



**SURFSIDE BEACH TOWN COUNCIL MEETING MINUTES
REGULAR MEETING SEPTEMBER 22, 2015 ♦ 6:30 P.M.
TOWN COUNCIL CHAMBERS**

1. CALL TO ORDER.

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE.

A. Invocation: Councilmember Johnson gave the invocation.

B. Pledge of Allegiance: Mayor Samples lead the Pledge.

3. AGENDA APPROVAL

Mr. Johnson moved to adopt the agenda with an amendment to delete Items 6.B Business Committee Report and 7.E. Directions to Planning & Zoning Commission. Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**

4. MINUTES APPROVAL

A. Workshop August 20, 2015 and B. Regular Meeting September 8, 2015. Mr. Childs moved to adopt the August 20, 2015 workshop minutes and the September 8, 2015 regular meeting minutes as presented. Mr. Stevens seconded. All voted in favor. **MOTION CARRIED**

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

Ms. Carol Lucas, Cypress Drive, said she bought her house in 2008 and became a permanent resident in 2010. She said the proposed fencing ordinance did not pertain to property directly, but as a resident she was concerned that corner lots would be limited to a 4-foot tall fence. Lots in Surfside are not generally large enough to provide privacy, so she wondered if the corner lots were using higher fences to enforce privacy. She did not know if a 4-foot fence was high enough. There were two terms that she would like defined: solid wall, and no 4-foot fence in the front yard. She asked if a slatted privacy fence was considered a solid wall. She agreed with many of the restrictions. However, the new golf cart storage has chain link fencing that she did not whether met the code and it also has barbed wire at the top. She said 3rd Avenue is one of the boundaries, which was supposed to be a walking area for shoppers. The fence is tidy, but there were no hedges or shrubbery around it. There may be plans to beautify the fence. She did not compare this ordinance with the current code, so she did not know if the town could prevent the barbed wire. She asked if the town could or wanted (*time ended*) to do anything about it.

Mr. Ron Crouch, 11th Avenue North, said here we are again, and tonight we're gonna vote, hopefully, and pass the opposition to the offshore [drilling.] There was a lady named Ann Richardson in the City of Falls Church, [Virginia], who died about 30 years ago. Everybody was always amazed at how much she knew about the government. When she died, it turned out that she had been following a 1962 Boy Scout Handbook on citizenship. He took this opportunity for himself and any other citizens who agree to read to you the marks that show participating citizenship in your community, because one of

57 them is very appropriate: "Volunteers for office, if they believe they are capable, and if elected, they [sic]
58 serve to the best of their ability even at the sacrifice of their own time and pleasure." Mr. Crouch thanked
59 all of the councilmembers for what they do. (Applause) Mayor Samples thanked Mr. Crouch on behalf of
60 Town Council.

61
62 Ms. Herrmann read the following statement from Ms. Holly Watson, North Oak Drive. Copies of
63 the photographs are on file.
64

65 The attached pictures represent properties at 5th Avenue North between Dogwood and
66 Myrtle Drive, Lots 5-A and 5-B of TM 461-02-030-082. I checked with Culler Surveying
67 today to make sure I read the topo map correctly. As you may know, I demanded silt
68 fence be installed after the clearing had started specifically to provide erosion control.
69 Silt fence is a temporary measure until hard retainers can be placed. Our town seems to
70 be repeating the same scenario over and over again, as you can see from the
71 photographs in your package. There is already a home built and a pool installed but only
72 a partial retaining wall on Lot 5-B. There is a 5.16 foot drop in a 9' space, quite steep and
73 as evidenced from the amount of erosion, this will continue. On Lot 5-A, you can see the
74 massive amount of erosion and you can also see it on the enclosed topo maps,
75 evidenced by the amount of material past the property line that has filled in the Town's
76 creek right of way. The massive amount of vegetation on photograph #1 shows the creek
77 bed has filled in substantially. Myrtle Oaks PDD had a cave-in on their pool deck due to
78 the deck being too close to the creek cliff; there still exists no retaining wall but they were
79 allowed to rebuild the pool deck regardless. I am requesting immediately that all
80 properties adjacent to our Town waterways be mandated with a full retaining/seawall to
81 the bottom of the adjacent waterbed or grouted rip rap to ensure we do not have to
82 continually pay millions for unnecessary dredging, starting with this property.

83
84 Mayor Samples asked that council's appreciation be expressed to Ms. Watson.
85

86 **6. COMMUNICATIONS**

87
88 **A. Employee Recognition: David Martin, 10-years Public Works.** Mayor Samples presented
89 Mr. Martin with a 10-year pin and certificate. His awards check was previously delivered, since his
90 anniversary was actually August 12th. Mr. Martin said it was a pleasure to work for the town. He had met
91 many, many nice people here. (Applause)
92

93 **B. Business Committee Report: Chairman Truett, Councilmember Stevens, Liaison. This**
94 **item was omitted from the agenda by approved motion. See Item 3.**
95

96 **C. Department Reports.**

97
98 **i. Events and Recreation.** Supervisor Ellis presented the departmental reports for August and
99 September, copies of which are attached and made a part hereof by reference.
100

101 Mr. Stevens asked how many booths were rented for the Family Festival, and how many were
102 available. Ms. Ellis said at least 140, if not more; there were two available.
103

104 Mayor Samples said a special thank you to Ms. Ellis for attending and photographing the
105 swearing-in ceremony for District 106 House Representative Russell Fry this past Saturday. (Applause)
106

107 **ii. Finance.** Director King presented the departmental reports for August and September, copies
108 of which are attached and made a part hereof by reference. Ms. King reiterated that monies received in
109 July were credited to June. During August meter revenue was about \$2,000 less than last year, which
110 was less than she expected based on the number of meters taken down. Lanier staff said the town is
111 now a "season parking institution." The town had a good summer, which was evidenced by the local

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112 accommodations and hospitality tax revenue receipts. Ms. King said Horry County just recently delivered
113 the property tax rolls, which will be reviewed for accuracy.

