99 Mr. Stevens moved to approve the minutes of the December 10, 2013 regular meeting as  
100 submitted. Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**  
101

#### 102 **5. PUBLIC COMMENTS – Agenda Items (3 minutes.)**

103  
104 "Good evening; happy 2014. Ron Ott, 7<sup>th</sup> Avenue North. This is the public comments on agenda  
105 items only. My problem with this is how about the ones that aren't on the agenda, because we've been  
106 doing that now. Last meeting two times, okay, two times, one you took a vote and passed something that  
107 wasn't on the agenda, and another person was brought to the mic [sic] during the business section and  
108 spoke on it. That is, it's disrespect to the people of this town when they don't know that something should  
109 be on the agenda, and they don't know so they don't come. That's how we got into a position many years

110 ago where we would see what we could get away with, which a couple people ran on that and are sitting  
111 on this council, because they don't want to do that, but that's what we did, and just to say that, a neighbor  
112 of mine left a letter at my door and it was on something else, on the docks, but he was telling everybody  
113 in here, I can, what he said is hurry up and get to this meeting, because you, don't be caught napping.  
114 The issues could be added at any time without prior notice to the citizens. See, people know. People  
115 know that you do that, you know. The *Lambries* decision is still enforced, if it is, let's stay with that. Let's  
116 try not to bring up things that aren't on the agenda again, because it leaves people without their  
117 constitutional rights of speaking, and that's what this is. As for the docks, if we could only turn back the  
118 hands of time and leave it the way it was before people, people (\*\*) docks in, they did, and we could go  
119 back and we look when the last dock on Lake Elizabeth was put in, and we could've done that without the  
120 blessing. The problem I see the town giving the blessing to let people come and play, and when you do  
121 that you become responsible for everything, every action that goes on there. If you can word it right,  
122 which I don't think you can, because people bring lawyers and lawyers cost the town lots of money. We  
123 don't want to do that, but if we could just, I, I, I can, I can make out. I live on the lake. I wouldn't mind.  
124 We have to do it where the town's not responsible. Can we do that, because believe me, we'll be  
125 responsible. Thank you very much, and *Lambries* decision. We have one guy that used to talk about it  
126 all the time.”

127  
128 “Good evening, everybody. Sandra Elliott, 5<sup>th</sup> Avenue North. Why are you, town council, bringing  
129 this ordinance back in any way about the docks? What's the rush? FEMA will be doing a surprise field  
130 inspection this year in 2014 to see if we're complying with our flood prevention ordinance and building  
131 codes. The town participates in a National Flood Insurance Program, which awards premium reductions  
132 to communities like us. Everyone in Surfside Beach who has flood insurance is receiving presently a 5-  
133 percent credit on their annual premium. Surfside is very close to obtaining a 10-percent reduction. This  
134 number can help when the government is spacing our subsidies. Who knows if the docks will  
135 compromise our community rating? No one does; only FEMA does. Can't we wait until the inspection is  
136 over? There are other questions that also have to be considered such as liability insurance. Will the  
137 whole town have to pay a higher tax millage to protect ourselves? We have 5,000 homes in our town and  
138 around 200 that have been polled for their opinions. Council, you must represent all of us. You need to  
139 remember that; not just those that are directly benefiting from this ordinance. Get the facts first, and then  
140 act. Thank you.”

141  
142 “Good evening. Bill Thomas, Cedar Drive North in Surfside. Boy, I'm glad I don't have to make  
143 decisions you guys have to make! I, I will keep being very brief, which is uncharacteristic. But, I do  
144 appreciate the, the fact that the draft that we have before you, of which there is controversy, I understand,  
145 but is a step in the right direction, if we need an ordinance about docks in the first place. So, I applaud  
146 that. I, I do still have a difficulty, a significant difficulty with the, what I would call onerous requirements on  
147 those who might want to build a dock such as the hold harmless agreement, such as the liability  
148 insurance...I'm not an insurance guy, but I don't know that you can buy it, frankly, but that's another story  
149 for another day, and I'll keep my ammunition dry for that. I sort of agree with Mr. Ott that, and I'm sure it's  
150 unintentional, but folks, I'm not the brightest guy in the world about anything, but especially when it comes  
151 to operating my way around a PC [personal computer], but I'm having a hard time finding out what's going  
152 on by going on the town website. I didn't look today. I had other fish to fry, but when I, when I looked  
153 yesterday afternoon, the agenda for tonight's meeting was still not published. I, I now understand and  
154 Mrs. Herrmann was real good to me several months ago and said would you like to be on this mailing list,  
155 and I said, good Lord, I don't want more stuff coming to my house, so I said no. But what I, what I now  
156 know is that if you want to get the agenda and if you want to get the ordinances and things that are going  
157 to come, you've got to be on that list, cause it's not on the website. (\*\*) I don't quite understand that. It, it  
158 candidly, you know, smacks as a, hey, we don't want everybody to see this stuff, and I know that's not the  
159 case. But, let me encourage you in the interest of transparency, please, to take a look at that, and, and  
160 see about, you know, Mrs. Herrmann can't post something till she's got it approved, so, you know, let's try  
161 to get this information to folks in a timely fashion so we'll have a chance to read it and understand it. I, I  
162 through surreptitious means, I got a copy of it yesterday, and read through it. First time I'd seen it. I sort

163 a like this, except for those provisions that I, that I mentioned, and so I thank you for moving in the right  
164 direction. Have a good evening.”  
165

166 “Mike Dozier, Jr., 817 North Myrtle Drive. I’d like to thank the Mayor and Council for allowing us  
167 to speak and I know it’s a thankless job and, and you, you never satisfy everyone, but as a new property  
168 owner in Surfside, I’ve been coming here since I was a kid; grew up in Marion, and bought property here  
169 two years ago. On that property is a dock with a cover, with power, and it’s more than 12-foot wide. So, I  
170 think I am hitting on about 40- or 50-percent of the new violations of which I have a concern of how they  
171 get created in committee and how they get voted in at council, and I’m sure an attorney or, or some or all  
172 of you can explain to me how this doesn’t get, how this get’s passed without referendum. But, I would  
173 certainly appreciate, and certainly appreciate the comments that were made earlier by others who said  
174 that communication is really the key here. If we’re only polling a couple of hundred residents, you know,  
175 the first thing, the first question that I asked, and thank you for your exchange in emails, Mayor, is, were  
176 the residents of, that have lake lots communicated with directly? And, the answer is no, they weren’t,  
177 because I never got any kind of communication to tell me there was going to be any changes made to law  
178 or policy or (\*\*) violations of the lake. You know, just in the philosophy of, of less government, in my  
179 opinion, is better government. I would appreciate, you know, the property that I buy to be the property  
180 that I buy and to not be changed, because a group of folks want to reduce liability. Is there special  
181 insurance required for homes around the dog park? Are there, is there special insurance beyond FEMA  
182 for beach front homes, if something happens to someone, you know, between their yard and the dunes?  
183 So, those are, those are the kind of questions that I think follow what Bill just said, and other, and again,  
184 I’m, I’m done. I appreciate your time. Thank you.”  
185

186 “Sue Farra, 5<sup>th</sup> Avenue North. I really have nothing against the, the look of the docks that are  
187 existing already. I feel if people would like to build decks in their yards that would be wonderful. But, has  
188 the council considered the liability that they’re opening the town up to when they encourage people that  
189 for recreational use on these lakes? Where I grew up, we called them sumps, and they were sumps  
190 because rainwater went into them. Bacteria grew in them. The geese flock to them. Geese feces, this is  
191 just some of the bacteria and the protozoa that come out of geese. Geese lay a, drop one and a half  
192 pounds of feces a day, each goose. We have at least 25 geese walking around 5<sup>th</sup> Avenue. I chase them  
193 off every day in the summer. Alright, among the diseases that are caused by geese feces  
194 cryptosporidium, gaillardia, coliform to name a few. They all cause severe intestinal distress, and  
195 hydrate, dehydration. Cryptosporidium can survive water treatment, alright, and it will be viable for, the  
196 cysts are viable for over 21 days in salt water; longer in fresh water. It also survives chlorination.  
197 Gaillardia also survives (\*\*) and other treatment. It also will survive more than three weeks in salt water  
198 and longer in fresh water. So, people bring their lawyers to town meetings. Everyone who goes on that  
199 lake and is liable to get one of these intestinal diseases and will be calling Akim, Stark, Sink, and the town  
200 will be answering. That’s my opinion. Thank you.”  
201

202 “I’m Ron Whitcomb, 103 Harbor Lights Drive. I’ve been here before about the same issue. I am  
203 very much in favor of the docks, and my neighbors are and I’m just kind of speaking to give you some of  
204 our view points. The docks that are on the lakes now have been there for many years. I don’t know of  
205 any great incidents that have happened because of these docks. I haven’t heard of anything. They are  
206 decades old. People repair them. They take care of their docks. Before this all started to come, people  
207 were allowed to put docks for some time. If you allow docks, I don’t this huge influx of docks where  
208 you’re gonna get dozens of new docks on these lake. It’s just not gonna happen. You might get a few;  
209 you probably will. I’m sure I plan on putting a small one. The docks have been there for a long time. As  
210 far as the liability, if you add a few docks, I don’t see where you’re making big difference in liability. The  
211 town has built docks on the lakes. I don’t see where there’s a liability problem there when the town built  
212 those. You built the one with the gazebo down the other end of Dogwood Lake. You built another one  
213 over on 16<sup>th</sup>. These are docks. I mean they’re called observation points or whatever; it’s weasels, ferrets,  
214 polecats, they’re weasels all under the same name. I asked before if I could build a structure on the  
215 shoreline overhanging the water a little bit. I was told no. It’s a dock. The town has built them, so. As far  
216 as the town goes, the town is allowing themselves [sic] to build docks. As far as the water situation goes,



217 I understand about the geese. Geese are migratory birds. Building docks are not going to bring more  
218 geese. They're still gonna be there. They're not gonna stop. As far as people coming in contact with the  
219 water, there is shoreline all around there. You're gonna come in contact with the water just as easily from  
220 the shoreline as you are from the dock, and I, I just think, I don't see the problem with a lot of these  
221 things. People that are so concerned that this is gonna be a big influx of dock building, it's pretty much  
222 gonna go on as much as it is. We've just got a little more freedom. The people that have their docks, we  
223 don't want to see also where if this is something that goes where it's a grandfather situation where if  
224 they're told they can't repair their docks, they can't rebuild their docks, now you're creating a bigger  
225 liability. You're gonna have degenerating docks, and you're gonna have people that could possibly get  
226 hurt or have problems with these docks, or they might become structurally unsound, and then you might  
227 have things breaking away. That's not a good idea either. That's my opinion. I appreciate the time.  
228 Thank you very much."

229  
230 "Ann Wescott, 413 Cedar Drive North. I'm totally amazed that nobody has come here and  
231 commented that keeping this on the agenda is illegal. It's bad enough that our Federal Government  
232 tramples on the law, but do we have to do it here? There's people who want all these docks. I can  
233 understand why they want them, but they didn't live here through [Hurricane] Hugo. They didn't live here  
234 through [Hurricane] Floyd. They didn't live here through [Hurricane] Fran. They have no idea how bad it  
235 can be. Thank you."

236  
237 Mayor Samples said for the public benefit and information that it was true docks have been on the  
238 lakes for some time. He encouraged everyone to go to the town website or to contact the town clerk.  
239 Town Council adopted a policy of prohibiting docks pursuant the planning commission recommendation  
240 at the May 25, 2004 regular council meeting. Clearly council voted to prohibit docks in 2004 and again in  
241 2013. Mayor Samples was sure the issue was not dead, but clearly the planning commission needed to  
242 review the proposed ordinance since it was a new start. The town had a legal opinion confirming that the  
243 planning commission must review and make a recommendation before adoption by council.

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245 **6. COMMUNICATIONS.**

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247 **A. Department Reports.**

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249 **i. Planning, Building & Zoning.**

250  
251 Ms. Morris presented the written report, a copy of which is on file. There are currently 11 new  
252 homes being built in town. Plans for three more are under review. Building permits issued increased  
253 from 56 in December 2012 to 103 in December 2013. The town now participates in the CPTED (Crime  
254 Prevention through Environmental Design) by talking with citizens and commercial property owners about  
255 steps that can be taken to enhance their property in hopes of deterring vandalism and crime. Staff met  
256 with the public works director and requested CPTED be used for town-owned properties when pruning  
257 trees and shrubs in the parks and rights-of-way. After consulting with the State Arborist to ensure ISA  
258 (International Society of Arboriculture) guidelines were being met at the passive park, public works  
259 pruned the park so that limbs are no lower the 6-feet and shrubs are no higher than 2-feet. Several calls  
260 were received from citizens saying that love the open feel of the park, and feel much safer while  
261 exercising and walking. Staff is working diligently to lower the town's CRS (Community Rating System)  
262 rating. Currently, the town is rated 9, which means property owners save 5-percent on their premiums.  
263 By reducing the rating, property owners could save even more on premiums, especially for properties  
264 located within the special flood hazard areas.

