

7

8 9

10 11

12

13

14 15

16 17

18 19

20 21

22 23

24

25 26

27 28

29

30

31 32

33 34

35

42 43

44

SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES REGULAR MEETING OCTOBER 11, 2016 + 6:30 P.M. TOWN COUNCIL CHAMBERS

Town Council Meeting – 6:30 p.m.

1. CALL TO ORDER.

Mayor Childs called the regular meeting to order at 6:30 p.m. Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, Samples, and Stevens were in attendance. A quorum was present. Others present: Administrator Fellner, and Town Clerk Herrmann.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Pastor Tom Hanks from LC3 Community Church gave the invocation.

B. Pledge of Allegiance: Mayor Childs led the Pledge.

3. AGENDA APPROVAL

Mr. Ott moved to adopt the agenda with one amendment to delete Business Item 7.B. Pier Inspection. Mr. Stevens second. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL

A. Regular Meeting September 27, 2016 and B. Emergency Meeting October 4, 2016. Mr. Courtney moved to adopt the September 27, 2016 regular meeting minutes and the October 4, 2016 emergency meeting minutes as presented. Mr. Stevens second. All voted in favor. **MOTION CARRIED**

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

There were no comments on agenda items.

Mayor Childs took a moment to thank Ms. Fellner prior to her report. He said she, fire staff, police staff, and Ms. Ellis and all other staff who came to work during the hurricane all did a great job. I know you, Ms. Fellner, spent two or three nights in your office. Police and fire were there around the clock. Public Works has done a remarkable job. I've had about a half-dozen people in the last three hours say they cannot believe how much they have done. They have really, really done a great job. (*Applause*)

6. COMMUNICATIONS – Administrator's Report.

45 Ms. Fellner presented the written report, a copy of which is attached hereto. She added the
46 following:
47

The Health Fair is Friday, October 14, for town residents and friends. The fair is open
from 7:00 to 8:30 for staff, and then from 8:30 to 10:00 for the public. If you want to have blood work
done, you need to fast 10 to 12 hours.

Page 1 of 14

The Famers Market was cancelled today, and will have to be cancelled next week,
 October 18th, as well. The park will not be in a condition to have the market.

53	• The water has stopped rising in the lakes, so weir adjustments were started today to		
54	bring the lakes back to normal levels.		
55	• The Scipio Lane property is currently being used as a debris staging area. DHEC (South		
56	Carolina Department of Health and Environmental Control) has approved this.		
57	• Two contractors were hired: one to clear pier debris from the beach and haul it to the		
58	landfill, and the second to haul the vegetative debris from Scipio Lane to the land fill.		
59	Hurricane Matthew field assessments to date from Planning, Building & Zoning, are:		
60			
61	1.158 Large tree damages and/or fallen688.13 Properties having structural damage		
62			
63	3. 11 Trees fallen on structures 70 10. 5 Storage buildings damaged or		
64	4. 3 Flooding 71 destroyed		
65 66	5.11 Signs7211.3 Beach walk overs and Melody Lane6.3 Electrical services73ramp damaged		
67	 6. 3 Electrical services 7. 1 Commercial property visibly damaged 7. 1 Commercial property visibly damaged 		
74	7. I commercial property visibly damaged		
75	These numbers are not complete for the town assessment. The department has 20-percent of the town		
76	left to assess. They continue to receive calls about damage that was not found during the first round of		
77	assessments, or was not visible when viewing property from the road. Staff expects to complete the first		
78	round of inspections by Friday of this week. They are also working to determine the dollar loss, and hope		
79	to report that amount at the next council meeting.		
80	• The town pier had in excess of 50-percent value loss, without the inclusion of any hazard		
81	mitigation components, she reached out to the Horry County FEMA (Federal Emergency Management		
82	Agency) Agent, and spent considerable time on the phone with Mr. Hagerty, the county's FEMA project		
83	development consultant. She will speak with a FEMA expert who dealt with a number of pier		
84 85	replacements after hurricanes, most recently Hurricane Sandy. It was Ms. Fellner's intention to apply for		
85 86	a 75-percent reimbursement grant for replacement cost. Much more detail and information should be available for Town Council and the public by the next meeting. She needed to ensure the town is eligible		
80 87	in all categories, and a lot of other research to be performed before the next council meeting.		
88	in all categories, and a lot of other research to be performed before the next council meeting.		
89	Ms. Samples told Ms. Fellner that she was a "Rock Star!" She did not have words to express how		
90	grateful she and many others were for all of the hard work she and staff did during Hurricane Matthew.		
91	Everyone went above and beyond expectations. Ms. Samples asked if trash pickup would be done on the		
92	regular schedule beginning tomorrow. Ms. Fellner said yes. Ms. Samples perceived debris pickup to be a		
93	priority, and asked if an outside contractor would be hired. Ms. Fellner said contractors at times like this		
94	charge exorbitant fees. She said that Mr. Adair believes that all debris can be removed within four to six		
95	weeks using staff, without activating the emergency debris contract, which will save the town a large		
96 97	amount of money. At this time, the two contractors already mentioned are the only ones she planned to		
97 98	hire. Yard debris is a priority after trash collection is completed.		
98 99	Mr. Ott thanked Ms. Fellner for the written report. He was able to research it and understand it		
100	before hearing it verbally. Ms. Fellner said he was very welcome.		
101			
102	7. BUSINESS		
103			
104	A. Resolution #16-173 Work Place Safety, Administrator Fellner.		
105			
106	Ms. Fellner presented the resolution, a copy of which is on file.		
107			
108	Mr. Ott asked Ms. Fellner to distribute the resolution to department directors and ask them to		
109	report at the next meeting how the resolution was utilized in their departments to ensure safety		
110 111	measures were taken. Ms. Fellner said there is a method; that would be done.		
111			

112 Mr. Johnson moved to adopt Resolution #16-173 as presented. Mr. Ott second. All voted in 113 favor. **MOTION CARRIED**.

114 115 116

117 118

119

B. Pier Inspection – Chao and Associates Fee Proposal, Administrator Fellner. This item deleted from the agenda by approved motion, see Item 3. Agenda Approval, above.