114
115 Mr. Childs said those who supported removing the meters were not surprised at all.

116
117 Ms. Mabry asked if all franchise fees were paid. Ms. King said as far as she knew they were all
118 paid; she did not know of any outstanding money, except for a few miscellaneous bills.

119
120 Ms. King said the town did well with a \$100,000 loss instead of the anticipated \$300,000 loss.

121
122 Mayor Samples asked when the audit would be presented to Town Council. Ms. King said the
123 audit would be presented at the regular meeting on November 10th or at the vision meeting on November
124 12th.

125
126 **iii. Fire.** Chief Otte presented the departmental reports for August and September, copies of
127 which are attached and made a part hereof by reference. There were no comments or questions.

128
129 **iv. Planning, Building and Zoning (PBZ).** Director Morris presented the departmental reports
130 for August and September, copies of which are attached and made a part hereof by reference.

131
132 Mr. Childs thanked Ms. Morris for the photographs, because they made it very easy to
133 understand the violation report. He asked whether the bank could be compelled to clean the property.
134 Ms. Morris said the bank was contacted again after this report was completed. The representative was
135 advised of the code that allows the town to place a lien on the property. The bank had the yard cut.

136
137 Mr. Johnson concurred with Mr. Childs. Often the reports did not give a clear understanding of
138 the problems. The pictures were "spot on." He thanked Ms. Morris very much for adding the pictures.

139
140 Mayor Samples asked Ms. Morris to briefly update the public about the preliminary flood maps.
141 Ms. Morris said the preliminary flood maps are in her office. Staff anticipated the flood zone going closer
142 to Highway 17, but it actually went closer to the ocean, which is much better for the town. Many of the
143 special flood hazard areas were eliminated. The maps will not be in effect for at least nine months,
144 maybe a year. The Federal Emergency Management Agency (FEMA) representative will be in town
145 sometime around November 1st to meet with Town Council and the public to provide information and
146 answer questions. Staff will hold public hearings to discuss the maps on Tuesday, October 20th at 10:00
147 a.m. and at 5:30 p.m. [in the fire station.]

148
149 **v. Police.** Chief Keziah presented the departmental reports for August and September, copies of
150 which are attached and made a part hereof by reference.

151
152 Mayor Samples thanked the Chief and his staff for their diligent work to apprehend the driver
153 involved in the hit and run fatality at 13th Avenue North. It reflected very well on the police force.

154
155 Mr. Childs also commended Chief Keziah and his officers for the arrest of the hit and run driver.
156 That truly was some good detective work; the details were unbelievable.

157
158 **vi. Public Works.** Director Adair presented the departmental reports for August and September,
159 copies of which are attached and made a part hereof by reference.

160
161 Mr. Childs said some people asked him to let Mr. Adair know what a great job that he and his
162 crew does. They said they are all very polite and take extra measures to help them.

163
164 Mayor Samples asked if the additional stormwater committee training was scheduled. Mr. Adair
165 said a tour would be given around town for the members on October 13th.

166

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167 Mr. Adair said the roll out service would be presented at the visioning meeting, because there has
168 been some overflow since the once a week service began. The shoulder season seems to be extending.

169
170 Mayor Samples thanked Mr. Adair saying he and his staff did a great job.

171
172 **C. Administrator's Report.** Ms. Fellner reported the following:

173 Santee Cooper. A meeting with Santee Cooper was held regarding the new substation.
174 Information was sent to the planning commission for review. Santee Cooper has offered to leave a
175 naturally wooded buffer surrounding the station on three sides, which conforms with our existing code and
176 on the side adjacent to the commercial tract currently for sale to more than double the buffer to 60-feet.
177 The planning commission meets on October 6th to consider this and anyone interested should attend the
178 public hearing on that date at 6 p.m. Mayor Samples wanted everyone to be aware of the situation and
179 said Santee Cooper had a power interruption that affected 7,000 Myrtle Beach area businesses and
180 residents this past week. Santee Cooper officials said they have reached peak capacity during both of
181 the last two winters. The issue was being addressed by Santee Cooper.

182
183
184 9-11 Service. The town had a nice 9-11 Service. Thank you to the Fire Department for
185 arranging that.

186
187 District 106 Representative Swearing In. A big thank you to Debbie Ellis for setting up and
188 opening Council Chambers for the Representative Fry's Oath of Office.

189
190 Taste of Surfside Beach. Debbie Ellis and she met with Sammy Truett, chairman of the business
191 committee, to discuss this year's Taste of Surfside Beach. The dates for the 2016 event will be February
192 15th through March 15th. Details will be released at a later date and passports sales will begin at the
193 Family Festival.