265  
266 Mr. Smith asked if there was an ordinance to address property owners keeping their parking lots  
267 in good repair. There are a number of parking lots with pot holes. Ms. Morris the parking lots could be  
268 inspected and letters sent to the owners pursuant to the property maintenance code. Staff performs  
269 inspections as they are in the various areas around town, and will inspect a property upon hearing a  
270 complaint.

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Mr. Stevens asked if the CRS system applied to all areas in a flood zone. Ms. Morris said the entire town was in a flood zone. The special flood hazard area was where building elevation was required.

Ms. Dodge thought it was a great idea to prune bushes, especially at intersections, but all over town. It is a safety factor, and she thought it was a good idea.

Mayor Samples asked Ms. Morris to consider whether there was some action council needed to take to enable staff to assure that parking lots are in safe condition, and bring a recommendation through the town administrator.

**ii. Police.**

Chief Keziah presented the written report, a copy of which is on file. December 2013 shows an 11.8-percent increase in calls for service from last month. Arrest data from December 2012 to 2013 decreased 64-percent, 256 to 156. This was attributed to many factors, included the town hosting two or three checkpoints, and this year officers were performing field training. There was one personnel action during December for a minor policy violation. Three officers are in the academy and they all should be finished with training in March. There were two use of force incidents involving authorized use of hands techniques. One injury with back paid was reported, but found that it was a previous injury. Staff continued online mandated training, and also has taken the Municipal Association's (MASC) online training for dispatchers and supervisors. During December, Investigator Brode attended basic detective school. CPTED was previously discussed. Lieutenant Hofmann hosted a field training officer class during December to certify some of the new supervisors to perform field training for the academy graduates. Reports were included in the package with workload statistics. Chief Keziah commented that the US Marshal Task Force cleared 12 outstanding warrants, and collected about \$5,900 in bond and fine money. The 2013 statistics for the town's participation in the task force, which does not include the town's assistance with other high profile cases: 267 outstanding warrants; \$83,826.78 in fine money. The police and fire departments will host Coffee with Cops Thursday morning, January 16<sup>th</sup>, at the Golden Egg Restaurant at 7:30. He encouraged everyone to attend so they could meet the officers and talk with them. The application period for the second Citizens Police Academy is open. The academy will begin on January 30 and last six weeks from 6 p.m. to 8 p.m. Applications are available on the town website, and at the police department.

**iii. Fire.**

Chief Cimini presented the written report, a copy of which is on file. Year 2013 was pretty busy for the fire department. In December there 71 incidents that included 9 fire runs; 33 emergency rescue calls; 2 hazardous conditions; 6 service calls; 8 good intent calls, and 13 false alarms. The estimated loss by fire for the month was \$50,000, contributed to two structure fires that were incendiary, which means intentionally set. The town's police department and fire investigator, and Horry County fire investigation unit is following up on those events. There are two new volunteer applicants being vetted. There are currently 28 volunteers. There were 38 fire prevention activities during the month that included 5 completed inspections; 28 pending re-inspections; 2 public education events; 1 pre-plan revised/updated review, and 2 fire station visits. Volunteer and career personnel dedicated 186 hours to training and 37 hours responding to calls during December. Captain Williams held a class on "Back Injury Prevention" for all town employees in conjunction with the Municipal Association Risk Management to lower the town's insurance premium. Career personnel completed an additional five hours training on the MASC training site. Career personnel also continue the Centre Learn training to maintain their skills and ensure the knowledge is up to date on national trends as first responders. Captain Williams' Neighbor Saving Neighbor program is entering its second month. Fifty town residents have already completed the program. The next session begins on January 16<sup>th</sup> and includes basic first aid, how to control bleeding, use of an Epi pen, bandaging, and other first aid training methods. CPR (Cardio Pulmonary

325 Resuscitation) will also be offered. Engineer Ted Sacra was promoted to Battalion Captain on January  
326 3<sup>rd</sup>. He is assigned to the "B" shift. Captain Sacra started as a volunteer in 2003, and became a career  
327 fire fighter in 2007. Chief Cimini cited the following statistics for the year 2013: 63 fire runs; 484 rescue/  
328 emergency/medical incidents; 12 hazardous conditions/no fire; 96 service calls; 45 good intent calls, and  
329 84 false alarm/false calls. Total loss for 2013 was \$110,500. There were 784 incidents in 2013  
330 compared to 722 in 2012, an increase of 62. Engine 58 refurbishing is close to completion and is within  
331 budget.  
332

333 **C. Administrator's Report – Update on Current Events.**  
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335 Ms. Fellner reported  
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- 337 • Ad sales for the town magazine were up to \$23,452.50. There is another \$3,600 anticipated this  
338 week, but the contract has yet to be finalized. Cost for the project is \$61,000; \$25,000 was  
339 budgeted, so there is a shortfall of \$12,547.50 without the anticipated sale. If the \$3,600 sale is  
340 finalized, the shortfall will be \$8,947.50.  
341

342 Mayor Samples asked when the magazines should go to print to be available in short term  
343 rentals. Ms. Fellner said a production meeting was scheduled with Grand Strand Media. The production  
344 schedule will be set at that meeting. Ad sales will have to stop at a time certain to allow time for ad  
345 creation. Mayor Samples said the town is celebrating its 50<sup>th</sup> Anniversary in 2014, and there are  
346 references to that in the magazine, it made sense to get the magazines published early in the season. It  
347 appears there will be a shortfall, and welcomed ideas and suggestions; however, the project would move  
348 forward. He asked if there were objections, and there were none.  
349

- 350 • The pier restaurant roof has been completed. The pier parking lot paving improvements will be  
351 completed by early next week. The plants for the landscaping in the area were ordered and  
352 should be delivered and installed within the next few weeks.  
353
- 354 • The 12<sup>th</sup> Avenue South deck style (12 x 12 with seating) walkover is nearing completion. The  
355 next project will be at installation of the deck style walkover at 12<sup>th</sup> Avenue North.  
356

357 Mayor Samples asked if that was the last one approved by OCRM (South Carolina Department of  
358 Health and Environmental Services – Department of Ocean and Coastal Resource Management). Ms.  
359 Fellner believed there was another small project approved.  
360

- 361 • The 50<sup>th</sup> Anniversary banners were installed in the business district; they look great. Twenty-five  
362 banners will be installed along Highway 17; 14 more on Surfside Drive, and two at the pier  
363 parking lot. Installation should be done by early next week, weather permitting.  
364
- 365 • The north end draining project is awaiting additional utility markings from Grand Strand Water and  
366 Sewer before engineering can be completed.  
367
- 368 • The 3<sup>rd</sup> Avenue South swash restoration project has received SCDHEC (South Carolina  
369 Department of Health and Environment Control) land disturbance approval and permitting. Staff  
370 is awaiting a permit from the Army Corp of Engineers for the project. The engineer has  
371 completed specification.  
372
- 373 • Both the north end project and the 3<sup>rd</sup> Avenue South project should be ready to let for bids by the  
374 end of the month.  
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376 Mayor Samples asked if the Corp had to approve the project. Ms. Fellner said yes, it is tidal  
377 waters.  
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- The finance committee met and reviewed all figures regarding the town's employee medical insurance and met with the insurance broker. There is no change to the carrier, nor is there any increase to medical premiums. All increases are solely due to fees and taxes associated with the Affordable Care Act. The total annual increase is estimated to be \$40,704.96, with employees assuming responsibility for \$7,679.52 of that total. The town assumes responsibility for the remaining portion, \$33,025.44. Very significant changes were made to help minimize the overall cost of insurance. The first was that the in-network went from 80-percent co-insurance coverage to 70-percent; out-of-network went from 60-percent to 50-percent. The second was that the deductible was changed from \$5,000 to \$3,000, with a health incentive credit of \$750, and the reason that was reduced was that the town will no longer participate in the employees deductible (change number 3).

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Mayor Samples said the town had self-insured since about 2002 to help employees pay their deductible, which resulted in a lower cost overall for the town. This last change was in the best judgment of the finance committee that it was costing the town too much. Ms. Fellner said it was costing the town a lot of money and there was absolutely no control over that; \$3,500 was spent for each employee's deductible. The town got no credit for the portion it paid on the employee's deductible. It was fully credited towards the employee's out of pocket expenditures.

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Mr. Smith asked what the impact would be on this fiscal year budget. Ms. Fellner said that it would be about 10-percent, or around \$40,000.

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Mayor Samples said it would actually be about half that amount for the remainder of this fiscal year. Ms. Fellner said that was correct; about 5-percent.

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Mr. Smith asked for the dollar amount. Ms. Fellner said about \$20,000. Mr. Smith asked if a budget amendment would be presented. Ms. Fellner said yes.

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Mr. Stevens asked if the Affordable Care Act would cost the town about \$20,000. Ms. Fellner said for this fiscal year. Moving forward, it would be about 10-percent of what is currently paid for health care, and that amount was calculated after policy changes were made. Mr. Stevens asked if there was any forecast for the next fiscal year. Ms. Fellner said yes, about \$40,000. Staff could only project the first half of the next fiscal year, because insurance premiums always change in mid-December, which is about the half-way point in the town's fiscal year.

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Ms. Fellner explained, because of earlier comments about the website, that the town did not pay \$6,000 for website management software. When a new year begins, staff must manually create new navigation paths for new year folders. She apologized for the delay in publishing the 2014 meeting documents, and said that next year she would have the new year folders set up in December to avoid delays after the new year begins. Over the past two years, every agenda has been published with links to the supporting documents on the Friday prior to the meeting date, which is the same day that Town Council receives meeting packets. This package was not published until Monday, January 13<sup>th</sup>, but it was published 24-hours in advance, which complied with the Freedom of Information Act. Ms. Fellner wanted the public to know that it was not Town Council that caused the delay; it was a staff issue.

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Mayor Samples asked if this could be anticipated at the end of every year. Ms. Fellner said she personally will handle the rollover in the future. Mayor Samples said council apologized for information that normally would have been available on the website that was not. Ms. Fellner reiterated staff's apology, and that it was published 24-hours in advance, although it was not published on Friday so the public would have it available over the weekend.

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**7. BUSINESS.**

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**A. First Readings of Ordinances.**



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**i. #13-0766 to amend §17-417 to allow Docks and to add §17-418 Penalties for Violation, Councilmember Smith.** *(This portion is typed verbatim due to complexity of the business item.)*

Mr. Smith: "Mr. Mayor, I'd like to make a motion. I move that we adopt first reading of Ordinance #13-0766, which was deferred at the November the 12<sup>th</sup>, 2013 council meeting, with an amendment to delete the entire body and substitute the language published with this meeting's agenda."

Mr. Stevens: "Second."

Mayor Samples: "There's a motion. There's a second."

Mr. Smith: "I believe that we adhered to the spirit of the law in the sense that we published what we will be considering. We used the number from the deferred ordinance. That's probably a mistake. I'll take credit for not being aware. I had asked and my information was not enough to make the right decision on that. But, we are meeting the spirit of the law in the fact that we have published what we are gonna be voting on. The language presented is the one that was first, the language that is presented is the language that was passed by the planning commission on July 2<sup>nd</sup>, 2013 to allow docs."

Mayor Samples: "Any other comments or discussion?"

Mr. Johnson: "Mr. Mayor, I would like to make a motion to suspend rules for discussion." Ms. Kohlmann: "Second." All members voted in favor. **MOTION CARRIED.**

Mr. Johnson: "Mr. Mayor, first on my list is I wonder why this is being brought back up, and you know; maybe Mr. Smith would shed some light on that fact."

Mr. Smith: "Yes, in July there was a special meeting to consider allowing docks on town lakes. At that special meeting, they deleted the part that said allow docks and inserted a part that says prohibit docks. I do not think we should prohibit docks, therefore, I am trying to bring up an ordinance that will allow docks, and that is the reason we're doing it. We've had meetings and people come in and talk about the quality of the water at the lakes. They don't find a big problem with the quality. Our stormwater committee measures the e-coli. They don't find a problem. Horry County says that allowing docks will not affect our agreement with them, and so I think it's appropriate to bring it back. I believe in property rights. You have a lot on the lake; you should be allowed to have a dock on the lake. It's that simple. If they hadn't prevented it in July, we'd be working on a second reading of that ordinance. But, when they did that, we have to start over and this is what we're doing."

