



TOWN OF SURFSIDE BEACH  
115 US Highway 17 North, Surfside Beach, SC 29575  
Web: [www.surfsidebeach.org](http://www.surfsidebeach.org)  
☎ (843) 913-6111 ☎ (843) 238-5432

***Public Notice:*** *Town Council Workshop, Tuesday, July 10, 2012 at 6:00 p.m. to discuss Plantation Resort Bus Route, Discharge and Pick-up Locations.*

**TOWN COUNCIL REGULAR MEETING  
COUNCIL CHAMBERS  
TUESDAY, JULY 10, 2012 ♦ 6:30 P.M.**

**A G E N D A**

1. **CALL TO ORDER** – Mayor Douglas F. Samples
2. **INVOCATION AND PLEDGE OF ALLEGIANCE**  
Rev. Ron Farrar, Retired, Timberlake Baptist Church
3. **AGENDA APPROVAL**
4. **MINUTES APPROVAL** - Regular Meeting June 25, 2012
5. **PUBLIC COMMENTS** – 3-minutes per speaker
6. **COMMUNICATIONS**
  - A. Department Reports
    - i. Building & Zoning
    - ii. Police
    - iii. Fire
  - B. Administrator's Report – Update on Current Events
7. **BUSINESS**
  - A. Second Reading Ordinance #12-0718, §2-26 Boards, Commissions and Committees to add (L) Rules of Order
  - B. Second Reading Ordinance #12-0720 §2-39(c) Special Meetings to include Public Comments on the Agenda
  - C. First Reading Ordinance #12-0721 §17-726 Protected/Specimen Tree Removal
  - D. Resolution #12-118 to Establish Surfside Beach Business Development Committee
  - E. Resolution #12-119 to Establish Parking Committee
  - F. Plantation Resort Busses
  - G. Volunteer Appointments to the Board of Zoning Appeals; Commissioners of Election; Planning & Zoning Commission; Recreation/Special Events; Keep Surfside Beach Beautiful
  - H. Council Finance Committee, Councilmember Appointments
  - I. Council Infrastructure Committee, Mayor Samples

8. **DISCUSSION** –
  - A. §12-29(b) Reduce the permitting fee for side walk cafe on Surfside Drive, Councilmembers Stevens and Smith
  - B. Any matters of concern or information to be discussed by Town Council.
9. **PUBLIC COMMENTS** – 5-minutes per speaker
10. **COUNCIL COMMENTS**
11. **EXECUTIVE SESSION** – Pursuant to FOIA §30-4-70(a)(1) to discuss nominees to the Board of Zoning Appeals; Commissioners of Election; Planning & Zoning Commission; Recreation/Special Events, and Keep Surfside Beach Beautiful
12. **ADJOURNMENT**

***SURFSIDE BEACH BUSINESS OWNERS:*** Town Council will hold a drop-in on Sunday, July 15<sup>th</sup>, 2012 from 3:00 p.m. till 5:00 p.m. Don't miss this opportunity to share your concerns with your town council. Please RSVP by calling 843.913.6333 or send an email to [dherrmann@surfsidebeach.org](mailto:dherrmann@surfsidebeach.org)



**SURFSIDE BEACH TOWN COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
JULY 10, 2012 ♦ 6:30 P.M.  
TOWN COUNCIL CHAMBERS**

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1. **CALL TO ORDER.**

Mayor Samples called the meeting to order at 6:30 p.m. Mayor Samples, Mayor Pro Tempore Mabry, and Councilmembers Dodge, Johnson, Smith and Stevens were in attendance; a quorum was present. Staff present: Interim Administrator Fellner; Planning Director Morris, Fire Chief Packard, and Police Chief Frederick. Also present: Town Attorney Moss and Town Clerk Herrmann.

Mayor Samples announced the Surfside Beach Business Owners reception at 3:00 p.m. on Sunday, July 15<sup>th</sup>. The July 4<sup>th</sup> celebration was terrific, and he hoped everyone enjoyed it.

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

Rev. Ron Farrar, retired minister and member of Timberlake Baptist Church, gave the invocation. Mayor Samples led the Pledge of Allegiance.

3. **AGENDA APPROVAL.**

Mr. Smith moved to approve the agenda as presented. Ms. Dodge seconded. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL.**

Ms. Dodge moved to approve the June 25, 2012 regular meeting minutes as presented. Ms. Mabry seconded. All voted in favor. **MOTION CARRIED.**

5. **PUBLIC COMMENTS – AGENDA ITEMS.**

“Good evening. Ron Ott, 7<sup>th</sup> Avenue North in Surfside Beach. On your business A, the second reading for boards, commissions, and committees, and thanks to that our beautiful website, we were able to resource information very quickly on there. I'd like to add that it's, it's a pleasure to use that. Under 2-52 it states for executive session, and the way this, I see this written it's too encompass, encompass... I don't know the word I'd use for it. It's, it's just, there's too many ways we can use this and get away with something we don't want people to get away with. Having somebody, not this council, or this mayor or council, maybe 10 years down the road we have somebody appoint some people to a special little committee and, and they immediately or if they don't have any bylaws, they go into 2-52, they go into special secret meetings. We don't need that. We need transparency. The public always need to know what's going on here. You know, besides that the rest of it looks pretty good. You know, we could need to maybe write that up as a, as not what's made for the town council, but what's made for special committees and not using exactly the same words that are used for our town council. Act, actually, it reads as boards and the only board you have is the board of zoning appeals, and that's an illegal to go into special session in that one there. We could change some things you don't want changed. As for to bring up the board of zoning appeals, under your protection of specimen tree removal, I've been to a couple of different board readings in Myrtle Beach at their BZA meetings where they, they're the people that handle the removal and make it into a variance. It's a special assignment for that for the board to look at specimen trees and why they need to be removed, and that's where the judgment for that came from. Thank you.”

