

SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING MINUTES NOVEMBER 25, 2014 • 6:30 P.M. TOWN COUNCIL CHAMBERS

1. CALL TO ORDER.

Mayor Samples called the regular meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Pellegrino, and Councilmembers Childs, Johnson, Mabry, Magliette, and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner; Town Clerk Herrmann; Finance Director King; Public Works Director Adair, and Recreation Supervisor Ellis.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

- A. Invocation: Pastor David Pohto of First Baptist Church Surfside gave the invocation.
- B. Pledge of Allegiance: Mayor Samples lead the Pledge.

3. AGENDA APPROVAL

Mr. Stevens moved to adopt the agenda as presented. Mr. Childs seconded. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL - Regular Meeting November 10, 2014.

Mr. Stevens moved to adopt the November 10, 2014 regular meeting minutes as presented. Mr. Childs seconded. All voted in favor. **MOTION CARRIED**

5. PUBLIC COMMENTS – Agenda Items Only. (3-minutes per speaker)

There were no public comments on agenda items.

6. **COMMUNICATIONS**

A. Department Reports.

i. Finance. Director King presented the departmental report, a copy of which is attached to these minutes and made a part hereof by reference.

Mr. Magliette asked what overhead expenses were paid to Lanier during the winter months. Ms. King explained that Lanier continues to collect ticket revenue and answers questions about town parking; generally revenue is around \$500 to \$600 in the winter months. Mr. Magliette asked how successful Lanier was at collecting outstanding tickets and how much was collected during the off season. Ms. King said Lanier collections just about every outstanding ticket, but she did not have an amount.

Mayor Samples asked for a status report on the proposed ordinance to establish funds. Ms. King said David Phillips, auditor with Greene, Finney, and Horton, suggested changing the paragraph order to be in line with information reported in the financial statements. He suggested that the town keep the emergency fund, but should remove the stabilization fund portion. GASB (Government Accounting Standards Board) allows for one of those funds, but not both. The ordinance is being prepared and will be presented in January as reported at the recent visioning workshop. Mayor Samples asked if a draft would be provided to councilmembers in early January. Ms. King believed that time frame could be met, and asked if council still wanted a workshop on the ordinance. Mayor Samples wanted councilmembers to have the document to review prior to the workshop. Ms. King said the draft would be presented along with correlating numbers in the current Comprehensive Annual Report relative to the ordinance.

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ii. Public Works. Director Adair presented the departmental report, a copy of which is attached to these minutes and made a part hereof by reference. Mr. Adair said in addition to the written report, he wanted to advise Town Council that the intersection at Pine and Poplar Drives by the police station is now a 4-way stop intersection.

Mr. Magliette asked for a status report on the PARD (South Carolina Parks and Recreation Department) grant for the two exercise stations for the passive park. Mr. Adair said the stations were being manufactured; they were ordered about a month ago, so it may be about another month before delivery. They will be installed upon arrival. Mr. Magliette asked for a status on the recently funded weir study. Mr. Adair said the water level at Dogwood Lake needs to be lowered. The level was raised in 2007 based on weir work done on 7th Avenue North. The engineer identified the elevations of all the culverts in the system between Dogwood and Myrtle when the surveys were done. The end result is the lake should be permanently lowered 10-inches to 1-foot. The electronic system that was being considered will not work because the lake is too shallow. An old-fashioned board system that is manually manipulated is being designed that will be used to control the level. He hopes to find a suitable contractor that could complete the project within a month or so. Mr. Magliette asked if once that project was complete, if the weir levels would remain at the engineer's recommendation. Mr. Adair said that was correct; staff would still be able to reduce the level more in the event of an oncoming storm.

Mayor Samples asked if there would be post-installation evaluation. Mr. Adair said absolutely; the systems must all work together to avoid stagnant water and to ensure proper flow to the ocean.

iii. Special Events and Recreation. Supervisor Ellis presented the departmental report, a copy of which is attached to these minutes and made a part hereof by reference. Ms. Ellis said that Blake Lanford with the Waccamaw Market Cooperative would be at the January 27, 2015 meeting to give the farmers market report for 2014. She thanked the grounds crew for collecting South Strand Helping Hands donations from the area schools. A total of 14,800 items were collected from Burgess Elementary (2,600 items), Lakewood Elementary (3,700 items) St. James Middle (2,500 items), and Seaside Elementary (6,000 items).