Mr. Stevens: "This is an issue that I've thought about and thought about and I've thought about, and I remember what the Constitution [sic] says that we have a right to life, liberty, and pursuit of happiness. We live in a world now where we have governments pushing and shoving regulations down our throats every day. We've gotta buy this kind of insurance. We can't have this doctor. You can't do this. You can't do that, and the main thing that I look at this, this is, comes down to individual liberties and property rights. People have a right to live their lives as long as they abide within the law, and they have that right all over this nation. It's time that we allow people who own property; they don't stop you from building a walk way over the dunes. They don't stop you from building a walk way out into the marsh. They don't stop you from building a dock on the rivers, and (\*\*) we had the Coastal Carolina people; we had the Clemson people; we had our own water people say that the water was safe. We have people swimming in the ocean all the time. I do know that DHEC has all six of our outfalls under the impaired water list. If they can swim there, I don't, I don't agree with swimming in those swashes, but the fact is years ago I had friends that lived on 17<sup>th</sup> Avenue North. Charlie Helsel and his son, Donald Helsel, used to paddle a surfboard, his son used to paddle a surfboard from Dogwood Lake right out into the ocean. There was no dam there. We built the dam. We're getting all the sludge and junk from the county. Why aren't they chipping in and paying to clean our lakes. Every person that lives on the lake has a right, a

487 riparian right to utilize their lakefront property, whether it's a deck built on their land or whether it's a dock  
488 in the water. It can be done safely, and I just feel like we're stepping on people's toes that own lakefront  
489 property. Maybe we're jealous of them cause they own lakefront property. I don't know. But, it's not  
490 right. They bought that property, and they spent their hard earned money, and they have a right to enjoy  
491 their property. I really believe that. This is about property rights. This is about individual freedom, and  
492 the government, the Federal Government is taking that away from us. I don't want Surfside to take that  
493 away from the people in Surfside. Everybody here knows that we have a constitution that protects us.  
494 We have the right to due process. We have the right to trial by jury."

495  
496 Mayor Samples: "Mr. Stevens, excuse me for interrupting you, but I would like to get other  
497 comments."

498  
499 Mr. Stevens: "Okay, I want to finish up. I believe that everybody has a right, if you live on the  
500 lake or you live on the beach, you have a right to use your, the place in front of you."

501  
502 Ms. Mabry: "The fact is we have gotten an email from our Risk Management Insurance  
503 Company, everybody up here knows it, that they are not going to insure any accident or the town, if we  
504 don't do what they say do, and that is go through and get opinions from every federal and state agency  
505 and make sure that they're gonna allow the docks. This is not my decision. This is not council's decision.  
506 We're working with other people now. You're asking me to allow a private dock on a public land that  
507 makes us responsible. I don't like it, but that's the law, and we have to be insured, and our own insurer  
508 says until we get these answers, they're not gonna insure us. If we don't follow all the laws, we only know  
509 what we don't know. That's all we know. We don't even know what agencies; we've got tidal waters;  
510 we've got FEMA; we've got OCRM that we have to answer to. All, we have already written these  
511 agencies. We have asked for an opinion so that we can make an informed decision. I personally don't  
512 care. We have 170 people, plus, that are allowed to build docks on the lake. I don't care if they build a  
513 dock on the lake. But, I do care if the lady over on Moss is gonna have to pay the insurance premium  
514 that we don't know if we're gonna get to anyway. We have to be fair. This is a town decision; a whole  
515 town. We have to do what's right. All I'm asking is for a few months to get the opinions of these agencies  
516 so that we can do it correctly, and all of a sudden it's election time, don't misunderstand, and now we're  
517 gonna ramrod this through without doing due diligence, and if you didn't know, I apologize because you  
518 should have known this, and it's my fault you didn't. The million dollars that was brought up was an  
519 attorney's opinion. It's standard and that's where; it did not come from council. So, I have had one, one  
520 citizen say can we get a cup of coffee. I need to know what's going on. I sat down. I had a cup of coffee  
521 with him. He said I understand now. I'm fine with it. That's all I have to say."

522  
523 Ms. Dodge: "If I understand correctly, a number of citizens in town own property around the lakes  
524 and some of their property lines goes into the lakes, so how can we tell them if they want to put a dock on  
525 their property, not town property, their property that they can't do that? It doesn't make sense to me."

526  
527 Mayor Samples: "Let's take this in order. Let's speak twice. What I want to point out is the issue  
528 of docks; it's not that people are against docks, okay. It's not a pro- anti-issue. I know each member has  
529 sat at the dais and, frankly, behind closed doors in executive session and raised, I think most of us, have  
530 raised questions. I don't think, frankly, we have answers in writing. We had an email from Horry County  
531 that was a one liner. Unless Horry County, correct me if I'm wrong..."

532  
533 Mr. Smith: "Yes, sir, you're wrong."

534  
535 Mayor Samples: "Well, it would be nice if you would share, again, it's part of sharing. I heard Mr.  
536 Thomas earlier and somebody else talk about communications. It would be nice if members would share  
537 communications that you may have, because the last I heard when we dealt with the issue the question  
538 was put to Steve Gosnell, who's the assistant administrator for infrastructure for Horry County, as it  
539 related to how would this affect the contract agreement that the city has with the county over the  
540 maintenance sharing. And, to correct Mr. Stevens, there is a contract where the county agrees to pay 70-

541 percent of the maintenance of those ponds, and it's been in place since about 2002. I know some of you  
542 were aware of that. So getting to my point, is I have seen nothing in writing on letterhead from the county  
543 that answers that essent [sic,] to me it's an essential question, because I wouldn't want to do something  
544 to abrogate the contract agreement that the town has with the county in terms of maintenance that would  
545 be assuming a liability on the part of all that taxpayers, if you understand. And, that, that's a simple  
546 example of the lack of information that I know we all have talked about. Now, the administrator indicated  
547 to us the week before Christmas, okay, when we wanted to bring this issue back that many of the  
548 questions concerning the agencies that the county, I mean that the city should at least approach in order  
549 for us to do our due diligence, which we have a responsibility to do. We haven't done that. We haven't  
550 done that and the administrator indicated to us that it was due to workload issues, and she delineated  
551 those for each and every one of us. And so, I won't be supporting an ordinance tonight, because I don't  
552 have the information, okay, that, that for me, for me that I could vote in good conscience to say, yeah, go  
553 ahead. Let's have these docks. I know that most; our ponds and lakes are different. They're not all  
554 identical. Some of them as were mentioned are tidal. We're not building anything on that until you go to  
555 the feds. That's a certainty. Okay, that's just the way it is. That's not the town's law. And there are  
556 concerns that I have having been a bureaucrat in a past life working with the federal government or the  
557 state government about little Surfside Beach taking actions that seem quite, hey, it's our town, we can do  
558 what we want, and then getting slapped later on. I don't see what the rush is. I would prefer that the  
559 town ask formally and that we get written responses to some of the questions and issues. Another simple  
560 example was if, if we grant encroachments, Ms. Dodge's question about private property is an excellent  
561 one, and one that this council has not addressed, okay. Have we? No. We haven't. What we've  
562 focused on is where it is public property the town does own some. But consequently, an encroachment  
563 permit is required by private parties to access the public property similar to what we do on Surfside Drive  
564 at the restaurants. Okay, they want to serve outdoors, great. They have to get a permit and follow the  
565 law, and oh, by the way, they have to purchase an insurance policy naming us as a third party in the  
566 event something happens on public, on those sidewalks. Okay. Alright, I've said my piece, till the second  
567 round."

568  
569 Mr. Smith: "Mr. Mayor, I'd like to remind everyone that this is a first reading. Next it will go to the  
570 planning commission, which I believe is to meet February the 4<sup>th</sup>, so it'll probably be six weeks minimum  
571 before it comes back for a second reading. That's a lot of time, but in the meantime, and I have to  
572 apologize for the administrator, she received a letter from Horry County signed by Steve Gosnell that said  
573 that on letterhead that said that they didn't have any problem with our ordinances, and I, she told me that  
574 it would be in the packet. Evidently, it didn't make it, and so I apologize for her for that, but we do have a  
575 letter from Horry County signed by Steve Gosnell, who's the assistant county administrator and county  
576 engineer. Now, the other issues with FEMA and so forth, we've got six weeks minimum before it comes  
577 back for a second reading. In the meantime, it's gonna go sit in planning and zoning, so if you guys have  
578 comments about the actual text, go to the planning and zoning meeting. February 4<sup>th</sup>, I believe, is when  
579 the next planning meeting is. It'll be right here in this chamber, so again, there's plenty of time before  
580 second reading. This is a first reading, and so that is where we are."

581  
582 Ms. Kohlmann: "I just wanna give my opinion on things, but I want to speak to the public that I  
583 was one of the people in the July meeting. I voted against the docks on the lakes. It's record, and after I  
584 voted for it, I did a lot of research, and I got a lot more information that was not readily available to me at  
585 that time. So, I think that it's important, and, and when we talk about rushing things through, looking  
586 back, I believe that that special meeting was rushed through. If this was sitting for years and years with  
587 different council, and understand that there's a policy made in May of 2004, but it was never codified. So  
588 to codify it, this was brought up. I, I still, I don't think anybody even knows why all this was brought up. I  
589 don't know of any issue on the lakes before, and I have to agree when Mr. Johnson commented that we  
590 shouldn't stick our nose where it doesn't belong. But, here we are today, this is where we are at, and I  
591 don't want to put staff down in any way, shape or form, I adore our staff, and I try very hard to boost them  
592 up. But I did ask for that, November 19<sup>th</sup> there were questions to all of those agencies. That was my  
593 question November 19<sup>th</sup>, and in December again, and I understand you're gonna say they work too hard.  
594 I understand all of that. But then do we need as a group when we need information such as that that is

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595 important, that we need to give direction as a whole council to get that information that is imperative for us  
596 to make decisions on, and as I've been told numerous times since I've taken office, but this is first  
597 reading. Many times I've been told it's first reading. We have plenty of time. I think that if we don't do  
598 first reading that we're doing an injustice, because it's gonna sit, and I think we need to just finally do this.  
599 It's the council that has to do something, because all the other councils have made policy, have said they  
600 agree with P&Z, but, but I'm not gonna go on and on. I'm just gonna simply say that in my opinion, I think  
601 it needs to be done."

602  
603 Ms. Mabry: "If it was important to get this information in November, why is it not important to  
604 have it today? Why is it not important to have to be able to have a workshop and share, because clearly  
605 we're not doing that as well as we should, but have a workshop and share the information that we have  
606 received with the public, and then sit down and decide what is best, and let y'all participate. What is  
607 wrong with doing that? We're not gonna shut down your business. We're not gonna starve your children.  
608 We're talking about a dock that everyone up here, as far as I know, is willing to support as long as the  
609 information comes back so that we will know what to do and properly make an ordinance that will not  
610 have to be changed again; that the gentleman who said he is out of compliance knows that he is safe up  
611 to a certain point, and that he's gonna be protected; that we really do the work that needs to be done. But  
612 we can't do that, and we cannot allow this when we know good and well we're not gonna have insurance  
613 on that lake. Who in their right mind would do that? If you work for the town, how could you justify that?  
614 Maybe nothing will ever happen. Chances are, God forbid, it will never happen. But it only takes one  
615 time, before the Town of Surfside Beach is writing a check, and let me tell you about a hold harmless. I  
616 have a lot of friends that are attorneys, and he said that child that falls off your deck, he doesn't have any  
617 contract with the town, and they don't care. We're in it, and it will probably never happen. How many  
618 times have you ever sat at home and said I never thought it would happen? We've all done that. We  
619 have a fiduciary responsibility to the town as a whole. Please, let us do our job. Promise you, with  
620 everything in my heart, I'm not gonna turn away from the docks. I'm asking you to give us time to get it  
621 right."

622  
623 Mr. Johnson: "I would like to make a motion that we go back under regular rules." Ms. Dodge:  
624 "Second." All voted in favor. **MOTION CARRIED.**

625  
626 Mayor Samples: "We're back under regular rules. Anybody wants a copy of the letter from Horry  
627 County, sorry. I'm just making sure we all got the same information. Alright, Ms. Herrmann, where are  
628 we? Is there a motion on the table?"

629  
630 Mr. Smith: "Mr. Mayor, I call for the vote."

631  
632 Mayor Samples: "Before we do that, if, if I could, I was gonna suggest to Ms. Kohlmann that your  
633 point about getting information would you like to include direction to the administrator. Would you want to  
634 amend that motion or would you like to handle it as a separate motion?"

635  
636 Ms. Kohlmann: "Separate (\*\*)." Several speaking at once (\*\*).

637  
638 Mayor Samples: "Regular order, please. There's a motion on the floor, are we prepared to vote?  
639 All in favor of the ordinance...it is the...what's the number of the ordinance?"

640  
641 Mr. Smith: "13-0766."

