



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES
SEPTEMBER 24, 2019 AT 6:00 P.M.
TOWN COUNCIL CHAMBERS**

1. CALL TO ORDER.

Mayor Childs called the regular meeting to order at 6:00 p.m. Mayor Childs, Mayor Pro Tempore Pellegrino, and Councilmembers Dietrich, Johnson, Ott, Scoles, and Stevens were in attendance. A quorum was present. Others present: Town Attorney Crosby; Town Administrator Pieper; Town Clerk Herrmann; Finance Director King; Planning, Building & Zoning Director Morris; Police Chief Hofmann, and Public Works Director Adair.

Mayor Childs invited candidates present to introduce themselves: Mayoral Candidates: Bob Hellyer, David Pellegrino, and Julie Samples. Town Council Candidates: Jenn Cribb, Michael Drake, Paul Holder, Cindy Keating, Laverne Kreklau and Kathryn Martin.

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Mr. Pellegrino gave the invocation.

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

3. EXECUTIVE SESSION. Pursuant to the Freedom of Information Act §30-4-70(a)(1) to discuss employment, appointment, compensation, promotion, demotion, discipline or release of an employee (town clerk) and the appointment of a person or persons to a public body (Keep Surfside Beach Beautiful.) and pursuant to FOIA §30-4-70(a)(2) to discuss other matters of attorney-client privilege (Atlantic Restaurant Group, LLC.) Mr. Dietrich moved to enter executive session at 6:02 p.m. Mr. Johnson second. All voted in favor. **MOTION CARRIED.** Mr. Stevens moved to reconvene regular session at 6:54 p.m. Mr. Dietrich second. All voted in favor. **MOTION CARRIED.** Mayor Childs said for the record that no action was taken during executive session.

4. MOTIONS RELATING TO AGENDA. There were no motions; the agenda was approved by acclamation.

5. MINUTES APPROVAL. August 27, 2019. Mr. Stevens moved to adopt the August 27, 2019 minutes as presented. Ms. Scoles second. All voted in favor. **MOTION CARRIED**

6. PUBLIC COMMENTS. Agenda Items Only.

Ms. Patti Magliette, Harbor Lights Drive, disagreed with executive sessions saying that business should be conducted in public. Council spending time in a locked room discussing things behind the publics' back could be done before the meeting. That was rude, and didn't believe that *Robert's Rules* provided for such meetings. She said the members' paychecks should be cut in half, because there is only one meeting a month and much of that time is locked in a room.

Ms. Cindy Keating, Cherry Drive, referred to the parking ordinance and assumed the position to raise parking fees was an attempt to solve the issue of revenue generation for the town. She believed there was more than one solution to any problem and asked members to consider that not a day passes that doesn't have a newsfeed on Facebook saying 'don't go to Surfside;' you can park free in Garden City, which discourages visitors from coming to town. There are three parking scenarios in town: (1) Businesses with free parking for their customers; free parking on town streets; free parking in municipal lots. (2) Businesses who are required to buy additional property for their customers' free parking. (3) Businesses whose customers have to pay for parking. Keeping those in mind and considering other

54 solutions, has council considered eliminating parking fees, which in her opinion, would have a net effect
55 of increasing the town's business traffic; have happy tourists and visitors, whom will spend more money
56 thereby increasing revenues received from the 3% sales tax, 3% or 4% in business license fees, and
57 more accommodations tax revenue. We need less than 10% increase in sales in town to offset anything
58 received from the net revenue on parking of \$132,000 a year.
59

60 Mr. Harry Kohlmann, South Ocean Boulevard, asked why council would vote before the public
61 hearing or a workshop. He didn't believe that gave enough time for discussion and consideration of
62 comments presented. It seems like this is a done deal. You want to charge \$15 for overnight parking;
63 why would anyone do that when parking is only enforced for 12 hours? You can't use a decal at the pier,
64 the new lot on Surfside Drive, or the 4th Avenue leased parking lot. Residents paying taxes are being
65 charged \$5, but employees get a decal free. We used to get as many decals as we wanted; now they are
66 limited to three: you, your wife, and your golf cart. What happens if you have children with cars living at
67 home? Nonresident owners have to pay \$50 now. The former parking committee recommended free
68 right-of-way parking on Surfside Drive north [sic] between the pier and 3rd Avenue North. You should
69 have a parking committee; oh, you did and you fired them. Mr. Pieper put a decision paper out; not very
70 good.
71