C. Administrator's Report. Ms. Fellner reported:

Budgeting Scheduled for Fiscal Year 2015-2016. Proposed workshop dates are April 22 and April 23, Wednesday and Thursday. Thursday would probably only be a half day. First reading of the budget ordinance could be tentatively planned for May 12, 2015. The public hearing and second reading on May 26th. Mayor Samples and Mr. Magliette said those days were satisfactory. Ms. Fellner asked councilmembers to check their schedules and let her know if the dates were acceptable.

Staff Evaluations. Staff evaluations are being completed; all of them should be turned in by mid-December.

Ocean Boulevard Landscaping, Mr. Childs and Ms. Fellner toured Ocean Boulevard with Dr. Padua from Clemson University. They discussed the overall scope of the project using a phased approach and some stormwater related initiatives. Dr. Padua will compile a small scope of services and proposed costs with regard to site visits, etc. Dr. Padua was asked about the town hall complex. She thinks the School of Architectural Design at Clemson would be interested in working on a town hall complex design. She mentioned the possibility of sponsoring a design competition to garner ideas and has promised to get Ms. Fellner in touch with the appropriate department head. Dr. Padua said the cost was customarily 1- to 2-percent of the overall project cost. The 1-percent rate is generally for larger projects that cost upwards of \$5 million.

May Events Task Force Meeting. Ms. Fellner and Chief Keziah will attend the meeting on Monday, December 1st. Town Council will be apprised of the discussion.

Myrtle Beach Area Chamber of Commerce (Chamber). A new list of all town businesses was delivered to the Chamber last week for the new Chamber-maintained tourist website. As soon as the businesses are updated and links were added for the local businesses, it would be linked on the town website. As of 3:00 p.m. this afternoon, that had not been done. Ms. Fellner said the site is checked every afternoon for updates.

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Keep Surfside Beach Beautiful Committee. A big 'thank you" was given to the Keep Surfside Beach Beautiful Committee for its proactive work in identifying diseased Sago palms in the Yaupon parking lot. The early detection will probably help the town to save a number of the plants, and help the town to better plan for future plantings and plant purchases.

Responses to Public Comments made at the November 10, 2014 Town Council Meeting.

Concern: A citizens stated in a storm with flooding that dumpsters cause more damage than enclosures and that insect screening causes no damage. Consequently, the individual asked for reconsideration in the CRS (Community Rating Service) ordinance to allow enclosures and insect screening under houses.

Response: Insect screening does have the potential for stopping the free passage of water flow. If screening blocks drainage ditches, water may be diverted to structures or to areas that may not have otherwise flooded. In regard to enclosures, those having a maximum size of 290-square feet are permitted below a structure within the AE Flood Zones. The Coastal A Zone with the LMWA (Limited Moderate Wave Action Line) and the VE Zones are subject to inundation by the 1-percent annual chance flood event, with additional hazards due to storm induced velocity wave action. These zones do not allow for enclosures with the exception of stairways and elevators. Enclosures below the BFE (Base Flood Elevation) in the Coastal A Zone and the VE Zones have potential to cause structural damage not only to the attached structure, but also to surrounding structures. Breakaway walls may become projectiles and have the potential to cause extensive damage. Neither the town's CRS coordinator nor the CRS committee recommend screening or enclosures below the BFE be reconsidered at this time.

Concern: A number of citizens voiced their opinions about where the traffic light should be placed on the north end of town. One asked that those who would be affected by the decision be notified before any decision was made.

Response: Town Council has kept all options open. As reported at the last meeting, the infrastructure committee met with Grand Strand Area Transportation Study (GSATS) and South Carolina Department of Transportation (SCDOT) representatives to discuss moving the budgeted Highway 17 improvements, including the traffic lights, forward. SCDOT indicated that it would move forward with a request for proposals (RFP) and the hiring of a design firm. The process will take a minimum of six months, more likely a year, after which time the infrastructure committee will again meet with the contractor, GSATS and SCDOT personnel for an initial input meeting. Town Council has clearly stated that public input will be part of the process prior to the finalization of any plans on which it votes.

Concern: Two citizens were concerned with what they perceived as a lack of speed enforcement on 11th Avenue North.

Response: The police department has opened a quality of life (OOL) file. Enforcement was stepped up on 11th Avenue North and the department also deployed the speed trailer. Chief Keziah requested a speed data box from Myrtle Beach, which will document a true speed survey and traffic count. The survey data will be analyzed to determine what measures are needed, if any, to resolve the situation.

Concern: A citizen was disturbed that many horse droppings were not cleaned off the beach. Response: As stated at the last meeting, the American Heart Association had promised to clean the beach. When it was determined that cleaning would not be done, public works crews were reassigned to clean the beach.