642  
643 Mayor Samples: "All in favor say aye." Councilmembers Dodge, Kohlmann, Smith and Stevens  
644 voted in favor. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmember Johnson voted against.  
645 **MOTION CARRIED.**

646



647 Mayor Samples: "Would you like to direct, give the administrator some direction, and I would fully  
648 support it, because again, and I have taken time, but I've seen emails from a number of councilmembers,  
649 particularly on this end and I've support them, okay, because I agree we need information, okay."  
650

651 Ms. Kohlmann: "Mr. Mayor, may we just ask if it's being done; that list, because I think, I do  
652 believe that email was sent out and everybody agreed with those questions for those places. I don't even  
653 know if it has been sent out, so before we give her, maybe she did it already."  
654

655 Several speakers from the audience (\*\*) Mayor Samples, "Regular order, regular order now. Ms.  
656 Fellner, let me, I know that I crafted an email subsequent to Ms. Kohlmann's initial email asking for  
657 information. Have we sent written documents, requests for information to all the appropriate agencies?"  
658 Ms. Fellner: "We have not from all appropriate agencies." Mayor Samples: "Have we gotten an attorney,  
659 have we given direction to the attorney in any way, shape or form with respect, and if so, can you bring us  
660 up to speed on what he's doing?" Ms. Fellner: "Well, the attorney has told us that it would increase our  
661 liability." Mayor Samples: "I understand that, but I also understand that in discussion, I think some of us  
662 remember other issues which were raised with the attorney. Have we asked for any legal review,  
663 opinion?" Ms. Fellner: "He, he did write something, yes. He did write something." Mayor Samples:  
664 "Specifically, did he answer the question as it related to public access by anybody in town, outside of  
665 town? Yes, no?" Ms. Fellner: "I believe he, I believe he did. I'd have to look at it again. I haven't..."  
666 Mayor Samples: "Okay, can you please forward his, that information to all members, to all members."  
667 Ms. Fellner: "I can do that."  
668

669 Mayor Samples: "Have we sent any kind of letter request to DHEC?" Ms. Fellner: "We had  
670 contact with DHEC; we have not sent a formal letter of request. If you want formal letters of request, if  
671 council wants formal letters of requests to FEMA, OCRM, the Army Corp, I mean, here's what's gonna  
672 happen. Normally, you don't do this unless you're in a permitting stage of something. I, I will have to  
673 craft something, and I'll have to do it. I don't even know. I'll get the attorney to work on it with me."  
674 Mayor Samples: "I think that's why we had executive session previously, okay, was to try to narrow down  
675 some of the issues at hand, because it was, in fact, on the agenda previously. Council, and this is the  
676 way I see it, council was not prepared to vote on it at that time because there was a number of  
677 unanswered questions, and in my mind, there remain a number of legitimate questions that affect non-  
678 lake owning taxpayers in this town, and before we get, before we proceed and say, sure, it's okay to do  
679 so, we want to understand the scope of our liability." Ms. Fellner: "I clearly understand what you're  
680 saying. It was not on an agenda until tonight." Mayor Samples: "And I cannot make a motion, I cannot  
681 make a motion to that effect, which is why I'm trying to clarify it in the sense that we're gonna send it back  
682 to planning and zoning. There's no question about that. But planning and zoning is gonna have the  
683 same types of questions that we have, because in fact they have more information now than they did  
684 when they first undertook the matter, because of the efforts that council has taken to try to collect  
685 information."  
686

687 Mr. Stevens: "This is just a point of information and this is my primary, make sure the public  
688 understands, planning commission met on the docks..."  
689

690 Ms. Mabry: "*Point of Order*. Point of information is when he asks the chair a question."  
691

692 Mr. Stevens: "Well, whatever, I want to make this sure that the public knows this."  
693

694 Mayor Samples: "What is the right point? You need to make a motion to suspend the rules."  
695

696 Mr. Stevens: "I'd like to make a motion to suspend the rules." Ms. Dodge and Mr. Smith:  
697 "Second." All voted in favor. **MOTION CARRIED.**  
698

699 Mr. Stevens: "The planning commission met on June 3<sup>rd</sup>, 2013. I remember attending that  
700 meeting."

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701  
702 Mayor Samples: "I do, too. I mean I remember that you attended it, because I got calls about it."  
703

704 Mr. Stevens: "Okay. I'll address that later, and then on July 2<sup>nd</sup> the planning commission met,  
705 met on that. On June 11<sup>th</sup>, Town Council met about docks, and then on July 9<sup>th</sup>, we met and we were  
706 doing second reading on the docks and at that time Ms. Fellner said that she wanted us to defer the  
707 docks so she could get some more information. And three days after that, a special meeting was called  
708 on July 12<sup>th</sup> where, I was on vacation with my brother, who was visiting. I hadn't seen him in four years,  
709 and you had a special meeting three days later after July 9<sup>th</sup>, meeting on July 12<sup>th</sup>, which that was when  
710 the docks were prohibited. Talk about a rush to judgment, or rush. That is a rush, cause we were trying  
711 to get information back on July 9<sup>th</sup>, and we never got that information. All of a sudden for some ungodly  
712 and unknown reason we called a special meeting and it, everybody has to come and it has to be done,  
713 just like boom, and I never understood that. I don't know why [sic] the reason was. I also think that we've  
714 already set legal precedence in this town by allowing encroachment permits, and I'm very, very, very  
715 afraid that this town may end up in more lawsuits, because we're denying people their property rights,  
716 and their riparian rights, and I'd hate to think that we've already got enough law suits. We've had them by  
717 the gazoos [sic], and I just hate to see us getting 'em. Our insurance rate has sky, gone sky high,  
718 because of these lawsuits."

719  
720 Mayor Samples: "Mr. Stevens..."

721  
722 Mr. Stevens: "That's all I have to say."

723  
724 Ms. Kohlmann: "I make a motion to go back to regular session." Mr. Smith: "Second." All voted  
725 in favor. **MOTION CARRIED.**

726  
727 Ms. Kohlmann: "Mr. Mayor, I'd like to make a motion to send Ordinance Number 13-0766 to  
728 planning and zoning." Mr. Stevens: "Second."

729  
730 Mr. Stevens: "Mr. Mayor, I would like to share some pictures that I took. I think everybody is  
731 around here is familiar with Plantation Lakes, and I would like to share these with council. Take a look at  
732 'em. A possible alternative..."

733  
734 Mr. Johnson: "*Point of Order*, Mr. Mayor. Number one, Plantation Lakes is not in the Town of  
735 Surfside Beach, and I think it's extremely irrelevant."

736  
737 Mr. Stevens: "It has to do with docks."

738  
739 Mr. Johnson: "Mr. Mayor, *Point of Order*. I think Councilman Stevens is wasting our time."

740  
741 Mr. Stevens: "Mr. Mayor, we are talking about docks."

742  
743 Mayor Samples: "Well, here. Mr. Stevens, I tell you what, I would like you to read something that  
744 is directly from Surfside Beach, okay, if you want to, for the record. This is the May 25, 2004 regular  
745 meeting and for your information, you see where it, you know, I'm just suggesting you read it for the  
746 record so that it gets in the record and that way we have the facts."

747  
748 Ms. Kohlmann: "Mr. Mayor, can we go back to where we were with, we have to finish something  
749 here first. I don't know if you need a motion or you need consensus of council to direct the administrator  
750 to a..."

751  
752 Mr. Smith: "Mr. Mayor, there's a motion on the floor." (Several speaking at once \*\*)

753  
754 Mayor Samples: "Okay, all in favor?" All voted in favor. **MOTION CARRIED.**

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Mayor Samples: "Okay, so we've got that done. It's going back to planning and zoning. I'm just gonna ask plainly, because I want to avoid being in the same situation that we're in and have been in for the last six months. Okay, let's speak plainly. Can we get some written ans...I'm glad that we have something that I haven't read, but I will read it after the meeting, from Horry County so that I can be up to date with the latest and greatest, and I appreciate Mr. Smith bringing that to my attention. But, there are other agencies involved and I think, again, it would be worthwhile to direct the administrator to, if necessary, work through the attorney to craft the appropriate letters so that we don't find out when we adopt the ordinance, for example, that now we have to put in ADA (Americans with Disabilities Act) compliant access to these public lakes, and then we'll start taking telephone calls about people out in the lakes in the middle of the night or what have you. All I want to do is I want to preempt that type of problem, and I think it would be worthwhile to get (\*\*) so if somebody else would..."

Ms. Kohlmann: "Can we do it by consensus or does it need a motion, Mr. Mayor?"

Mayor Samples: "I would prefer that it be done by motion in this instance since, you know, I thought we tried to do this several times."

Ms. Kohlmann: "Mr. Mayor, I'd like to make a motion to direct the administrator to gather the information that was sent in email for all those agencies listed and come back to council."

Mayor Samples: "From any member? All those emails?"

Ms. Kohlmann: "The emails, any, any agency that any member of council had asked for."

Mayor Samples: "Thank you. Does everybody understand the motion?"

Mr. Smith: "Second."

All voted in favor. **MOTION CARRIED.**

**ii. #14-0769 to amend §9-50 Wrecker and Tow Services, Chief Keziah.**

Chief Keziah presented the ordinance explaining that it was a simple change to allow the rotation year to begin in January, the department's slow time, instead of June in the midst of the tourist season.

Mr. Johnson moved to approve first reading of Ordinance #14-0769 as presented. Mr. Stevens. Seconded. All voted in favor. **MOTION CARRIED.**

**B. Resolution #14-140 to name Poplar Park the T. J. 'Bill' Harrison Park, Administrator Fellner.**

Ms. Fellner presented the resolution. Ms. Herrmann read the resolution for the record along with the amendments suggested by Mr. Harrison, which are printed in red ink.

Resolution #14-140, in recognition of T. J. "Bill" Harrison, First Mayor of the Town of Surfside Beach Naming Poplar Park the "T. J. 'Bill' Harrison Memorial Park."

WHEREAS, the Town of Surfside Beach Town Council in chambers duly assembled in a regularly scheduled meeting held on the 14th day of January 2014 is desirous of recognizing Thomas Jenkins Harrison, also known as T. J. 'Bill' Harrison, the first mayor of the Town of Surfside Beach; and

808 WHEREAS, Town Council recognizes that a policy was adopted on September 9,  
809 2003 that prohibits naming public properties after individuals; however, that policy was  
810 not codified as an ordinance, and Town Council deems it appropriate that this resolution  
811 be adopted for the following reasons:  
812

813 1. T. J. "Bill" Harrison was the first mayor of the Town of Surfside Beach.  
814

815 2. The Harrison Family has maintained a presence in Surfside Beach since  
816 before its inception in 1964, **beginning in 1956 as the sixth permanent residents of**  
817 **Surfside Beach.**  
818

819 3. The first town hall office was located **in adjacent to** Mr. Harrison's grocery  
820 store on Highway 17 South at 3<sup>rd</sup> Avenue, **in an office space built for this purpose; the**  
821 **first post office was also located adjacent to the grocery store.**  
822

823 4. The town celebrates its 50<sup>th</sup> Anniversary this year and the 50<sup>th</sup> Anniversary  
824 Focus Group recommended naming Poplar Park in honor of Mr. Harrison.

825 NOW, THEREFORE, BE IT RESOLVED that the Town of Surfside Beach Town Council  
826 does hereby formally name the park located on the corner of Surfside and Poplar Drives  
827 as the T. J. "Bill" Harrison Memorial Park.  
828

829 BE IT FURTHER RESOLVED that the following steps shall be taken to effect this  
830 change:  
831

832 1. A sign designating the park as the T. J. "Bill" Harrison Memorial Park shall be  
833 erected in the park at the corner of Surfside Drive and Poplar Drive.  
834

835 2. A bronze relief of former Mayor Harrison shall be erected.  
836

837 3. Said relief shall include former Mayor Harrison's tenure, 1964 to 1967, and  
838 such other information as Town Council approves upon recommendation of the town  
839 administrator.  
840

841 4. The town administrator is directed upon adoption of this resolution to  
842 implement this change.  
843

844 **BE IT SO RESOLVED**, this 14th day January 2014.  
845

846 Mr. Smith moved to adopt Resolution #14-140 and incorporate the changes as read by the clerk  
847 in the second and third items. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**  
848

849 Mayor Samples recognized Mr. and Mrs. Randy Harrison, who were in the audience. He said the  
850 recognition was long overdue, but good things were worth waiting for. Mayor Samples explained that Mr.  
851 Randy Harrison was the son of mayor, T. J. Harrison. Town Council was pleased to recognize his service  
852 to the town. (*Applause.*) Mr. Harrison, speaking from the audience, thanked Town Council, the 50<sup>th</sup>  
853 Anniversary Focus Group, and staff who worked on the project to honor his father. On behalf of his  
854 brother, sister and other family members he offered sincere appreciation.  
855

856 **C. Fixed Asset Inventory, Mayor Samples and Councilmember Stevens.**  
857

858 Mr. Stevens said this was discussed in the finance committee. Basically, the desire is to direct  
859 the administrator to give Town Council a complete and up to date inventory of all fixed assets the town  
860 owns that could be published on the website so all the people in town know exactly what the town's  
861 money was being spent on and what was in the inventory so the citizens were completely informed.



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Mr. Stevens moved to direct the administrator to prepare a fixed asset inventory as recommended in the audit. Mr. Smith seconded.

Ms. Kohlmann wanted to find out if there was a timeframe set for completion and if the administrator could explain what would be involved in preparing the inventory.

Mayor Samples said the finance director indicated that the inventory was prepared as a matter of routine in the past, and that it would not be difficult to prepare. He believes Ms. King would be able to complete the inventory timely along with department directors' assistance.