72 Mr. Michael Drake, Pinewood Drive North, suggested that before council continued on this path
73 that in less than 40 days there will be four people leaving council and four new people coming. No one
74 knows who that will be at this time, but he asked council not to move forward with any contracts or
75 contractual matters or lock the town into any kind of contract that the new council cannot get out of.
76 Please wait until the new members are seated; let the people speak and decide who they want to run the
77 town.
78

79 Ms. Mary Maruca, 7th Avenue South, did not believe that Mr. Pieper should have sole authority to
80 implement parking areas; she asked if he lived in town, and didn't believe he was the only one who knew
81 where parking fees should be implemented. Her business partner has three grown children, two work at
82 River City Cafe; six vehicles in the family. How do they decide who gets a parking decal? Council needs to
83 think about these things. She wanted all children to enjoy all the things that we enjoyed growing up
84 here. Why is the public hearing and the vote on the same night? Council needs to make decisions based
85 on the public's comments; don't have the vote planned. Please reconsider the ordinance.
86

87 **7. COMMUNICATIONS.**

88 **A. Proclamation #19-127 recognizing Glenn Hanson, Sunday Serenades Organizer.**

89 Mayor Childs presented Mr. Hanson with the proclamation and a key to the town for his volunteer
90 efforts on behalf of the town. Mr. Hanson thanked Mayor Childs for the recognition. He said the last
91 Sunday Serenade is September 27th and invited everyone to attend. He received a standing ovation.
92
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94 **B. Comprehensive Annual Financial Report (CAFR) Green Finney, LLP.**

95 Ms. Emily Sobczak, partner with Green Finney, presented the CAFR and showed highlights in a
96 PowerPoint, a copy of which is attached hereto. She explained that the \$7.4 million net pension liability
97 reported is the town's liability for the state's pension program. The mandated South Carolina employer
98 contribution rate is increasing one percent per year until it reaches 18.5 percent in FY23; public safety
99 employee contributions also are increasing one percent per year until they reach 21.2 percent in fiscal
100 year 2023. Those increases will have a significant impact on the operating budget. Funding sources
101 should be identified to cover those increases. The plan is to hold the rates steady, but they are not
102 expected to reduce any time soon. There were no material weaknesses or significant deficiencies found in
103 the audit. The town is in good financial condition as of June 30, 2019. Ms. Sobczak complimented
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105

106 management and finance staff for their excellent work to ensure the information provided was reliable,
107 and for also being very open and transparent during the audit process.

108
109 **C. Finance.**
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111 Director King presented the written report, a copy of which is attached hereto. The newly
112 adopted local accommodations tax and hospitality tax ordinances caused a reversal in the higher revenue
113 stream. Now, the hospitality revenue will be lower than the local accommodations revenue, which is the
114 opposite from prior years. Also, half of the revenue collected from those two taxes are being held in
115 reserves until the lawsuit with Horry County is settled and the court determines to whom the revenue
116 belongs. Ms. King said that an ordinance would be presented next month to amend the budget for (1)
117 another police car, three were budgeted, but four were purchased; (2) the fire truck; (3) purchase of the
118 two lots at 212 Surfside Drive, and (4) completion of the 3rd Avenue South Promenade project and final
119 bills, all of which were budgeted last year, but need to be carried forward to this year. Mr. Stevens asked
120 if the business community still paid 85 percent of all property tax, in addition to license fees, franchise
121 fees, hospitality tax, and other taxes. Ms. King said yes. He said businesses pay 70-some percent of
122 sanitation fees. Ms. Kings said no, about a third is a more accurate. Mr. Stevens said it would be good to
123 have councilmembers who understood that filling empty storefronts would benefit the town. Ms. King
124 added that Horry County will mail tax bills next week.

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126 **8. BUSINESS.**
127

128 **A. Second Readings of Ordinances**
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130 **i. #19-0904 to Rezone various Public-Owned Properties to Public Land, Director**
131 **Morris.**
132

133 Mr. Stevens moved to adopt second reading of Ordinance #19-0904. Ms. Scoles second. Ms.
134 Morris presented the decision paper and ordinance, copies of which are on file. Mr. Stevens asked if
135 adopting this ordinance prohibited selling public owned land. Ms. Morris said no, but it would require a
136 public hearing before the planning commission; a recommendation to Town Council, and then an
137 ordinance adoption with two readings by council to rezone the property back to its original designation,
138 because private or commercial uses are not allowed on public land. Mayor Childs and Councilmembers
139 Dietrich, Johnson, Ott, Scoles and Stevens voted in favor. Mayor Pro Tempore Pellegrino voted against.