“Ron Saunders, 6<sup>th</sup> Avenue South. A little over four years ago, I stepped up to this same podium and asked a very similar question that I'm gone ask tonight, and a, and I was told that I couldn't ask



56 questions, and I need to make an appointment with the director of public safety to get the answer. Two  
57 days after that, I had that appointment, and I went into his office and then I ended up in an interrogation  
58 room with the director of public safety, the police captain, and a police lieutenant to try to get the  
59 information that I asked. I still didn't ever get it, but I spent about an hour and a half in that room and  
60 never got the information. Tonight I'm asking for some information. I'd like to know how many fights have  
61 been broken up on our beaches for May, June, through the current date in July by our police department.  
62 I don't want a long, drawn-out report. I don't want double entries or anything. I just want to know how  
63 many each month. Thank you. And I, you know, I don't need the answer tonight. I would like to have it  
64 by the next council meeting. Thank you." Mayor Samples believed that information could be provided.  
65

66 "Tom Dodge, 14<sup>th</sup>, 15<sup>th</sup> Avenue North. Looking at the police report for June 2012 said we had  
67 231 smoking on the beach, no summonses; 51 glass on the beach, no summonses; 32 dogs on the  
68 beach, illegal, no summonses; golf cart violations, zero. Last night at the bocce court, I was there for two  
69 and a half hours. Never saw a police car. Saw three instances of golf cart violations; ~~78-year old me~~, I  
70 saw them. On Lakeside Drive during that time the average age of the drivers at the most was 7. That  
71 would be five plus two. Where are the police? Have they been told not to ticket these offenses and by  
72 who? Thank you." Mayor Samples assured the public that the towns officers had not been told to ignore  
73 such offenses.

74 *7-to 8-year old children.*  
75 *Corrected by motion 7-24-12*  
76 *Mark.*

75 6. COMMUNICATIONS.

76 A. Department Reports

77  
78  
79 i. Building & Zoning. Ms. Morris presented the building and zoning report, a copy of which is on  
80 file. Mayor Samples said the open display report provided to town council was informative and  
81 demonstrated that the town fairly and equally enforces and requires licenses and permits for open  
82 displays. Ms. Dodge commended and appreciated the building and zoning department staff's quick  
83 response to her inquiries.  
84

85 ii. Police. Chief Frederick presented the police report, a copy of which is on file. This is the  
86 second consecutive year the department has completed the year under budget. There were only eight  
87 arrests during the July 4<sup>th</sup> celebration. Compared to the number of visitors at the event, that was a very  
88 low number. A check for almost \$5,000 earned during the June 8<sup>th</sup> Charity Pancake Supper was  
89 delivered to Columbia for Special Olympics this week. Chief Frederick publicly thanked council and the  
90 community for supporting the event. Mayor Samples congratulated the officers for their efforts.  
91

92 Mr. Johnson asked whether the Horry County patrol officer on the beach last week was going to  
93 be a regular patrol. Chief Frederick said the vehicle belonged to Horry County; it was loaned to the town  
94 while a mechanical repair was being made to the town's unit. The cart was manned by a town beach  
95 service officer.  
96

97 Ms. Dodge thanked Chief Frederick for the coverage at the July 4<sup>th</sup> celebration. She asked if the  
98 department enforced parking too close to an intersection, and what could be done. Chief Frederick said  
99 the department does enforce the issue. There are two areas now being watched carefully, because of  
100 recurring complaints. However, this type of offense does not receive priority, especially during the peak  
101 season when there is insufficient manpower. Ms. Dodge asked how very young children driving golf carts  
102 are handled. Chief Frederick said there is a duty of care the town is responsible for. When officers see  
103 underage individuals driving golf carts, they are stopped. This is usually done between calls. The  
104 primary problem is the transient nature of the offenders; every week another set of visitors are here using  
105 the golf carts. A paper was presented last year, and when the issue comes before council again, Chief  
106 Frederick intends to request a system to placard the golf carts with the key regulations, i.e. operating  
107 during daylight hours only; licensed drivers only; no alcohol. He believes about three-fourths of the  
108 problems could be solved through a placard placed in the golf carts. Ms. Dodge said warnings were  
109 issued for various violations and asked if there is a data base to track repeated warnings to the same  
110 offenders. Chief Frederick said there is a data base. Officers on the beach only issue warnings; if there  
111 is a serious problem, they will call a sworn officer for assistance. Warnings are a function of the transient

112 summer population. One warning is a good neighbor policy, when there is no serious infraction and the  
113 offenders are cooperative. Many of the rental houses now provide golf carts as an amenity.  
114 Unfortunately, they do not advise tenants of the rules for using them. Chief Frederick reiterated the need  
115 to present the golf cart issue to town council again in the future.  
116

117 Mayor Samples asked Chief Frederick to explain the beach service citations. Chief Frederick  
118 said beach services officers are law enforcement officers, but they are not actually town-employed sworn  
119 officers. They call the sworn beach patrol officer for serious issues, but otherwise issue warnings for the  
120 offenses on the beach.  
121

122 iii. Fire. Chief Packard presented the fire report, a copy of which is on file. Chief Packard  
123 explained that the report now includes information on false alarm responses, which is always submitted to  
124 the finance department. Ms. Mabry said the Conway City Council came to tour the town's awarding  
125 winning fire station. She thanked Chief Packard for his outstanding job presenting the station and  
126 representing the town.  
127

128 C. Administrator's Report – Update on Current Events. Ms. Fellner said not only does  
129 [www.horrycounty.org](http://www.horrycounty.org) have information on storm events, the town's website, [www.surfsidebeach.org](http://www.surfsidebeach.org), also  
130 has a link on the home page for emergency preparedness that includes links to various agencies and  
131 helpful information. She said there is confusion regarding town council per diem pay and asked council  
132 for clarification. Upon checking previous expense reports, she found that some members submitted and  
133 were paid for travel days, and other did not request per diem for travel days. *(Clerk's Note: to insure  
134 clarity on this directive, comments were transcribed verbatim.)*  
135