All voted in favor. **MOTION CARRIED.**

**D. Committee Recommendations, Administrator Fellner.**

**i. Keep Surfside Beach Beautiful Committee – Hanging Baskets.**

Ms. Fellner said the Keep Surfside Beach Beautiful Committee conducted a successful pilot program for hanging flower baskets. The committee recommends expanding the project to be budgeted annually. The proposal was to hang flower baskets along Surfside Drive and the pier parking area. It was recommended that a company be contracted for basket maintenance. The first year total would be \$13,636, which includes hardware, plants, and maintenance. There would also be a recurring annual fee of \$4,800 to cover plants and an outside maintenance contract. Ms. Fellner said for this particular year, there is enough landscaping funds budgeted in non-departmental general fund specifically designated for Ocean Boulevard to cover the cost. Currently in that line item there is approximately \$25,000. There was some discussion of using accommodations tax money; however, she did not recommend doing so as landscaping was not sanctioned in the state code except for feeders off highways leading to large public venues. A case could possibly be made for using accommodations tax funds for the baskets on Surfside Drive, but not on Ocean Boulevard or at the pier. It would probably be a fight with the Tourism Expenditure Revenue Committee, because that has been disallowed. Large feeders or gateways are highways like Interstate 95, not Highway 17. Town Council may make that decision on funding.

Mr. Smith thought this was a large sum of money and even though funds were budgeted and available, he preferred to wait until the next fiscal year to spend this kind of money. He would like to keep the baskets at the pier parking lot, and he would let the administrator and the staff figure out how to keep them watered. He asked that it be added to the budget items to consider for the next fiscal year.

Ms. Dodge agreed. This was not in the budget at this time, and she thought Mr. Smith's was a very good suggestion to look at it next year.

Ms. Mabry said \$25,000 was budgeted for landscaping on Ocean Boulevard. Town Council did put that in the budget. It is in the budget. She wanted to make sure that nobody was misled and to think that it might be taken out of another fund or that they would expand; this would not be an amended budget item at the budget retreat; \$25,000 was included in the budget to improve landscaping on Ocean Boulevard. Ms. Mabry wanted to see the money used for what it was budgeted for.

Mr. Stevens said based on the very words that Ms. Mabry said he was opposed to spending the money, because she said this was money allocated for Ocean Boulevard. The diagram presented shows Surfside Drive. He did not believe this should be done now. If council wants to spend the money, spend it on Ocean Boulevard, but not on Surfside Drive. He, too, would like to wait until the next fiscal year.

Mayor Samples asked what the planned use was for the \$25,000. Ms. Fellner said landscaping after the parking system was evaluated; landscaping would be installed where cars were parking illegally. Mayor Samples said Ms. Fellner suggested funds were available. Ms. Fellner said this would not have

916 been brought forward as a possible funding source, if she did not believe there was enough money in the  
917 budget line.  
918

919 Ms. Kohlmann said there are eight baskets at the pier parking lot. She asked if volunteers  
920 maintained those baskets. Ms. Fellner said because of the liability, staff now takes care of those baskets.  
921 Ms. Kohlmann was not opposed to the project, if funding was available. However, she did not think  
922 putting hanging baskets all down Surfside Drive would be beneficial, and suggested baskets be placed in  
923 the business district. The middle portion of Surfside Drive needs much more work than hanging some  
924 baskets. She suggested the project be discussed at the budget retreat where Mr. Adair could present this  
925 and other ideas for improving Ocean Boulevard. Ms. Fellner said the committee issue was that if council  
926 waits until the budget retreat, which is late this year, the whole season would be missed. She was trying  
927 to present the committee's concerns as well, because it was the committee's recommendation. Ms.  
928 Kohlmann asked if Ms. Fellner thought that many planters were necessary; were there any options to the  
929 committee's plan? Ms. Fellner said this was the committee's recommendation.  
930

931 Mayor Samples said for background the committee came to Ms. Fellner thinking that  
932 accommodations tax funds would be available for use at the pier parking lot and on Ocean Boulevard.  
933 The town does not have many gateways, per se, but in terms of tourists, but it does have Surfside Drive,  
934 and the pier is a focal point. He thought the committee tried to fit the recommendation to meet the  
935 allowable use of accommodations tax funds. Mayor Samples had no problem delaying, but he was a little  
936 disappointed that the middle of slow season was here, and the parking committee recommended the  
937 removal of plants from certain golf cart beach accesses to increase the number of golf cart parking  
938 spaces. Here \$25,000 was budgeted by Town Council for landscaping, but there did not seem to be a  
939 plan. Mayor Samples commended the committee for at least putting pen to paper and crafting a  
940 recommendation for which a pilot program was approved previously. He believed everyone agreed that  
941 the area at the pier area looked nice. He had not had any calls asking that the plants be taken down.  
942 With the exception of Ms. Mabry, he believed there was no interest by council to pursue this project, and  
943 asked if that was a fair assessment. Several members responded yes.  
944

945 Mr. Johnson did not have a problem with hanging baskets in the business district on Surfside  
946 Drive for this year, but between Poplar and the ocean, he thought more plans and budgeting should be  
947 done for next year.  
948

949 Ms. Kohlmann agreed with Mr. Johnson. She thought there was a lot in the schematic of plants.  
950 She was not saying not to do the project, because the committee did a great job, but she would not be  
951 opposed to baskets in the business district, which would reduce the amount of funds necessary. It could  
952 be a starting point, and as funds were available, more baskets could be added.  
953

954 Mayor Samples said there was \$25,000 in the budget for landscaping, and none had been spent.  
955 Ms. Fellner said that was correct. Mayor Samples said obviously there was a division, and recommended  
956 beautify the business district on Surfside Drive, which was suggested by Mr. Johnson and Ms. Kohlmann,  
957 and he believed Ms. Mabry would support that. In addition, he believed the town should continue to  
958 beautify the area down by the pier and keep the pier nice, because the more business it attracts the  
959 better off the town would be. Many people just drive down Ocean Boulevard. Mayor Samples said,  
960 frankly, he did not oppose spending more, but suggested cutting the budget in half and asking the  
961 committee to devise a plan based on that amount.  
962

963 Mr. Smith asked if public works could provide information about the plans for the \$25,000 and  
964 plans for Ocean Boulevard.  
965

966 Mayor Samples suggested Mr. Adair be asked that question the next time he presents. Ms.  
967 Fellner said staff was waiting to see what council would do with parking before planning any landscaping  
968 improvements.  
969

970 Mayor Samples said the consensus was that Town Council appreciated the Keep Surfside Beach  
971 Beautiful Committee's recommendations; Town Council was not prepared to support the amount  
972 requested for this fiscal year, but would support an amount of about \$13,600.

973  
974 Mr. Smith asked if council could specifically state that it wanted the business district beautified  
975 and the pier parking lot.

976  
977 Mayor Samples said yes, and if there were funds remaining, they should consider adding the  
978 areas on Ocean Boulevard from 3<sup>rd</sup> Avenue North to 3<sup>rd</sup> Avenue South should be included, because that  
979 was where the utility lines were placed underground.

980  
981 **COUNCIL CONCURRED.**

982  
983 **ii. Parking Committee.**

984  
985 Mayor Samples said the recommendations would be addressed individually as they were  
986 presented. Ms. Fellner said the Parking Committee met on January 10<sup>th</sup> to consider recommendations to  
987 Town Council regarding the upcoming parking meter season. The committee approved the following  
988 recommendations by motion:

989  
990 1. The town should continue using Lanier Parking Solutions to manage its parking meters, and  
991 pay stations.

992  
993 Ms. Dodge moved to approve the recommendation to continue using Lanier Parking Solutions to  
994 handle parking in the town. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

995  
996 2. Leave all existing parking meters and pay stations in place for the ensuing year.

997  
998 Mr. Smith moved to accept this recommendation. Mr. Stevens seconded.

999  
1000 Mayor Samples asked what impact this would have financially. Ms. Fellner said there were some  
1001 recommendations that were not properly voted on, but she did want council to be aware of the options. A  
1002 purchase would be necessary, because last season the town used 30 IPS meters as demo units, which  
1003 are the most up-to-date machines that allowed users to swipe a credit or debit card to pay. Those  
1004 machines had to be returned to the manufacturer and the town will need to purchase replacements.

1005  
1006 Mayor Samples said he attended the parking committee meeting, and the recommendations were  
1007 not formally voted on by the committee, because it was information provided at the end of the meeting.  
1008 He wanted council to be aware. Mayor Samples asked if any of the expenditures were budgeted. Ms.  
1009 Fellner said a budget amendment would be required. Mayor Samples asked Ms. Fellner to present the  
1010 committee's informal recommendations.

1011  
1012 Ms. Fellner said the informal recommendation was to purchase 30 POM meters to replace the 30  
1013 IPF meters, and 12 additional POM meters to replace the 12 old Duncan meters that do not have any  
1014 data capability. The only disadvantages to using the POM meters compared to the IPS are that the user  
1015 has to take time to call the number and associate the card rather than just swiping it. The system does  
1016 not allow the ability to generate advanced reports in real time; reports must be prepared by manually  
1017 manipulating the data with a time delay. The town would receive a volume discount and the total cost for  
1018 the POMS would be \$16,615.08 plus about \$4,000 shipping.

1019  
1020 Ms. Fellner said the other two possibilities associated with keeping the same number of meters  
1021 are (1) utilizing 28 IPS meters, 14 POMs, bases and adaptors, which would cost \$28,130.50, plus  
1022 shipping and (2) using all old Duncan meters in the 16<sup>th</sup> Avenue South on-street lot, which would require 6

1023 new POMs (non-discount price), which totals \$3,273.60, plus shipping. Disadvantages for Duncan  
1024 meters are:

- 1025
- |      |   |                               |
|------|---|-------------------------------|
| 1026 | a. They do not take credit cards.         | d. They jam frequently.       |
| 1027 | b. There is no accountability for money.  | e. Fill up faster.            |
| 1028 | c. There is no data reporting capability. | F. Require more service time. |
- 1029

1030 Mayor Samples asked Ms. Fellner for her recommendation, since the committee did not make a  
1031 formal recommendation. Ms. Fellner thought the POM meters would be a good choice. IPS meters were  
1032 great, but everyone did not have to drive a luxury vehicle.

1033

1034 Mr. Smith asked if POM meters had been used anywhere in town. Ms. Fellner said yes, she did  
1035 not have the exact locations, but they were used throughout the town. Mr. Smith asked if they were any  
1036 on Ocean Boulevard. Ms. Fellner said yes. Mr. Saunders said (from the audience) at 16<sup>th</sup> Avenue North.  
1037 Mr. Smith said the information recommendation and Ms. Fellner's recommendation was to spend the  
1038 \$16,615.08 plus shipping for the POM meters and that would require a budget amendment. Ms. Fellner  
1039 said yes, that was correct. Mr. Smith asked if this was a total of 42 meters. Ms. Fellner said yes, that  
1040 number would replace the 30 IPS meters and 12 Duncan meters still in use. Mr. Smith asked if they  
1041 would be installed at 16<sup>th</sup> Avenue North. Ms. Fellner said the new meters would be placed everywhere  
1042 the IPS meters were located; she did not have specific locations. Mr. Smith asked what the impact would  
1043 be if the 42 meters were not installed until July 1<sup>st</sup>. Ms. Fellner said she would have to calculate the loss  
1044 of revenue and figure where they could be placed to lose the least amount of revenue. Mr. Smith said  
1045 some meters did not generate a lot of revenue. Ms. Fellner said as the other recommendations were  
1046 considered, she believed the parking committee was trying to drive business to... Mr. Smith said to the  
1047 Ocean Boulevard parking meters. Ms. Fellner said exactly.

1048

1049 Mayor Samples said correct.

1050

1051 Mr. Smith asked if a decision could be delayed until some of the other recommendations were  
1052 discussed.

1053

1054 Mayor Samples said this recommendation would be revisited. **NO ACTION WAS TAKEN ON**  
1055 **THE MOTION.**

1056

1057 3. All signs should include hours of enforcement whether in paid parking or by permit only  
1058 parking areas. Signs should have white backgrounds with green lettering.

1059

1060 Ms. Dodge asked if green was more visible than black for signage; people were used to black  
1061 and white signs. Ms. Fellner believed it was standard for parking areas and parking signage. Mr.  
1062 Saunders said (from the audience) it was green and white or red and white.

1063

1064 Ms. Kohlmann asked if all the existing signs would have to be replaced; the existing signs on  
1065 Ocean Boulevard just say parking in metered spaces only. She asked if the existing signs could have the  
1066 hours added. Ms. Fellner said it depended; on side streets where permit only parking areas are  
1067 recommended, that would require new signage. Ms. Kohlmann understood that, but the existing signs do  
1068 not say no parking, nor are times posted. Ms. Fellner did not know if the signs could be refinished; some  
1069 signs can be refinished, but some cannot be done. She did not want to misspeak. Ms. Kohlmann said  
1070 this would involve another budget amendment. Signs are over \$30 each.

1071

1072 Mayor Samples said that Ms. Kohlmann was correct.

1073

1074 Mr. Smith asked if there was a cost estimate for the signage recommended in number 3. Ms.  
1075 Fellner said \$30 each was a good number, and she believed there were 30 signs on each end of the  
1076 boulevard, so about \$1,800.