140 **MOTION CARRIED.**
141

142 **ii. #19-0906 to amend §12-25, et seq. Sidewalk Width for Outdoor Cafés, Director**
143 **Adair.**
144

145 Mr. Stevens moved to approve second reading of Ordinance #19-0906. Mr. Dietrich second. Mr.
146 Adair presented the decision paper and ordinance, copies of which are on file. Mr. Johnson asked if there
147 was a safety issue. Mr. Adair explained that the minimum Americans with Disabilities Act width for
148 pedestrian traffic was four feet, which is what the ordinance requires. Mr. Johnson fully supported
149 sidewalk cafes and outdoor dining. Mayor Childs agreed. All voted in favor. **MOTION CARRIED.**
150

151 **iii. #19-0907 to amend §12-67(C)III Tie Downs Allowed for Umbrellas, Chief**
152 **Hoffmann.**
153

154 Mr. Stevens moved to approve second reading of Ordinance #19-0907. Ms. Scoles second. Chief
155 Hofmann presented the decision paper and ordinance, copies of which are on file. He noted that in
156 addition to the ordinance removing the prohibition on umbrellas so equipped from using tie downs,
157 paragraph (d) was added to include "cabanas" to shading devices that are required to be located at base
158 of the dunes by the emergency lane. All voted in favor. **MOTION CARRIED.**

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B. First Reading Ordinance #19-0908 to amend Chapter 9 Motor Vehicles & Parking, Administrator Pieper.

Mr. Stevens moved to adopt first reading of Ordinance #19-0908. Mr. Dietrich second. Mr. Pieper presented the decision paper and ordinance, copies of which are on file. He said the draft ordinance included recommendations from both town and parking management staff, and he appreciated the public's comments. The public was encouraged to contact councilmembers to express their opinions. Mr. Dietrich supported the ordinance, except he did not support a \$5 administrator fee for town residents. After brief discussion, **COUNCIL CONCURRED to remove the \$5 administrative fee.** Mr. Pellegrino said as we heard from citizens, had numerous points of contention in this ordinance. He did not support it as written, and recommended a workshop to discuss it, because it contains so many changes. **COUNCIL CONCURRED TO HOLD A WORKSHOP to discuss this ordinance.** Mr. Ott said he asked the administrator to consider the beach access areas. During the summer there are between 50 and 60 golf carts without parking decals parked in those accesses. If the public must pay, so should the area neighbors who drive their golf carts to use our beach. Mr. Johnson thanked Ms. Keating, Mr. Kohlmann, and Ms. Maruca for speaking out about this 'fiasco' ordinance. Mr. Johnson said we are a beach community and during his 12 year tenure on council he has never supported removing parking on Ocean Boulevard, in spite of him being told it was a safety issue, which he did not believe. He did not support the ordinance at all. Ms. Scoles did not believe this ordinance was a fiasco; it is a start. Mr. Pieper was directed by council to look at all the parking issues; he did his job. Whether he lives here or not has nothing to do with the ordinance. We don't require our town employees to live in town. They all are doing an excellent job. Mr. Pieper did what he was instructed to do by Mr. Ott and other councilmembers. It is up to council to decide what to adopt what is best for the town and residents. She appreciated Mr. Pellegrino's request for a workshop and agreed it was needed. Mayor Childs and Councilmembers Dietrich, Ott, Scoles and Stevens voted in favor of first reading of Ordinance #19-0908. Mayor Pro Tempore Pellegrino and Councilmember Johnson voted against. **MOTION CARRIED.**

C. Melody Basin Drainage Contract with Horry County, Director Adair.

Mr. Stevens moved to adopt the Melody Basin contract. Mr. Ott second. Mr. Adair presented the decision paper, a copy of which is on file. He noted that Horry County will pay 100 percent of the diversion project cost. The diversion will also eliminate any potential town liability for pollutants going into the Murrells Inlet watershed. Mr. Pellegrino said this project has been on the stormwater checklist for years. The project eliminates any town water going into Oceanside Village and the Murrells Inlet watershed, and Horry County is paying for it. Perfect! He thanked Mr. Adair for successfully negotiating this with Horry County. Mr. Ott said since 2001 pollutants going into the inlet have been monitored, because of the shellfish beds. If there was a pollutant, the town could be blamed. It's good to divert the town's water to its own outflows and eliminate any discharge south of Melody Lane that might contribute to the inlet. Ms. Scoles asked the project would eliminate the problem drainage ditch on Lakeside. Mr. Adair said the ditch overfill was caused by the drainage system being blocked by Oceanside Village. The project will go to Dogwood Drive and then to 13th Avenue (not Lakeside as incorrectly shown on the map.) Mr. Johnson asked if there were any negatives on the town's part for this project. Mr. Adair said none; the town is responsible maintenance after the one year construction warranty expires as it is for all infrastructure. All voted in favor. **MOTION CARRIED.**

D. Review #19-0882 Chapter 13, Permits, Reviews & FOIA Disclosure, Director Morris.

Ms. Morris presented a review of Ordinance #19-0882 as directed by town council when the ordinance was adopted in February 2019. After the presentation, Ms. Morris said staff did not recommend any changes to the ordinance.