Ms. Fellner said additional remarks were made, but none of them required answers or follow-up.

7. BUSINESS

A. First Reading - Ordinance #14-0791 to amend Chapter 14, Flood Damage Prevention, Article III, Stormwater Management, Director Adair.

Director Adair presented the decision paper and proposed ordinance, copies of which are on file. He explained that the town was required to participate in the Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) program that was administered by South Carolina Department of Health and Environmental Control (SCDHEC), because the town is an urbanized area with a population over 1,000 people per square mile. The town is designated an MS4 and is responsible for its discharge into the ocean. The

second phase of the NPDES permitting is underway. The first phase began in 2006 and expired in 2011, but was extended to January 2014. The current permit requires that within the first 12 months of the permit that the town address certain items to amend the codified stormwater management plan to create legal authority to manage stormwater in accordance with EPA's directives, to replace outdated references, and design manuals, etc. The adoption deadline to comply with the permit is December 31, 2014.

Mayor Samples asked if the stormwater committee had a recommendation on the ordinance. Mr. Adair said the stormwater committee reviewed and recommended the ordinance for adoption by Town Council. The ordinance was also presented to the CRS committee for information.

Ms. Mabry moved to adopt first reading of Ordinance #14-0791 to amend Chapter 14, Flood Damage Prevention, Article III, Stormwater Management. Mr. Stevens seconded.

Mr. Pellegrino supported the ordinance, but was concerned that code enforcement resources were very limited. He asked how enforcement would be handled. Mr. Adair said code enforcement staff helps identify problems when they are on private property. He and his staff look for problem areas on public property. When they saw illicit discharge, it was investigated. Another method was to watch water quality monitoring levels, which were a red flag when they spiked.

All voted in favor. MOTION CARRIED.

B. Accommodations Tax Advisory Committee Recommendation, Administrator Fellner.

Ms. Herrmann read the resolution, which is attached hereto and made a part hereof by reference. Ms. Fellner said the committee has scheduled a meeting for January 28th, 2015. She explained that the recommendation to roll remaining funds into beach renourishment is a good idea, but the timing should have been as of June 1, because then all revenue for the year would have been received. The way the recommendation was approved was that once the year was closed and the audit was completed, then the money transferred. A situation exists now that the town received a check for \$356,919 on October 15, 2014, but that was to fund budgeted items. Consequently, the fund may be in a negative \$29,000 position, if everything that was budgeted was spent. That amount did not include the beach truck and historical signage. The beach truck was deferred last year, but it is not safe to operate. The truck needs to be ordered now to be ready for service at the beginning of the summer season. The recommendation was to hold off making the funds transfer until after the upcoming meeting.

Ms. Mabry said the committee did not know whether it would be allowed to fund the historical signs. It seemed to her that the request was to give the reserves of \$113,114 back to the committee so it could see what else it wanted to spend, then whatever was left would be transferred to beach renourishment. She asked if that was correct. Ms. Fellner said she would not state it that way, because if every dollar that was budgeted was expended, the fund would be a negative \$29,000. It was likely that amount or more would be received in the last check from the state, but no one knew.

Mayor Samples said a check was received in October, and asked how many checks were normally delivered. Ms. Fellner said four in a year. Checks are delivered for the current fiscal year beginning in October, then January, April, and sometimes in July. Mayor Samples asked if the \$113,114 was based on the audit. Ms. Fellner said correct. Mayor Samples asked if it was correct that the fund balance was \$471,000 less expenditures since July 1st. Ms. Fellner said yes. Mayor Samples asked if an estimate could be made for the January check. Ms. Fellner said the January check was usually small. In 2014 it was \$54,942; the April check was \$27,063. Mayor Samples noted that the finance report included that this was a good season as related to the accommodations tax fund.

Mr. Pellegrino asked if the anticipated checks could be used instead of deferring the transfer to beach renourishment. Ms. King explained that accommodations tax fund pays for cleaning and raking the beach, cleaning the tourist bathrooms, and beach patrol. Those services total about \$149,000. The amounts were transferred to the general fund quarterly; funds were not transferred when the service was provided. Only one-fourth of the amount has been transferred for this year. The remainder of that amount, the July fireworks show, the funds to the Chamber, funds to beach renourishment (\$19,750), water for the beach bathrooms, small balances for grants, advertising, and special events have all yet to be transferred. The largest expense is the police department. The problem is that staff

did not know how much revenue would be received. The recent check is the largest, because it represented revenue from June, July and August. Ms. King said the \$113,114 would be transferred to beach renourishment, but she suggested that Town Council wait until after January so that staff knows how much the January check amount is.