1077  
1078 Mayor Samples said the cost of signs for Yaupon and Dogwood also had to be included.  
1079

1080 Ms. Kohlmann agreed that the times should be posted on the signs and that they should state no  
1081 parking where applicable to avoid confusion. When people see signs that state parking in meters only  
1082 and there are meters on just one side, it is confusing. The sign should state no parking.  
1083

1084 Mayor Samples said that was what the landscaping was supposed to address on Ocean  
1085 Boulevard.  
1086

1087 Ms. Kohlmann moved to defer action on this recommendation until the public works director could  
1088 report exactly how many signs were required, where they would be located, and what the cost would be.  
1089 Mr. Johnson seconded. Mayor Pro Tem Mabry, and Councilmembers Dodge, Johnson, Kohlmann, Smith  
1090 and Stevens voted in favor. Mayor Samples voted against. **MOTION CARRIED.**  
1091

1092 Ms. Fellner said to be clear about the motion, Town Council wants pricing should it accept all of  
1093 the recommendations, because that would determine how many signs were needed and where they  
1094 would be located.  
1095

1096 Mayor Samples believed council should go through the recommendations to define what it  
1097 wanted Mr. Adair to do.  
1098

1099 Ms. Kohlmann moved to reconsider the vote on item number 3.  
1100

1101 Mr. Smith believed the motion was in order, because recommendation numbers 4 and 5, if  
1102 adopted would define where Mr. Adair would need to look to see how many signs he needs.  
1103

1104 Mayor Samples said there was a motion to reconsider and asked for a second. Mr. Stevens  
1105 seconded. All voted in favor. **MOTION TO RECONSIDER CARRIED.**  
1106

1107 Mayor Samples asked that the clerk restate the motion. Ms. Herrmann said Ms. Kohlmann  
1108 moved to defer number 3 to Mr. Adair to report to council the pricing and the number of signs that would  
1109 be needed.  
1110

1111 Ms. Kohlmann was unsure whether this item could be decided at this time without more  
1112 information.  
1113

1114 Mayor Samples asked to defer this item until the end and bring it back tonight. If a formal deferral  
1115 is necessary, it can be done later.  
1116

1117 Ms. Mabry asked if council would entertain holding a workshop so Mr. Adair and the parking  
1118 committee could participate so these questions could be answered. It was difficult to make informed  
1119 decisions when there were so many questions and no one here to answer them. Town Council was  
1120 guessing.  
1121

1122 Mayor Samples thought council owed the committee the courtesy of raising questions tonight.  
1123 The committee spent several hours formulating these recommendations.  
1124

1125 4. Permit parking only from 3<sup>rd</sup> Avenue South to 3<sup>rd</sup> Avenue North on Yaupon Drive. Appropriate  
1126 signage should be posted.  
1127

1128 Mr. Stevens moved to adopt number 4 as it reads. Ms. Dodge seconded.  
1129

1130 Mr. Johnson could not agree, because in his opinion, it was ludicrous.

1131  
1132 Ms. Mabry was concerned about the private residences along that road. In theory it was a great  
1133 idea, and she understood the intent of not having everyone parking on side streets away from the meters.  
1134 But, she reiterated her concern about permanent residents that might have guests.  
1135

1136 Mayor Samples said it was important to note that the recommended hours were from 9:00 a.m. to  
1137 7:00 p.m.  
1138

1139 Ms. Kohlmann said for the record, "for as few as there might be there, there are permanent  
1140 residents that live on Ocean Boulevard, as well. So, it would probably be throughout the town, I mean,  
1141 there's parking meters on those permanent residents' front lawns. So, I'm just stating for the record that  
1142 we have residents that live in the entire Town of Surfside Beach."  
1143

1144 Mr. Smith said permanent residents would benefit by this, because they have permits. They  
1145 could park; it was the people without permits that would have to move to metered parking, and not park  
1146 free on the side streets. The permanent residents really would not be impacted by this, because they  
1147 have the stickers.  
1148

1149 Ms. Stevens concurred with Mr. Smith. Most of the permanent residents have their own parking  
1150 under their beach houses, and this applies to the areas where they would be parking in the rights-of-way  
1151 along the streets. He thought this was a good recommendation by the parking committee.  
1152

1153 Mayor Samples said hopefully they would not have many family or friends visit at the same time  
1154 and have to park on the right-of-way.  
1155

1156 Councilmembers Dodge, Kohlmann, Smith and Stevens voted in favor. Mayor Samples, Mayor  
1157 Pro Tempore Mabry, and Councilmember Johnson voted against. **MOTION CARRIED.**  
1158

1159 5. Permit parking only along Dogwood Drive and on all streets from Melody Lane to 16<sup>th</sup> Avenue  
1160 North beginning at Dogwood Drive and intersecting with Ocean Boulevard. Appropriate signage to be  
1161 posted.  
1162

1163 Mr. Stevens moved to adopt number 5 as written. Ms. Dodge seconded.  
1164

1165 Mr. Johnson said this is a beach town plain and simple. If you want to run people out of town,  
1166 you're doing a good job of it. That was all he had to say. If you run the people out of town, so will the  
1167 money be run out of town.  
1168

1169 Mr. Stevens said he had been to other resort towns that resemble Surfside Beach. They have  
1170 the same type of parking by permit only. Key West, Vero Beach, and Coco Beach were good examples.  
1171 Those cities have no problem attracting tourists; they park and they pay and are glad to do so, because  
1172 they want to see the sights. Whether it's the beach or fishing on the pier, they would pay.  
1173

1174 Mayor Samples pointed out to members that this particular recommendation would affect the R-1  
1175 district on the north end. There was no distinction between which side of the street. Mayor Samples said  
1176 he would not support the recommendation, but he suspected there may be a majority who would.  
1177

1178 Mr. Smith said if this passes tonight, he would like to ask public works to advise council of the  
1179 impact on R-1 and perhaps it could be adjusted at another meeting.  
1180

1181 Mayor Samples said there was no problem asking for information, and he supported that. He just  
1182 could not support restricting parking in the R-1 district.  
1183

1184 Councilmembers Dodge, Kohlmann, Smith and Stevens voted in favor. Mayor Samples, Mayor  
1185 Pro Tempore Mabry, and Councilmember Johnson voted against. **MOTION CARRIED.**  
1186

1187 6. All beach crossover golf cart parking and golf cart parking in paid parking lots should have  
1188 signs stating golf cart parking by permit only.  
1189

1190 Mr. Smith said he had a different motion to offer, and moved that designated golf cart only spaces  
1191 in all paid parking lots will be by permit only; signs will be erected at all designated golf cart only parking  
1192 spaces in the paid parking lots that will read golf cart parking by permit only, and all beach accesses  
1193 without paid parking, golf carts may park for free. Mr. Stevens seconded.  
1194

1195 Mr. Johnson did not disagree with the motion, but he would like to have it brought back to the  
1196 next council meeting with something in writing.  
1197

1198 Mr. Smith would like to vote on the motion tonight, but he wanted to ask the administrator to  
1199 incorporate the council's recommendations in a resolution so that a document will clearly state what was  
1200 recommended.  
1201

1202 Mayor Samples believed that would be appropriate direction to the administrator at the end. He  
1203 asked for clarification in the parking access areas the assumption was that the motion was to restrict  
1204 parking to permitted golf carts only.  
1205

1206 Mr. Smith said that was right.  
1207

1208 Mr. Stevens said if he was correct, Mr. Smith said in paved parking lots.  
1209

1210 Mr. Smith said no, the word was "paid."  
1211

1212 Ms. Kohlmann said some of the beach accesses have brick work.  
1213

1214 Mayor Samples said that was correct, but it was not considered pavement.  
1215

1216 Ms. Kohlmann said so it would only apply where there are machines, meters. She believed that  
1217 was discussed before with an intent that people who come to the pier the golf cart parking was by permit  
1218 only; others would have to go into the golf cart lot on Yaupon.  
1219

1220 Mayor Samples asked if the intention was to make it illegal for folks who did not have a Surfside  
1221 Beach permit to park unless they parked in a paid metered parking spot.  
1222

1223 Mr. Smith said that was the intent.  
1224

1225 Ms. Kohlmann thought the concern was that when residents go to park in those spots, there is no  
1226 parking available for them, because you have to remember the state law has changed to allow golf cart  
1227 drivers to travel a four mile radius from their homes. She said there is no disputing that four miles is a  
1228 much larger area, which creates much more volume. Because the out of town neighbors are parking in  
1229 those spaces and residents are having to park in metered spaces normally used by cars, which results in  
1230 lost revenue.  
1231

1232 Mayor Samples agreed with Ms. Kohlmann's point. He had personally never seen at the beach  
1233 crossovers a time when there were not any open spaces for golf carts. Having said that there may be  
1234 particular places that fill up, but he assured members for the record "that on both ends, north and south,  
1235 there is plenty of golf cart parking available at those beach ends."  
1236

1237 Ms. Kohlmann explained that she was talking about the parking lots; not beach accesses.

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Mayor Samples said he was saying that now it would be illegal for nonresidents to drive across the highway and park without paying. That was his opinion.

Mr. Stevens thought Mayor Samples was incorrect. He believed that Mr. Smith said that in the non-pay areas like 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue, they could park for free. This affects only the pay areas.

(\*\*) Several speaking at once.

Mr. Samples said he was at the meeting and his understanding was that it was specifically designed, which is why he made his earlier comment, about making it illegal for non-permitted golf carts to park anywhere.

Mr. Smith said that was not correct, and restated the motion saying it concerned golf cart parking at beach accesses: "Designated golf cart only spaces in all paid parking lots will be by permit only;" it has to be a beach access and it has to be a paid parking lot, and he was sure that Ms. Fellner could name all those place, but he did not want to ask her. Mr. Smith continued saying that the appropriate signs will have to be erected, and at all beach accesses without paid parking spaces golf carts may park for free. He explained is there was no paid parking like at 1<sup>st</sup> Avenue North, and 2<sup>nd</sup> Avenue North, the un-permitted golf carts could park for free.

Ms. Fellner clarified that this was not the recommendation of the parking committee.

Mr. Smith said he made that comment earlier, and perhaps the comment was missed. He was not using the parking committee recommendation.

Mayor Samples said the intent was not to eliminate all non-permitted golf cart parking. Several members said that was not the intent. Mayor Samples said he understood.

Councilmembers Dodge, Kohlmann, Smith and Stevens voted in favor. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmember Johnson voted against. **MOTION CARRIED.**

7. Parking hours should be amended from "7:00 a.m. to 7:00 p.m." to "9:00 a.m. to 7:00 p.m."

Ms. Fellner said the estimated financial cost to change the hours was estimated at approximately \$13,000, because that was the amount taken in during the 7:00 a.m. to 9:00 a.m. hours this year.

Mr. Smith preferred to keep 7:00 a.m. to 7:00 p.m. and the \$13,000 could be used to help purchase the new meters that the committee recommends. Mr. Smith moved to keep the parking hours the same; that is from 7:00 a.m. to 7:00 p.m. Ms. Dodge seconded.

Ms. Mabry said she could understand changing from 8:00 a.m. to 7:00 p.m., but she believed the intent was to help the businesses out. Not very many people arrive at 7:00 a.m., maybe more around 8:00 a.m., but she thought the parking committee did an excellent job. They really studied every dime and she could support 8:00 a.m. to 7:00 p.m.

Ms. Kohlmann said the amount of money mentioned, \$13,000, was only for those two hours, so if somebody was to offer a different time...

Mayor Samples supported trying to help the business community at the pier in the sense that if they could ever reach the success that the previous tenants had, they would get a lot of walk in traffic from people that come to town and enjoy having breakfast at the pier. He understood that part of the recommendation was partly because of a staffing issue. He reminded everyone that all the recommendation had a consequence and affect the contractor, because the contractor performs



1292 enforcement. He asked if the contract with Lanier had been revised to reflect the changes and whether  
1293 Lanier's budget estimate reflects the increase in the level of effort anticipated by adoption of the permit  
1294 only parking areas. Ms. Fellner said when she met with Lanier, the parking committee had not yet met.  
1295 So, the parking committee recommendations were not included in the Lanier negotiations. Lanier is  
1296 coming back with some other recommendations, and the contract does call for enforcement by Lanier  
1297 from Dogwood Drive to Ocean, and Lanier thinks it will be an easy enforcement. Basically, their  
1298 employees can travel down the road and look for cars without a permit affixed. Mayor Samples said the  
1299 expectation is there will be an increase in level of effort. Ms. Fellner thought there would be.

1300  
1301 Mr. Stevens asked if Ms. Fellner knew the actual reason the parking committee made the  
1302 recommendation on number 7. Ms. Fellner believed it was businesses. Chairman Saunders said (from  
1303 the audience) said the committee was trying to help the pier restaurant.