212 **E. Keep Surfside Beach Beautiful Appointments (2 Vacancies).**
213

214 Mr. Stevens moved to appoint Ms. Patricia Horner and Ms. Patricia Smith to the Keep Surfside
215 Beach Beautiful Committee. Mr. Ott second. All voted in favor. **MOTION CARRIED.** Mr. Stevens moved
216 to appoint Mr. Dietrich as liaison to the Ralph Magliette Senior Citizens Committee. Mr. Ott second.
217 **MOTION SECOND.**
218

219 **F. Motions and/or directions to Town Administrator from Executive Session.**
220

221 Mayor Childs said there were no directions to the administrator.
222

223 **9. PUBLIC COMMENTS.** Town Services or Business Conducted.
224

225 Ms. Beth Kohlmann, Ocean Boulevard South, did not understand why council handled ordinances
226 in the manner it does. The Municipal Association handbook is online. You're supposed to have a public
227 hearing when it involves any fee increase. She asked why the public hearing wasn't held before first
228 reading so the comments could be considered. Former Mayor Samples said ordinances should be
229 prepared; why doesn't this council want that done so you can vote on it with a clear conscience. You all
230 just got this. Ms. Kohlmann asked members for eye contact. Mayor Childs explained he was reading. Ms.
231 Kohlmann said she had the floor. Ms. Crosby called *point of order*. Ms. Kohlmann said duly noted; the
232 point is the Municipal Association tells you the procedures. You will vote on something that impacts that
233 80 percent business folks that Mr. Stevens always refers to. Do you know where that 80 percent is; do
234 some more research. It's great that you [addressing Mr. Pieper] did all that work. She was not belittling
235 him for the work, but [council] needs to review it; have a public workshop; [consider the input, and then
236 actually discuss it in public]. It appears council has already decided what is going to be done before the
237 meeting. We want to hear what you have to say. She said make a motion to defer the reading until you
238 have all the information, which will eliminate misinformation.
239

240 Mr. Gary White, Lakeside Drive, believed second reading of the proposed parking ordinance
241 should be tabled until after the workshop is held and all concerns are addressed and communicated to
242 the public.
243

244 Mr. Wes Sparks, Dogwood Drive North, said the curfew imposed during Hurricane Dorian was
245 unnecessary and made him feel like a criminal when he walked outside his front door. He supported
246 imposing curfews when they are needed. An approaching hurricane is not the time for tourists to visit,
247 but residents should be able to move around freely to make preparations and secure property. That was
248 a fairly extreme measure that was not merited for this storm. Chief Hofmann published a strong
249 statement in support of the curfew, but he believed that was based on Facebook posts. He cringed to
250 think that council or the town would play to Facebook. Neighbors who were walking their dog during the
251 curfew spoke in support; however, they could have been charged \$500 while out walking the dog.
252 Perhaps in the future when a curfew is put into place, it could have some modifications that wouldn't
253 criminalize residents. Police enforcement during the hurricane was very, very effective. Officers
254 conducted themselves in a very professional, courteous manner. He hoped they would be as effective for
255 the quality of life calls that are received, like fireworks being discharged that could land on a roof and
256 cause a fire that don't get responded to.
257

258 Ms. Tabitha Mull, chairman of the Keep Surfside Beach Beautiful Committee, and other members,
259 gathered at the podium. Ms. Mull said the Second Annual It's A Wonderful Life in Surfside Beach will kick
260 off on December 5th, the same night as the Christmas Tree lighting. All residents and businesses were
261 encouraged to decorate their locations with Christmas lights. The upcoming holiday season will include
262 many activities. Donations made last year were very much appreciated. The committee is "very slim on
263 funds this year," so if anyone would like to make donations for a film or other activities, they are
264 welcome. The committee also welcomed suggestions and comments for improving the program.

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10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS.

Mr. Pellegrino said second homeowners on Yaupon Drive contacted him earlier this summer. There are 14 employee parking spaces on Yaupon Drive right-of-way, but seldom are more than two spaces in use. Families staying in those houses don't have anywhere to park, because of the employee parking. They should be allowed to park in the rights-of-way by their house. That needs to be changed. Council also needs to change the executive session time. He already talked with the clerk, so an ordinance amendment will be presented at the next meeting. He apologized for everyone having to wait so long during the executive session at this meeting.