Mr. Pellegrino did not agree; he thought this was a recipe to avoid transferring the money to beach renourishment. Ms. King explained that Town Council actually budgeted more in expenditures than was expected to be received for this fiscal year. She was concerned with situations that might come up during the next few months, i.e. the May events; the beach truck. She was trying to anticipate needs instead of asking for additional funds because it was already placed in beach renourishment. In prior years, the transfers were not made until six months or a year after the audit closed so the final balance could be determined. Then excess funds were transferred.

Mayor Samples said a transfer was not made last year. It was late February last year when council considered the fund balance from the previous year. Ms. King said that was correct; the \$113,114 was an accumulation. Mayor Samples asked why this was being done now, as there were several unresolved expenditures, including grant funding requests from the community which were being accepted until December 31st. Ms. King said Town Council moved at the budget meeting that the excess funds at the end of 2013-2014 audit was to be transferred to beach renourishment.

Mr. Pellegrino reiterated his disagreement with the delay. The beach truck was the only "concrete item," which he supported purchasing, because it was a need.

Mayor Samples asked what amount was reported to the accommodations tax committee that would be in beach renourishment. Ms. King said currently there is \$168,818 in beach renourishment. There were three options:

- Option 1: Recommend that the fund balance from 2013-2014 be held in accommodations tax fund. Use these funds to purchase beach truck and have funds available to fund May 2015 needs. Also may have current year beach renourishment available. Review funds available for beach renourishment later in Fiscal Year 2015 (June 2015.) Estimated balance at June 30, 2015 equals \$418,918.
- Option 2: Recommend that the fund balance from 2013-2014 be held in accommodations tax fund. Use these funds to purchase beach truck and have some funds available to fund May 2015 needs. Estimated Balance at June 30, 2015 equals \$497,918.
- Option 3: Transfer prior year fund balance as approved. Not fund the current year beach renourishment \$79,000. May need an additional \$49,000, if funding from other sources is not found. Estimated balance at June 30, 2015 equals \$532,032. The \$79,000 amount should cover the expected expenditures.

Mayor Samples said Town Council did not know what the fund balance would be at the end of the fiscal year when the budget was adopted. Since then, the audit was completed. The good news was there is an additional \$113,114 more than was planned and that was why the options were offered to the committee. Ms. King said there is definitely \$113,114; that was really all that could be said. Mayor Samples said the committee properly chose to defer a decision on the options until they had time to digest the information. He said beach renourishment was the committee's only concern.

- Mr. Pellegrino said even with \$500,000 by July, the town was still behind in saving for beach renourishment. In two years, the town would need \$1 million. A detailed discussion ensued with possible scenarios and how easy it would be to spend the reserves on unnecessary items.
- Ms. Mabry moved to rescind transferring the \$113,114 into beach renourishment until after January, but that \$79,000 be transferred into beach renourishment now. Mr. Childs seconded.
- Mr. Magliette said his understanding was that after the May 2015 events and monies were received for accommodations revenue, that whatever the balance was at that time would be transferred into beach renourishment. Mayor Samples said that was the agreement. Mr. Magliette said the amount might be more or less, depending on

activities over which Town Council has no control: the May 2015 events, and the amount of the next check. The commitment from Town Council was to fund beach renourishment, but there were variables over which there was no control, which was explained by the administrator and finance director. Mr. Magliette said the town should be proactive anticipating the funding needs. However, when the process was completed, the good faith estimates were at least \$113,114 available for beach renourishment. Ms. King said that was correct. Mr. Magliette saw no problem deferring the transfer, because there appears to be sufficient funds and planning was being done for unknown variables. Beach renourishment was the most important priority that the town had. He thought the council should take the administrator's and finance director's recommendation.

Mr. Johnson asked if this motion omitted historical signage. Mayor Samples said no; staff is seeking clarification from the Tourism Expenditure Review Committee (TERC) to determine whether the expenditure meets the requirements for use of funds. A presentation will be planned by Mr. Burroughs for Town Council. Mayor Samples was not certain Mr. Magliette's concerns were satisfied, but Town Council made a commitment to ensure there is adequate money for beach renourishment. Mr. Magliette said he understood.