136 Mr. Smith, "The ordinance says that you get paid for the travel days. It doesn't mention how  
137 many nights you stay. It just says you have to stay overnight to be qualified to get per diem, and so it's  
138 travel days." Ms. Fellner, "I hear what you're saying, but the word overnight is in the ordinance, so that's  
139 I'm, I'm just asking for your clarification." Mr. Smith, "Travel days." Ms. Fellner, "I want you paid  
140 correctly." Mr. Smith, "Travel days." Ms. Fellner, "Okay." Mayor Samples, "Is there a consensus on that?  
141 There is consensus?" Mr. Smith, "Yes." Ms. Mabry "Yes." Mayor Samples, "Very good. Thank you."  
142

143 **COUNCIL CONCURRED THAT PER DIEM IS TO BE PAID FOR ALL TRAVEL DAYS WHEN**  
144 **AN OVERNIGHT STAY IS REQUIRED.**  
145

146 Ms. Fellner said Phoenix Environment Corporation will provide the industrial mold assessment at  
147 a cost of \$1,595 for council chambers and court offices. It should be completed within two weeks; that  
148 was the lowest price received.  
149

150 Ms. Fellner said at the last meeting, a local business owner was concerned that local businesses  
151 were not given the opportunity to participate in the bid process; specifically the Smoke Free grant t-shirts.  
152 She said that local businesses are always notified when opportunities arise; she personally telephoned  
153 those businesses that did screen printing before the t-shirt order was placed.  
154

155 Ms. Fellner said the car charging station was provided through a partnership grant with Santee  
156 Cooper. The town did not pay for the station, nor will any electric service be charged to the town for a  
157 minimum of three years. At that time, town council may make the car charging station a permanent  
158 feature and impose a fee for charging vehicles, or may have it removed completely. There is no  
159 commitment for any funding for the station; nor have any town funds been expended in regards to the  
160 station.  
161

162 Ms. Fellner said there was a very positive meeting with OCRM (South Carolina Department of  
163 Health and Environmental Control Ocean & Coastal Resource Management) regarding pier related  
164 permitting issues. The mayor asked that town council receive additional information on the pier, which  
165 will be sent before the end of the week.  
166



167 Mayor Samples believed that town council should hold a meeting to discuss the pier and called a  
168 special meeting on Tuesday, July 17<sup>th</sup> at 6:00 p.m. specifically to hear a pier property update; discuss pier  
169 plans, and concepts for development created over the past few years, some of which will be presented for  
170 the first time in public; discuss the permits that are currently in place for the pier and those that might be  
171 needed; and to discuss engineering work and pier maintenance requirements. **COUNCIL CONCURRED.**  
172

173 7. **BUSINESS.**  
174

175 A. Second Reading Ordinance #12-0718, §2-26 Boards, Commission and Committees to add (L)  
176 Rules of Order. Mr. Moss said in his opinion, the Freedom of Information Act (FOIA) §30-4-70 provides  
177 under limited circumstances where a public body is authorized to go into executive sessions. Most of  
178 those reasons would not apply to committees. Mr. Moss cited the code, saying some attorney-client  
179 communications could occur, although not very often with boards and committees. But, they do arise  
180 infrequently in planning commission and also zoning appeals. He did not believe executive sessions  
181 would be called for very often based on his experience. All boards, commissions, and committees are  
182 certainly entitled under state law to hold executive sessions. No more than executive sessions would be  
183 utilized, Mr. Moss was not sure town council should restrict the provision. He said, "The likelihood of use  
184 is very, very small."  
185

186 Mr. Stevens asked why the board of zoning appeals would require an executive session. His  
187 understanding is that the hearings are conducted "in public just like in a regular court room." Mr. Smith  
188 said clearly, decisions are made in public. Evidence is presented in public, not necessarily like a regular  
189 court room, but certainly in public scenario, because there are rules of evidence that apply in a court that  
190 do not apply in a committee like the board of zoning appeals. The board of zoning appeals has been  
191 repeatedly referred to in the courts as a "quasi-judicial body," because those boards set legal precedents,  
192 but they are not judicial bodies. Mr. Moss said when there is an appeal, the board might like to receive  
193 legal advice as to what precedent law is from their own attorney as opposed to an advocate's attorney.  
194 An appeal for a variance probably would not require an executive session, because the law stipulates five  
195 factors to be applied for granting or denying a variance.  
196

197 Mr. Smith moved to adopt second reading of Ordinance #127-0718. Ms. Mabry seconded.  
198

199 Mr. Stevens believed it was a mistake to adopt an ordinance that allowed any committee to enter  
200 executive session, because he believed it prohibited transparency and reduced accountability. In his  
201 opinion, every committee should operate in public at all times.  
202

203 Ms. Mabry supported the ordinance as presented. Mr. Moss had given his legal opinion. FOIA  
204 has very strict rules about entering executive sessions. Councilmembers will serve on every committee.  
205 Trustworthy citizens are being appointed, and she believed they would adhere to the rules. She was not  
206 concerned at all about anyone taking advantages of the ordinances. The State of South Carolina  
207 believes it is a good ordinance, and she did not believe town council should "keep inventing the wheel."  
208

209 Mr. Johnson agreed with Ms. Mabry, and said this was discussed at the last meeting.  
210

211 Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Dodge, Johnson, and Smith voted  
212 in favor. Councilmember Stevens voted against. **MOTION CARRIED.**  
213

214 Mr. Stevens said for the record "The reason I stated before being my reason for voting against  
215 this. I do not, I do not think gives accountability and transparency to the town and the citizens of this town  
216 to allow any council, any committee to go into executive session I think is wrong. The attorney said that  
217 only, the only committees were considered that would go into executive session was board of zoning  
218 appeals and a planning. Now were extending that across the board to all committees. So, we're actually  
219 going against what he just said. He said he didn't see any sense in executive sessions in several of  
220 these committees."  
221

222 Mayor Samples said it was also made clear that South Carolina Freedom of Information Act lays  
223 out the appropriate times when executive session is to be used. What the town attorney said is that he  
224 did not envision the use of executive session in those other committees, nor did he. Mayor Samples said  
225 there is a state law in place that governs executive sessions. To make a claim that by council adopting  
226 this ordinance violates its commitment to transparency is a misunderstanding of the import of serving on a  
227 body, whether it is a committee, a council, or a board, the need in appropriate circumstances to enter into  
228 executive session.  
229