194
195 FEMA Flood Maps. The new FEMA maps arrived as explained earlier in the meeting. Thank you
196 to Carl McCloud our GIS (Geographic Information System) technician for all his hard work on providing
197 additional content maps for tonight's workshop. These maps clearly illustrate the differences.

198
199 Artificial Reef. The public comment period for the artificial reef finished ended on September
200 15th. Bob Martore of the Department of Natural Resources (DNR), who is handling the permitting told Ms.
201 Fellner that DNR received no comments from the public on this project. However, he did hear that the
202 Bureau of Ocean Energy Management might be preparing comments, because they are looking into that
203 area for wind turbines. She will keep council and the public apprised.

204
205 Welcome Center. At the January 27th meeting she was asked to report back to council after the
206 season regarding the Welcome Center. Thus far, we have not received any significant increase in
207 pedestrian traffic in town hall due to the "Welcome Center" sign. Not having discounts or offering
208 refreshments does, however, disappoint many of the visitors who seem to come in expecting at the very
209 least coupons and coffee. Specific improvements will be discussed at the visioning meeting.

210
211 P-25 Radio System. The P-25 radio system is a mandated upgrade that will affect public safety
212 communications for both the county and all other municipalities. Horry County's consultant hired to
213 recommend the best and most economical strategy conducted a briefing last week. At this point it
214 appears that the most economical way forward would be for the county to upgrade and replace most of its
215 existing infrastructure at a cost somewhere in the \$15-million range. The one funding source that was
216 identified was leftover Ride II dollars, as this would be an unfunded infrastructure project that was
217 mandated by the Federal Government and would benefit both the county and all municipalities.
218 Subscription fees were also mentioned as a possibility to fund ongoing maintenance. That was new
219 information and not mentioned before. It definitely was not desirable. She will keep council apprised of
220 any decisions they need to consider regarding this project.

221

222 Consensus Item: The three bid results for the underground conversion project from 3rd to 9th
223 Avenues South were reviewed by DDC Engineers. It is their recommendation that the project not be
224 awarded to the overall low bidder based on past performance issues with both the town and other
225 municipalities in the area. The concern is that the contractor will not perform to the town's satisfaction on
226 this project, resulting in delays and angry residents.

227
228 Past issues with the former contractor include ...

- 229 1. Lack of property owner notification and coordination
- 230 2. Not meeting conduit depth requirements per plan specifications
- 231 3. Material used on the project not meeting product specifications
- 232 4. Material damage during storage and installation
- 233 5. Lack of proper survey and staking for construction activities
- 234 6. Placing conduit and equipment not to specifications on the initial and subsequent
235 installations
- 236 7. Not meeting the construction schedule

237
238
239 It is the recommendation of DDC Engineers and Santee Cooper that the bid be awarded to the
240 next lowest bidder, Carolina Conduit Systems. The reason she sought consensus was that only \$500,000
241 was budgeted for the construction project in this year. If the construction cost was divided over two years,
242 the budget would need to have an additional \$34,220.50. Her authority regarding expenditures is limited
243 to \$10,000. Ms. Fellner asked for consensus of council to award the bid to Carolina Conduit Systems for
244 \$1,068,441. She noted that although the expense passes through the Capital Projects Fund, the town
245 receives 100-percent reimbursement for the construction costs through its reserve with Santee Cooper.

246
247 Bids Submitted for Ocean Boulevard 3rd to 9th Avenues South Underground Conversion:

	Lee Electric	Carolina Conduit Systems	Greenwall Construction
248			
249			
250	Subtotal: \$772,199.00	\$1,008,441.00	\$1,065,447.33
251	Total Bid Amount: \$944,749.00	\$1,068,441.00	\$1,175,368.11

252
253 A brief discussion was held regarding owners that refused to grant easements for the
254 underground wiring. Those owners would keep the power poles with the wires attached to their homes.
255 The discussion would continue at the visioning meeting. Parking restrictions impact some owners'
256 decisions, because parking is so limited. Mayor Samples said Town Council would have an opportunity
257 as the town's policy maker to negotiate a possible solution. Mr. Pellegrino asked if the price covered
258 infrastructure for properties not granting easements. Mr. Adair said it did; if the property owner decides in
259 the future to grant the easement, the infrastructure would already be in place. Town Council
260 **CONCURRED** to award the bid to Carolina Conduit Systems for \$1,068,441.

261
262 **Responses to Public Comments:**

263
264 *Comment:* There were many public comments imploring council to pass the resolution opposing
265 offshore drilling.

266 *Response:* There is clearly unanimous support on council to adopt that resolution later this
267 evening.

268
269 *Comment:* One resident stated that the comprehensive plan had not resulted in Highway 17
270 improvements and that something should be done to enhance the business district.

271 *Response:* First, the town has a weak overlay ordinance, but it does finally have one. Four years
272 ago it did not. Hopefully, in the next year or two, the council could agree to adopt the county's overlay
273 which is somewhat more stringent, but seems to attract a higher end clientele. In addition, the town's PBZ
274 department works diligently to minimize blight on Highway 17, but the wheels of justice turn slowly. Clear
275 evidence of this is the old Pavilack building, which was in the process for years, but is just now being
276 scheduled for demolition. Finally, federal and state money is not easy to get and also takes a significant
277 amount of time in the pipeline. Currently, we have \$5-million programmed and over the next three years

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278 we should see significant improvements on Highway 17 using GSATS (Grand Strand Area Transportation
279 Study) funds. This includes two new intersections with traffic lights installed on the north end and on the
280 south end, and the improvement of the Glenn's Bay intersection, and substantial median enhancements.
281 These items are currently in the engineering phase.