Mayor Samples, and Councilmembers Mabry and Childs voted in favor. Mayor Pro Tempore Pellegrino and Councilmembers Johnson, Magliette and Stevens voted against. **MOTION FAILED.**

Mr. Johnson moved to approve the resolution as presented by the accommodations tax committee to fund historical signage and to defer transferring \$113,114 into beach renourishment until after the next meeting. Mr. Magliette seconded. Mayor Samples, and Councilmembers Childs, Johnson, Mabry, Magliette and Stevens voted in favor. Mayor Pro Tempore Pellegrino voted against. **MOTION CARRIED.**

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

There were no items to be discussed.

9. <u>PUBLIC COMMENTS – General Comments.</u> (5-minutes per speaker)

There were no public comments.

10. TOWN COUNCIL COMMENTS

Mr. Johnson thanked everyone for the prayers and concern for his wife who was recently injured. She was on a path to restoration and recovery. He thanked everyone for attending the meeting and hoped everyone had a blessed and wonderful Thanksgiving.

Mr. Pellegrino thanked everyone for attending. As always, he appreciated their involvement. He hoped that everyone would have a great Thanksgiving. He said please remember during Thanksgiving how blessed we are. God has put us in a situation where we can enjoy it with our families and friends. There were many people around the world, unfortunately, who do not get to enjoy it, i.e. soldiers stationed abroad, and people in terrible situations here and in other countries. Please thank God, as well, for all the blessings we do have. Have a great Thanksgiving and go [Clemson University] Tigers!

Mr. Magliette wished everyone a happy Thanksgiving and safe holiday. He said South Strand Helping Hand provided 285 frozen turkeys and two bags of groceries with everything to make a Thanksgiving meal to people in the community. This meant that about 1,200 people would have the joy of a Thanksgiving meal, thanks to the public's generosity donating cash and canned goods. This was one of the reasons he believes Surfside Beach is a wonderful town filled with loving and caring people. It is the power of individuals. Let your light shine and do good works. Surfside United Methodist Church at 800 13th Avenue North is hosting a free Thanksgiving Dinner on Thanksgiving Day from 12 noon to 3:00 p.m. for anyone in the community that is alone or would like to join them. The Surfside Library is hosting Bingo for Seniors on November 26th at 10:00 a.m. It is a good opportunity to meet some new friends. Prizes will be "some really good books!"

Ms. Mabry wished everyone a happy Thanksgiving. After hearing the news yesterday about the terrible situation in Ferguson, she was so thankful for where we live and the blessings we have. Please keep everyone in

your prayers that would not have the kind of wonderful holiday we expected to have, and who were not fortunate enough to live in this beautiful community. This was a rarity; this was not an everyday thing. She was so thankful for our town, our community, our friends, neighbors, and family. We are so blessed. Thank you for being there for us every day. She appreciated everyone more than they would ever know.

Mr. Stevens thanked everyone for attending the meeting. He wished them a happy Thanksgiving. He couldn't let Mr. Pellegrino support his team without saying go [South Carolina] Gamecocks! He wished everyone a peaceful, happy Thanksgiving, and may all their relatives visit and everyone be happy.

Mr. Childs thanked everyone for attending and wished everyone a very happy Thanksgiving.

Mayor Samples wished everyone a blessed Thanksgiving.

- 11. EXECUTIVE SESSION Pursuant to Freedom of Information Act (FOIA) 30-4-70, et seq.
- A. Pursuant to FOIA §30-4-70(a)(1) to discuss employment, appointment, compensation, promotion, demotion, discipline, or release of an employee.
- B. Pursuant to FOIA §30-4-70(a)(2) to discuss proposed contractual arrangements, proposed sale or purchase of property.

Mr. Johnson moved to enter executive session at 7:40 p.m. Mr. Stevens seconded. All voted in favor. MOTION CARRIED. Mr. Stevens moved to reconvene regular session at 8:44 p.m. Mr. Pellegrino seconded. All voted in favor. MOTION CARRIED.

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

Ms. Mabry moved to direct the town administrator to bring an amended ordinance to reflect the change in the reporting structure and the duties of the town clerk. Mr. Stevens seconded. All voted in favor. MOTION CARRIED.

12. ADJOURNMENT.

Mr. Stevens moved to adjourn the meeting at 8:46 p.m. Ms. Mabry seconded. All voted in favor.

MOTION CARRIED.	Prepared and submitted by,
Approved: December 9, 2014	Debra E. Herrmann, CMC, Town Clerk
Dougla	s F. Samples, Mayor
David L. Pellegrino, Mayor Pro Tempore	Robert F. Childs, Town Council
Mark L. Johnson, Town Council	Mary Beth Mabry, Town Council
Ralph J. Magliette, Town Council	Randle M. Stevens, Town Council

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