



**SURFSIDE BEACH TOWN COUNCIL REGULAR MEETING Civic Center, 115 US Highway  
17 North, Surfside Beach, SC 29575 [www.surfsidebeach.org](http://www.surfsidebeach.org) - ☎ (843) 913-6111  
☎ (843) 238-5432**

## **TOWN COUNCIL MEETING MINUTES Monday, October 11, 2021, • 6:30 pm.**

**1. CALL TO ORDER** - Mayor Hellyer called the meeting to order at 6:30 pm. Mayor Hellyer, Councilmembers Drake, Holder, Keating, Pellegrino, and Mayor Pro Tempore Scoles were in attendance. Others present were Town Administrator Shanahan, Town Attorney Crosby and Town Clerk Sheri Medina. Absent was Councilmember Dietrich.

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

- a. Invocation:** Okey Landers from Church gave the invocation
- b. Pledge of Allegiance:** Mayor Hellyer led in the Pledge of Allegiance.

### **3. PUBLIC HEARING - None**

**4. MOTIONS RELATING TO AGENDA** - Councilmember Pellegrino made a motion to add to Sec 7, b. discussion of Ordinance 92-0315, sec 8.68, campaign flyers. Councilmember Drake second. All voted in favor. **Motion carried.**

**5. MINUTES APPROVAL [September 28, 2021, Regular Meeting](#)** - Councilmember Keating made a motion to approve the minutes for September 28, 2021, as presented. Councilmember Holder second. All voted in favor. **Motion Carried.**

### **6. PUBLIC COMMENTS – Agenda Items Only**

**a. LaVerne Kreklau**, 211 S Hollywood Dr., stated I would like to discuss Ordinance 8-68. I received an email with Ordinance 8-86, Advertisement on public property. I want to ask you how that would have affected your ability to canvas the Town in your election? This Ordinance has been on the books since 1969. The US Supreme Court ruled that the display of political and other types of signs on residential property is that you need to protect the needs of residents and towns, not restrict the display signs. Now, that's a Supreme Court decision. Section C is unenforceable, and maybe Section B would also be overregulation. I do believe the Ordinance impedes the candidate's freedom of speech. If a candidate knocks on the homeowner's door and no one answers, then walks away without leaving any information, how will the homeowner know you were there? Well, in my opinion, this is a fine example of selective enforcement. I ask that Ordinance 92-0315, sec 8-68 be suspended and rewritten not to impede freedom of speech and conform to federal law.

### **7. COMMUNICATIONS**

Mayor Hellyer introduced Surfside Beaches' new Public Information Officer/Events Supervisor, Robert Blomquist. Mr. Blomquist stated I want to say it's an honor to be here; it is a great place to work. I have lived just outside the town for 12 years, and I bring my family here all the time. As I mentioned, it's a great place to live and work. This is evident by the Family Festival with the turnout of people and vendors. I know I enjoy it and hope you enjoy it as well. We are working on some other events. The Halloween event is coming up. I want to say thank you all for having me here. I look forward to working for you.

**a. FIRE DEPARTMENT MONTHLY REPORT** – Chief Clemons gave the Fire Department quarterly report.

Councilmember Drake asked if the information retrieved from the scenes of accidents was getting to the Cost Recovery Company. Chief Clemons stated I am still learning about the Cost Recovery Program, and I have had one virtual call with the company that does that for us. There are some things that I'm still working on, and there are some technology pieces that we still have to be loaded onto iPads for our folks to go out and do that. There has not been an implementation strategy set forth for the members. Part of that is because I want to make sure we're doing the right thing. We need to consider that in nature under the impacts when they're outmoded nuisances, but it is something that we're going to be looking at. That'll be something that will be reported to Council because that does give us an opportunity to insurance aspect of it, is a photograph.

**b. Discussion Ordinance 92-0315, Sec 8.68 Advertisement on Public Property.**

Councilmember Pellegrino motioned to suspend Ordinance 92-0315, Section 8.68 until November 1, 2021. Councilmember Drake second. All voted in favor. **Motion carried.**

Mayor Hellyer stated I've always been able to leave information when no one is home. So, I think that it should be fair to allow the Candidates to do the same. We should have Chief Hofmann give some background on this Ordinance.