282
283 *Comment:* Two residents stated that there are many golf carts that drive at night and the town
284 should allow citizens to drive them after dark, especially to town events.

285 *Response:* The response is that the town cannot override state law which clearly states that golf
286 carts cannot be driven after dark. Town Council only has the authority to pass an ordinance that is more
287 restrictive than state law, not one that contradicts it.

288
289 *Comment:* A resident stated that the town needs to fine people for parking on sidewalks on
290 Ocean Boulevard.

291 *Response:* Parking enforcement staff issues tickets when they see the offense. Thus far this
292 parking season Lanier wrote more than 85 tickets for parking on or over the sidewalk.

293
294 *Comment:* A resident requested that the council not change Surfside Beach with business
295 development as most residents like it the way it is.

296 *Response:* The response is that Town Council vets any significant changes in public first to
297 garner input and make more informed decisions on the backend. Business development is no exception
298 to this rule.

299
300 *Comment:* A resident stated that our PBZ Department is doing an excellent job and that recent
301 criticism of the department had no basis in fact.

302 *Response:* The response is that this department is doing a good job, but they often have to say
303 no to people, which can result in discontent. The department's ideology is to help customers find a way
304 to come into compliance rather than just say no.

305
306 *Comment:* A resident stated that some members of council have many good ideas to promote
307 business in Surfside Beach and we need to implement them.

308 *Response:* The response is that we do when staff workload and funding for the project is
309 manageable.

310
311 *Comment:* A resident was concerned that there was only one farmer at the farmers market and
312 the rest were resellers.

313 *Response:* The response is that as long as the produce comes from a local farmer within 50-
314 miles of Horry County, resale is allowed. This helps our local farmers and offers them another distribution
315 platform for their produce. Many of them do not have the wherewithal to attend all or even some of the
316 markets in Horry County, but this allows them to participate and also to serve the community by providing
317 fresh, local produce through the resellers.

318
319 *Comment:* A resident stated that the problem with the tree ordinance and all ordinances is
320 communication. Many people don't know where to find them.

321 *Response:* The response is they are all listed in our code of ordinances. If one goes to the
322 government tab on the website, under Town Council there is a choice in the drop down menu called
323 "Ordinances". The ordinance page allows you to view the code of all ordinances, recently codified
324 ordinances, and ordinances that have been adopted but are awaiting codification. The code of ordinances
325 is also searchable by keywords. In addition, staff is always happy to reference the applicable code to
326 anyone inquiring or even print it out for them, if need be. She did not know of any municipality that makes
327 it easier for the public than, this but she was always open to suggestions, if it will help us better serve the
328 people.

329
330 There were no comments or questions for Ms. Fellner.

331
332
333

334 **7. BUSINESS**

335
336 **A. First Reading Ordinance #15-0809 to define Quorum and to amend applicable codes,**
337 **Administrator Fellner.** Ms. Fellner presented the decision paper and ordinance, copies of which are on
338 file. Town Council discussed this ordinance at the September 8th meeting, and concurred to bring it
339 forward. She noted that town attorney Mike Battle reviewed and approved the ordinance content on May
340 15th, 2015.

341
342 Mr. Johnson moved to adopt first reading of Ordinance #15-0809 as presented. Mr. Stevens
343 seconded. All voted in favor. **MOTION CARRIED.**

344
345 **B. First Reading Ordinance #15-0810 to amend §17-008 Uses vs. Uses Not specifically**
346 **Listed, Director Morris.** Ms. Morris presented the decision paper and ordinance, copies of which are on
347 file. She noted that town attorney Mike Battle and the planning commission recommended this addition to
348 the ordinance. She explained that the zoning ordinance was a permissive use ordinance. Only the uses
349 specifically listed in the code were allowed within the particular districts.

350
351 Mr. Stevens moved to adopt first reading of Ordinance #15-0810 as presented. Mr. Childs
352 seconded.

353
354 Mr. Pellegrino believed this was needed, because of the recent situations. He asked if this would
355 be a separate ordinance for all the codes. Ms. Morris said it would be in the zoning ordinance. Mr.
356 Pellegrino asked how anyone would know this ordinance existed. Ms. Morris said when anyone comes to
357 the office to ask if a specific use is allowed on a property, a complete list of allowable uses was given to
358 them. Staff discusses permitted uses, highlights them and explains whether they are conditional uses
359 and what they need to do. Staff tells people now if the use is not listed, then it was not permitted, which
360 was the general rule of zoning. Ms. Morris said if that was challenged, then this new ordinance can be
361 pointed out.

362
363 Mayor Samples asked if it was practical to add the codes to which this applies at second reading.
364 Ms. Morris said yes.