C. Myrtle Swash Expense, Administrator Fellner.

Ms. Fellner presented the decision paper, a copy of which is on file, which is to authorize an
additional \$11,750 for supplies because the scope of the project increased to build an additional 360square feet on the retaining wall. Ms. Fellner said this was presented for approval, because her authority
was limited to \$10,000.

125 Mr. Courtney said council held a special meeting for this expenditure on September 15th when a 126 quote was presented for the emergency project. He said nothing was done for several weeks and he did 127 not understand how things had changed. Ms. Fellner said staff acted on the project right away; building 128 supplies are already staged at the 4th Avenue parking lot. When the engineer performed the geo-129 technical survey, he found the wall needed to extend another 40-feet. Mr. Courtney asked if that survey 130 had been done prior to the September 15th meeting. Ms. Fellner said no; it had not been completed, 131 because this was an emergency they wanted to get the materials and complete the project as soon as 132 possible. Right now, when you look at the swash, Sea Cloisters to the north side of the swash lost a 133 significant amount more property during Hurricane Matthew. During the hurricane, the site was checked 134 six or eight times a day to see what was happening. She was afraid the wash out would extend to the 135 heating/air condition system or even into the house. But, thankfully, it did not. 136

Mr. Johnson called *point of order*, before discussion is held a motion had to be made, according
 to *Robert's Rules of Order*. Mr. Johnson moved to approve an additional \$11,750 to complete the Myrtle
 swash improvements. Ms. Samples second.

140

160

141 Mr. Courtney continued asking why this was not checked sooner, and why the swash was not 142 braced, since we knew a hurricane was coming. Now, there is an additional \$11,750 requested. He has 143 seen the materials and equipment at 4th Avenue, but he has not seen any work being done during that 144 time. Ms. Fellner said the work cannot begin until she authorizes the contract, and she would not 145 authorize the contract if it was \$11,750 more than what council authorized, because it was over her 146 \$10,000 authorization limit. Mr. Courtney asked why the project was not let for bids. Ms. Fellner said it 147 would have taken two to four weeks to develop the bid package, because an engineer would have to 148 write specifications, and the bid would have to be let for 30 or 60 days. The bid process is a long 149 procedure, and we need to get this project done as soon as possible. 150

151 Mr. Pellegrino referenced the October 7th quote and said the amount is \$154,250. Ms. Fellner 152 said that amount did not include the engineering quote that she did not provide again. Mr. Pellegrino 153 asked if between the two inspections, the engineer figured out an additional 40 feet was needed. Ms. 154 Fellner said yes, when the engineer did the final inspection. That is common; the same thing happened 155 at the 3rd Avenue South swash. Mr. Pellegrino asked if the \$154,250 was an estimate or a quote. Ms. 156 Fellner said it was a quote. The construction quote and engineering came to \$155,000. Now, because 157 the scope of the project increased for an additional 40 feet, the cost has increased by \$11,750. Mr. 158 Pellegrino understood, but the contractor actually gave a quote. Ms. Fellner said once the town's 159 engineer changed the scope of the work, the contractor is allowed to alter his pricing.

Mr. Ott said the town does not have an engineer. Ms. Fellner said we do for this project, it is
DDC Engineers. Mr. Ott asked if councilmembers could be given a tour of the project so they can
understand exactly what is being paid for. The price was just raised, and we did not know that the
engineering was not included in the quote. Ms. Fellner said the engineering was in the quote. Once the

engineer started working on the project, he found that an additional 360 square feet was necessary to
complete the project correctly. Those extra 360 square feet increased the fee for materials by \$11,750.
Mr. Ott said that was their mistake. Ms. Fellner, said no. It was a change by the town's engineer to
lengthen the swash, and the contractor has to amend the price. Mr. Ott was confused by "our engineer"
since he is employed by DDC. Ms. Fellner reiterated that he is the town's engineer for the purposes of
this project.

172 Mr. Pellegrino had no interest in being involved with what staff is supposed to be doing. But, 173 regardless, this is our contracted engineer. They made a mistake, obviously, and Ms. Fellner seemed to 174 act like that was a common occurrence. Ms. Fellner said it is a common occurrence in this type project. 175 Mr. Pellegrino understood that things changed in the field, but we need to hold them accountable to 176 make sure the town gets the right estimate the first time. There were probably details that he did not 177 know, and he understood that, but just because we are contracting with them, we need to hold them to 178 the fire to make sure we get the best results so we do not have unknown expenses come up. Ms. Fellner 179 said she heard him. 180

Mr. Courtney said it was important that the town watch its money. This project is going to be
 \$12,000 more. Our engineers need to be more careful when giving prices. The council held a special
 meeting to authorize the repair. It was a little concerning to him, and he agreed with Mr. Pellegrino.

185 Mr. Stevens did not agree with any of this project. He had a private company bid for the same 186 job for a 190 foot wall June 2014. The material cost was \$30,121.40; the total price was \$59,990. He 187 had a copy of the quote, if anyone wanted to see it. He asked why the town was paying nearly two-and-188 half times the amount for a Redi Rock wall was beyond him. The \$59,990 price included engineering, 189 and Earthworks Group was the company. His personal opinion was that the taxpayers were being 190 [bilked,] to say the least. He realized that two years had passed, but that product has not increased that 191 much. He could not vote for another \$12,000 for this project that was already overpriced. He asked if 192 bids were let on this project. Ms. Fellner said no, this was an emergency procurement. 193

Mr. Ott asked whether Ms. Fellner had the cost for the 3rd Avenue South swash. Ms. Fellner did not, but would provide that information to him. Mr. Ott said that was similar to this project. Ms. Fellner said it was. Mr. Ott said he could understand the project better with a visual inspection, and reiterated he and some other councilmembers would tour the project. Ms. Fellner suggested that councilmembers come in smaller groups to view the project. Mr. Ott asked if there would be a charge for the tour. Ms. Fellner said no.

Mayor Childs, Mayor Pro Tempore Ott, and Councilmembers Courtney, Johnson, Pellegrino, and
 Samples voted in favor. Councilmember Stevens voted against. MOTION CARRIED.

D. Board of Zoning Appeals (BZA) Reappointment: Ms. Holly Watson. Mr. Ott moved to reappoint Ms. Holly Watson to the BZA for a four-year term. Mr. Courtney second.