230 B. Second Reading Ordinance #12-0720 §2-39(c) Special Meetings to include Public Comments  
231 on the Agenda. Mr. Johnson moved to adopt second reading of Ordinance #12-0720. Mr. Smith  
232 seconded. All voted in favor. **MOTION CARRIED.**  
233

234 C. First Reading Ordinance #12-0721 §17-726 Protected/Specimen Tree Removal. Ms. Morris  
235 presented the ordinance saying that several requests were made to remove dead, dying or diseased  
236 trees, and requests to remove trees that were damaging foundations. In all of these instances, staff was  
237 required to inform the applicants that an arborists or an engineer must be hired to certify the need for tree  
238 removal. The proposed changes will allow staff to make the determination under specific circumstances  
239 as outlined in the ordinance. The proposed changes, which were approved by the planning commission,  
240 would help eliminate a hardship on citizens who cannot afford both an arborist or engineer and the cost of  
241 tree removal.  
242

243 Mr. Smith moved to adopt first reading of Ordinance #12-0721 Protected/Specimen Tree  
244 Removal. Ms. Mabry seconded.  
245

246 Mr. Stevens believed this was a much needed change and was a good change for the citizens.  
247 He believed that most citizens would do whatever possible to save the nice trees that added value to their  
248 property.  
249

250 Mr. Johnson said trees had always been an issue in town. He was concerned with the phrase “for  
251 trees whose removal is essential for development.” He believed that could potentially give a developer  
252 the green light to raze some mature, beautiful trees. Surfside Beach prides itself on being a “Tree City,”  
253 and protecting specimen trees. Ms. Morris said builders must stake out the footprint of construction;  
254 when there are trees within the footprint, usually cutting is allowed. When there are disputes about tree  
255 cutting, paragraph (4) provides for and staff can require the builder to make an appeal to the board of  
256 zoning appeals for a setback variance to save a tree. During her tenure, builders have agreed to move  
257 the structure to save protected trees, instead of appealing. Mr. Johnson thanked her for the comments,  
258 but remained skeptical.  
259

260 Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Dodge, Smith, and Stevens voted  
261 in favor. Councilmember Johnson voted against. **MOTION CARRIED.**  
262

263 D. Resolution #12-118 to Establish Surfside Beach Business Development Committee. Ms.  
264 Herrmann read the resolution verbally approved by Mr. Stevens.  
265

266 Ms. Dodge moved to adopt Resolution #12-118 to establish Surfside Beach Business  
267 Development Committee. Mr. Stevens seconded.  
268

269 Mr. Johnson said number 4 stated *one councilmember who is also a business owner inside the*  
270 *town limits*, and asked how many councilmembers had businesses in town. Mr. Stevens believed four,  
271 and said an amendment could be offered to include councilmembers with businesses outside of town.  
272

273 Mr. Smith encouraged any committee to report quarterly to town council, whether any actions  
274 were taken, or they just held meetings. This would help establish the visibility and transparency Mr.  
275 Stevens is concerned about. He did not believe it should be added to the resolution, but the minutes  
276 should reflect the request. Mayor Samples agreed, saying particularly the council established committees  
277 should report to town council and the public.

278 Mayor Samples believed the resolution was premature. The business reception planned for this  
279 coming Sunday could be helpful in determining how the committee is formed. He believed all  
280 councilmembers supported better communications with the town businesses, and one way to improve  
281 communications is to establish a formal group.

282  
283 Ms. Mabry moved to defer the resolution until the next regular council meeting. Mr. Johnson  
284 seconded.

285  
286 Mr. Stevens said the town has had a bad reputation with the businesses in town and believed that  
287 having an established committee would let them know council is taking positive action to support the  
288 businesses.

289  
290 Mayor Samples had no doubt that a business committee would be established and that the  
291 business community would volunteer to serve. He understood Mr. Stevens' frustration over the delay.

292  
293 Ms. Mabry said the motion to defer was made because the resolution needs to be more inclusive.  
294 Her preference was to hear from the business owners for whom the committee was being established,  
295 before amendments were offered. She supported the committee, but believed the volunteers have a  
296 vested interest and should be heard prior to adoption.

297  
298 Mr. Stevens said any councilmember could offer an amendment; he welcomed amendments, and  
299 asked that they be offered now.

300  
301 Mayor Samples appreciated the comment and said he believed the resolution needed "major  
302 surgery." The emphasis is all about worth the town receives from its businesses and money being taken  
303 from the businesses. In his opinion, the approach should be about community, and businesses are  
304 essential to the town's long-term health of the town. The town has been working very hard to extend  
305 personal invitations to the town's businesses.

306  
307 Mr. Stevens said the resolution directly addresses the mayor's comments. It gives businesses a  
308 chance to have input to improve the town's ordinances.

309  
310 Mr. Moss said if the council adopted the resolution at this meeting, appointment would not occur  
311 before the next council meeting. Ms. Herrmann said town code requires 30-days advertising for  
312 volunteers. Mayor Samples said that was a practical observation, but he would not support the resolution  
313 as written, because he believes the emphasis is wrong. There is no question that the town derives a high  
314 amount of revenue from its businesses that can be documented with statistics. He pointed out that the  
315 town has not raised its business license fees in 18 years, which he believed was very business friendly.

316  
317 Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Dodge and Johnson voted in  
318 favor. Councilmembers Smith and Stevens voted against. **MOTION TO DEFER CARRIED.**

319  
320 Mr. Stevens suggested a workshop at 6:00 p.m. before the next regular council meeting to  
321 discuss this resolution. **COUNCIL CONCURRED.**

322  
323 E. Resolution #12-119 to Establish Parking Committee. Mr. Stevens moved to adopt Resolution  
324 #12-119. Ms. Dodge seconded. All voted in favor. **MOTION CARRIED.**

325  
326 F. Plantation Resort Busses. Ms. Dodge said some good ideas were discussed during the  
327 workshop. Mr. Stevens said several options were discussed, he was not sure was the best solution. Ms.  
328 Dodge believed a meeting with Plantation Resort to hear their concerns would be beneficial prior to  
329 making a decision. She personally believed using the Yaupon parking lot was the safest and best option.  
330 Mr. Johnson believed the town administrator should be directed to contact Plantation Resort personnel to  
331 begin a dialogue. Council realizes there is a problem and a change is necessary.