365
366 Mr. Stevens asked for clarification as to whether this ordinance was simply stating if the use was
367 not listed, it was not allowed. Ms. Morris said exactly. This issue came up on 3rd Avenue South in the
368 Central Business District when a business owner wanted to rent to a tenant, but the business type was
369 not a permitted use. The matter came before Town Council and the planning commission and the Town
370 Code was amended to allow the business as a permitted use. Ms. Morris reiterated that if a use was not
371 listed, it would not be permitted. However, that was not to say that the code could not be changed as was
372 done for the Central Business District.

373
374 All voted in favor. **MOTION CARRIED.**

375
376 **C. First Reading Ordinance #15-0811 to amend §17-409 Fences & Hedges, Director Morris.**
377 Ms. Morris presented the decision paper and ordinance, copies of which are on file. Ms. Morris explained
378 that this ordinance distinguishes between residential and commercial districts, provides general fencing
379 standards as a whole, addresses nonconforming fencing and adds language regarding the overlay
380 district. The planning commission took several months reviewing this proposal and recommends it to
381 Town Council.

382
383 Mr. Johnson moved to adopt first reading of Ordinance #15-0811 as presented. Ms. Mabry
384 seconded.

385
386 Mr. Pellegrino said during public comments questions were asked about the definition of "solid
387 walls" and "4-foot fences in the front." Ms. Morris said the solid walls are masonry or block walls that
388 prevented any visual or air passing through. Privacy fences have slats that allow you to see between
389 them and air/water can pass through. The 4-foot fence in the front yard is actually current code; sides

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390 and year yards can have fences no higher than 8-feet. Ms. Morris said any fence over 7-feet in height
391 must have engineered plans, which was why 7-feet was adopted for commercial property, and 6-feet in
392 residential areas.
393

394 Mr. Stevens moved to amend the ordinance to allow barbed wire fencing on commercial
395 properties located west of Highway 17 Business on Sandy Lane and Azalea Drive. Mr. Childs seconded.
396 Mr. Stevens explained that those businesses were not as visible and may need better security fencing.
397 Mayor Samples and Councilmembers Childs and Stevens voted in favor. Mayor Pro Tempore Pellegrino
398 and Councilmembers Johnson and Mabry voted against. **MOTION TO AMEND FAILED.**
399

400 Ms. Mabry asked if all fences were required to have the ability for water to flow through allowing
401 stormwater to pass. Ms. Morris said that was why solid walls were not allowed. If the fence is in a flood
402 zone, the code states that an open lip was required at the bottom of the fence to allow water to pass. To
403 her knowledge since she has been with the town, she has not seen a fence installed that did have a small
404 gap at the bottom.
405

406 Mayor Samples said to summarize, that residential properties will now be allowed to have a 6-foot
407 fence on the side and back. Ms. Morris said that was correct, with 4-foot fences on the front. Mayor
408 Samples asked how corner lots would be affected. Ms. Morris said the ordinance states the most narrow
409 [side] of the lot is the front. The longer areas are the side and rear. Mayor Samples said, "So a lot of the
410 parallel to the ocean, the perpendicular...would have 4-foot fences." Ms. Morris said that was correct.
411 Mayor Samples said it had been bothering him since he read this draft, and asked whether we were
412 solving a problem or creating a problem. By the time people get to him with ordinance questions, it was
413 because they needed help. He asked the question seriously in the sense that he was aware of only one
414 instance at the 3rd Avenue South property where there was an issue over fences. He added the
415 ordinance also addressed hedges. He questioned the definition of "hedge," in particular on side yards,
416 because your hedge can be 10-feet tall. Many plants grow [large] over time. Ms. Morris said the hedge
417 can be higher than that, but you have to have visual clearance between 4- and 10-feet, which is a CPTED
418 (Crime Prevention through Environmental Design) rule and is already in the code. Plant growth is not
419 limited, but visual clearance was required so that ingress/egress is safe. Mayor Samples fully supported
420 the line of sight, but said the language should be clarified. Ms. Morris said the code enforcement officer
421 has recently addressed many complaints on the middle of a street, because neighbors' bushes were
422 interfering with lines of sight. Mayor Samples asked if the hedge code applied to all four sides of the
423 property, assuming it was rectangular. Ms. Morris said just the front of the property; side and rear yards
424 were not regulated.
425

426 Mr. Childs moved to amend to state that plantings shall be allowed in town rights-of-way not to
427 exceed three feet in height and not be a hardwood. Mr. Stevens seconded. Mr. Childs explained that
428 allowing plants would prevent people from parking in front yards in the rights-of-way. Mayor Samples
429 asked if this suggestion could be sent to the planning commission, instead of confusing this particular
430 ordinance. He had Confederate Jasmine growing around his mailbox and knew that the post office
431 requires the mailbox to be a minimum 36-inches high; so his planting was already above three feet. Mr.
432 Childs did not mind sending the question to the planning questions, if council desired to do so. He knew
433 that public works had expressed some concerns about this. Mayor Samples said many residents
434 maintain and beautify the town's rights-of-way. He thought that was a plus for the town, but he knew that
435 it caused "heartburn." Mr. Johnson said that these were different issues: walls on private property and
436 shrubbery in the rights-of-way. Mr. Pellegrino agreed with Mr. Johnson, but noted that the town needed
437 to pursue help with beautification. Mr. Childs and Mr. Stevens withdrew the motion and second,
438 respectively.
439