207 Mr. Ott said Ms. Watson has served on the BZA for about eight years, while he was serving as 208 chairman of that board. Ms. Watson helped greatly in a lot of different issues with the town residents. 209

Mr. Courtney said he, too, served on the BZA along with Ms. Watson for two years. She is a very valuable asset to the BZA. She is very knowledgeable and very good for the board.

All voted in favor. MOTION CARRIED.

204

205

206

210

211

212 213

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

0 Mr. Ott asked Ms. Fellner to have staff place on the next meeting agenda to move the town clerk 1 directly under Town Council as it was for many, many years. As one of the liaisons, he thought that 2 change could be made and work directly with the town administrator so everything would be done 3 appropriately.

5 Mayor Childs asked if that should be discussed in executive session, because it was a personnel 6 matter. Ms. Fellner said it is a personnel matter. Mayor Childs said it could be on the agenda for 7 executive session next meeting.

Mr. Ott said he was not afraid of speaking out to the people. Mayor Childs said it was policy, because it was a personnel matter. Mr. Ott said it did not include any cost or salary or anything.

Mr. Courtney said he also was a liaison for the town clerk. He thought it would be beneficial to council to have her moved under council at this time. In the past the position was under council, and he did not know why the position was moved under the administrator. He agreed with Mr. Ott that the clerk should report to council only.

7 Mr. Ott reiterated that he wanted the discussion held in front of the town. Mayor Childs said 8 once executive session was over, it could still be discussed in public. Mr. Ott said that then everyone 9 could say what they wanted in public so everyone could hear it.

Mr. Stevens concurred with Mr. Ott and Mr. Courtney. He thought this was a wise move to bring the clerk back under the council. That was the way it was when he was first elected, and somehow it got changed. I think it is a good step in the right direction and would work to benefit the council.

Mr. Fellner said she did not have "a dog in this fight," if council wants to do this, that would be fine. The reason it would be discussed in executive session is because when you discuss one person who works for the town in public, there is the potential for things to be said that could be a liability for the town. Ms. Fellner said, "I strongly would like my objection to this noted, if you want to do it in public and not in executive session."

Mr. Johnson agreed with Ms. Fellner. It is a personnel matter. If council so wishes to make comments in open discussion, they can do that. But as a sitting body, it is a personnel matter and our bylaws indicate that we need to discuss personnel matters in executive session. You can say whatever you want to in public after the executive is held, but you must go into executive session.

Mr. Ott said he totally did not believe in that. If he cannot say it in front of the people in town, then it should not be said.

Mr. Johnson reiterated that council can go into executive session to discuss anything you want to, and then come out and say anything you want during regular session. As a personnel matter, he was pretty sure this was a state law, at least our bylaws indicate that we need to discuss personnel matters in executive session. He did not care what was said when the executive session was over. He was totally for discussing it in executive session. This did not indicate what his decision would be, and you would probably be surprised.

Mr. Courtney asked if someone would find out if this is state law to clarify this.

Mr. Ott said he would not attend the executive session.

270 Ms. Samples wanted to bring the tree ordinance for discussion prior to the storm. She wanted 271 council to revisit the tree ordinance. (Applause) She hoped that council would support doing so. She has 272 been very upfront about the fact that the town is overregulated. The ordinance is too restrictive. If 273 anything, the storm showed us that people who come into town and wanted to remove a tree because 274 they felt it was hanging over their home, or driveway, or shed, and were concerned that it would fall and 275 the town would not allow it to be taken down, and sure enough, those trees fell. She did not like the 276 tree ordinance as a member of the public, and she still did not like it now. She asked Ms. Fellner if the 277 tree ordinance could be brought back. She thought a workshop would be helpful. Ms. Samples said she 278 knew council had "beat the tree ordinance to death," but we need to seriously look at making it a little 279 easier for our residents to maintain their property, not just for their safety, but also for their neighbors' 280 safety. She hoped council would concur at this time to bring the tree ordinance back. 281

Mr. Stevens concurred.

282

283

Mr. Courtney agreed with Ms. Samples saying the tree ordinance has always been too strict. We've been overregulating this too long. He had heard this from his neighbors. He personally saw trees go down during the storm. There was one at [5th] Avenue North across from the CVS that was completely hollow. It took out a beautiful historical building. It is a shame. We have discussed this in the past. An Ocean Pines I resident had an almost two month battle to take down a tree. It was ridiculous what went on. The ordinance is definitely too strict and needs to be reviewed.

Mayor Childs said if councilmembers agreed, a workshop should be held about the tree
 ordinance. Town Council CONCURRED.

294 Mr. Courtney thought council should go into a budget workshop, because there was a lot of 295 damage from the storm, and assessments were still on-going. It is a learning process. We made it 296 through, but some communities did not do as well as the town. He believed the department directors 297 should attend to answer questions about councilmembers' concerns. Other than some communication 298 issues, staff did a great job. He was very impressed with the difference with drainage at 14th Avenue 299 South after it was cleaned. Overall, the town did well, and we will wait until the assessments come back. 300 We need to very careful with our finances; it is very important to watch what is going on, because the 301 recovery will be costly. 302

303 Ms. Samples added that she thought it was important to have a workshop about the town's pier 304 and what would happen with it. Whether we are going to rebuild the pier, and if so, how would it be 305 built? What is our town's vision for what the pier needs to be? It's been a fishing pier. It's publicly 306 owned, unlike other piers that are privately owned. She not only thought council needed to discuss 307 financing, but she really wanted public input on the vision for the pier area. (Applause) Will it be built 308 shorter; wider; she thought it was important that before plans were made, council have a workshop and 309 let the public speak. She did not know what the best use was at this point. She wanted public input 310 about the pier area and how it would be rebuilt, if it was rebuilt. 311

Mayor Childs said Ms. Fellner spoke earlier about having a workshop once some information was compiled about the pier. Before anything is done, he thought three public meetings should be held to allow as many people as possible to attend. That will be a fairly involved subject. He asked if council agreed.

Mr. Stevens agreed.

