



TOWN COUNCIL REGULAR MEETING MINUTES
TUESDAY, SEPTEMBER 22, 2020, • 6:30 pm.

1. CALL TO ORDER

Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Mayor Pro Tempore Scoles, Councilmembers Dietrich, Drake, Holder, Pellegrino, and Keating were in attendance. Others present Interim Administrator Duckett, Town Attorney Crosby, and Town Clerk Sheri Medina.

2. INVOCATION; PLEDGE OF ALLEGIANCE

- A. Invocation: Given by Kirk Lawton, Ocean Lakes Campground Ministries
- B. Pledge of Allegiance: Mayor Hellyer led in the Pledge of Allegiance

3. PUBLIC HEARING – None

4. MOTIONS RELATING TO AGENDA- None

5. MINUTES APPROVAL

Councilmember Keating made a motion to accept the meeting minutes for September 3, 2020, and September 8, 2020. Councilmember Dietrich seconded. All voted in favor. **Motion Carried.**

6. PUBLIC COMMENTS – Agenda Items Only - None

7. COMMUNICATIONS

A. **Employee Service Award, John Gambone – 5 years** – Presented by Mayor Hellyer. Chief Hoffman stated John Gambone has inspiring service and his colleagues are here to support him. He does an amazing job. Sergeant Gambone is highly dedicated to Surfside Beach and has a tremendous passion for law enforcement as well. He is someone that I'm very proud to have in the Sergeants position. Some say, many times, that the Patrol Sergeant is the heartbeat of a police department and law enforcement. They drive morale, drives support of the directives coming down, and commands staff. Sergeant Gambone accomplished this rank in five years working for the police department, and we're very proud of this. Councilmember Dietrich congratulated Sargent Gambone on behalf of Lodge 9 and 71 in the State of Pennsylvania.

B. **Finance Director King's Report** – Given by Director King

C. **Interim Administrator's Report**

- 1. Securing legal services for contract attorney. Mr. Duckett stated the first is securing legal services for a contract. We've contracted with a fellow named Patrick Flynn, who was recommended by Gary Pope. He's given us an hourly rate of \$325.00. He estimated the cost of services to not exceed \$5,000.
- 2. Additional services for rebid package from Collin's Engineering. Mr. Duckett stated that Collins Engineering would be charging \$9,000 for additional services to rebid the Pier project.
- 3. Additional services for RFPs for special inspections and material testing required for the construction of Pier from Collins Engineering. Mr. Duckett stated the additional services RFPs for special inspections and material testing required for the construction of the Pier would be \$4,280.

Mr. Duckett asked for a motion from the Council to ratify his report. Mayor Hellyer recapped the three items. Councilmember Keating asked if the costs for the advertising are in that amount or if this would be the cost of the town. Mr. Duckett stated the town would do the advertisement. The notice will not be the entire 110 pages. Should contractors have questions, they can contact the engineer.

Councilmember Pellegrino made a motion to ratify the Interim Administrators report. Councilmember Dietrich seconded. All voted in favor. **Motion carried.**

- 4. Update on FEMA extension request. Mr. Duckett stated I'm going to give you a little bit of background. Mr. Pieper sent a letter, August 5, to the South Carolina Emergency Management Division and asked for an extension for 18 months. An email was received with several questions and Mr. Pieper sent a response on August 18. Then on September 15, I spoke with Mr. Anthony Diggs from the State, and he said that he sent the request on September 7 to FEMA and that it

63 takes at least a month to respond to a request. Kevin Fuller from Haggerty consultants clarified that there are no
64 requirements for starting the project. Just for completion under FEMA, you have four years to complete a project.
65

66 Councilmember Keating stated, so right now, our deadline is October 10, 2020 is when we should have awarded the
67 contract in April of 2019. So, what do we do to move forward at this point, other than wait for confirmation from FEMA
68 about the grant extension?
69

70 Mr. Duckett stated that I think we need to move forward without delay. Mayor Hellyer asked if there was language in the
71 contracts stating if we should not receive the FEAM money, the contracts are void. Mrs. Crosby, Town Attorney, stated
72 that language could be put into the contracts.
73

74 Councilmember Keating asked what is the probability that FEMA will approve to extend the deadline to later in 2022 is.
75 Mr. Duckett stated the Federal bureaucracy is in control. Councilmember Keating asked why we didn't do that back in
76 2019 when we knew we were never going to meet the date. Mr. Duckett stated because you're asking for extensions
77 from the state, which we've done back in 2018. Councilmember Keating stated that we knew at the time we weren't
78 going to complete the projects within the deadline. Mr. Duckett stated I happen to think that our thinking was, what if we
79 didn't issue contracts by April 2019? We knew the project that's going to take 18 months. We should have asked for the
80 extension earlier. Mayor Hellyer stated we need to make sure the contingencies are in our contracts, including ARG. Mrs.
81 Crosby stated it is already in their contract.
82