Chief Hofmann stated on October 5; we got the call over to Ocean Pines. This resident called concerned about a suspicious person. Initially, it was concerned because people walked around the neighborhood, later to find they were hired adults to distribute the upcoming elections information. We located where the individuals were hanging these packets out. My Officers were very polite and professional. There were no threats of arrest. There could be some constitutional issues. This Ordinance is long overdue for revision. Chapter 8 should be reviewed in the near future. I want to assure all that the police department does not engage in selective enforcement. We were there because we got a taxpayer who asked us to only check it out. After all, somebody went into a community that said no solicitation. It did create some alarm. My recommendation would be to suspend that enforcement.

Mayor Hellyer asked if any other towns have this statement in their Ordinance. Chief Hofmann stated that no other town that he researched had an ordinance as stringent as ours. Some say advertisement needs to be weighted so it does not become litter and that you should never go on the property that is posted no solicitation.

Councilmember Holder stated I had left information, and residents have called, and we would meet. I think this is an overreach on the books.

Councilmember Keating stated I think the Ordinance has a purpose. We are very much of a tourist town with second property owner. Many of our homes in our neighborhoods are not occupied full-time. We need to be sensitive to the part-time residents. Solicitations or advertisements on every house on every door in town where the owners may only show up once or twice a year, they may not be able to contact neighbors to help watch their houses for whatever reason. I think there are valid reasons for having the restrictions in a town, like ours, that has a lot of vacant properties from time to time. You don't want this neon sign on your front door that says "nobody's been here for at least two weeks". I think that's the purpose behind it, however, I don't see any problem with leaving the campaign flyers. I'm sure we probably all have done it, and it's a very common practice, so I don't see any reason to exclude that from happening this time. I think we need to be sensitive to those not occupied properties full-time, and respect the no trespassing and no solicitation posts.

Councilmember Pellegrino motioned to suspend Ordinance 92-315, section 8.68, until after this election. Councilmember Holder second. All voted in favor. **Motion Carried.**

Mayor Hellyer stated I would ask you all to be respectful, use some discretion, and respect the property owners.

**8. BUSINESS**

**a. FIRST READING –ORDINANCE 21-0938 - CHAPTER 4 –AN ORDINANCE TO AMEND CHAPTER 4 - BUSINESS LICENSES, PERMITS AND REGULATIONS.** Councilmember Holder made a motion to approve only Article I, and defer the remaining Articles (II – VIII) until a workshop can be held. Councilmember Scoles second.

Councilmember Keating stated when I read through everything; there are only about 4 issues to address. Most of the changes in Articles II through VIII are recommended updates in the language for consistency, clarity, use of definitions, et cetera. This is what we have done with all other chapters we've been bringing forward. Those questions are: (1) In Article I: the model Ordinance from Municipal Association requires that the town pass a "Telecommunications Collection Ordinance" and an "Insurers and Brokers Collection Ordinance." If that has been done then we should reference those previous ordinances. (Mr. Shanahan indicated this had been done). (2) In Article II: why is section 4-30 on solicitation of funds was removed for events. Are we not allowed to do so, or do we not want to? We have been receiving sponsorships for events. So, by eliminating that, does that mean we will no longer allow that? (Mr. Shanahan stated it would be moved to chapter 12.) (3) In Article III: the is a philosophical change that I recommend to Sec, 4-46 (3) regarding residential repairs, nonstructural alterations performed by the homeowners. The state law and building code does not regulate a homeowner doing nonstructural, minor improvements to their own home. I think this is one section where our Ordinance has significantly overreached what is required. As long as we had a caveat in the first paragraph that says, as long as it's not a property offered for rent or lease and will not be offered for sale for a minimum of two

years, which is just state law, then the property owner has all rights to make alterations, maintenance, and repairs to their property without the burden of the permitting process. So that's paragraph (a); all additional language put in the balance of the paragraph can be eliminated because that talks about permits. If these changes can be addressed tonight, we are ready for the first reading.

Councilmember Pellegrino agreed with Mr. Holder that the Ordinance is lengthy and a workshop should be held. In going through the Ordinance, there are many changes. To me, these Articles II and III would be suitable for workshops because there's a lot of stuff deleted and changed.

Councilmember Keating stated we need to get this moving forward as quickly as possible. It needs to be put to bed, and it's easy to put to bed as one concise document so that everything is consistent and updated once and for all. We've had Chapter 4 in front of us multiple times, we don't need to visit it again. I don't think the few changes that I'm recommending are substantial. If there's anything else from the workshop, we may be re-doing the first reading at the next meeting, which puts the second reading out to the first meeting in November.