317

318

Mr. Pellegrino said Mr. Courtney and Ms. Samples both made suggestions about workshops,
 which he thought were needed. Nothing can come before the budget workshop, because the town just
 spent money on beach renourishment, and the swash expenditure. Now, the pier also needs funding,
 which will probably cost \$1 million plus. Council needs to understand where the money will come from

before we can talk to the public or think about rebuilding. Mr. Pellegrino thought the budget workshop
was a priority; sooner than later, because there were three huge expenditures all at one time.

Ms. Fellner said when the CAFR (Comprehensive Annual Financial Statement) is completed, which she hoped would be in December, then a workshop could be scheduled. Holding it prior to the CAFR presentation would be premature. She understood Mr. Pellegrino's comment, but thought "budget" might not be the right word. A meeting about the big expenditures could certainly be held, but the figures would not be ready for a "budget" meeting.

Mr. Pellegrino said he was basically looking at what money would be spent on. If the town decides to have a pier, some services may have to be cut. Council did not need to know details to adopt a budget; the budget is already in place. The existing budget can be reviewed to determine priorities as Ms. Samples said, and determine what is necessary to fund. He personally did not want to take on debt, but that was a possibility. Increasing taxes was another possibility. He would not vote for either of those options. That workshop needs to take place before December.

339 Mr. Ott agreed with Mr. Pellegrino. We have to see how much money we have left to keep this 340 town running for another year. Do not think that the pier will cost any less than \$2 million. We have to 341 have ideas from the people, because he would not do anything with the pier without a referendum from 342 the people. He did not see money anywhere to rebuild right now. Probably the only way to do it is to 343 float bonds. There just is not enough money, because we have a lot of infrastructure that has to be 344 done, and we have to be wise with the way we spend our money. We always like to see that pier out 345 there, but it will cost a lot of money. He thought it would be a waste of time to bring in architects at this 346 point, because we do not know how the budget will come out this year. We will work hand-in-hand on 347 that and then we will look at rebuilding the pier and making it substantial once we do it. 348

Mr. Courtney wanted to be clear. We have been looking at the pier. He and Ms. Fellner met under the pier prior to the storm. The pier has been neglected for quite some time. It has not been maintained. It is very important that the public has a lot of input about what will happen with the pier. It is severely damaged and before the town pumps more money into, we really need to know all the facts on costs. He agreed with Mr. Ott and all other councilmembers that the public will need to decide what we will do. The cost could be from \$2 million to \$4 million. He did not support floating a bond or for raising taxes at this point, because it was a really hard decision.

357 Mr. Stevens was glad that Ms. Samples brought up a workshop on the pier. He liked Mr. 358 Pellegrino's comments. The reality is if we decide to rebuild the pier, it has to be paid for. That is money 359 the town does not have. Beach renourishment is costing \$1 million plus. He was glad the project did not 360 start before the storm. We have to consider that and get public input to see if this what the public wants 361 to do. If the public wants a pier, and the town wants a pier, then maybe a public referendum as Mr. Ott 362 suggested would be needed. The pier is one of the town's main parks. Maybe some other things could 363 be done around the pier, as well. The taxpayers are the only people who can pay for it. The question is 364 how much more money in taxes do you want to pay? Bring your comments to Town Council. Let us 365 make sure we do everything the right way and it is the right thing for the town.

366 367

9. PUBLIC COMMENTS – General Comments. (5-minutes per speaker)

Mr. Ken Laukhuff, 7th Avenue North. I'm glad Ms. Samples brought up the trees. That's been a bone in my [behind] for a long time. If I want to cut down a tree, I want to cut down a tree. The reason I want to cut down a tree is because it is going to do harm either to my home or a neighbor's home. Trim a tree; same thing. If I want to trim my tree, let me trim my tree. Why do I have to get someone to come out and tell me I need a tree arborist? Then I have to wait and then I have to get a permit. The cost of that is crazy. Two of my neighbors just had to go through the same thing; wait for the tree arborist appointment, and it took four to five weeks. Then they had to get a permit, and then

they had to find someone to cut the tree. It is ridiculous; it is just ridiculous. Too much money for the permit. Too much time for a tree arborist. I never heard of such a thing. [Regarding] the pier, I've been here since 1988. That pier has been a problem for a long time. Shorten it up. Don't keep building it out. God doesn't want it out there or he wouldn't keep knocking it down. That's my thought on the pier. Thank you.

381 382 Ms. Linda Chrisman, 10th Avenue North. I'd like to thank council and the city for all their efforts 383 that the put forth, plus Santee Cooper, even though they are not here. I appreciate them getting us 384 back online. One thing I would like is to make a request is when you discuss the tree ordinance, could 385 you also please bring up the liability issue or the ownership of the treed lots? I have one next to me that 386 is causing me great stress. I had one of their large pines come down in my back yard. There's also four 387 that have been pushed sideways. I don't own this lot, so could you please also include that in your 388 discussion as to how we can get these lot owners to step up, take responsibility or do some maintenance, 389 something? Thank you.

390

Mr. David Goodall, 12th Avenue North. I actually have a tree resting on the house right now that the town said could not be removed. So, it is a big problem. It's going to be more costly to remove it at this point, because now there is a fence around the back yard and it's going to be hard to get equipment in there, and of course, I can't get anybody to return phone calls at this point. So, it's still resting on the house, and it's something the town said we could not remove.