83 Councilmember Keating stated I am not sure why we need to press signing a contract with Atlantic Restaurant Group. Is
84 there any hope that FEMA will respond? Mr. Duckett said it could be slow getting a response. There have been a few
85 storms lately.
86

87 Councilmember Pellegrino stated there is language in both contracts to protect the town if we do not receive the FEMA
88 extension. We need to move forward.
89

90 **D. Council Discussion of the process to hire a permanent Town Administrator** – Mayor Hellyer stated there are
91 applicants, and six have met the minimum requirements. Mr. Duckett stated the process varies from town to town. Often the
92 Administrator reviews the applications and reports back to Council. It is a Council decision. I can be involved. I think
93 developing those interview questions could be very beneficial. And make sure they are available to Council. Councilmember
94 Keating suggested Mr. Duckett be available through the transition period. Councilmember Scoles stated she thinks the
95 Interim Administrator should be involved. Also, it is crucial that everyone works with and be involved with this town
96 Administrator.
97

98 Councilmember Keating stated if you mean by being involved, orchestrating and scheduling. The logistics of getting interviews
99 together and participating in the development of questions, identifying things that are critical to the town of Surfside Beach,
100 that we need to be asking an administrator that will be beneficial. Mayor Hellyer asked Mr. Duckett if he could prepare a list of
101 questions.
102

103 Mr. Duckett stated that he usually has a phone interview first not to waste anyone's time. Councilmember Pellegrino stated he
104 would like Mr. Duckett to interview first then give Council feedback. He knows the job. Councilmember Holder stated he has
105 done interviews for many years and has questions that he would like to be used. Councilmember Scoles agreed that Mr.
106 Duckett should interview first and also that Saturday would be a good day for Council to interview.
107

108 **E. Council Discussion addressing the Ordinance concerning dogs on the beach.**

109 Chief Hofmann stated, to give you an idea of animal calls in 2019, and there were 523 calls for service. So you made changes
110 that dropped calls to 194. I say that was a pretty significant decrease in resources being used for services. What Beach
111 Services officers reported to me that they did see an increase in their experience was more dogs on the beach without
112 leashes. So, these are dogs at large that are on the beach, before 10, and after 5. I would say, overall, just looking at the
113 statistics, it appears to be successful. My suggestion will be that if Council is satisfied with the way we're running it now,
114 continue to let us let the officers make discretion about those types of situations, exercising discretion, what is the appropriate
115 actions, whether that's a warning or citation. Sometimes we see folks with their dog on a leash, but they're not holding it.
116
117

118 So I think that's important that we try to do educate more and force recommendations. I believe you need to continue
119 funding the beach services program. It seems to be working fine. The only concern I have is that if we have an absolute
120 prohibition, sometimes that's easier to educate them. So, if the Council is happy with it, it seems to be working. We seem to
121 have fewer animal calls.
122

123 Councilmember Keating asked do we have any issues about dog owners cleaning up the waste after their dog? Chief Hofmann
124 stated no, I hadn't heard many complaints about that. That was the biggest concern that I heard from folks, but haven't
125 heard any of that. They are not calling the police department, and I'm not getting any feedback from beach services officers

126 and seeing a lot of that. Beach service officers just mentioned that they had seen some instances: vacationers open on the
127 sliding door on the beach houses, beach access, let the dogs run down, and do some business, but not anyone cleaning up
128 after the dog. There have been a few complaints of dogs chasing children. Some people don't care.

129
130 Councilmember Drake stated they changed the Ordinance for the residents because they like to walk their dogs on the beach.
131 Councilmember Scoles stated she has received may call from children being chased by dogs to feces on the beach. The
132 visitors are saying they will not be back to Surfside Beach. Councilmember Holder stated he had gotten the same complaints.
133 Mayor Hellyer stated he has attended every beach sweep and did not see any dog waste. But there is some on Ocean Blvd.
134 Councilmember Pellegrino stated he did receive many emails about dogs on the beach, but it was split as to whether to keep
135 of change the Ordinance.
136

137 I want to take this time to introduce one of our newest Officers, Colleen Hewitt. And she has been with us for six months
138 now. She came to us with a tremendous amount of experience from Georgia. We were able to grab Colleen, I believe, that's
139 an amazing investment for us. She is certified, lives locally, and it was great that we could attract such a qualified officer.
140 She's done a great job.
141

142 Councilmember Scoles made a motion to rescind this Ordinance to not allow dogs on the beach during the summer.
143 Councilmember Dietrich second. Councilmembers Holder, Scoles, and Dietrich voted in favor. Councilmembers Keating,
144 Pellegrino, Drake, and Mayor Hellyer voted against. **Motion failed.**
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147 **8. BUSINESS - None**

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149 **9. PUBLIC COMMENTS – Town Services or Business Conducted - None**

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151 **10. TOWN COUNCIL DISCUSSION AND/OR COMMENTS**