332



333 Ms. Mabry moved to direct the town administrator to meet with Plantation Resort to gather  
334 information and bring a recommendation to town council for a final decision. Ms. Dodge seconded.  
335

336 Mr. Smith moved to amend to include Pier Outfitters representative in the meeting. Mr. Stevens  
337 seconded. Mayor Samples, Mayor Pro Tem Mabry, and Councilmembers Johnson, Smith, and Stevens  
338 voted in favor. Councilmember Dodge voted against. **MOTION TO AMEND CARRIED.**  
339

340 All voted in favor of the motion as amended. **MOTION CARRIED.**  
341

342 G. Volunteer Appointments to the Board of Zoning Appeals; Commissioners of Election; Planning  
343 & Zoning Commission; Recreation/Special Events, and Keep Surfside Beach Beautiful. Mayor Samples  
344 explained that this item would be deferred until after the executive session that was scheduled to discuss  
345 the nominees. He said that Mr. Smith's recommendation about quarterly reports from the committees  
346 would be adopted as a matter of policy.  
347

348 H. Council Finance Committee, Councilmember Appointments. Mr. Smith moved to appointment  
349 Mayor Pro Tem Mabry and Councilmember Stevens to the council finance committee. Mr. Johnson  
350 seconded. All voted in favor. **MOTION CARRIED.**  
351

352 I. Council Infrastructure Committee, Mayor Samples. Mr. Stevens moved to appointment  
353 Councilmembers Johnson and Smith to the council infrastructure committee. Ms. Dodge seconded. All  
354 voted in favor. **MOTION CARRIED.**  
355

#### 356 8. **DISCUSSION.**

357

358 A. §12-29(b) Reduce the permitting fee for side walk cafés on Surfside Drive. Mr. Smith said  
359 council wanted to encourage businesses and the outdoor café permits were established once the  
360 Surfside Drive infrastructure improvements were completed. However, the high permitting fees of \$300  
361 and \$500 were excessive and prevented the businesses from participating. He asked council to consider  
362 reducing the fees to \$25 to encourage business.  
363

364 Mr. Stevens believed this action might be a step towards helping businesses increasing their  
365 customer bases. He suggested \$25 or \$30 for smaller areas and \$50 for larger spaces.  
366

367 Mr. Johnson asked how many permits have been sold. Ms. Fellner said only one on Surfside  
368 Drive.  
369

370 Ms. Mabry commented that the area on Surfside Drive was very limited; some places only had  
371 room for two tables. She agreed with permitting when it was introduced, because it allowed the  
372 businesses to use town property. When you consider the actual space available, she agrees that the  
373 current fees are excessive. She personally did not care if the permits had no fee attached; a nominal fee  
374 for administrative costs is sufficient. Ms. Mabry said there simply isn't room for a large dining facility. She  
375 fully supported Mr. Smith's recommendation.  
376

377 Ms. Dodge thought \$25 a table was low, but did not like \$300. She asked whether another  
378 amount per table be considered. Mayor Samples said the fee is an annual fee. Ms. Dodge suggested  
379 \$75 annually would be fair.  
380

381 Mr. Smith suggested \$25 for 100-square feet or less and \$50 for spaces over 100-square feet.  
382 He asked the mayor to call for consensus that staff be directed to bring an ordinance amendment at the  
383 next regular council meeting.  
384

385 Mr. Stevens supported Mr. Smith's recommendation saying the fee should be kept as low as  
386 possible to allow businesses to do business.  
387

388           **COUNCIL CONCURRED.** Mayor Samples said consideration should be given to insurance;  
389 alcohol definitions, etc.

390  
391           B. Any matters of concern or information to be discussed by Town Council.

392  
393           Mayor Samples said a draft ordinance was distributed to council about the board of fee appeals,  
394 which has never been filled. The town never had this board until 2009 when the ordinance was adopted.  
395 In the event an appeal to business licensing was filed, town council heard the appeal. If an appeal was  
396 filed, there is not board to hear it. Mayor Samples recommended repealing the ordinance or at least  
397 include language that makes town council the body to hear an appeal in the event there is no active  
398 board of fee appeals. Staff was instructed to bring an ordinance for consideration at the next regular  
399 meeting.

400  
401           Mayor Samples said an organizational subcommittee was probably the last one needed to create  
402 the foundation for the council form of government. He asked that an organizational council committee be  
403 placed on the next regular meeting agenda. The purpose of this committee is to review personnel  
404 policies, compensation policies, etc.

405  
406           Mayor Samples had prepared a draft ordinance addressing the town administrator duties that  
407 would be distributed to councilmembers for consideration that redefined the administrator position, and  
408 asked that an ordinance amendment be presented at the next regular meeting. His draft includes duties  
409 that more closely represents the town's council form of government. The duties stated in the current town  
410 administrator ordinance are very similar to a city manager form of government, and he believes that  
411 created some of the town's previous problems.