397 Ms. Susan Clark, Juniper Drive. First of all, I want to thank everybody on the council, public 398 works, first responders, and everybody who was taking care of us during the storm. I also want to thank 399 all the citizens of Surfside Beach. It is a family beach, because your neighbors all became your family. 400 Everybody helped each other out. Everybody looked out for each other, and I just think it's a wonderful 401 thing and that is why our town is great. Now, you may not agree with everything, but I do agree about 402 the trees. You probably haven't seen somebody come to a council meeting before with snake boots, a 403 shovel, and a head lamp (displayed the items). When I moved here there were five homes on my block. 404 Now there are nine homes. The empty lots that were there and since constructed on were jungles. Well, 405 my nice little place with heavily damaged oak trees that Surfside Beach has continuously fought me on 406 every issue getting them trimmed, getting them anything. So, all the little critters called Copperheads 407 showed up in my yard this year. Now, I've had problems before. I had a dog bitten in the face before 408 that cost me \$600 to save her life. The day before the first election this year, my little dog "Puff" who 409 many of you may remember that came to the 2008 Christmas tree lighting dressed as Mrs. Santa, and 410 was almost a bigger hit than Santa. Puff is a mini long haired Dachshund. She was viciously attacked by 411 a raccoon. She is alive; blind in one eye; missing an ear; cost me a \$1,000 to save her life. Then, I start 412 dealing with the Copperheads. These snake boots and this shovel are all the protection I have. I threw 413 turpentine on the last snake because he was so big, he could hit me above the boots. The strike range is 414 two-thirds of the length when they are coiled. I could have been bitten by a Copperhead. From ten 415 o'clock at night when I usually start letting my dogs out, I have to leave them in the house and inspect 416 my yard head to toe. Smash any of the Copperheads I've seen; I have pictures on my phone if you 417 would like to see them. Then, there are the ones that get away. Now it is not a nest in my yard. It's 418 the disruption every time they build a house. Growth is necessary to any town. But, when you have 419 jungle lots that have been there since God created the earth, they need to be cleared out. It represents 420 a hazard. I had a raccoon (**) tear my dog apart. As the weather got cooler, and the Copperheads are 421 no longer nocturnal, then I had to start going out just after six o'clock at night. This is not what I want 422 to do: wear a head lamp, snake boots, and carry a shovel. I want to sit on my back porch, listen to the 423 ocean, and listen to the beautiful sounds, and not be in terror every single night. My house would not be 424 such a great habitat, if I were allowed to remove some of the trees. I don't want to clear-cut my lot. 425 However, when they did clear-cut the lots on Melody Lane the fine was \$10,000. If I wanted to willfully 426 break the law, since I only have one lot, that's \$5,000 I would have been fined would have saved me a 427 lot of money since 2002. Right now, with my wind and hail, everybody knows what we pay in premiums. 428 Deductibles are awful. My damage is not quite as much as my deductible. So, guess what? I have to

429 come up with money from somewhere, somehow, and a tree that's going to fall on my neighbor's house. 430 [sic] I'll keep this brief, the neighbor on the other side of me has been fighting Surfside Beach to get a 431 tree down for I don't know how long. It, too, is still resting on their house today when it uprooted and 432 came down from the storm. I love trees. I love wildlife. I love birds. But, I still think I should have the 433 right to cut down dangerous trees and not wait for them to kill somebody or destroy my property, which 434 is a big inconvenience. Thank you. Thank you everybody for being here and what you do. (Applause)

435 436

Mr. Michael Smith, 5th Avenue North. Like the nice lady before me, I also want to congratulate 437 you for the performance for everything you did during the storm. Mayor Childs: Mr. Smith, please state 438 your name and address for the record. Mr. Smith did so and continued: We couldn't ask for a better 439 council. Y'all just did the right thing at the right time for the right reason. Nobody can ever fault you for 440 that. I think even if the eleven o'clock new showed up, you can explain it. That's always been a motto 441 of mine. If I can't explain it on the eleven o'clock news, I don't do it. I think y'all are covered there as 442 well. Finally, I was sitting in the back not thinking very much about talking about the law tonight, but 443 this thing about the personnel matter came up. As a citizen, not speaking as an attorney, I think it would 444 be imprudent to discuss personnel matters outside of executive session in an open forum like this. When 445 we're talking, when I walked up here, I knew I was supposed to say my name and say where I live. But 446 I didn't. It could've gone the other way. I could've walked up here and had Joe DiMaggio on my mind or 447 something and decided that I was going to say that's who I was. It would have been an incorrect 448 statement. Sometimes things just slip out. I guess we could ask Donald Trump about that; things keep 449 slipping out there. If it slips out when I'm saying it, or one of you individually saying it, not sitting en 450 banc, en banc means together as a council, if you're just talking then you can be sued, and you can be 451 held liable for those derogatory remarks individually. But when you're sitting together en banc, and you 452 say something, whether you meant to or whether it's just an interpretation, because all of us have 453 different ways of interpreting different phrases, then it puts you as a group liable. It puts the all of us 454 (indicated the audience with is hands) liable, because if a suit comes out of it, guess who funds that? So 455 I would just ask that you keep those personnel matters in executive session. Again, that's not what I 456 came up to talk about. I came up here to say hey, you guys did a great job! (Speaker's emphasis) Every 457 one of you. Thank you. 458

459 Mr. David Reed, North Myrtle Drive. To go along with the woman who spoke earlier, Cathy and I 460 do own one of those vacant lots. About six years ago, we went to the town to get a permit to cut some 461 trees. I had to go get a survey, and it had to locate all the trees, the diameter, and at the time you were 462 allowed to take down a percentage. I think it was 10-percent; maybe it was more. I did that. But it was 463 a large cost to get all that done. About three or four months ago, I went back to the town, because I 464 saw someone else clearing a lot. I thought maybe they changed the ordinance, and the town said no. 465 You cannot cut any trees on your lot unless you're building a house. So, for that woman who says clear 466 the lots, you can't as it sits right now, unless you people know more than I do about that. Two years ago, I built a house on 12th Avenue North. Before construction, I went in, brought the survey and I was 467 468 told which trees I could cut and which ones I couldn't. There were several trees I wanted to cut down. 469 At that time, another house was being built out back. There was a large pine tree in the rear corner. I 470 went back to Ms. Morris and I said that it's going to cause trouble for that back house. No problem. I 471 got a chance to cut it down while I had a 44,000 pound excavator in there doing it. There were two 472 other trees I wanted down. Couldn't get those down. While the house was under construction, one of 473 the neighbors came over and said he would like to put a pool up. Those two trees I wanted down are 474 dropping stuff all over his side, and it's going to make a mess of his pool. I went to the town. The town 475 said you can cut down that gum tree, because the town does not like gum trees. The other gentleman 476 paid for that tree to come down. It cost a lot more money, because I now have a house under 477 construction and I couldn't take it down with a 44,000 pound machine. It had to be climbed, roped, cut, 478 and hauled away. I could not take down the other tree. It was a Hickory. It wasn't an endangered tree, 479 I don't believe. It wasn't dead, so we couldn't get an arborist to let us cut it down. That tree is now 480 sitting on that gentleman's house. It should've been cut down. Thank you. 481