The current motion is to approve Article I only. Councilmember Keating amended the motion to accept the first reading of the Ordinance 21- 0938 in its entirety, and that will be we will conduct a workshop on Articles II through VIII prior to the second reading. Councilmember Drake second.

Councilmember Pellegrino stated there are items in this Ordinance that he is not willing to vote on at this time.

For the amended motion: Councilmember Keating and Drake voted in favor of the amended motion. Councilmember Scoles, Holder, Pellegrino and Mayor Hellyer voted against. **Motion failed.**

For the original motion to approve only Article I: Councilmembers Scoles, Holder, Pellegrino, Drake and Mayor Hellyer voted in favor. Councilmember Keating voted against. **Motion carried.**

Mayor Hellyer stated there would be a workshop on Chapter 4, Articles II through VIII.

**b. FIRST READING BY TITLE ONLY- ORDINANCE 21-0942 - AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO REZONE PARCELS OF LAND FROM THEIR CURRENT ZONING TO PUBLIC LAND.**

Councilmember Keating motioned to accept Ordinance #21-0942 to rezone parcels from their current zoning to public land pending the results of the Planning Commission meeting on Monday, October 18. Councilmember Drake second.

Mayor Hellyer stated all property owned by the town needs to be zoned as public land.

All voted in favor. **Motion carried.**

Mr. Shanahan advised the residents that town services will be reduced on October 27th, 28th, and 29th. All emergency services will be available.

**c. FIRST READING – ORDINANCE 21-0937 – CHAPTER 14 IS AN ORDINANCE OF THE TOWN OF SURFSIDE BEACH TO UPDATE THE FLOOD DAMAGE PREVENTION AND ADOPT NEW FLOOD INSURANCE RATE MAPS.**

Councilmember Keating motioned to defer #Ordinance 21-0937 until comments from DNR are addressed and incorporated into the ordinance. Councilmember Drake second.

Councilmember Keating stated I'll admit I've personally done a lot of work on this Chapter and comparing it to the state model ordinance that was also submitted in October of 2020. In comparison of the documents, certain things were left out of our last draft of this Ordinance presented in August. Some were intentional because it gives us a higher standard for the CRS program. But there were other opportunities here to incorporate additional language and clarifications, eliminate some conflicting provisions, and some of the language from the new model ordinance that would also provide us with additional CRS points. This would otherwise have been missed. I appreciate the fact that the document was sent on to DNR for their comments. They returned a few comments that require some revision and adjustments to the draft language. For example, Jessica had specific comments about definitions, and if we are going to eliminate expansions of or new mobile home parks or subdivisions, there should be clarifying language. These comments need to be addressed. We can take another couple of weeks and make this right and bring it forward for the next meeting. Getting this chapter right has a significant impact on our town. This year, because of the COVID, we haven't done much to implement our

public information program as part of CRS. This is becoming more and more critical as we go through the re-evaluation of the program. As we advance in re-evaluating points allocations, we need to do everything we can in this chapter to get as many points as possible, and some of the red line changes do exactly that.

Ms. Coleman stated that if there's any delay in adopting this Ordinance beyond December 16th, you will no longer be in the National Flood Insurance Program. There won't be a CRS to qualify for, and there wouldn't be any new insurance policies. Policies that are in place would go up substantially. The new FIRMs are setting a new standard and making people notice that this is very important, and as I said, everyone's insurance rates would go up. There would be no access to grants or reimbursements should something were to occur. There's a lot to pay attention to. As of October 1, once the new maps are adopted, right now, you get a 25% discount for people that are in the floodplain. And 10% outside of the floodplain. Insurance rates after it's adopted, then everyone would be eligible for 25%.

Councilmember Keating asked if anything has changed with the maps on the town's website that are preliminary since 2015.

Councilmember Pellegrino stated I want to make a few comments on this, like Mrs. Keating said, this has been going on for years; there was a lawsuit with Horry County, and we've been going back and forth this thing for months. Many homes will come out of the flood zone when these maps are approved. Let us move forward, and changes can be made between the first and second reading.

Councilmember Keating stated I believe we should have a complete document. It would not hurt to defer this until the next meeting to have it complete showing all of the DNRs comments.