440 Mayor Samples asked whether existing twisted end chain link was grandfathered. Ms. Morris
441 said yes; the code requiring smooth knuckled endings on chain link would only apply to new installation.
442

443 All voted in favor. **MOTION CARRIED.**
444

445 **D. Resolution #15-159 to Oppose Seismic Testing & Offshore Drilling, Administrator**
446 **Fellner.** Mayor Samples asked the clerk to read the resolution. The resolution was discussed at the
447 September 8th meeting and Town Council concurred to bring it forward for adoption.
448

449 Mr. Stevens moved to adopt Resolution #15-159 as presented. Ms. Mabry seconded. All voted
450 in favor. **MOTION CARRIED.** (*Applause*)
451

452 **E. Direction to Planning & Zoning Commission regarding R-1 Residential District Codes,**
453 **Mayor Samples. This item was omitted from the agenda by approved motion. See Item 3.**
454

455 **F. Business Committee Resolution to Declare Seat Vacant, Councilmember Stevens,**
456 **Liaison.** Mr. Stevens presented the resolution explaining that member Dame had been absent for more
457 than three meetings and the members voted unanimously to declare the seat vacant.
458

459 Mr. Stevens moved to declare the seat vacant and to direct the clerk to advertise the vacancy.
460 Mr. Childs seconded. All voted in favor. **MOTION CARRIED.**
461

462 **G. Recommendation from Planning, Economic Development & Marketing Focus Group,**
463 **Administrator Fellner.** Ms. Fellner presented a recommendation from the focus group to initiate a town
464 mobile app that would increase the visibility of the town at an estimated cost of \$3,000 for design, and
465 about \$30 per month for distribution. Town Council budgeted \$25,000 for the focus group from which
466 funds could be used for this purpose.
467

468 Mr. Stevens moved to direct Ms. Fellner to move forward with the mobile app as presented. Ms.
469 Mabry seconded. All voted in favor. **MOTION CARRIED.**
470

471 **8. TOWN COUNCIL DISCUSSION** – Any matters of concern or information to be discussed.
472

473 Mr. Stevens reported that at the September 8th business committee meeting the members
474 discussed the upcoming Taste of Surfside Beach. It will begin February 15, 2016 and end March 15,
475 2016. The business committee will sell passports at the Family Festival. Passports will also be sold at
476 several businesses and at town hall. For this event, individual businesses will be encouraged to have
477 drawings for gifts for those that visit their businesses. A beach towel with sponsors' logos will be the gift
478 to those who purchase passports. Receipts from passport sales will be divided between the American
479 Red Cross, the South Strand Helping Hand and Surfside Beach Lions Club. Mr. Childs said he would not
480 buy a passport for this event. Mayor Samples thought the business committee had done a good job
481 pulling next year's event together. Last year was the first event, and we learned lessons for which
482 corrective action was taken.
483

484 Mr. Stevens said a matter was brought to his attention and he thought it should be addressed.
485 Mr. Magliette resigned from the South Strand Helping Hand, because somebody filed an inquiry with the
486 South Carolina Ethics Commission. Mr. Magliette felt it was in his best interest to resign, because he did
487 not want his name in the paper. Mr. Stevens said during his further investigation of this he found that one
488 of the founders of South Strand Helping Hand was former mayor Dick Johnson. Mr. Johnson was
489 actually the treasurer. Mr. Stevens said Mr. Magliette was probably a person who lives an exemplary life,
490 and asked why anybody would file an ethics inquiry, because he represents the South Strand Helping
491 Hand. He just did not understand it and thought it was very sad that he actually resigned from a position
492 that he loved. Knowing that Dick Johnson served and was the treasurer, it just made him very sad that
493 that actually happened. Mr. Stevens hoped that whoever did that realizes that Mr. Magliette does not get
494 any money for that, because he did it out of his heart. It was a sad day in town, in Surfside, in his opinion.
495

496 Mayor Samples appreciated the comments. He had a similar situation when his wife served on
497 the board of directors for the Rotary International Club about 8-years ago when he asked a question
498 about a Rotary race that was funded. In fact, Mr. Magliette will find out who filed the complaint, because
499 the Ethics Commission would provide the specifics regarding the complaint. It costs him \$104 for
500 unintentionally, inadvertently violating the South Carolina State Ethics Act, because it turns out that you

501 cannot speak about those agencies, nonprofits. Mayor Samples said the same thing happened to Myrtle
502 Beach Councilmember Chuck Martino and the Boy Scouts. You cannot mention them in a public setting.
503 He said misguided individuals went after him, and he suspected that was what happened to Mr. Magliette.
504 Mayor Samples said rest assured, the Ethics Commission does not keep who files and who is filed
505 against secret. He would speak with Mr. Magliette to get to the bottom of this.
506

507 Ms. Mabry said councilmembers attend many classes. The public knows it, because they pay for
508 them. There are little infractions that do not come up that the councilmembers really do not know about
509 them. A councilmember inadvertently used his town email address when he was campaigning. She was
510 sure he did not know that was not allowed. Just like that (*snapping fingers*), he got caught. We did not
511 know that we could never in the State of South Carolina play a game of chance. I promise you, none of
512 this stuff comes up in our classes. I wish they would, because we do not know until somebody teaches
513 you or tells you. I can assure you that our good mayor and councilmembers that have charities often
514 times do not know that they cannot speak about the charity if they serve on the boards. We as
515 councilmembers are not taught that. We do not sit around and read South Carolina Law cover to cover.
516 If we accidentally have a little infraction, I am sure that we are all sorry for it, and it was not done
517 intentionally. Mr. Magliette is one of the finest men I know, and I know that he would never deliberately
518 do that. It is a shame that the law is the way it is, but it is. We kind of get our hands slapped often.
519 Please be patient with us while we learn. You never know it all. You think you do, but you do not.
520