482 483

10. TOWN COUNCIL COMMENTS

484 Ms. Samples: Thank you, Mr. Mayor. Everyone has been incredibly patient the last few days 485 with getting the power on. Santee Cooper has been phenomenal, and we are so appreciative that they 486 got into town quickly. We are so sorry for those other streets that it took until, I guess, late this 487 afternoon to get power. I'm hoping everybody has power now. Santee Cooper was out on 13th Avenue 488 North and they were working on getting a tree untangled from the lines. So, I'm hopeful that you all 489 have power. If you don't, let us know, because Ms. Fellner has been harassing Santee Cooper, I'm sure. I know a lot of us have been harassing Santee Cooper, and we have been met with smiles, and 490 491 absolutely, whatever we can do. They've been so kind, and you all have been so patient. We appreciate 492 that. But, again, if you have issues, let us know. The more you let us know, the more we can take care 493 of things. Staff, again, did a phenomenal job. They were here morning, noon, and night. Those of us 494 who stayed saw them out working. Family and friends were bringing them food to eat, while they were 495 out cleaning the streets. So, thank you, thank you, thank you. I can't thank you enough. As it relates to 496 the pier, I think we have a lot of options that we're going to need to discuss. Even if we do a 497 public/private partnership, which hasn't been discussed. Before we start talking about raising taxes and 498 floating bonds, and all those good things, I think we have a number of things we can look at. I'm hoping 499 that we're going to get some input from those of you who have some ideas. Thank you for coming out 500 tonight. It was an important night, I think, for you to be here. We like to hear what you have to say. 501 Those people who got up and spoke about the trees, I'm with you. I think we can do a lot to ease the 502 burden off our homeowners, and I'm going to be an advocate for that happening. Thank you, again. 503

504 Mr. Stevens: Thank you, Mr. Mayor. I wasn't here during the storm. I actually went to my 505 hometown of Loris. But, I kept up with the town; what was going on. I want to commend Mr. Ott, Mr. 506 Courtney, and Ms. Samples who were always in touch with the administrator. There were texts being 507 exchanged continuously. They were discussing everything. I wasn't in a position to say anything, 508 because I didn't know what was going on here. I want to commend them for what they did. They 509 stepped up to the pumps and they were here for you. In mentioning the trees, I really think about the 510 people that I've seen like the man who was fined nearly \$5,000 for cutting Wax Myrtles one time, or the 511 lady on 7th Avenue who was fined \$4,000 for cutting some trees on a lot that were just a little bit over 4 512 inches. There are a lot of pine trees that are falling. They are dangerous to people. There's a lot of 513 trees. I don't think we need to go and hire an arborist to tell us a tree is dead, when plain common 514 sense will tell you it's dead. Those kind of laws don't make sense. I agree with Ms. Samples. We are 515 overregulated. We're very overregulated on trees, and I applaud her for bringing this up. As far as the 516 pier, I'd like to find out what the people want to do; if they want to spend the money or if they don't 517 want to spend the money. I want to find out what our options are. That's what we really need to do. 518 We need to do our due diligence and make sure that every step we do is [the correct one, and the 519 project] is done right. Thank v'all for coming out. It's good to see a good crowd here tonight. I hope 520 everybody who came through the storm didn't get any home damage. I didn't, but I will say that my 521 neighbor's lot put trees all over my driveway. There is a problem with the vacant lots who have trees all 522 over them. I was at a citizen's house today. Believe me, if the wind was right, he'd have about five pine 523 trees on his home. Thank you for coming out. Have a good evening.

524

525 Mr. Ott: I also appreciate every comment and one of the things that would help many people 526 that spoke, Ms. Fellner, I believe there is something in our tree ordinance that we can ask people who 527 own wooded lots to clear the debris off them. That will take out the wild life that is living there. They 528 don't live in this town anymore. They don't pay any taxes. Maybe 20 years ago, we had them. We don't 529 have them. When I first moved here, we had a whole lot of wildlife. We had foxes, otters, and they're 530 just not here anymore. There's too many of us human beings here. But, we can ask those lot owners to 531 clear them off, and you won't have to worry about snakes. I have cotton mouth snakes. They're coming 532 out of the lake. I have never figured out a way to stop them. What Ms. Fellner and her staff did was 533 terrific. They did guide, and I have to commend them. It was a learning phase for all of us. We learned 534 how to communicate. We wanted to work as a team. The council here communicates with the people.

535 We have to know from staff and the administration what way you're going; what you're doing, so we can 536 tell the people. We don't want to tell your staff anything. I don't want to be John Adair. I definitely 537 didn't want to be the fire chief during that. But, we have good people and they handled that very, very 538 well. Ms. Fellner was in the center. She has her little blow up mattress. She never left. She was here. 539 You've got to commend her for that. We can do something about the underbrush, I believe. And, the 540 tree ordinance, thank you, Ms. Samples. Yes, we should have gone after this a long time ago. I've seen 541 the problems with it, and that poor lady on 7th Avenue. She was just clearing a path to go to the lake so 542 she could see that lake in there. Then she put the evidence over by the street, and they saw it. It's not 543 the zoning department; it's not the administrator. It's the way we have these ordinances. They're not 544 logical in certain ways. That's what we need to erase a lot of it and rewrite it. The storm, I hope we all 545 realize...Wow. If we see a large storm out there, maybe we're not all going to stay next time. Maybe 546 this was a blessing that we all learned. I think I did. I'm going to grab the wife and the dog, and I'm 547 going to go to Loris, and see [Mr. Stevens'] house. Thank you for all your input. We need your input. 548 This is the only way we hear everything that happens; when you communicate with us. I'm sorry the 549 trees fell. But, you know, the Lord did that and we can tell him about in our prayers. We got rid of a lot 550 of old trees that weren't any good. They were bug infested. Thank you for coming out. 551