412  
413           **9. PUBLIC COMMENTS.**

414  
415           "Harry Kohlmann, 1610 South Ocean Boulevard. I just want to publicly recognize and thank one  
416 of our police officers in this town, Officer Byrd. I know he only has a very short time as a police officer,  
417 he's done a spectacular job. Most of you know I was a police officer for 27 years. I watch him, and the  
418 lack of experience he has, he has a lot of street smarts. He goes out there and he does his job and he  
419 hunts and he looks for bad guys. He really does, and one of, one day as some of you know, for whatever  
420 reason my house attracts petit criminals, and we have cameras and we catch a lot of these petit criminals.  
421 Somebody stole our bikes one day. We reported it, and when Officer Byrd came on, he heard that our  
422 bikes were stolen, and he came right over, and he said what's the description on these people, and I gave  
423 him, and I gave him two descriptions, and the third one he gave it to me. He said well I stopped those  
424 guys at four o'clock in the morning. Now he didn't know the bicycles were stolen, but he stopped. He  
425 inquired. He found out what was going on, which is perfectly legal for a police officer to do. A great,  
426 great job and I want to publicly thank him very much for the job he's doing. I actually feel very, very safe  
427 when I see Officer Byrd. (*applause*) Having said that, Councilwoman Dodge brought up about dangerous  
428 parking, hazardous parking, unsafe parking. We have a condition on Ocean Boulevard, and it's mostly in  
429 the rental area of dangerous parking. I'd like to hand out a couple of pictures to council. (*Mr. Kohlmann*  
430 *handed councilmembers copies of photographs.*) As you, as you can see in these pictures, these people  
431 are right up to the corner. If someone is trying to come out, you cannot see. Now I know, I don't know if  
432 anyone has been killed or injured, or any accidents have happened yet. But, it's an accident waiting to  
433 happen. Now when Ms. Dodge asked the chief, he said, well, it's not a priority. I'll ask you folks, we have  
434 a traffic enforcement officer. He writes tickets for parking violations. Now, I ask you all what is more  
435 important, somebody who is ten minutes, 15 minutes, a half an hour over their time limit on a parking  
436 meter, or somebody who's parking in a dangerous spot? Priorities, and that's what the police department  
437 does, priorities. Now, hopefully, most of all, or all of you are gone a think it's more important to ticket  
438 dangerous conditions than somebody that forgot to get back to their car in time. You know, ten minutes,  
439 15 minutes. He gets a ticket, but the person who's parked on the corner, and in one of the pictures you  
440 can see he's parked at a hydrant, and I know we have a lot of great officers here, and if you make it a  
441 priority or at least a condition that you want to be addressed I know these police officers will do it, and the  
442 parking enforcement officer definitely should do it. Thank you."

443

444 "Hello. My name is Patricia Magliette, 104 Harbor Lights. I'm just here to say thank you. I saw  
445 for the first time in my life the wonderful fireworks display. This town is the best fireworks town and that's  
446 one of the many reasons why I choose to live here, and a thank you doesn't even cover it. I'd also like to  
447 say thank you for the next day. The beaches, they were cleaned. The crew that took care of all that did a  
448 wonderful job, and that makes our lives enjoyable and it looks good for us to bring people in to visit our  
449 beaches, and I just can't tell you how much it's appreciated, because you did a wonderful job. Thank  
450 you."

451  
452 "John Ard, 612 Cypress Drive, Surfside. First off, I'd like to say Council, Mayor, y'all doing a dog  
453 gone good job of things and got it coming together, that's for sure, and we appreciate it very much.  
454 Making a lot of headway on things. I'd also like to thank y'all for bringing the parking committee back  
455 tonight. That's an important committee that we desperately need back in this town on a full time basis,  
456 and I do appreciate it very much. For the business committee, the deferral on that, I think it's a pretty  
457 good idea y'all doing that. Guess Sunday will tell the tale on that and give a lot of other business people  
458 some insight to what's going on, and it's gone be a big plus in the future, and so I think you done a real  
459 good job on that. I want to thank all the people in town, the athletic department and everybody else that  
460 had anything at all to do with the 4<sup>th</sup> of July extravaganza we had down here, because it was something  
461 else this year, and after being here so many years and all, seeing so many people at the 4<sup>th</sup> July on the  
462 fireworks and things like this I think that this year tops them all. We had more people on the beach. More  
463 people at the fireworks and stuff than we have ever had before, and I'd also like for you to keep in mind  
464 this, a business is number one. One of my top priorities in this town. It's bad to see a business leave this  
465 town. That's something we don't like to see. We got one business that left last week. Carolina (\*\*)  
466 here, Dr. Jeffrey Morgan, for what reason I don't know, but he had to close his office down and referred  
467 all, it's up here on the corner of Surfside Drive and Highway 17 next to the surf shop, and he had to close  
468 his business up. Over what reasons I'm not sure. Right now we have another business that will be  
469 closing most any time. I'm not sure of the date that they're moving out yet, but it will be closing most any  
470 time now, and I'm not at liberty to let that information go on who that is yet. At the end of the season,  
471 Seadogs down at the pier, we're gone be losing them after four years. They gone be closing up, and  
472 from the way things look at some of the business people that I have had the opportunity to talk with and  
473 everything, we do have the possibility, a very distinct possibility of two more businesses being closed  
474 after this season. So, we need to do everything possible to get people in this town that'll stay in this town.  
475 Help them with any cost, anyway that we can help them. That's what we're for, that's what that business  
476 committee, I hope it's gone be helping them doing, and you know, (\*\*) everybody work together. That's  
477 all it takes, everybody working together, make them feel welcome, and do what we can to keep them in  
478 this town. That's it."

479  
480 "Gene Maruca, 116 7<sup>th</sup> Ave. South. Two complaints. Can't all be good. The light on Dogwood  
481 and 6<sup>th</sup> Ave. South up against the park, the ball park, I came to this council probably in May to say the  
482 light was out. The entire fixture has since been removed, and this isn't the first time I've been before  
483 council mentioning the fact that the light disappeared. First it went out. They're gone a change the bulb  
484 so they took the fixture away. I don't know. But, we talk about safety. That's a safety issue, because  
485 there is no light from 3<sup>rd</sup> to 7<sup>th</sup> other than that one, and that's dangerous. That's the first thing. Second,  
486 over by the war memorial we have an outdoor exercise area, which is phenomenal. A lot of compliments  
487 on it; however, the people that use it are in dire need of water. It was brought to my attention that we  
488 have water in the dog park for the dogs, but we don't have it in the exercise area for our residents, and  
489 I'm sure it was an oversight when it was designed, but it's very easy to correct, since there's water at the  
490 memorial. All they have to do is run an underground line. Thank you."