521 Mr. Johnson said he would be remiss if he did not just say this. Along those lines, and not to beat
522 a dead horse, we can sit up here and make jokes and get into trouble, because of the jokes that we say.
523 It has been done. It's like, okay, wow! It is amazing. Some people think political life is just all this and
524 that and the other. But, when you get on the other side, it is like, 'oh, my!' It is strange, but he agrees
525 with [Ms. Mabry.] He does not believe that Mr. Magliette did anything intentionally. We shall see. He
526 was sure that he did not.
527

528 Mayor Samples said he was sure that Mr. Magliette would be back to tell everyone all the good
529 stuff. You have the right to privacy. But you also have the ability to waive your right to privacy. Mayor
530 Samples said for the record, "I've waived mine back then, and I am only learning of this tonight from Mr.
531 Stevens, and I would encourage Mr. Magliette to waive his right to privacy also, because I think that
532 sends a message clear to the public in the event that it would be, thank goodness we don't have any of
533 the press here tonight, you know, to pick something like that up, and you know, on a slow news day... Is
534 there somebody from the press? Ron, are you working for the press, now? No, okay. (*Laughter*) Okay,
535 I got it, you're just texting it, okay, okay. Anyway, let's move on. The next item would be public
536 comments, general comments, 5-minutes per speaker. Please feel free to come forward. Give us your
537 comments and, Mr. Pellegrino will make sure that they get responded to, and I mean that sincerely. He
538 does a great job at it."
539

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

541
542 Ms. Jan Sitter, North Dogwood Drive, commended Town Council and board members who do a
543 fabulous job of making Surfside a great place to live. She thanked the town of Surfside for being so
544 gracious and opening hearts this past week. Some of you may have seen it on WPDE News, and WMBF
545 News that a family was able to come to the beach for the very first vacation ever. They have twin girls,
546 both of whom are battling terminal thyroid cancer and brittle bones disease. Many of the businesses
547 opened their hearts and allowed them activities and food to enable them to have literally a dream
548 vacation of a lifetime that they would not have been afforded otherwise. Jason's House was mentioned
549 earlier; Wild Water & Wheels; River City Café; Eternal Wave Surf Shop; the town's police department,
550 and the fire department all participated. She could not thank the town enough. These two little girls were
551 her students last year in fourth grade. One of them happened to mention to her that she would love to go
552 to the beach. She found out from her mother that she had never been to the beach, and then later found
553 out the family had never been on a vacation. She said thank you from the bottom of her heart. This is a
554 great place to live.
555

556 Ms. Carol Lucas, Cypress Drive, said she was a retired accountant. This afternoon she pulled up
557 the draft of the fencing [ordinance.] She hated to beat this, but once it was written down we have to live
558 by it. In Section B, number 1 it says corner of residential fencing. Corner lots have a maximum height of
559 6-feet in the rear yard and an interior side yard. Side yard with street shall have a maximum height of 4-
560 feet. So, this is either an earlier draft or it is 4-feet on the side. As the evening progressed, the mayor's
561 question about whether we really need this ordinance about the uses and all that. If I were doing the job
562 of the planning, of having to okay who gets to do what, I would prefer to work with a list. This is a creative
563 society. There are new businesses developed all the time. I don't know what the actual answer is, so I
564 am just sort of venting here, because I think a list is limiting. I bet we could each take that list and think of
565 something to add to it. I know there is a process to appeal. I know the process takes weeks, perhaps
566 more than a month or two. While a person who owns a building is trying to rent it out, they lose possible
567 tenants after possible tenant. I know that the lady in charge of this works very hard with those people.
568 My son is one of them and she has tried to help him very, very much. I appreciate that. She has her
569 hands tied going with a list. I appreciate the effort that has been done here. I just have this question
570 about how we ever get a complete list. Like so many others, I moved to Surfside because I wanted to.
571 This is a wonderful town. I appreciate all you do. Thank you.

572
573 Mr. Ron Crouch, 11th Avenue North, said I can't believe I'm up here again and for the second time
574 in three years, I'm actually appalled. There seems to be an inconsistency in State of South Carolina
575 where the Governor can bring in a business to make guns to kill people and animals, and get a free gun
576 and that's not an ethics violation. But a man can devote his personal time going to grocery stores and
577 picking up donations to feed the hungry, but because he mentions it, it's going to cost him a minimum of
578 \$104. So, what I would like to ask is since there was an event here with Mr. Fry on Saturday, perhaps the
579 council could consider coming up with some kind of a recommendation or a resolution or an appropriate
580 format to ask Mr. Fry to go up, even though he may be Don Quixote, and see what he can do about
581 bringing some sense of rationality to what clearly is a state that has a problem with defining ethics and
582 ethics violation punishments. Thank you.

583
584 Ms. Ann Wescott, Cedar Drive North, said there is nothing unethical about defending the Second
585 Amendment.