552 Mayor Childs: A few years ago, we had some fires, not in town, but out of town that were 553 caused by some of these vacant lots, and I had a motion at the time that people would have to do the 554 underbrush on these vacant lots. I was shot down. The reason was the wildlife had to have a place to 555 live. But, I did want to see the underbrush taken out. I think it's necessary. For one thing, it's a fire 556 hazard. We get hot summers around here. It's all dry. I have a lot next to me that half of the trees are 557 dead and it's just underbrush. You can't hardly walk through it. I think the people that own it should be 558 required to keep them up and get some of that underbrush out, and dead trees. I don't know what you 559 have to do to get them to get a tree off of it, if was leaning towards your house. You don't want to 560 spend any money to do this. So, I would hope council, maybe this round, would do something about the 561 underbrush on these vacant lots, because to me they have always been a problem. To follow up with 562 this young lady there with the snakes and all; people going by flick a cigarette out. It could happen very 563 easily. As far as the pier, I think we're going to get plenty of input before we go into this thing. We're 564 going to make sure that everybody is able to speak; everybody has the different options, and sees 565 everything that council sees. I'm sure the administrator is going to contact people that do build piers. 566 Get their ideas; get ideas on the length. The length of the pier has to be looked into. What is the reason it's 300 foot? What is the reason it's 600 foot? [We have to consider] every little detail while we are 567 568 doing this. I would hope, and I'm pretty sure that even if we did do a new pier, let's say worst case 569 scenario that it would have concrete pylons, and it could have plank wood topping, which would look 570 good as opposed to a concrete walkway. I know that the pier planking has about a ten year life span. 571 I'm sure there would be a significant cost savings by doing that. I know the administrator is going to 572 make sure that she has plenty of options to look at and we'll have, as I said before, I'd like to have at 573 least three public meetings on this, because a lot of times you might be out of town, or you may not feel 574 well. I think if we had three meetings that would cover everybody and every opportunity that they might 575 have to get here. I can assure you that this will not be done very quickly, and everybody will have all the 576 input that is necessary. And, once again, Ms. Fellner, I want to thank you for what you did during this 577 last storm. I know you spent nights and days around here. Even our town clerk came in to make sure 578 we had our packets. Debbie Ellis who made sure that everybody who stayed around here did have three 579 meals. I know that. The fire department [was here.] The police department was doing a great job, 580 because a friend of mine got stopped coming in while I was on the phone with him at the time. The 581 police did stop him, as they were supposed to, because they didn't know who was driving the car and for 582 what reason. Although, he did live in town, and produced town credentials, and everything was okay. They did do their job, and they did it well. So, again, I want to thank you. I want to thank the whole 583 584 staff. You couldn't have done a better job, even in hindsight, I think you covered everything. Thank 585 you.

587 Mr. Courtney: I don't want to beat a dead horse, or a dead tree (laughter), but talking on the 588 trees, if anybody knows about trees, when I bought my house in 2008, I live on 15th and Poplar, and 589 there was nothing but woods on Block 25. I'll tell you. I've been through a lot. I've been through 9-11, 590 Hurricane Sandy, and now Hurricane Matthew. I never thought I would ever see the day I would look up 591 and see a pine tree snapping when there was ice on them, and coming down on my house. But, every 592 time I started my chainsaw I had the police rolling up on me, and I felt like a criminal, because I wanted 593 to cut down my tree. It got a little crazy, and yes, the tree ordinance is a little strict. As far as the 594 owners, I had to chase the people [that owned the property next to mine]. I had to get a lawyer and 595 send out legal notices to them to get them to try to cut back their trees. I absolutely got nowhere, 596 because they would not accept the certified letters that they were getting from my attorney. So, I was 597 actually blessed. They built some homes by me, and they took all those pine trees down. I thought I 598 had seen it all, but when you get an ice storm and you see those pine trees snap, I was like, oh my, I 599 couldn't believe what I was seeing. There were just coming down, and they cracked my driveway. I'm 600 glad this was brought up. We need to work on the tree ordinance. It's very important. I know there's 601 no one in this community that wants to take down trees unless it's absolutely necessary. So, I really do 602 understand that. I'm all in favor of changing the ordinance. I also sat on the BZA and some older people 603 who cut down trees came before the board, and they were fined pretty heavy for doing so. I thought it 604 was excessive for them to be fined that much money. I know in their hearts they did not mean to do 605 that. So, I do want to work on that ordinance. As far as the pier goes, yes, I'd love to see the pier 606 rebuilt. Again, I think the pier has been neglected for a long time. We've put a lot of money into the 607 pier. I think it's important that we make that decision as a community what we want to do with the pier. 608 Am I in favor of floating a bond? No, but if we do it will be up to the public to decide. It's something that we really need to work on with the community to have their input. It is very important. As far as 609 610 Hurricane Matthew, I want to thank the staff. I want to thank Ms. Fellner. We did get our 611 communication straight. We councilmembers represent the people of this community. It was important 612 to get our message out to the staff and to the administrator about what we needed during this hurricane. 613 My wife, kids, and I stayed. We really had nowhere else to go at this point. As everybody knows, it was 614 very difficult to find a hotel room. When you have a family; two kids, and it's \$300 a night, plus you've 615 got to feed four people, you're talking about \$300 to \$500 a day to be out of town. It was very 616 expensive, so I hope the administrator understands that. There's a lot of people that did not leave, 617 because they didn't know what to expect. We came together as a community. We stayed together. 618 Worked together, and worked with Ms. Fellner and we got our communications across. We did very well. 619 If there is still anybody without power, I have a couple of generators. I have no problem letting you use 620 them. Please, let me know. We're all here to help each other. Thank you very much for coming out. 621

622 Mr. Pellegrino: Since the storm ended, a lot of people have thanked me for my contributions. 623 Honestly, I want to say it was all the staff. I think the best thing I did was stay out of staff's way. So, 624 really, there's no need to thank me. But, please, do take the time to thank the staff, because they did an 625 excellent job. Basically, they covered all the bases. We've been through storms before. Probably not 626 the same as this storm. But, they have a process. They went through the process and they had good 627 leadership through the process, and we came out the other side pretty well. So, thank you, Ms. Fellner, 628 and please pass the thanks on to the rest of staff. Now, Ms. Fellner and Mr. Adair have a great strength 629 that they can use right now. That strength is getting FEMA grants for all these expenses we're incurring 630 on the cleanup. She mentioned that possibility and I do fully expect that they will go for that. I 631 remember when we had the ice storm a couple of years ago, they got about \$220,000 back from FEMA 632 to cover all our expenses. So, they are very skilled at that; that's another skill they have. We do look 633 forward to that. Ordinances, it's good that we're talking about ordinances. I'm glad that Ms. Samples 634 brought it up. Not just the tree ordinance, but I was in a business committee meeting and we went over 635 the sign ordinance. Our sign ordinance is over 20 pages. Pawleys Island's has a sign ordinance that is a 636 page and a half. A page and a half is really easy to understand on what you have to do. The 22 pages 637 are all lawyer talk and I have no idea what it means. We do need to focus, and did talk to Ms. Fellner 638 about that. We need to push forward on cleaning up, simplifying. A comment was made that we need 639 to rewrite sections, and do this. We don't need to rewrite sections. We need to throw it out and start