491  
492 "Shelby Smith, Cedar Drive North. Mr. Mayor, council. Just want to comment on Mr. Ard's  
493 remarks about that business, and the progress we have made in Surfside Beach in beautification and  
494 helping bring Surfside to another level, what I, what I consider another level, attracting business here.  
495 Progress, I think, is really needed, and when you go into executive session I'd like you to think about  
496 Surfside becoming the jewel of the strand, so to speak. From North Myrtle Beach to Georgetown there's  
497 seven different townships, cities, areas, and I feel that Surfside is the least beautiful of the seven. All of  
498 the other communities are making serious initiatives to improve their appearance. I have lived here for 16  
499 years. I have, with my wife, Linda, we are very proud of Surfside. We also really appreciate the public



500 works department, and in those 16 years by far I think this is the best public works, the execution of  
501 everything and a it's just tremendous. However, when you drive from North Myrtle Beach to Georgetown,  
502 I see more tacky grass or no grass along the median, and overall appearance of the medians on 17,  
503 which is our business highway, very a, a shabby. There are more weeds. The edging along the highway,  
504 the cuts at the, at the a median needs some real improvement. Pot holes, there are some big ones.  
505 Prune trees, or un-pruned trees. We have 60 crape myrtles; they're all bushing out like one or two feet.  
506 We only have two miles of Surfside Beach, and that's a lot of trees in two miles, 60 crape myrtles. It  
507 takes about ten to 15 minutes a tree to prune them out, and I know resources are lean in town, and you  
508 know, we have competing needs throughout the community. We've got some drainage problems that we  
509 sure after today especially, signage, we've all talked about that in the past, and some of the business  
510 fronts. Just a drive that span and really ask yourself is Surfside where we want it to be. I think the  
511 beautification committee, there are 14 people on the, on the list that a that I saw that have volunteered  
512 already, and a, a serious identification of opportunities in the town can be made, you know, through this  
513 committee and through your support whether it's funding or whether the allocation of resources to get the  
514 things done. I think it'll really make a difference. We're coming up in just two years on the 50<sup>th</sup>  
515 anniversary of Surfside Beach. It was founded in '64, and a we have a real opportunity, this council has  
516 an opportunity in two years to really make some improvements in the area of beautification, and  
517 particularly on the 17, and also on ocean drive, but particularly on Highway 17 and throughout the whole  
518 community. So, I ask you to accept that challenge and work with the committees and throughout town to  
519 enable this progress to be made, because progress, I think, is what's about, and knowing where we are  
520 and where we've been gives us a good insight as to where we can go. Thank you."

521  
522 "Glen Curtis, 257 Palladium, a couple hundred feet from Surfside. When you go back to where  
523 Jamin' Leather used to be down that street next to it to Sand Lane, if you make a left that whole section,  
524 there's no street light there. Kids are coming out of the water park. People are riding and at night on golf  
525 carts. People even driving down. If we can get some kind of safety thing and get a light there halfway  
526 down at the corner or next corner just to brighten up that whole section there a little bit, I think we can  
527 maybe save a life, just in case you know. Thank you."

528  
529 **10. COUNCIL COMMENTS.**

530  
531 Mr. Johnson, "I heard that. I'll, I'll just make it brief. Thank you for coming out. We did have a  
532 parking issue this past weekend, and the weekend before that. I've chalked it up to the amount of people  
533 here, but there were some major, major violations, especially on the corners on Ocean Boulevard, and I, I  
534 really was surprised that those vehicles weren't ticketed as they had been in the past, and I was also  
535 disappointed to hear that the dogs wouldn't share their water! (*laughter*) Take care of that. Thank you."

536  
537 Ms. Dodge, "Okay, I'm gone a get serious here. I wanted to thank the citizens for making it  
538 possible for the councilmembers and the mayor to go to Hilton Head for a few days for training. It was the  
539 most amazing experience. I went to so many classes. I've got a bushel of notes. I've got some copies,  
540 but it was a very worthwhile experience, and I want to thank you for making it possible for us to go. Also  
541 want to thank Ms. Ellis even though she's not here, and her group for the July 4<sup>th</sup> celebration. I think it  
542 was the best one yet. Those fireworks were absolutely spectacular, and my next still hurts from leaning  
543 back looking up. Wanted to thank the SAFER (Surfside Area Fire and Emergency Responders) guys for  
544 the food that they served at that celebration. I wanted to take them home with me and let them cook.  
545 They're not going, by the way. I also noted that garbage cans were full, and that maybe we should pay  
546 more attention to those things at celebrations like that and maybe on specific weekends. Then I wanted  
547 to talk about the Sunday serenades. I don't know how many of you go to those in the Veterans Park, but  
548 they are terrific. They have really good entertainers. It's a good afternoon. Fun to go to; it would be  
549 better if we had a banner to put up that said Sunday serenades so that more people riding by in cars or  
550 on golf carts know about that. It would get a lot more people there. It is well attended, but the more the  
551 better. Wanted to talk about the dangerous intersections and people parking right at the corners. It was  
552 good Mr. Kohlmann took pictures. That's very graphic. It's scary when you try to pull out, and somebody  
553 is going to be hurt, and it won't be, that wouldn't be a good thing. That's all my notes. Thank you, I  
554 appreciate it y'all."

555

556 Mr. Smith, "Thank you for coming out, and I'd like to concur with the parking issue; parking at the  
557 corners, and also on the east side of Ocean Boulevard at the beach accesses. Sometimes people park  
558 so close that when you're coming out in your golf cart it's hard to see, so that's another area where we  
559 need to watch how they park, and some of these houses have so many cars that they end up parking on  
560 the sidewalks, and I think that's another concern, especially on the east side of Ocean Boulevard when  
561 there's so many cars that they end up on the sidewalks, or at least the tail of the car is on the sidewalk.  
562 Thank you."

563  
564 Ms. Mabry, "Well, needless to say, I'm glad that y'all are here. It makes our job so much easier. I  
565 did want to address Mr. Shelby Smith. We are putting these committees to work and they'll be working in  
566 tandem not only to bring, it's not just about beautification, it, it's about bringing our town up a notch and  
567 when you do that, of course, it's gone a help the businesses, and these committees working together,  
568 we're gone a have a great outcome. We certainly as a council address all these issues, but these  
569 committees are gone a help bring it to the forefront, and I think we're gone a take care of lot of things  
570 over, it's not gone a happen overnight, but it's gone a happen."