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153 1. **Councilmember Holder-** I want to thank everybody on the phone; we have 39 people that showed up. I am honored
154 to be here, and it's nice to see the progress we have made. And I believe that we will get approval from FEMA. It took three
155 years for FEMA to do their part, and this is not our fault. I want to thank Mr. Duckett for getting all the studies done and the
156 contracts. We are moving forward to get a new administrator. Thank you for coming. Have a good night.
157

158 2. **Councilmember Keating** - Thank you, everybody, for coming into council Chambers tonight, and also for dialing in.
159 I'm very disappointed finding just how much in jeopardy the pier project is. That it was not an initiation date. That we had a
160 specific activity that had to be accomplished for the October 10, but it was a completion date. The late-breaking surprise was
161 shocking to me because we had previously been told that it was to start the project. Hopefully, FEMA will approve the
162 extension. Without it, we are starting over and trying to figure out how to repair the remaining Pier. I think we've all got our
163 heart set on this new Pier, the new buildings, lights, and what it will look like. Right now, our entire fate is in the hands of
164 FEMA. That's unfortunate. We will move forward with what we can do before we find out the ultimate answer from FEMA. We
165 certainly don't want to spend too much energy or resources and waste too much time of our vendors and our suppliers, our
166 contractors. We need to be open and honest and make sure they understand that. There is a real possibility this may not go
167 forward. I think with all transparency; we can do what we can. So, that when FEMA comes through, we can sign contracts
168 and begin work. We will see you next time.
169

170 3. **Councilmember Dietrich** -Thank you, everyone, for coming out. Chief, Congratulate Sgt. Gambone, please, pass it on.
171 Officer Colleen, welcome aboard; we are glad to have you from Georgia. We have a lot of things to get done. Thank you, Mr.
172 Duckett, for all you do. We'll get it done; just work with us.
173

174 4. **Councilmember Pellegrino** - Thank you again for coming out. As far as the deadline, the October 10, 2020 deadline, I
175 was the one that was talking about that all along. I spoke with a representative from FEMA, along with someone from
176 Haggerty Consultants, and that's exactly what they said. You need to have the project started then, or you will have
177 problems. I do agree with Mrs. Keating that we should have asked for the extension sooner than we did. I'd also want to
178 thank Ms. Crosby, and she's done a great job with this, all the contracts she's working through. She is good at what she does,
179 mitigating the liability of the town, which is good for all. I do appreciate you. Mr. Duckett, all I have to say to you is that I
180 don't want to interview, you could stay as our permanent Administrator.
181

182 5. **Councilmember Drake-** I want to thank everyone who is here and listening. Thank you, Mr. Duckett, for all you do. It
183 was quite a shock to hear the news we got today. Hopefully, FEMA will come through, and we can move forward. Thank you.
184

185 6. **Councilmember Scoles** - I want to thank everyone in Chamber tonight. Also, the administration does a fantastic job.
186 We have several openings on our committees. Also, there are expired terms of people currently on our committees. Sheri will
187 check into that and get us the vacancies. Thanks again, everyone.
188

189 7. **Mayor Hellyer** - I want to thank everybody for coming by. It's important to keep involved with what's going on. Even
190 with the news of FEMA, we will continue to move forward, negotiate contracts to be ready for the extension that we're going
191 to get. Thank you for coming by, have a great evening.
192

193 **11. EXECUTIVE SESSION**

194 Councilmember Pellegrino made a motion to adjourn Regular Meeting and enter Executive Session pursuant to South Carolina
195 Code sections 30-4-70-(a) (2) to discuss negotiations incident to proposed contractual arrangements with Atlantic Restaurant
196 Group. Councilmember Scoles second. All voted in favor. **Motion Carried.**

197 The Council resumed regular session at 8:36 pm. Mayor Hellyer stated there was no action taken in executive session.

The Council may take action on matters related to the Executive Session and any motions related to Executive Session.

198 Councilmember Pellegrino made a motion to direct the Interim Administrator to schedule a public hearing on October 13,
199 2020, for consideration of the amended lease for the Pier restaurant property and execute after an affirmative vote of the
200 Council. Councilmember Scoles second. Councilmembers Holder, Scoles, Dietrich, and Pellegrino voted in favor.
201 Councilmembers Keating, Drake, and Mayor Hellyer voted against. **Motion Carried.**

202 **12. ADJOURNMENT** - Councilmember Dietrich made a motion to adjourn at 8:41 pm. Councilmember Pellegrino second. All
203 voted in favor.
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210 **Surfside Beach Town Council**

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Robert Hellyer, Mayor

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David L. Pellegrino

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Bruce H. Dietrich, Town Council

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Cindy Keating, Town Council

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Michael Drake, Town Council

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Debbie Scoles, Mayor Pro Tempore

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Paul Holder, Town Council

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225 Attest: _____
226 Sheri L Medina
227 Town Clerk
228
229

230 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded, and is not intended
231 to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio
232 will be given to you, provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(A) and (E),
233 meeting notice and the agenda were distributed to local media and interested parties via the town's email subscription
234 list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town
235 website at www.surfsidebeach.org and the town's LED marquee.