Councilmembers Keating, Drake, and Mayor Hellyer voted in favor. Councilmembers Scoles, Holder and Pellegrino voted against. **Motion failed.**

Councilmember Scoles motioned to approve Ordinance #21-0937. Councilmember Holder second. Councilmembers Scoles, Holder and Pellegrino voted in favor. Councilmembers Keating, Drake and Mayor Hellyer voted against. **Motion failed.**

Mayor Hellyer motioned to reconsider his vote and vote in favor. Councilmember Holder second. Councilmembers Scoles, Holder, Pellegrino and Mayor Hellyer voted in favor. Councilmembers Keating in Drake voted against. **Motion carried.**

Councilmember Pellegrino motioned to revote on the motion to accept Ordinance 21-0937. Mayor Hellyer second. Councilmembers Scoles, Holder, Pellegrino and Mayor Hellyer voted in favor. Councilmembers Keating and Drake voted against. **Motion carried.**

**d. RESOLUTION #21-0141 – WORKPLACE SAFETY** – Mayor Hellyer read Resolution #21-0141. Councilmember Keating motioned to accept Resolution #21-0141, Workplace Safety. Councilmember Drake second. All voted in favor. **Motion carried.**

## **9. PUBLIC COMMENTS**

**a. Judy Henion**, 11<sup>th</sup> Ave North, stated Thank You for making this so interesting this evening. You are all invited to Raves Restaurant on October 23, 2021 for a candidate meet and greet from 1 pm to 3 pm. I look forward to seeing you there. I look forward to the Town-sponsored debate on Thursday.

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

**a. Councilmember Scoles**, thank you to everyone who has come out and is online. I see a lot of candidates in the audience. I know you are very busy. I wish you all good luck. Thank you to Chief Clemons for your report. To the candidates, I wish you luck, and as we said, please be respectful of our resident properties. Have a good night.

**b. Councilmember Holder**, Thank you to everyone that came out tonight. I'm glad to see all the candidates here. I went to a seminar last week in Myrtle Beach for I-73, and it seems that most of the county favor this. It was very interesting.

**c. Councilmember Keating**, I want to thank everybody for coming out and tuning in. Trying to step through these ordinances is not an easy task. There are 7 of you sitting in the room, and 3 of you will find out how difficult in 22 more

days. We try our best to make sure that we do things correctly the first time, so we don't have to do it again. That's always been my goal. One of the things that I campaigned on was to clean up the ordinances, to stop the band-aid and knee-jerk reactions on certain things. I agree with those issues around the campaign flyers. I think the premise behind most of the confusion tonight is, again, splitting up the chapters instead of doing a complete job. Other than that, again, as always, I appreciate all the feedback and the questions from people that contact me on Facebook and email. It's always interesting to hear others' perspectives and concerns about what's going on. In general, everybody is pleased with the town's services to our residents. So, always stay healthy and stay safe.

**d. Councilmember Pellegrino**, thank you for coming tonight. It is exciting to see the candidates here, and I'm glad you guys are getting involved. Talk to me. It's a much more pleasant experience when I'm not running. So, I do appreciate it, and I appreciate you guys get involved. You're taken on a huge challenge, and there's a lot of other things that go on. Overall, it's a great place to live. Have a good night.

**e. Councilmember Drake**, wanted to thank everybody for coming out tonight. Thanks to the candidates. We're making strides in some places, and people beside us sometimes need to stay focused on that. It's a beautiful place to live. Thank you.

**f. Mayor Hellyer**, I appreciate everybody coming down tonight; we have a lot of stuff going on. I'm frustrated at these ordinances having to come back repeatedly with changes, we need to make sure they are right. As far as the candidates, I wish you good luck. If you should find one of your signs missing, if it was picked up by code enforcement, you will find it behind the town hall next to the dumpster if you want to retrieve it. I look forward to the debate that will soon be here. Have a great night.

## 11. ADJOURNMENT

Councilmember Keating motioned to adjourn the meeting at 8:06 pm. Councilmember Holder second. All voted in favor. **Motion carried.**

### Surfside Beach Town Council

\_\_\_\_\_  
Robert Hellyer, Mayor

\_\_\_\_\_  
David L. Pellegrino

\_\_\_\_\_  
Bruce H. Dietrich, Town Council

\_\_\_\_\_  
Cindy Keating, Town Council

\_\_\_\_\_  
Michael Drake, Town Council

\_\_\_\_\_  
Debbie Scoles, Mayor Pro Tempore

\_\_\_\_\_  
Paul Holder, Town Council

Attest: \_\_\_\_\_

Sheri L Medina, Town Clerk

---

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