571  
572 Mr. Stevens, "I hope all of y'all were paying attention tonight, because you saw, you got a good  
573 vision of how a council is supposed to work. We win some; we lose some. Some of us got voted no on  
574 stuff, and some of us didn't. (*laughter*) Some stuff got deferred, but that's the way government is  
575 supposed to work. We have a lively, but civil discussion on every issue, and that's the way this council  
576 needs to work. We're working together. Now even though some of us didn't get what we wanted, we'll  
577 still be friends with all everybody here. I'll be sitting in the mayor's office talking to him. I'll be calling Ms.  
578 Mabry. I'll be calling Ms. Dodge, and Mr. Johnson and Mr. Smith, too. That's part of government, and I  
579 hope you paid attention. I want to also thank all the folks that volunteered for committees. It's nothing  
580 more exciting than seeing people stepping up to put a contribution to the town. The fact that we've been,  
581 this council has been since May we've started two committees, reinstalled a, a, another committee, and  
582 possibly have another committee coming on. We're getting citizens involved and that's important. We  
583 need your eyes and we need your thoughts, and we need to look at through your eyes sometimes to get  
584 the better (\*) you're gone a make recommendations to us and I know you're the people that have  
585 volunteered for committees are gone a do a good job. I want to commend Mr. Kohlmann bringing the  
586 picture, because a picture is better than a thousand words. He showed us exactly what can happen  
587 when you park too close to a stop sign, and you can get a ticket for that, I know, but anyway, I won't go  
588 into that. But, the fact is that I'm glad y'all all came out here. I want you to continue coming. We want  
589 your input whether it's in the pre-agenda part or at the end. Thank you for coming out, and I'm glad  
590 you're all here."

591  
592 Mayor Samples, "I just share all the comments that were made, and I want to express  
593 appreciation to everybody for working so hard, and putting in time necessary, really, to cover a lot of  
594 ground cause we need to do that. We've got an asset in the pier. We're all glad to have the new Surf  
595 Diner out there, open, operating. And, and we look forward to another great summer. Having said that,  
596 we'll see you next time."

597  
598 11. **EXECUTIVE SESSION.** Mayor Samples stated that pursuant to FOIA §30-4-70(a)(1) to  
599 discuss nominees to the Board of Zoning Appeals; Commissioners of Election; Planning & Zoning  
600 Commission; Recreation/Special Events, and Keep Surfside Beach Beautiful committees. Mr. Smith  
601 moved to enter executive session at 8:46 p.m. for the purpose stated. Ms. Mabry seconded. All voted in  
602 favor. **MOTION CARRIED.**

603  
604 Mr. Smith moved to reconvene regular session at 9:23 p.m. Ms. Mabry seconded. All voted in  
605 favor. **MOTION CARRIED.**

606  
607 Mayor Samples stated that no action was taken during executive session, and that  
608 Councilmember Johnson was excused from the remainder of the meeting.

609  
610 Ms. Mabry moved to appoint Judy Engelhard to the Municipal Election Commission for a six-year  
611 term. Mr. Smith seconded. All voted in favor. **MOTION CARRIED.**

612 Ms. Mabry moved to appoint the following nominees to the Keep Surfside Beach Beautiful  
613 Committee: Dora Eaddy, Mary Ann Hunt, Mary Ellen Abrams, Al Stein, Etta Stein, Shelby Smith, Jim  
614 Toney, Nancy Weber, Lynda Peckham, Peggy Sattelmeyer, Al Lauer, Terri Lauer, Ron Gaskins, and Sara  
615 Saunders. Mr. Smith seconded. All voted in favor. MOTION CARRIED.

616  
617 Ms. Mabry moved to appoint the following nominees to the Recreation/Special Events  
618 Committee: Dan Flood, Gene Maruca, ~~Glen Curtis~~, Anita Crone, Lynn Parker, Betty Holston, and Ron  
619 Meadows. Mr. Smith seconded. All voted in favor. MOTION CARRIED.

620  
621 Ms. Mabry moved to appoint Carrie Johnson, Sandra Elliott, and Shane Watson to the Planning  
622 and Zoning Commission. Mr. Smith seconded. All voted in favor. MOTION CARRIED.

*Beth Kohlmann Amended by Motion 7/24/12.*

*Clerk.*

623  
624 Ms. Mabry moved to reappoint Darrell Willm and to appoint Ralph Magliette to the Board of  
625 Zoning Appeals. Ms. Smith seconded. All voted in favor. MOTION CARRIED.

626  
627 **12. ADJOURNMENT.**

628  
629 Mr. Smith moved to adjourn the meeting at 9:26 p.m. Ms. Mabry seconded. All voted in favor.  
630 MOTION CARRIED.

631  
632 Respectfully submitted,

633  
634 \_\_\_\_\_  
635 Debra E. Herrmann, CMC, Town Clerk

636  
637 Approved: July 24, 2012

638  
639 \_\_\_\_\_  
640 Douglas F. Samples, Mayor

641  
642 \_\_\_\_\_  
643 Mary Beth Mahry, Mayor Pro Tempore

643  
644 \_\_\_\_\_  
645 Ann Diddle, Town Council

646  
647 \_\_\_\_\_  
648 Mark L. Johnson, Town Council

646  
647 \_\_\_\_\_  
648 Roderick E. Smith, Town Council

649  
650 \_\_\_\_\_  
651 Randle M. Stevens, Town Council

649  
650 \_\_\_\_\_  
651 Vacant Seat

652 Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. This meeting was transcribed by Town Clerk Herrmann. In  
653 accordance with FOIA, meeting notice and the agenda were distributed to local media and interested parties. A complete list is on file in the clerk's  
654 office. The agenda was posted on bulletin boards outside Council Chambers and in the Town Hall reception area. Meeting notice was also posted on  
655 the Town marquee. When (\*\*) is used a section of the transcription is inaudible. Public Comments and Council Comments are transcribed verbatim  
656 without grammar corrections. When used, staff members' given names are replaced with surnames.