586
587 Mr. Ron Ott, 7th Avenue North, said he was texting his grandson. It was a great thing to keep him
588 [busy.] He's 5-years old and can spell. I'd like to thank the Town Council, because everybody on the
589 board of zoning appeals and the planning commission meets with the trainer here instead of having to
590 travel to Georgetown. He appreciated that, because they do have annual mandatory training. Thank you
591 for that.

592 593 **10. TOWN COUNCIL COMMENTS**

594
595 Ms. Mabry thanked everyone for coming out and said two months of meeting went by pretty fast.
596 I don't really have anything to say. I'm just glad we're gonna have a little bit of cooler weather. I'm
597 excited about that and excited that we had a great summer this year. We were busy, and staff was busy.
598 Thank staff so much. They are pulled every way but sideways in the summertime. They did a great job
599 holding it together. I want to thank our police department and our fire department. They've been under
600 the gun also along with planning and zoning and John. So, it's been kind of tough, but it's over and thank
601 goodness. Now, Director King's busy season begins. It's over for us, but it really goes to her. Thank
602 everybody for your support. Thank you so much for hanging on through the summer.

603
604 Mr. Pellegrino thanked everyone for coming. He said it was unfortunate that this happened to Mr.
605 Magliette. Not only would he miss serving on the board, but he obviously did many great things for
606 Helping Hand and the people involved there. I have a feeling that he has a big heart and would be
607 involved even though he is not on the board. Fall is upon us. Anyone been down on the beach lately?
608 It's nice. There are some dogs out there, but they are leashed for the most part. Not a lot of people.
609 Cool air blowing. It's a great time to live in Surfside right now. It's great out there. Thank you to the
610 citizen who talked about the family that got a vacation here, because not only do we have a great beach,

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611 but we can share it with other people. Mr. Pellegrino said that's very positive and is one other reason this
612 is a great town to live in. Thanks for coming.

613
614 Mr. Childs thanked everyone for coming, and said to those who brought up the South Carolina
615 Ethics Commission that the commission had many things that they were unable to straighten out. You
616 could have a \$1,000 fine in a heartbeat. It was very complicated. He hoped that Representative Fry
617 could help. Ethics was a very entangled situation [sic.]
618

619 Mr. Johnson said he totally agreed with Mr. Childs. It was a conundrum. Thank you for coming
620 out. Please do not forget October 3rd is the Fall Festival in Surfside Beach. It is awesome!
621 Unfortunately, I will not be there. I will be rooting my [Clemson] Tigers on against Notre Dame. Enjoy it
622 for me, please. Thank you.
623

624 Mr. Stevens thanked everyone for coming out. Mr. Magliette is under the weather. I was by his
625 house on Friday and he looked kind of bad. Say a prayer for him. He's a fantastic guy. He does a lot of
626 work. I rode with him one time. We went around picking up stuff all over town and delivering it to Helping
627 Hand. Really, really a good guy. I want to echo Mr. Child and Mr. Johnson and the Mayor. I hope the
628 Ethics Commission will look at some of the good things that these folks volunteer for and say, hey, wait a
629 minute, they ain't doing nothing wrong [sic] and especially if they ain't getting anything [sic.] One of our
630 citizens said nothing was unethical about defending the Second Amendment. I agree 100-percent. I've
631 owned a gun, shotguns, for all my life. I grew up hunting. As a matter of fact, if you came here in the
632 50's, I hunted on Dogwood Lake and Lake Elizabeth before there was anything here. Thank you all for
633 coming out. Have a good week. The weather is great. It's gonna rain Thursday, Friday and Saturday,
634 but we probably need a little bit. Have a nice day.
635

636 Mayor Samples echoed what had been said. Thanks to everybody for coming out. Don't forget
637 October 20th there will be two public sessions to discuss the preliminary flood maps and questions may be
638 asked about specific properties. Everybody works hard. Mr. Johnson, you knew when you signed up this
639 is a labor of love, buddy. Because it isn't about the pay, but it's about the community. As I have said
640 many times, and I continue to believe it, Town Council is doing a great job. Thank you.
641

642 **11. ADJOURNMENT.** Mr. Johnson moved to adjourn the meeting at 8:34 p.m. Ms. Mabry
643 seconded. All voted in favor. **MOTION CARRIED.**
644

645 Prepared and submitted by,

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647
648 _____
Debra E. Herrmann, CMC, Town Clerk

649 Approved: October 13, 2014

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651 _____
Douglas F. Samples, Mayor

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654 _____
David L. Pellegrino, Mayor Pro Tempore

655 _____
Robert F. Childs, Town Council

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658 _____
Mark L. Johnson, Town Council

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Mary Beth Mabry, Town Council

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661 _____
Ralph J. Magliette, Town Council

662 _____
Randle M. Stevens, Town Council

663 Clerk's Note: This document constitutes summary minutes of the meeting that was digitally recorded. Contact the
664 town clerk for appointments to hear recordings. Bring a flash drive to obtain a free copy. In accordance with FOIA
665 §30-4-80, meeting notice and the agenda were distributed to local media and subscribers on the town's email
666 subscription list. The agenda was posted on the town website and the entry door at Town Council Chambers.
667 Meeting notice was also posted on the Town marquee.