1304  
1305 Mr. Smith voted in favor. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers  
1306 Dodge, Johnson, Kohlmann, and Stevens voted against. **MOTION FAILED.**

1307  
1308 Mr. Stevens moved to adopt number 7 as written by the parking committee. Ms. Kohlmann  
1309 seconded. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson,  
1310 Kohlmann, and Stevens voted favor. Mr. Smith voted against. **MOTION CARRIED.**

1311  
1312 8. Bike Week free motorcycle trailer parking should continue in perpetuity until such time as  
1313 Town Council decides to change the use; allowed in the 13<sup>th</sup> Avenue South parking lot and the 16<sup>th</sup>  
1314 Avenue North parking lot during the two bike week events.

1315  
1316 Mr. Stevens moved to adopt number 8 as written. Ms. Mabry seconded.

1317  
1318 Mayor Samples suggested for future consideration that special dispensation might also be made  
1319 the for Guy Daniels Memorial Surf-off event that is a home-grown foundation. Guy Daniels grew up in  
1320 Surfside Beach and died of a heart attack while jogging on Dogwood Drive. The event is a bona fide  
1321 charity event that raises money to help area students. In the past, the council allowed free parking during  
1322 the event.

1323  
1324 All voted in favor. **MOTION CARRIED.**

1325  
1326 9. Public works should post proper signage for all areas where "parking by permit only" and/or  
1327 "paid" parking are allowed.

1328  
1329 Mr. Stevens moved to adopt number 9 as written by the parking committee. Ms. Dodge  
1330 seconded.

1331  
1332 Mr. Smith said Mr. Adair's input was needed on costs. Proper signage was necessary, but he  
1333 would like to know the additional cost amount before adoption.

1334  
1335 Mr. Stevens and Ms. Dodge withdrew the motion and second.

1336  
1337 Ms. Fellner said there were two informal recommendations for Town Council to consider. The  
1338 first was the one already discussed about purchasing the POM meters at a cost of \$16,615.08 plus  
1339 shipping of approximately \$4,000. The second informal recommendation was for the town to ask SCDOT  
1340 (South Carolina Department of Transportation) to place no parking signs in the rights-of-way along  
1341 Melody Lane from Dogwood Drive to Ocean Boulevard.

1342  
1343 Mr. Stevens moved to adopt the recommendation to request that SCDOT place no parking signs  
1344 in the rights-of-way along Melody Lane from Dogwood Drive to Ocean Boulevard. Ms. Dodge seconded.

Regular Town Council Meeting  
January 14, 2014

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1345 Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Kohlmann, Smith and Stevens  
1346 voted in favor. Councilmember Johnson voted against. **MOTION CARRIED.**

1347  
1348 Ms. Fellner restated recommendation number 2, Leave all existing parking meters and pay  
1349 stations in place for the ensuing year.

1350  
1351 Mayor Samples asked what that meant in terms of the recommendation for purchasing meters.  
1352 Ms. Fellner said it would be a budget amendment for \$16,615.08, plus shipping, which is the informal  
1353 recommendation of the parking committee.

1354  
1355 Mr. Stevens moved to accept recommendation 2 as stated, and to accept the informal  
1356 recommendation to purchase meters at a cost of \$16,615.08, plus shipping. Ms. Dodge seconded.  
1357 Mayor Pro Tempore Mabry and Councilmembers Dodge, Kohlmann, Smith and Stevens voted in favor.  
1358 Mayor Samples and Councilmember Johnson voted against. **MOTION CARRIED.**

1359  
1360 Ms. Fellner said numbers 3 and 9 had to be deferred until costs could be determined. That  
1361 information would be presented to Town Council at the next meeting.

1362  
1363 Mayor Samples asked what information would be presented by Mr. Adair. Ms. Fellner said the  
1364 approximate number of signs and the cost to refurbish existing signage and purchase new signs as  
1365 necessary to implement the proposed recommendations.

1366  
1367 Mr. Smith asked how long it would take for delivery and installation. Ms. Fellner said from the  
1368 date the order was placed it would take approximately six weeks. Staff usually assists Lanier with  
1369 installation and installation was completed within two to three days. Mr. Smith asked if all the poles were  
1370 in place and the meter had to be put on top of the poles. Ms. Fellner said all of the poles were in place,  
1371 but the POM meters require 15 additional mounting adapters, and that was included in the cost. Mr.  
1372 Smith asked if the mounting adapters were dual or single. Ms. Fellner said they were dual. Mr. Smith  
1373 said if this was delayed until July 1<sup>st</sup>, they wouldn't be installed until September or October. Ms. Fellner  
1374 said that was correct. Mr. Smith said basic cost with shipping would be around \$21,000. Ms. Fellner said  
1375 between \$20,000 and \$21,000, based on the shipping for other meter orders. She did not want council to  
1376 think the shipping cost would be \$200 and then it be \$4,000.

1377  
1378 Mr. Stevens asked if it was possible to have the sign pricing by the next council meeting. Ms.  
1379 Fellner said yes.

1380  
1381 Mr. Smith moved to buy 42 POM meters to be installed per the administrator's direction for a cost  
1382 of \$16,615, plus shipping. Ms. Mabry seconded.

1383  
1384 Mr. Smith said it pained him to make the motion, but he felt like the town needed the meters, but  
1385 it really hurt.

1386  
1387 Mayor Samples said it was a surprise, maybe council should have known, but he did not believe  
1388 the committee knew about it until the very end, and it was something that was last minute discussed. To  
1389 the extent the unbudgeted items can be avoided, when council knows in advance; staff has to work hard  
1390 to identify those items, so when they come forward there are no surprises. Ms. Fellner said in all fairness,  
1391 staff could not make that recommendation or say that would be an expenditure, when staff does not know  
1392 if council would even keep parking. Council may have decided to remove many of the meters, then there  
1393 would have been no shortfall. Mayor Samples understood, but the fact of the matter was there is a 5-year  
1394 contract with Lanier. Ms. Fellner said the contract could be cancelled with 30-days notice. Mayor  
1395 Samples understood, but said staff must use best judgment just as council does. His point was the more  
1396 unbudgeted items there were showed that they were headed in the wrong direction. No one wants to go  
1397 that way.

1398

1399 Ms. Mabry said when the parking meetings were held, council was informed that the loaner  
1400 meters were being used and that they would have to be replaced. She remembered that conversation  
1401 very well, because they sent the "fancy-dancy" ones, and she was sure the company wanted the town to  
1402 continue to keep them.  
1403

1404 Mayor Samples asked if anyone knew how much was paid to the town for the old meters. Ms.  
1405 Fellner said the old meters were cannibalized; many of them no longer work, there were about 89  
1406 functioning meters at the end of the last parking season that the town handled.  
1407

1408 Mayor Pro Tempore Mabry and Councilmembers Dodge, Kohlmann, Smith and Stevens voted in  
1409 favor. Mayor Samples and Councilmember Johnson voted no. **MOTION CARRIED.**  
1410

1411 Mayor Samples expressed appreciation to Chairman Saunders and the parking committee  
1412 members for their hard work.  
1413

1414 **E. Accommodations Tax Committee (May be deferred until after executive session.)**

1415 **i. Resignation – Tony Daniell. ii. Appointment – Melodye Lane-Laveglia.**  
1416

1417 This item was deferred until after executive session.  
1418

1419 **8. DISCUSSION – Any matters of concern or information to be discussed by Town**  
1420 **Council.**  
1421

1422 Mr. Smith thought that there should be a process by which when someone volunteers for a  
1423 committee that they be asked to provide a short resume. Some of the folks are known very well by  
1424 councilmembers; some of them were not. Mr. Smith said the requests should be consistent and  
1425 everybody should submit a short resume, because the councilmembers need to know the volunteers'  
1426 current address, email address, how long they have lived in town, what type of community service they  
1427 have done, and a little bit of job history so they can get a flavor of what their expertise is. Mr. Smith was  
1428 not sure of the process, but he believed that should be adopted.  
1429

1430 Mayor Samples said unless there was a strong objection, this could be adopted as a matter of  
1431 policy so the clerk could ensure there was sufficient information for council's consideration and to make a  
1432 decision.  
1433

1434 Ms. Mabry said the current code does not require a resume, so an amendment should be offered.  
1435

1436 Mayor Samples did not mind changing the ordinance, but he did not want to get specific about  
1437 personal details that the resume should include.  
1438

1439 Ms. Mabry said a policy could not be adopted that conflicted with the ordinance.  
1440

1441 Mayor Samples asked how this would contradict the ordinance.  
1442

1443 Ms. Mabry said the ordinance simply states that the volunteers should call the clerk and give their  
1444 information. Now, a resume is being requested, which she did not oppose, but the policy and the  
1445 ordinance conflicted.  
1446

1447 Mayor Samples personally believed a policy was adequate for this council, and personally  
1448 believed there were instances when volunteers applied when the members did not know them, and they  
1449 were not appointed, because members knew nothing about them. That practice could continue, but then  
1450 it would place the council in a pick and choose situation, and he thought it would be better to have a  
1451 resume from everyone to treat all volunteers the same. When the vacancies are advertised, then a  
1452 resume could be requested, but even so, everyone's resume would be different.

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Ms. Kohlmann believed if someone was uncomfortable with the policy, it would be a quick reading of an ordinance adding one line to it, it made someone feel better about it. She was not opposed to it; she would be okay with a policy or an ordinance amendment. Ms. Kohlmann said there have been people that disliked having policy, because they say it cannot be enforced. She agreed with Ms. Mabry.

Mayor Samples did not disagree, and perhaps that could be done in-house without going to the attorney. He asked if there were any objections to the proposal. **There were no objections.**

Mr. Stevens concurred with Ms. Mabry and Ms. Kohlmann. It was an excellent suggestion.

Mayor Samples said the administrator had the direction.

Mr. Smith wanted to say that the first reading of the dock ordinance passed at this meeting, and for those that are interested in that ordinance, they should go to the planning commission meeting on February 4<sup>th</sup>, and express their opinions.

**9. PUBLIC COMMENTS – General Comments (5 minutes.)**

“(\*\*) Ron Ott, a few years ago I gave a resume. Is it still on record or do you want a (\*\*.) Here’s a want to say, thank you to Director Morris for Tom Britton in house for the planning and zoning people and the board of zoning appeals, so we don’t have to travel all the way into Georgetown and back. Greatly appreciate it every time you do that. I always like to say things forward, if I have any questions for any person, I’m not that type of person that does rumors, and talks on the telephone to find out information. I was at that that meeting, which was three and a half hours long. Basically, we were there with the board of zoning appeals and the planning and zoning. There was a lot of, that time, a couple of hours on political influence in, for financial gain, was a good part of this training and the, the, the members present there for the planning and zoning brought up a point that Councilman Stevens was asked to not come to that meeting, because at that meeting he brought, a couple reasons, two, three meetings, he brought a manufacturer of docks, an installer of docks, and he brought, and I’m right here. I’m not doing this behind your back, because this was discussed in depth at this training session that this man was there and the planning and zoning asked that you not come back to their meetings, because this guy was selling docks, and you brought him there. Now, I look at, I looked at the dock, okay, and you fight for property rights. My property rights are not violated, and nobody’s are. Every one of us can slip a boat into that water tomorrow and the next year every day as long as we want. There’s no property rights being violated, so I wonder, I wonder severely why you fight so vehemently for property rights that are not being violated or was it financial gain? That’s what I ask. What is your connection to a salesman that you brought to the planning and zoning while they were writing? That’s my question. That’s what I want to know, because it looks like this whole thing on your agenda. If we approve docks and this man comes in and put docks in these lakes, you’re getting a kickback. You brought him in here. I didn’t bring him in.”

Ms. Kohlmann said *Point of Order*.

Mayor Samples agreed with Ms. Kohlmann.

Mr. Ott: “It needs to be clear. I don’t want (\*\*). It was done in public and he wanted to know answers.”