Mr. Dietrich said we will resolve the executive session time. The parking issue will be resolved, too. It won't make everybody happy, but it will make most of you happy. We realize there are some things we need to do and with Mr. Pieper's help, we'll get it done. You know how to find me, if you need me. Thank you for coming tonight. God bless you.

Mr. Johnson thanked everyone for coming out. He appreciated everyone's comments. He felt like Forest Gump; he was on an island by himself. Regarding parking: we're a beach community. He never had an issue with parking for the 35 years he's lived here and the 12 years he's been on council. It's not up to him anymore. He thought a workshop was needed before second reading. He was looking forward to the Keep Surfside Beach Beautiful It's a Wonderful Life in Surfside Beach Christmas Lights, and the seasonal festivities.

Mr. Ott thanked everyone for their comments. Public [hearings] used to be done before we voted on things, and we should continue doing that. He didn't know which councilmembers were invited to shuffle around the agenda, but it wasn't him. He asked Mr. Pieper to review the golf carts that were coming from all over the area and filling the parking at the beach accesses. We need to look at other things; collectively, the council should discuss them. He spoke with Chief Hofmann about the curfew. He didn't know the curfew was 24-hours; even as a member of council, he wasn't told. A police officer approached me while he was out during the storm, and rightly so. Maybe if that storm really hit, everything that our police department had in motion would've been great for all of us. We learn by our mistakes and we correct the system. I know our police will correct that system. If you watch the Weather Channel, their forecasters show a 'cone of insanity.' I chose to ignore it and stay here. Forecasters put fear in your hearts; you have to be prepared regardless of the forecast. Our police were very well prepared. Thank you everyone very much for your comments.

Ms. Scoles thanked everyone for coming, and appreciated all the comments made. She takes them all under consideration. She just thinks we should be respectful of each other, and that's what she wants to see more of. Your opinions are valued, regardless of whether she agreed, but she still respects the town's residents. She will not show anything for citizens other than respect.

Mr. Stevens thanked everybody for coming. He was not here when the curfew was issued. The only thing a curfew does is keep honest people honest. The only people that break the law are criminals. If you're a criminal and breaking curfew, what are you doing out there? He guaranteed that most town residents appreciated the curfew. He didn't want anybody riding through town that didn't belong here. When there are storms, you have people who come to town to rob everybody they can. Curfews have a qualified reason. Regarding the parking ordinance. Anyone that's been on council knows that two readings are required to adopt an ordinance. Tonight was only first reading. Now, it's out on the table, and he suggested anybody with suggestions or advice contact the councilmembers by email. Don't be condescending, but send something you want to see in the ordinance or want to see changed. He will read the message. Ordinances have been tabled or deferred at second reading. There are many candidates for Town Council, many of whom he didn't know. The current issue of the *Municipal Message*

Town Council Regular Meeting
September 24, 2019

317 introduces all the candidates. You can get a copy at town hall. He encouraged everyone to exercise their
318 Constitutional right to vote on Election Day, November 5th. Good luck to all the candidates.
319

320 Mayor Childs said in regards to executive session as mentioned by Mr. Pellegrino, council was
321 trying different times. When executive sessions were before the meetings, council was pressed for time.
322 He suggested having executive session on a day other than the council meeting, so council wouldn't be
323 rushed. As of now, the pier is on schedule to let bids around the first part of November. Hopefully,
324 demolition will begin around the first of January.
325

326 **11. ADJOURNMENT.** Mr. Stevens moved to adjourn the meeting at 9:17 p.m. Mr. Dietrich
327 second. All voted in favor. **MOTION CARRIED.**
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329 Prepared and submitted by:

330 _____
331 Debra E. Herrmann, CMC, Town Clerk
332

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334 Approved: October 22, 2019
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336 **Surfside Beach Town Council**
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338 _____
339 Robert F. Childs, III, Mayor
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342 David L. Pellegrino, Mayor Pro Tempore
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342 Bruce H. Dietrich, Town Council
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345 Mark L. Johnson, Town Council
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345 Ron Ott, Town Council
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348 Debbie Scoles, Town Council
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348 Randle M. Stevens, Town Council
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350 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded,
351 and is not intended to be a complete transcript. Appointments to hear recordings may be made with the
352 town clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive.
353 In accordance with FOIA §30-4-80(A) and (E), meeting notice and the agenda were distributed to local
354 media and interested parties via the town's email subscription list. The agenda was posted on the entry
355 door at Town Council Chambers. Meeting notice was also posted on the town website at
356 www.surfsidebeach.org and the town's LED marquee.