640 over. That's the problem. We rewrite a certain section, and it is still complicated and it makes it more 641 complicated, not just for residents, or businesses owners, but for planning and zoning to enforce. I mean 642 it's very difficult. That is a huge project, but we do have the tree ordinance, the sign ordinance, we have 643 about five specific ordinances that are always hot topics. So that's where we need to start. As far as 644 the tree ordinance, I did vote yes for the current tree ordinance. In discussion I did say that I think it's 645 overregulation. I admit, I still voted yes for it. The comment was made that everyone's not going to cut 646 down their trees, but probably everyone will and we'll end up looking like Carolina Forest. That's a side 647 point. I still agree, it's overregulation and the property owner should make that decision. I'm kind of 648 concerned, because today I heard that the residents should be able to make decisions on what to do to 649 the trees, but then we should regulate more of the lots that aren't developed. I mean we have taken 650 regulation away from some and adding regulation to others. That's something we, obviously, need to 651 make sure the whole process is fair. That's fine; I'm glad Ms. Samples brought that up, and I agree we 652 can do better with that. The last thing I want to mention is the power of good neighbors. During this 653 cleanup process, it's really been great to see. We have a large older population in Surfside Beach, and 654 how people are just going over and helping other people; asking what they need, and running around 655 with their chainsaws, picking up branches, and helping the people who need to be helped. That's a great 656 thing to see. There are a lot of parts of the country where you don't see that. We have a nice small 657 town here where people know other people, and people check on their neighbors. Coming back from the 658 storm, people were going over and checking on their neighbors to make sure they were alright. That 659 was really positive to see. It was very nice. We have a loving community and that's a great thing. 660 Thank you for coming tonight, and I appreciate all the public comments.

661 662 Mr. Johnson: Thank you, Mr. Mayor, and thank you Council. Thank you all for coming out 663 tonight. May God bless you. First of all, I want to thank Ms. Fellner and our wonderful staff. They did a 664 tremendous job. I hate to say I told you so, but I told you so that we were going to have a hurricane 665 sometime in the future. (Laughter) I didn't know the future was going to be so soon. It was a Category 666 1, but the tail winds, I think, a whole lot worse than a Category 1. Something went crazy somewhere 667 and I've been here for 32 years, and that was a storm to be remembered, for sure. I hope you all went 668 to the fire station and got your orange death wrist with your name on it. (Laughter) I did, and I make 669 light of it, but that was a good way to get in and out, if you did choose to stay. But then again, I just say 670 it was a death wrist if they find you floating in the ocean or wherever, or Steve Shore's back yard, or 671 something, not; I'm kidding. I'm not going to finger point, but there was a lot of emails going back and 672 forth and I feel like there was a lot of micromanaging going on with councilmembers. I don't know if it 673 was an insecurity issues or what. I have full faith in our staff. Our staff knows what they are doing, and 674 it's not only our staff that we have to deal with. It's the county; it's the state; it's the electrical 675 companies; it's the telephone companies, so if you want to lay blame on anybody, blame it on me, 676 because I had nothing to do with it. Okay, but again, I just really would like to thank staff. As far as 677 Resolution 16-173 to promote work place safety, that is an on-going issue. That is something that we do 678 every year. We do get some ... (side conversations being held) Point of Order, Mr. Mayor, I've got the 679 floor. This is something that we've always done and it's a no-brainer. As far as the stormwater 680 improvements at Myrtle swash goes, I saw an email a week or two ago about someone said that the cost 681 was less than what bids came in at, and I never received an email to that respect, so I cannot comment 682 on that. As far as the wind and hail deductibles, I feel your pain. But there are options out there besides 683 one particular wind and hail association company. With that company you can have 2- to 5-percent 684 deductibles, but then again, there are other options. As for the tree ordinance, I would not have a 685 problem with that, but just remember that everything that we decide has to go through planning and 686 zoning. For the workshop on the pier, I do not have a problem with that. I think there are many, many, 687 many options that we could take a look at, and I think we should. We would be remiss if we did not. As 688 far as the tree ordinance goes, again, that's always a touchy subject. I voted for the tree ordinance, and 689 I did so for a specific reason. This hurricane took a lot of the old trees out; the dilapidated and the 690 hollow trees, and there are some things you can't see until they fall over. You don't know that they are 691 hollow. It's like which way to do you go? Do you go this way or go that way. We've been all over the

692 693 694	gamut in the past 20 to 30 years. bless you.	Again, those are just my comments. Thank you for coming out. God		
695 696 697	Mayor Childs asked Ms. Fellner to find out if Ms. Morris could visit the gentleman's the tree laying on it to see if there is anything that can be done.			
698 699	11. ADJOURNMENT.			
700 701 702	Mr. Johnson moved to adjourn the meeting at 8:02 p.m. Mr. Pellegrino second. All voted in favor. MOTION CARRIED.			
703 704 705		Prepared and submitted by,		
706 707 708 709	Approved: October 25, 2016	Debra E. Herrmann, CMC, Town Clerk		
710 710 711 712	Robert F. Childs, III, Mayor			
713 714 715	Ron Ott, Mayor Pro Tempore	Timothy T. Courtney, Town Council		
716 717 718	Mark L. Johnson, Town Council	David L. Pellegrino, Town Council		
719 720	Julie M. Samples, Town Council	Randle M. Stevens, Town Council		
720 721 722 723 724 725 726 727	Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you provided you bring a flash drive. In accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at www.surfsidebeach.org and the marquee.			