Mayor Samples told Mr. Ott that he believed his point was made, and he might have gone a little too far. He offered Mr. Stevens a chance to respond, if there were no objections, and he so desired. **There were no objections.**



1505 Mr. Stevens said, "My only response is Mr. Ott has his First Amendment right to say and speak  
1506 whatever he wants to. I have no problem with that. He's says he is voicing his opinion. He has every  
1507 right as a citizen to do that. I respect that right, and I stand behind him to say whatever he wants to say."  
1508

1509 Mr. Ott: "Like I said, this was brought up at training. I was never present at the planning and  
1510 zoning meeting, but this was what I was told. I thought I would bring it out in case it comes up at a later  
1511 date. Now, we can clear the air. Thank you very much."  
1512

1513 "Ralph Magliette, Harbor Lights Drive. I'm here as a representative of South Strand Helping  
1514 Hand, also for the Neighbor to Neighbor program, and I just want to give a year-end follow-up on South  
1515 Strand Helping Hand and on the Neighbor to Neighbor, because last time I was here we were talking  
1516 about the Christmas season and what was going on with South Strand Helping Hand and being an  
1517 engineer, I have year-end data, and this little note from Susan Alexander, director of South Strand  
1518 Helping Hand, thanking everybody. Everything I have to say is good news. There's no bad news in what  
1519 I have to say, so okay, this is really a wonderful thing that shows what a wonderful town we have and the  
1520 caring and loving people that we have that help the needy and do the needful things every day, those  
1521 invisible volunteers in the background who help these organizations, who help people that need help, and  
1522 that's what we should be focused on. So, I'll just read the letter very quickly. We helped 238 families in  
1523 the following ways in December: 249 were helped with food; a total of 597 people; 49 people were  
1524 helped with electric; 6 were helped with water; 2 were helped with lodging; 46 were helped with clothes; 4  
1525 were helped with diapers; 1 was helped with prescriptions, and 4 were helped with gasoline. Now, the  
1526 good thing; Merry Christmas and Happy New Year. I hope everyone had a great time over the holidays.  
1527 We took a week off at Helping Hand after the Christmas rush. This year 571 children were given  
1528 wonderful Christmases thanks to the generosity of churches, individuals, Surfside Beach people, the  
1529 Surfside Beach firemen, police and many caring people who helped make it possible to give a gift. Thank  
1530 you to all the citizens of Surfside Beach for their help and recognition of their service, and I would also like  
1531 to say, and we talked about this last time, if you remember, I was concerned with the fact that we'd only  
1532 budgeted 450 Christmas gifts. We called it angel tree; were we gonna have the resources to be able to  
1533 provide for everyone who came in. So, it is a miracle to me, and a lot of because people come here,  
1534 people read these minutes, they understand what the organization does, from the 450, which I didn't think  
1535 we could reach, we were able to provide 571 children with Christmas gifts, their toys and their clothing.  
1536 Another note, if you remember, we were talked about it; I was concerned that we weren't going to have  
1537 money. We were running a deficit, because of my appeal and talking with people, and again the work of  
1538 many people here who want to be invisible, we got a surge of financial contributions and so for the end of  
1539 the year, believe it or not we had a surplus of \$1,488. I thank everybody for their donations, and if you  
1540 look at total clients, because I'm a data driven guy, in the year 2013 the organization was able to help  
1541 10,933 people. So, I thank you very much for that. Secondly, earlier in the year we talked about the town  
1542 was very good about supporting the Neighbor to Neighbor program, and again the Neighbor to Neighbor  
1543 program is through Grace Ministries to provide transportation to medical appointments, grocery shopping,  
1544 errands, other life saving and life enhancing appointments and events for homebound seniors and  
1545 chronically ill adults in our community. We have the number, if people need a ride, which is  
1546 843.839.0702."  
1547

1548 Mayor Samples asked Mr. Magliette to pause while the tape was changed.  
1549

1550 Mr. Magliette continued, "Help us help your neighbors to continue to live independently for as  
1551 long as possible. If anyone needs their help, again these are free rides, all they need to do is call the  
1552 number, which is 843.839.0702. They are also looking for volunteers, if you could just provide two rides a  
1553 month to help people, and as I do with all these things, being an engineer, I need to give a year end  
1554 summary to see how successful we are to try to get the program down in the South Strand and the area.  
1555 I asked Mr. Joe Kunkel, who is the executive director of Grace Ministries Neighbor to Neighbor, to give  
1556 me a summary and he said to me basically as promised, here's our client numbers as you have  
1557 requested. They keep track of our rides regionally, so for you I have provided the stats on the South  
1558 Strand area. This area covers Socastee, Surfside Beach, Murrells Inlet, and Garden City. For 2013,

1559 Neighbor to Neighbor provided 1,819 transports to individuals living in the South Strand area, which is  
1560 remarkable; again, when they say the transport that is both ways, so you can double that. The South  
1561 Strand Helping Hand was closed between Christmas and New Years, but we still have to pick up food  
1562 from Bi-Lo and from Kroger. If we don't pick it up, the food is thrown into the dumpster, which we could  
1563 never allow, and so I was trying to find a local organization who could take the food so it wouldn't have to  
1564 be thrown out, and I had tried a couple of people, if you knew any families were in the need of food, we  
1565 could help them. I said to my wife, Patti, who I drive crazy all the time, it's a miracle she's still married to  
1566 me (*time ended*). My time's up? (\*\*) If anyone's interested in the programs, I have the cards for  
1567 Neighbors to Neighbors and I have the things for South Strand Helping Hand. Thank you. "

1568  
1569 "Carrie Johnson, Harbor Lights Drive. I just have a, I'll be really quick. I just would like to know in  
1570 all of these hours and hours and hours that the parking committee spent doing what they did, did they  
1571 take any time at all to get a consensus from the folks who live on the streets that were affected? Just  
1572 wondering."

1573  
1574 Mayor Samples said he saw someone shaking their head. For the record, a member of the  
1575 committee was shaking his head no, okay.

1576  
1577 Ms. Johnson: "I'm beginning to wonder maybe, if we just need to change the name of the town to  
1578 Surfsign [sic] Beach and be sure and let all of our neighbors and the tourists [know] that they were no  
1579 longer welcome. Thank you."

1580  
1581 **10. COUNCIL COMMENTS.**

1582  
1583 Ms. Kohlmann: "No comments from me, Mr. Mayor."

1584  
1585 Mr. Stevens: "I want to read something that was said in a planning and zoning committee. At the  
1586 time when I heard it, I kind of sat back and I said, you know, made sense. This was said by Ms. Johnson  
1587 and she said:

1588  
1589 Well, I've been doing a lot of research and read a lot of articles about city council  
1590 members attending other board meetings, and pretty much all the articles that I've read  
1591 pretty much say the same thing. So, I want to read a little bit from this one that, he's an  
1592 assistant city attorney for a couple of different cities. This is what he has to say about it:

1593  
1594 As innocent as a councilmember's motives may be, when he or she personally attends a  
1595 planning commission meeting or another subordinate committee meeting, he or she may  
1596 be crossing an ethical boundary. Councilmembers do not violate any laws; however,  
1597 they run the risk of potentially revealing a biased view, thereby causing their own  
1598 disqualification should the matter at hand subsequently come before the council;  
1599 interfering with the role of the commission as an independent advisory body; and also  
1600 they run the risk of not acting in accordance with the views of the city council as a whole.  
1601 Most city councilmembers know to steer clear of the somewhat hazy legal boundaries  
1602 that might cause them to be disqualified from the decision making process due to bias.  
1603 Because the right to due process is attached to many of these types of commission  
1604 decisions the participants in those proceedings have the right to an unbiased decision  
1605 maker at the city council level. A councilmember who comments at the commission  
1606 meeting and indicates a firm position on a particular matter may be subjected to a  
1607 challenge for bias when the same issue reaches the city council. Beyond the issue of  
1608 perceived bias, participating in the commission meeting raises other ethical questions.  
1609 For instance, councilmembers who [sic] have the authority to remove a commission  
1610 member, with this power, councilmembers mere attendance at a meeting can be highly  
1611 influential, especially when he or she makes his or her opinions known. This influence  
1612 may jeopardize a significant role of the commission, which is to provide independent

1613 recommendations or decisions to the city council. When a city establishes a commission,  
1614 the city council has also by implication indicated its desire to have an independent body  
1615 make decisions or recommendations. The presence of the appointing authority at the  
1616 commission meetings affects that independence. Councilmembers normally receive the  
1617 same information from city staff or from their subordinate commissions or the public's  
1618 testimony. This allows the councilmembers as a body to draw conclusions in a fair,  
1619 balanced way based upon the same factual foundation. City councilmembers may  
1620 undermine this expectation when they individually attend meetings of a subordinate  
1621 commission. To some extent, the councilmember who attends collects information that  
1622 will not reach other councilmembers in quite the same way. Those councilmembers who  
1623 attend may also influence either the outcome of the commission's deliberation or how the  
1624 matter will eventually be presented before the council in ways not available to the  
1625 councilmembers who do not attend the commission meeting. To remain firmly upright on  
1626 the ethical tightrope, councilmembers should wait until the commission makes its  
1627 recommendation to the city council in its entirety, thus preserving the original intent of  
1628 both the independent commission and the city council. This does not deprive  
1629 councilmembers of the ability to learn what occurs at a commission meeting. Information  
1630 can also be obtained by reading commission meeting minutes. A councilmember's  
1631 personal presence at or participation in a commission meeting, on the other hand, could  
1632 reveal a bias view, disrupt the independence of the commission or exert undue influence  
1633 on the commission, regardless of the councilmembers intent. It is best avoided.  
1634

1635 Mr. Stevens: "She continued saying 'she said further so, you know, like I said, I, I had done quite  
1636 a bit of research on that, and so I thought that was very important to bring that to our attention.'" Mr.  
1637 Stevens: "When Ms. Johnson said that, I listened to it, and I took her word, and since then I have not  
1638 attended any committee meetings whatsoever, and I recommend that every councilmember take a look at  
1639 this. It's on the June 3<sup>rd</sup> meeting. Don't go to any committee meetings; tell 'em you need four votes or  
1640 (\*\*) you need this or you've got (\*\*), leave 'em alone. Let these volunteers who spend their time with no  
1641 pay, let them have full reign on what they do. I agree with Ms. Johnson, and I appreciate that she set me  
1642 straight. Thank you, and by the way, I want to say, Mr. Magliette, I want to thank him for bringing up the  
1643 idea of a senior citizen committee several years ago. That's all."  
1644

1645 Ms. Mabry: "No comments."  
1646

1647 Mr. Smith: "I'd like to thank all those people who showed up at 6:30. It was a nice crowd. I  
1648 wished they had stayed for the whole meeting, and I wish they would show up at every meeting. It's nice  
1649 to have a big crowd. Thank you very much."  
1650

1651 Ms. Dodge: "I don't have a comment."  
1652

1653 Mr. Johnson: "No comment."  
1654

1655 Mayor Samples: "Well, I appreciate everyone turning out. I think that as elected officials we  
1656 should always remember that we are doing the public's business, and that personal gain, really there's no  
1657 place for it in the service of the public. Having said that, I also know that members who are disciplined,  
1658 and that really is what it's about, in my judgment, there's no place like getting first hand information than  
1659 at the committees, and getting it unfettered, and so, I think what the article, the reading, and Ms.  
1660 Johnson's comment suggest is, yeah, you have to make a judgment and you should always remember  
1661 when you are involved in town business activities that you're a public servant. That's why people elected  
1662 you."  
1663

1664  
1665  
1666

1667 **11. EXECUTIVE SESSION**

1668  
1669 **A. Pursuant to FOIA §30-4-70(a)(2) to discuss proposed contractual arrangements,**  
1670 **Administrator Fellner.**

1671  
1672 **B. Pursuant to FOIA §30-4-70(a)(1) to discuss the appointment of a person to a public**  
1673 **body (See Business Item 7.E. )**

1674  
1675 Mayor Samples said for the record that Town Council need to enter executive session pursuant to  
1676 FOIA §30-4-70(a)(2) to discuss proposed contractual arrangements, and pursuant to FOIA §30-4-70(a)(1)  
1677 to discuss the appointment of a person to a public body.

1678  
1679 Mr. Smith moved to enter executive session at 10:00 p.m. Ms. Mabry seconded. All voted in  
1680 favor. **MOTION CARRIED.**

1681  
1682 Mr. Smith moved to reconvene regular session at 10:24 p.m. Mr. Johnson seconded. All voted in  
1683 favor. **MOTION CARRIED.**

1684  
1685 Mayor Samples said that no action was taken during executive session.

1686  
1687 Mr. Smith moved to accept the resignation of Tony Daniell from the accommodations tax  
1688 committee and to appoint Melodye Lane-Laveglia to the accommodations tax committee for a four year  
1689 term. Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**

1690  
1691 **12. ADJOURNMENT.**

1692  
1693 Mr. Smith moved to adjourn the meeting at 10:25 p.m. Ms. Mabry seconded. All voted in favor.  
1694 **MOTION CARRIED.**

1695  
1696 Prepared and submitted by,

1697  
1698  
1699 \_\_\_\_\_  
Debra E. Herrmann, CMC, Town Clerk

1700 Approved: January 28, 2014

1701  
1702  
1703 \_\_\_\_\_  
Douglas F. Samples, Mayor

1704  
1705  
1706 \_\_\_\_\_  
Mary Beth Mabry, Mayor Pro Tempore

1707  
1708  
1709 \_\_\_\_\_  
Ann Dodge, Town Council

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1712 \_\_\_\_\_  
Mark L. Johnson, Town Council

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1715 \_\_\_\_\_  
Elizabeth A. Kohlmann, Town Council

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1718 \_\_\_\_\_  
Roderick E. Smith, Town Council

1719  
1720  
1721 \_\_\_\_\_  
Randle M. Stevens, Town Council

1714 *Clerk's Note: This document constitutes minutes of the meeting that was audio taped. These are*  
1715 *detailed minutes documenting each member's comments. Appointments to hear audio tapes may be*  
1716 *scheduled with the town clerk. In accordance with FOIA, meeting notice and the agenda were distributed*  
1717 *to local media and interested parties. The agenda was posted on the town website, the entry door at*  
1718 *Town Council Chambers, and in the Town Hall reception area. Meeting notice was also posted on the*  
1719 *Town marquee. Public Comments and Town Council Comments are transcribed as close to verbatim as*  
1720 *possible. When (\*\*) is used a section of the tape is inaudible.*